HOUSE DOCKET, NO. 263 FILED ON: 1/13/2011

HOUSE . . . . . No. 890

The Commonwealth of Massachusetts

PRESENTED BY:

Alice K. Wolf

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act updating the bottle bill.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Alice K. Wolf	*25th Middlesex*
Cynthia S. Creem	☐ *[District]* ☐
Frank I. Smizik	*15th Norfolk*
Jonathan Hecht	*29th Middlesex*
Lori A. Ehrlich	*8th Essex*
Edward F. Coppinger	*10th Suffolk*
Carl M. Sciortino, Jr.	*34th Middlesex*
Jennifer E. Benson	*37th Middlesex*
William Smitty Pignatelli	*4th Berkshire*
Timothy R. Madden	*Barnstable, Dukes and Nantucket*
Cory Atkins	*14th Middlesex*
Sarah K. Peake	*4th Barnstable*
Cheryl A. Coakley-Rivera	*10th Hampden*
Jason M. Lewis	*31st Middlesex*
William N. Brownsberger	☐ *[District]*

	□
Thomas P. Conroy	*13th Middlesex*
Carolyn C. Dykema	*8th Middlesex*
Cleon H. Turner	*1st Barnstable*
David Paul Linsky	*5th Middlesex*
Denise Provost	*27th Middlesex*
Jay R. Kaufman	*15th Middlesex*
William M. Straus	*10th Bristol*
Gloria L. Fox	*7th Suffolk*
Tom Sannicandro	*7th Middlesex*
Robert M. Koczera	*11th Bristol*
Harriett L. Stanley	*2nd Essex*
Kay Khan	*11th Middlesex*
Theodore C. Speliotis	*13th Essex*
John W. Scibak	*2nd Hampshire*
Sean Garballey	*23rd Middlesex*
Stephen Kulik	*1st Franklin*
Martha M. Walz	*8th Suffolk*
Ruth B. Balser	*12th Middlesex*
Paul Brodeur	*32nd Middlesex*
Geraldine M. Creedon	*11th Plymouth*
Elizabeth A. Malia	*11th Suffolk*
Peter V. Kocot	*1st Hampshire*
Christine E. Canavan	*10th Plymouth*
Michael F. Rush	*Suffolk and Norfolk*
Thomas P. Kennedy	□ *[District]* □
Jeffrey Sánchez	*15th Suffolk*
Daniel B. Winslow	*9th Norfolk*
Patricia D. Jehlen	□ *[District]* □
Alice Hanlon Peisch	*14th Norfolk*
Thomas J. Calter	*12th Plymouth*
Timothy J. Toomey, Jr.	*26th Middlesex*
James B. Eldridge	□ *[District]* □

Denise Andrews	*2nd Franklin*
Kate Hogan	*3rd Middlesex*
Walter F. Timilty	*7th Norfolk*
Christopher N. Speranzo	*3rd Berkshire*
Carlo Basile	*1st Suffolk*
Thomas M. Stanley	*9th Middlesex*
Byron Rushing	*9th Suffolk*
John V. Fernandes	*10th Worcester*
Gailanne M. Cariddi	*1st Berkshire*
James J. O'Day	*14th Worcester*
Denise C. Garlick	*13th Norfolk*
Ellen Story	*3rd Hampshire*
Geraldo Alicea	*6th Worcester*
Chris Walsh	*6th Middlesex*
Brian M. Ashe	*2nd Hampden*
Stephen Stat Smith	*28th Middlesex*
Carlos Henriquez	*5th Suffolk*
Paul McMurtry	*11th Norfolk*
Mayor Thomas M. Menino	*One City Hall Square, Suite 500* *Boston, MA 02201-2013*

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HOUSE . . . . . No. 890

By Ms. Wolf of Cambridge, a petition (accompanied by bill, House, No. 890) of Alice K. Wolf and others relative to further regulating recycling rates and expanding the bottle bill, so-called. Telecommunications, Utilities and Energy.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *3515* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act updating the bottle bill.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 321 of chapter 94 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the words "carbonated soft drinks", in line 4, the following words:-

"noncarbonated beverages including mineral water, flavored and unflavored water, vitamin water, and other water beverages, tea, sports drinks, isotonic drinks; and all other non-alcoholic carbonated and noncarbonated drinks in liquid form intended for human consumption, except milk and beverages that are primarily derived from dairy products, infant formula, and FDA-approved medicines."

SECTION 2 - Paragraph 3 of said section 321 of said chapter 94, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:-

This definition shall not include containers made of paper-based biodegradable material and aseptic multi-material packaging.

SECTION 3. Said section 321 of said chapter 94, as so appearing, is hereby further amended by inserting after the definition of "Plastic bottle" the following definition:-

16 “Redemption center”, any business whose primary purpose is the redemption of
17 beverage containers and is not ancillary to any other business,

18 SECTION 4. Said section 321 of said chapter 94, as so appearing, is hereby further
19 amended by inserting after the definition of “Reusable beverage container” the following
20 definition:-

21 “Small dealer”, any person or business, including any operator of a vending machine,
22 who engages in the sale of beverages in beverage containers to consumers in the commonwealth,
23 whose operating premises are less than 4000 square feet.

24 SECTION 5. Section 323 of said chapter 94, as so appearing, is hereby amended by
25 inserting before the first sentence of paragraph (e) the following sentence:-

26 The executive office of environmental affairs shall promulgate rules and regulations
27 for the licensure of redemption centers, and may set fees for the licensing of such redemption
28 centers.

29 SECTION 6. Paragraph (c) of said section 323 of said chapter 94 of the General Laws, as
30 so appearing, is hereby amended by striking out the words “one cent” and inserting in place
31 thereof the words “three and one quarter cents” and by adding the following sentence:-

32 The handling fee shall be reviewed semi-annually by the secretary of the executive
33 office of energy and environmental affairs and adjustments made to reflect increases in costs
34 incurred by redemption facilities.

35 SECTION 7. Paragraph (d) of said section 323 of said chapter 94, as so appearing, is
36 hereby amended by striking out the words “one cent” and inserting in place thereof the words
37 “three and one quarter cents” and by adding the following sentence:-

38 The handling fee shall be reviewed semi-annually by the secretary of the executive
39 office of energy and environmental affairs and adjustments made to reflect increases in costs
40 incurred by redemption facilities.

41 SECTION 8. Said section 323 of said chapter 94, as so appearing, is hereby further
42 amended by inserting after the word “civil”, in line 73, the words “or administrative”.

43 SECTION 9. Said chapter 94 is hereby further amended by inserting after section 323E
44 the following section:-

45 Section 323F. (a) There shall be established on the books of the commonwealth a
46 separate fund to be known as the Clean Environment Fund. Amounts to be deposited in said
47 Fund shall be used, subject to appropriation, solely for programs and projects supporting the
48 proper management of solid waste, water resource protection, parkland, urban forestry, air

49 quality and climate protection; provided, however, that no funds shall be used for costs
50 associated with incineration.

51 (b) Not less than fifty percent of amounts deposited in the Fund shall be used for
52 recycling, composting and solid waste source reduction projects and programs.

53 (c) Not less than an additional twenty percent of amounts deposited in the Fund shall
54 be used for recycling and other solid waste projects and programs.

55 (d) Not more than thirty percent of amounts deposited in the fund shall be used for
56 other environmental programs consistent with the purposes of the "bottle bill", so-called.

57 SECTION 10: Notwithstanding any general or special law to the contrary, the secretary
58 of the executive office of energy and environmental affairs shall, on or before January 1, 2012,
59 promulgate regulations providing small dealers as defined herein with the ability to seek
60 exemptions from accepting empty deposit containers. Said regulations shall consider at least the
61 health and safety of the public; the convenience for the public, including standards governing
62 distribution of centers by population or by distance or both, the size and storage capacity of the
63 dealer(s) to be served by the redemption center and the size and storage capacity of the
64 redemption center. The order approving a local redemption center license must state the dealers
65 to be served and the kinds, sizes and brand names of empty beverage containers that the center
66 accepts.

67 SECTION 11. Section 327 of said chapter 94 of the General Laws, as so appearing, is
68 hereby amended by inserting after the first paragraph the following paragraphs:—

69 The department of environmental protection may enforce the provisions of section
70 321; paragraphs (a) through (f), inclusive, of section 322; paragraph (i) of section 323; section
71 323A; section 323F; section 324 and section 325. Any bottler, distributor, redemption center, or
72 dealer who violates any of the foregoing provisions shall be subject to an administrative penalty
73 for each violation of not more than $1,000.

74 The department of revenue may enforce the provisions of paragraphs (g) and (h) of
75 section 323 and sections 323B to 323E, inclusive. Any bottler, distributor, redemption center, or
76 dealer who violates any of the foregoing provisions shall be subject to an administrative penalty
77 for each violation of not more than $1,000.

78 SECTION 12. Said section 327 of said chapter 94 of the General Laws, as so appearing,
79 is hereby further amended by inserting after the word “civil”, in line 14, the words “or
80 administrative”.

81 SECTION 13. This act shall take effect on December 1, 2012.