

New Haven Solid Waste and Recycling Authority

REGULATIONS

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SECTION 1. Definitions.

For the purpose of these Regulations, the following definitions are established:

- 1.01 “*Act*” means C.G.S. Sections 7-273aa through 7-273oo, inclusive.
- 1.02 “*Authority*” means the New Haven Solid Waste and Recycling Authority, a municipal resource recovery authority created by the City by adoption of ordinance OR-08-0011 on April 22, 2008.
- 1.03 “*Board of Directors*” means the Board of Directors of the Authority.
- 1.04 “*C.G.S.*” means the Connecticut General Statutes, as the same may be amended from time to time.
- 1.05 “*City*” means the City of New Haven, Connecticut.
- 1.06 “*Code*” means the Code of Ordinances of the City, as the same may be amended from time to time.
- 1.07 “*Executive Director*” means the Executive Director of the Authority. The Executive Director, or that person’s designee as approved by the Board of Directors, may act, as authorized, on behalf of the Authority.
- 1.08 “*Person*” means a person, individual, firm, partnership, company, corporation, association, limited liability company, limited liability partnership, trust, organization, association, joint venture, municipality, governmental authority or entity, or any agency or political subdivision of the State of Connecticut or any other similar entity.
- 1.09 “*Regulations*” means the regulations adopted by the Authority, as the same may be amended from time to time.
- 1.10 “*Solid Waste*” shall have the meaning set forth in the Act.
- 1.11 “*Solid Waste Ordinances*” means Sections 120-1 through 120-18 of the Code, Sections 17-121 through 17-135 of the Code, and any other sections of the Code that pertain to Solid Waste and recycling.
- 1.12 “*Transfer Station*” means the Solid Waste and recycling station located at 256 Middletown Avenue, New Haven, Connecticut, and commonly referred to as the “transfer station.”
- 1.13 “*Transfer Station License*” means a license authorizing a Person to dispose of Solid Waste at the Transfer Station.

1.14 “*Vehicle Permit*” means a permit for a vehicle used by a Person to dispose of Solid Waste at the Transfer Station.

1.15 “*Waste Flow Control Ordinance*” means ordinance OR-08-0005 adopted by the City on March 24, 2008 in accordance with C.G.S. Section 22a-220a, which requires that all Solid Waste generated by residential, business, commercial or other establishments within the boundaries of the City shall be disposed of at the Transfer Station.

SECTION 2. Creation and Purpose.

2.01 Pursuant to the Act, the City created the Authority as a municipal resource recovery authority. The Authority is a public body politic and corporate of the State of Connecticut, and is a political subdivision of the State of Connecticut established and created for the performance of the essential public and governmental function of furthering the health, safety and welfare of the residents of the City, by exercising supervision and control over the administration of Solid Waste in the City, including but not limited to, the Transfer Station. C.G.S. Section 7-273bb(a)(6) states that the Authority shall have the power to make and alter regulations with respect to the exercise of its own powers. The terms and provisions of these Regulations are for the purpose of enabling the Authority to further the health, safety and welfare of the residents of the City by administering and enforcing the Solid Waste Ordinances and the Waste Flow Control Ordinance, as permitted by Section 120-49 of the Code. Nothing contained in these Regulations is intended to (i) restrict any of the rights and powers of the City or (ii) give the Authority sole and exclusive control over the administration and enforcement of all of the Solid Waste Ordinances or the Waste Flow Control Ordinance.

2.02 These Regulations shall not repeal any applicable laws, ordinances, standards, rules or regulations set forth by the United States, the State of Connecticut, the City or any of their respective agencies.

2.03 These Regulations shall apply to all Persons who (i) are residents of the City, (ii) conduct business, activities or other operations within the limits of the City, or (iii) are users or potential users of the Transfer Station.

SECTION 3. Transfer Station Licenses and Vehicle Permits.

3.01 No Person, other than the City, shall dispose of any Solid Waste at the Transfer Station without first registering with the Authority and obtaining a Transfer Station License from the Executive Director. In addition, all users of the Transfer Station shall obtain a Vehicle Permit from the Executive Director for each vehicle used for Solid Waste disposal at the Transfer Station.

3.02 The Executive Director shall use his or her discretion in granting Transfer Station Licenses and Vehicle Permits. The Executive Director shall consider the applicant’s record of compliance with the Solid Waste Ordinances, the Waste Flow Control Ordinance and these Regulations, and any relevant state and federal laws and regulations in making this evaluation. The Executive Director may request such relevant information as the Executive Director deems appropriate from each applicant prior to, or at any time following, the issuance of a Transfer Station License or a Vehicle Permit including, without limitation, the following: (i) a current list

of the names and locations of each of the applicant's customers and clients within the City, (ii) any information concerning the number, capacity, and location of each of the applicant's containers and dumpsters within the City, and (iii) written documentation confirming that the applicant has offered its customers and clients both recycling and Solid Waste services. The foregoing information shall be provided to the Executive Director in form and substance reasonably satisfactory to the Executive Director.

3.03 The annual fees for Transfer Station Licenses and Vehicle Permits shall be established in accordance with Section 120-15(f) of the Code and written notice of such annual fees shall be posted for public inspection at the Transfer Station. All fees collected by the Authority with respect to Transfer Station Licenses or Vehicle Permits issued by the Executive Director and fines or penalties assessed by the Authority for violations of these Regulations shall be deposited into the account of the Authority for the benefit of the Authority.

3.04 The Transfer Stations Licenses and Vehicle Permits shall have a one year term, and shall expire one year from the date of issuance.

3.05 Any Person in violation of Section 3 of these Regulations shall be subject to a fine up to the maximum amount authorized by the C.G.S. or the Code. Pursuant to C.G.S. Section 7-152d, any Person that illegally disposes of Solid Waste at the Transfer Station shall be liable for a civil penalty up to the maximum amount authorized by the C.G.S. or the Code for first, second and each subsequent violations. A written notice of the applicable fines and penalties that may be imposed by the Authority shall be posted for public inspection at the Transfer Station. These fines and penalties may be added to those resulting from violations of other federal, state and local laws and regulations. Any Person who is assessed a civil penalty pursuant to these Regulations may appeal such assessment to the Superior Court of the State of Connecticut in the manner provided in C.G.S. Sections 7-152b(g).

3.06 The Executive Director shall have the authority to deny, suspend, cancel or revoke a Transfer Station License or a Vehicle Permit of any Person at any time for any one or more of the following reasons:

- (a) The Person has violated these Regulations;
- (b) The Person has not complied with the application procedures or requirements set forth in these Regulations;
- (c) The Person obtained the Transfer Station License or Vehicle Permit by fraud or misrepresentation of the facts; or
- (d) The Person has violated the Waste Flow Control Ordinance.

When a Person's Transfer Station License or Vehicle Permit is denied, suspended, cancelled or revoked, the Executive Director shall notify the Person of such decision in a written notice with a reason for such decision. The Person aggrieved by such decision shall have the right to appeal such decision pursuant to Section 5.01 of these Regulations.

SECTION 4. Waste Flow Control Ordinance Enforcement.

4.01 The City has adopted the Waste Flow Control Ordinance, which as of January 1, 2009, requires that all Solid Waste generated by residential, business, commercial or other establishments within the boundaries of the City shall be disposed of at the Transfer Station. Pursuant to Section 120-49 of the Code, the Authority is authorized to administer and enforce the Waste Flow Control Ordinance. Accordingly, the Executive Director is empowered to take all actions necessary on behalf of the Authority to administer and enforce the Waste Flow Control Ordinance, including, without limitation, sending written notice to violators of the Waste Flow Control Ordinance and assessing fines or penalties in accordance with Section 4.02 of these Regulations. When the Executive Director determines that a Person has violated the Waste Flow Control Ordinance, the Executive Director shall notify the Person of such decision in a written notice with a reason for such decision. The Person aggrieved by such decision shall have the right to appeal such decision pursuant to Section 5.01 of these Regulations.

4.02 Any Person in violation of the Waste Flow Control Ordinance shall be subject to a fine up to the maximum amount authorized by the C.G.S. or the Code. Pursuant to C.G.S. Section 22a-220a(f), any Person that illegally disposes of more than one cubic foot in volume of Solid Waste in violation of the Waste Flow Control Ordinance shall be liable for a civil penalty up to the maximum amount authorized by the C.G.S. or the Code for first and each subsequent violations. A written notice of the applicable fines and penalties that may be imposed by the Authority shall be posted for public inspection at the Transfer Station. These fines and penalties may be added to those resulting from violations of other federal, state and local laws and regulations. All fines or penalties assessed by the Authority for violations of the Waste Flow Control Ordinance shall be deposited into the account of the Authority for the benefit of the Authority

SECTION 5. Appeals Process.

5.01 The following appeals process shall apply to (i) any Person whose Transfer Station License or Vehicle Permit has been denied, suspended, cancelled or revoked in accordance with these Regulations, and (ii) any Person who has been assessed any fines or penalties by the Authority for violations of these Regulations or the Waste Flow Control Ordinance:

(a) The Person aggrieved by the denial, suspension, cancellation or revocation of a Transfer Station License or a Vehicle Permit or assessed a fine or penalty may appeal such decision if, within seven calendar days of receipt of written notice of the Executive Director's decision, such Person files a written notice of appeal with the Executive Director requesting a hearing before the Authority. The denial, suspension, cancellation or revocation of a Transfer Station License or a Vehicle Permit by the Executive Director or fine or fee assessed for violations of these Regulations or the Waste Flow Control Ordinance will be binding upon the aggrieved Person until it has been overruled, whether by appeal or otherwise.

(b) Following the receipt of a notice of appeal pursuant to Section 5.01(a) of these Regulations, the Executive Director shall (i) set a time, date and location for a hearing, which shall be no later than forty-five calendar days following the Executive Director's receipt

of such notice of appeal, and (ii) provide the aggrieved Person with written notice at least seven calendar days in advance of such hearing. The hearing shall be conducted by a panel consisting of the Executive Director and two members of the Board of Directors. The panel shall hear the aggrieved Person's appeal and render a determination. The aggrieved Person and the Authority shall have the opportunity to be represented by counsel at such hearing.

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