



General Assembly

**Substitute Bill No. 7295**

January Session, 2019



**AN ACT CONCERNING RECYCLING PLANS FOR PAPER AND  
PACKAGING AND ESTABLISHING CERTAIN MUNICIPAL SOLID  
WASTE MANAGEMENT GOALS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) (a) For purposes of this  
2 section:

3 (1) "Packaging" means any material, substance or object that is used  
4 to protect, contain or transport any commercial commodity or product  
5 regardless of the recyclability or availability of a market for such  
6 recycled material, substance or object;

7 (2) "Paper" means any kind of paper that contains print, except  
8 paper that, by virtue of its intended use, could become unsafe or  
9 unsanitary to recycle;

10 (3) "Producer" means any person who: (A) Manufactures packaging  
11 or paper for use in a commercial enterprise and who sells, offers for  
12 sale or distributes packaging or paper in the state under the  
13 manufacturer's own brand, (B) is not a manufacturer of packaging or  
14 paper but who is the owner or licensee of a trademark under which  
15 such packaging or paper is used in a commercial enterprise, sold,  
16 offered for sale or distributed in the state, regardless of whether the  
17 trademark is registered, or (C) imports packaging or paper into the

18 state for use in a commercial enterprise or for sale, offer for sale or  
19 distribution in the state; and

20 (4) "Small producer" means any producer who: (A) Is a charitable,  
21 tax-exempt organization, (B) had a gross revenue for the most recent  
22 calendar year of less than one million dollars in the state, (C) produced  
23 in the most recent calendar year less than one ton of packaging or  
24 paper that was or will be used in a commercial enterprise or that was  
25 or will be sold, offered for sale or distributed in the state.

26 (b) (1) On or before December 31, 2020, each producer, except a  
27 small producer, or such producer's designee, shall, working in  
28 consultation with the Department of Energy and Environmental  
29 Protection, submit to the joint standing committee of the General  
30 Assembly having cognizance of matters relating to the environment  
31 and to the department a plan to increase the recycling of such  
32 producer's products, decrease the disposal of such products and  
33 decrease the costs to municipalities for the end-of-life management of  
34 such products. Such plan shall be designed to avoid any negative  
35 economic impacts to the state's waste haulers and recycling businesses  
36 and shall provide details on the financing of any proposed programs  
37 for end-of-life management for packaging and paper.

38 (2) Any plan submitted pursuant to this section shall identify each  
39 producer participating in the program, the manner in which  
40 participating producers will evaluate the effectiveness, implementation  
41 and enforcement of the plan, a description of all financial aspects of  
42 any proposed program, including how the program will be financed, a  
43 description of the performance goals of any proposed program and  
44 how such goals will be met in the first two years of such program, the  
45 proposed recycling and processing facilities to be used by the program  
46 and how the plan will advance the goals of the state's solid waste  
47 management plan adopted in accordance with section 22a-228 of the  
48 general statutes.

49 (c) On or before July 31, 2020, the Commissioner of Energy and

50 Environmental Protection shall submit an interim report, in accordance  
51 with section 11-4a of the general statutes, to the joint standing  
52 committee of the General Assembly having cognizance of matters  
53 related to the environment concerning the progress of planning efforts  
54 undertaken by the producers pursuant to subsection (b) of this section.

55 (d) On or before January 1, 2021, the commissioner, in accordance  
56 with section 11-4a of the general statutes, shall submit  
57 recommendations to the joint standing committee of the General  
58 Assembly having cognizance of matters related to the environment  
59 concerning methods such producers should undertake to increase the  
60 recycling of such producers' products, decrease the disposal of such  
61 products and decrease the costs to municipalities for the end-of-life  
62 management of such products. Said committee shall conduct a public  
63 hearing on such recommendations not later than sixty-five days after  
64 the submission of such recommendations to the committee.

65 (e) In the event that a small producer operates under a franchise  
66 agreement, the small producer, the franchisor or any other party with  
67 whom the franchisor has a franchise agreement in relation to the same  
68 packaging or paper product shall be deemed to be a single producer  
69 for the purposes of this section.

70 Sec. 2. Subsection (f) of section 22a-220 of the general statutes is  
71 repealed and the following is substituted in lieu thereof (*Effective from*  
72 *passage*):

73 (f) On and after January 1, 1991, each municipality shall, consistent  
74 with the requirements of section 22a-241b, make provisions for the  
75 separation, collection, processing and marketing of items generated  
76 within its boundaries as solid waste and designated for recycling by  
77 the commissioner pursuant to subsection (a) of section 22a-241b. It  
78 shall be the goal to recycle twenty-five per cent of the solid waste  
79 generated in each municipality provided it shall be the goal to reduce  
80 the weight of such waste by January 1, 2000, by an additional fifteen  
81 per cent by source reduction as determined by reference to the state-

82 wide solid waste management plan established in 1991, or by recycling  
83 such additional percentage of waste generated, or both. For planning  
84 purposes, it shall be the goal of each municipality to dispose annually  
85 of not more than seven hundred pounds per capita from residential  
86 sources of municipal solid waste by January 1, 2022, and not more than  
87 five hundred pounds per capita from such sources by January 1, 2024.  
88 The failure to meet such per capita goals shall not provide a basis for  
89 the commissioner to issue an order pursuant to this chapter. The  
90 provisions of this subsection shall not be construed to require  
91 municipalities to enforce reduction in the quantity of solid waste. On  
92 or before January 1, 1991, each municipality shall: (1) Adopt an  
93 ordinance or other enforceable legal instrument setting forth measures  
94 to assure the compliance of persons within its boundaries with the  
95 requirements of subsection (c) of section 22a-241b and to assure  
96 compliance of collectors with the requirements of subsection (a) of  
97 section 22a-220c, and (2) provide the Commissioner of Energy and  
98 Environmental Protection with the name, address and telephone  
99 number of a person to receive information and respond to questions  
100 regarding recycling from the department on behalf of the municipality.  
101 The municipality shall notify the commissioner within thirty days of  
102 its designation of a new representative to undertake such  
103 responsibilities. A municipality may by ordinance or other enforceable  
104 legal instrument provide for and require the separation and recycling  
105 of other items in addition to those designated pursuant to subsection  
106 (a) of section 22a-241b.

107 Sec. 3. Subsection (j) of section 22a-220a of the general statutes is  
108 repealed and the following is substituted in lieu thereof (*Effective from*  
109 *passage*):

110 (j) If a collector hauls solid waste generated in this state, including  
111 recyclables as listed in subsection (c) of section 22a-208e, [from an  
112 entity located in the state other than a facility that has obtained a  
113 permit or authorization pursuant to this chapter and delivers such  
114 solid waste or recyclables to a destination that is an entity other than a

115 facility that has obtained a permit or authorization pursuant to this  
 116 chapter,] then on or before [July 31, 2011] October 1, 2019, and  
 117 annually thereafter, such collector shall submit a report regarding such  
 118 solid waste, including recyclables, to the Commissioner of Energy and  
 119 Environmental Protection. Such report shall be on a form prescribed  
 120 by the commissioner and shall provide such information regarding  
 121 such solid waste as the commissioner deems necessary, including, but  
 122 not limited to: (1) The types of solid waste, including recyclables,  
 123 collected, (2) for municipal solid waste, the municipality of origin of  
 124 such municipal solid waste including recyclables, (3) the amount by  
 125 weight, volume or other method acceptable to the commissioner of  
 126 such solid waste, including recyclables, [delivered to such destination,]  
 127 and (4) the name, address and contact information of the entity  
 128 receiving such solid waste or recyclables.

129       Sec. 4. (NEW) (*Effective from passage*) The Department of Energy and  
 130 Environmental Protection shall, within available resources, provide  
 131 technical assistance to municipalities for organics management, waste  
 132 reduction and improvements to recycling systems.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	22a-220(f)
Sec. 3	<i>from passage</i>	22a-220a(j)
Sec. 4	<i>from passage</i>	New section

**ENV**       *Joint Favorable Subst.*