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## Solid Waste Change of Direction: “Materials Innovation and Recycling Authority”

Public Act 14-94 creates a “Materials Innovation and Recycling Authority” (MIRA) as successor to the Connecticut Resource Recovery Authority (CRRA). The bill sets ambitious goals for solid waste management and recycling – most notably, to increase the rate of recycling and reuse to at least 60% of the solid waste stream, as compared with the current level of 25%.

Here are the major elements of Public Act 14-94:

- Section 1 creates the “Materials Innovation and Recycling Authority” (MIRA) as successor to the Connecticut Resource Recovery Authority (CRRA).
- Section 2: By July 1, 2016, the Department of Energy and Environmental Protection (DEEP) is to revise the state-wide solid waste management plan to include a strategy to divert, through source reduction, reuse and recycling, not less than 60% of solid waste generated in Connecticut after January 1, 2026. This represents a significant increase over the current 25% recycling target. DEEP is to submit the revised plan to the General Assembly’s joint Committee on the Environment by February 1, 2016.
- Section 3: By January 1, 2016, DEEP is to issue a request for proposals from providers of solid waste management services to redevelop the Connecticut Solid Waste System (a/k/a “Mid-Connecticut”) Project. DEEP will select three respondents to conduct a feasibility study in collaboration with MIRA. Respondents will deliver feasibility studies by January 1, 2017, and final proposals by July 1, 2017. DEEP will report on the proposals to the Environment Committee by September 15, 2017, which may conduct public hearings. By December 31, 2017, DEEP will select one proposal and direct MIRA to enter into an agreement with the selected proposer, considering consistency with state-wide strategies and goals regarding recycling and solid waste management, the interests of municipalities under contract with MIRA, the respondent’s investment in the project, potential positive effects on economic development, public comments, and other factors DEEP deems relevant to redevelopment of the project.
- Section 4: Establishes the Recycle CT Foundation, a nonstock, nonprofit state-chartered foundation, to conduct research and education to increase rates of recycling and reuse, and to receive and administer gifts and grants to support its activities. Establishes an eleven-member Recycle CT Foundation Council consisting of the commissioners of DEEP and the Department of Economic and Community Development, five members appointed by the Governor, and four members appointed by the President pro tem of the

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Senate, the Speaker of the House, and the minority leaders of the House and Senate respectively.

- Section 5: Amends the purposes of “the authority” to include development of new industries, technologies and commercial enterprises on property owned by the Authority based on resource recovery, recycling, reuse and treatment or processing of solid waste.
- Section 16: A permitted solid waste handling facility may add up to seventy-five tons per day of mattresses and items designated by DEEP for recycling (not including storage batteries and waste oil) without permit modification, if doing so does not exceed the facility’s permitted storage capacity. The facility need only notify DEEP of the addition.

In addition, PA 14-94 makes subtle but significant changes to a number of statutes defining the powers of “the Authority.” Among these: limits staff of MIRA to forty-five personnel; deletes power to appoint state and local advisory councils (section 7), eliminates Authority’s power to acquire property by eminent domain (section 15).

Integrated with the waste management provisions of the bill, Section 9 provides energy incentives to municipalities to encourage participation in expanded recycling. It expands the state electric power purchasing pool to include municipalities that elect to participate, and authorizes DEEP to make grants to municipalities that both join the pool and commit to achieving the state diversion, recycling and reuse goals. It also mandates that DEEP will, on or before January 1, 2020, solicit proposals to supply electricity to the pool. For any solicitation of up to three hundred seventy thousand megawatt hours per year, such proposals shall include at least 60% Class II renewable energy from trash-to-energy facilities constructed before January 1, 2013. Selection criteria for such proposals include price, facility practices in furtherance of reuse and recycling goals, the percentage of trash-to-energy in the fuel mix, and the number of included trash-to-energy facilities. This section also requires DEEP to select, also on or before January 1, 2020, proposals that satisfy the foregoing requirements for periods of not less than five years.

*This Alert is part of Pullman & Comley's report on environmental legislation in the 2014 session of the Connecticut General Assembly. The main article in this report can be found [here](#).*

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