

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Agency

Department of Energy and Environmental Protection

Subject

Designated Recycling

Inclusive Sections

§§ 22a-241b-1—22a-241b-4

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Designated Recycling

Sec. 22a-241b-1. Definitions

(1) “Boxboard” means a lightweight paperboard made from a variety of recovered fibers having sufficient folding properties and thickness to be used to manufacture folding or set-up boxes such as cereal boxes and shoe boxes. As used in this section, “Boxboard” does not include paperboard that has been treated with a wax or laminate coating nor any removable plastic liners.

(2) “Cardboard” means corrugated boxes and similar corrugated and kraft paper materials which have a minimum of contamination by food or other material.

(3) “Colored ledger paper” means uncoated, printed or unprinted colored ground-wood-free ledger, bond, writing, and other paper which has similar fiber and filler content.

(4) “Glass food container” means a glass bottle or jar of any size or shape used to package food products suitable for human or animal consumption.

(5) “High density polyethylene container” or “HDPE container” means a plastic container that, exclusive of closure or label, is composed of high density polyethylene with a density of 0.94 grams per cubic centimeter or greater, and has an ASTM Resin Identification Number of 2 as defined in ASTM D7611 Standard Practice for Coding Plastic Manufactured Articles for Resin Identification. As used in this section, “High density polyethylene container” does not include containers which contained motor oil, pesticides, herbicides or other hazardous substances.

(6) “Intermediate processing center” means a facility which can recycle an item or items and market or deliver for reuse the resulting material product or products. Such facilities may be owned by public or private entities or combinations thereof and may offer service on a state, regional, municipal, or submunicipal level.

(7) “Leaves” means the foliage of trees.

(8) “Local processing system” means a facility or technique authorized by a municipality and acceptable to the commissioner which can recycle an item or items and market or deliver for reuse the resulting material product or products.

(9) “Magazines” means coated periodicals, catalogues, and similar printed materials which may contain a small percentage of uncoated newtype paper.

(10) “Market” means to sell or deliver a recyclable item to a consumer who will reuse it or dispose of it for reuse in a material product.

(11) “Metal food container” means an aluminum, bi-metal, steel, tin-plated steel, or other metallic can, plate or tray of any size or shape used to package food products suitable for human or animal consumption.

(12) “Newspaper” means used or discarded newsprint which has a minimum of contamination by food or other material.

(13) “Office paper” means used or discarded high-grade white paper and manila paper including, but not limited to, paper utilized for file folders, tab cards, writing, typing, printing, computer printing, and photocopying, which is suitable for recycling and which has a minimum of contamination.

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(14) “Plastic Container” means any plastic packaging having a relatively inflexible finite shape or form, with a maximum capacity of three fluid gallons or its equivalent volume, that is capable of maintaining its shape while holding other products, including, but limited to, bottles, cartons and other receptacles.

(15) “Polyethylene terephthalate container”, “PET container”, or “PETE container” means a plastic container that, exclusive of closure or label, is composed of polyethylene terephthalate, a saturated thermoplastic polyester resin and has an ASTM Resin Identification Number of 1 as defined in ASTM D7611 Standard Practice for Coding Plastic Manufactured Articles for Resin Identification. As used in this section, “Polyethylene terephthalate container” does not include containers which held motor oil, pesticides, herbicides or other hazardous substances.

(16) “Recycle” for the purposes of sections 22a-241b-1 to 22a-241b-4, inclusive, of the Regulations of Connecticut State Agencies means to separate or divert an item or items from the solid waste stream for the purposes of processing it or causing it to be processed into a material product, including the production of compost, in order to provide for disposition of the item or items in a manner, other than incineration or landfilling, which will best protect the environment. Nothing in this definition shall preclude the use of waste oil as fuel in an oil burner.

(17) “Regional processing center” means an intermediate processing center which is authorized by a group of municipalities or designated by the commissioner which can recycle an item or items and market the resulting material product or products.

(18) “Residential high-grade white paper” means uncoated, printed or unprinted white groundwood-free ledger, bond, writing, and other paper that has similar fiber and filler content generated in a household setting.

(19) “Scrap metal” means used or discarded items which consist predominantly of ferrous metals, aluminum, brass, copper, lead, chromium, tin, nickel, or alloys thereof, including, but not limited to, white goods and metal food containers.

(20) “Storage batteries” means lead acid batteries or other batteries used in motor vehicles such as automobiles, airplanes, boats, recreational vehicles, tractors and like applications.

(21) “Waste oil” means crankcase oil that has been utilized in internal combustion engines.

(Effective February 28, 1989; Amended May 1, 2012)

Sec. 22a-241b-2. Items to be recycled

(a) (1) The following items are required to be recycled by each municipality not later than six months after availability of service to the municipality by a regional processing center or local processing system: (A) boxboard, (B) cardboard, (C) glass food containers, (D) HDPE containers, (E) leaves, (F) colored ledger paper, (G) magazines, (H) metal food containers, (I) newspaper, (J) office paper, (K) PET or PETE containers, (L) residential high-grade white paper, (M) scrap metal, (N) storage batteries, and (O) waste oil.

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(2) After January 1, 1991, no approval to landfill or incinerate the items specified in subdivision (a)(1) of this section may be granted by the commissioner pursuant to subsection (b) of section 22a-241b-4 of the Regulations of Connecticut State Agencies.

(Effective February 28, 1989; Amended May 1, 2012)

Sec. 22a-241b-3. Management and enforcement plans for solid waste facilities

Within three months of the adoption of this regulation, the owner or operator of each solid waste facility shall submit for the Commissioner's approval, pursuant to Section 22a-209-4 (f) of the Regulations of Connecticut State Agencies, an amended operation and management plan for the solid waste facility. Such plan will make provision to ensure that items required to be recycled will not knowingly be accepted by the solid waste facility except as provided for in Section 22a-241g of the Connecticut General Statutes and subsection (b) of Section 22a-241b-4. Such plan shall reflect the relevant requirements of Chapter 446d of the Connecticut General Statutes and shall include, but not be limited to, systems to notify facility users concerning the requirements of the recycling program, penalties for noncompliance, and methods for handling recyclable items which are delivered to the solid waste facility. Plans shall be specific to the facility but shall be coordinated with plans of other solid waste facilities and collection systems which may transfer waste to the facility.

(Effective February 28, 1989)

Sec. 22a-241b-4. Municipal requirements

(a) Planning Requirements.

(1) Prior to January 1, 1991, a municipality shall be deemed to be in compliance with these regulations if it is participating in a regional planning process for recycling approved by the Commissioner or is implementing a recycling plan developed in accordance with the provisions of section 22a-241c of the Connecticut General Statutes, and approved by the Commissioner in accordance with subsection (c) of Section 22a-227 of the Connecticut General Statutes. Such plan shall at a minimum include a program and schedule to ensure that service will be available by January 1, 1991, for the recycling of each item designated in Section 22a-241b-2, or such other date as provided for by subsection (b) of this section. The plan shall also include interim target dates for recycling items specified in Section 22a-241b-2, for which service is currently available or can be anticipated to become available prior to January 1, 1991. Such plans shall be coordinated with the plans prepared by solid waste facilities in accordance with Section 22a-241b-3 and shall describe the methods of public information and enforcement that will be utilized to ensure that the recycling program is implemented.

(2) In reviewing a plan required by subdivision (a) (1) of this section or when issuing an order pursuant to Sections 22a-241d through 22a-241e inclusive of the Connecticut General Statutes, the Commissioner shall determine when service is available to a municipality and shall deem such service acceptable after considering the status of facilities and systems

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designed to recycle items. In determining the availability and acceptability of service, facilities and systems, the Commissioner shall consider the following factors: both positive and negative impacts on public health and the environment; severe economic impacts on the municipality, if any; the economic stability of the service; the availability of markets or alternate disposal methods; the capacity to provide service to the municipalities; the date on which service will be available; and the technical viability of the system or facility.

(b) Exceptions.

(1) Except as provided in Section 22a-241f of the Connecticut General Statutes and subdivision (a) (2) of Section 22a-241b-2, any municipality or regional authority may apply to the Commissioner for approval to landfill or incinerate one or more of the items listed in Section 22a-241b-2 for a period to be determined by the Commissioner. The Commissioner shall consider such applications based on, but not limited to, the following factors: the availability of markets; the availability of local processing systems; the availability of regional processing centers; the desirability of alternate utilization techniques; any negative impacts on public health or the environment associated with recycling of the item or items; and severe economic impact.

After consideration of the application, the Commissioner shall issue a proposed decision in the matter. Such decision shall specify the approved items, if any, any conditions the Commissioner may require, the municipality or municipalities to which the exception applies, and the time period for which the approval is granted. The Commissioner shall publish in the Connecticut Law Journal a notice of the proposed decision on each such application.

(2) Any municipality, regional authority, or group of twenty-five or more persons which is aggrieved by the Commissioner's proposed decision and which requests a hearing within 30 days of the date of publication of the proposed decision may be granted a hearing. Following such hearing the Commissioner shall issue a final decision in the matter. Such decision shall specify the approved items, if any, any conditions the Commissioner may require, the municipality or municipalities to which the exception applies, and the time period for which the exception is granted. Any party to the hearing who is aggrieved by the final decision of the Commissioner may appeal the decision to the Superior Court as provided for in Section 4-183 of the Connecticut General Statutes.

(3) Except as provided in Section 22a-241f of the Connecticut General Statutes and subdivision (a) (2) of Section 22a-241b-2, the Commissioner may on his or her initiative determine that one or more of the items specified in Section 22a-241b-2 should be landfilled or incinerated for a period to be determined by the Commissioner in order to best serve the public interest. Such determination shall be based on but not limited to the following factors: the availability of markets; the availability of local processing systems; the availability of regional processing centers; the desirability of alternate utilization techniques; impacts on public health or the environment associated with recycling of the item or items; and severe economic impact. The Commissioner shall publish in the Connecticut Law Journal a notice of the proposed exception. Such notice shall specify the proposed items, any conditions the

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Commissioner may require, the municipality or municipalities to which the exception applies, and the time period for which the exception is granted.

(4) Any municipality, regional authority, or group of twenty-five or more persons which is aggrieved by the Commissioner's proposed exception, and which requests a hearing within 30 days of the date of publication of the proposed decision, may be granted a hearing. Following such a hearing the Commissioner shall issue a final decision in the matter. Any party to the hearing who is aggrieved by the final decision of the Commissioner may appeal the decision to the Superior Court as provided for in Section 4-183 of the Connecticut General Statutes.

(c) **Reporting Requirements.** Each municipal authority, regional recycling authority, or intermediate processing center shall keep a record by recyclable item of the amount of solid waste recycled through municipally or regionally sponsored programs and shall submit this information to the Commissioner by the first day of July of each year. The quantity of solid waste recycled shall be reported on forms provided by the Commissioner. Such forms shall provide for the measurement of quantities of each item listed in Section 22a-241b-2 by generating municipality or recycling region, in the appropriate volume or weight unit and to an accuracy that the Commissioner deems acceptable for compliance with the purposes of the solid waste management plan of the state.

(Effective February 28, 1989)