SENATE DOCKET, NO. 70 FILED ON: 1/14/2011

SENATE . . . . . No. 1660

The Commonwealth of Massachusetts

PRESENTED BY:

James B. Eldridge

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 to reinstate the clean environment fund.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
James B. Eldridge	☐ *[District]* ☐
Carolyn C. Dykema	*8th Middlesex*
Michael J. Moran	*18th Suffolk*
Jennifer E. Benson	*37th Middlesex*
James Arciero	*2nd Middlesex*
Cory Atkins	*14th Middlesex*
Sheila C. Harrington	*1st Middlesex*
Elizabeth A. Poirier	*14th Bristol*

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SENATE . . . . . No. 1660

By Mr. Eldridge, a petition (accompanied by bill, Senate, No. 1660) of James B. Eldridge, Carolyn C. Dykema, Michael J. Moran, Jennifer E. Benson and other members of the General Court for legislation to reinstate the clean environment fund. Telecommunications, Utilities and Energy.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
SENATE
, NO. *1487* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act to reinstate the clean environment fund.

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. Chapter 94 of the General Laws, as so appearing, is hereby amended by inserting the following new section:

Section 323G.-

There shall be established on the books of the Commonwealth a separate fund to be known as the Clean Environment Fund. All unredeemed bottle bill deposits collected pursuant to Chapter 94, sec. 323D shall be deposited into the Clean Environment Fund. Amounts deposited in said fund shall be used solely for programs and projects in the management of solid waste and for environmental protection.

Not less than sixty percent of amounts deposited in the Fund annually shall be used for creation and support of waste reduction, recycling and composting programs, outreach, infrastructure and market development in the public, private and institutional sectors, as set forth in the department of environmental protection's Solid Waste Management Plan: 2006 Revision

Not less than one percent of amounts deposited annually in the Fund shall be used by the Office of the State Auditor for the oversight of the bottle deposit law and Fund expenditures. Oversight activities shall include, but not limited to, the performance of onsite reviews to

16 investigate fraudulent activities and illegal redemptions, the review of reports submitted by
17 bottlers and distributors in accordance with Section 323B of Chapter 94 of the General Laws and
18 the review of all expenditures from the Fund to determine whether said monies are being used
19 for their intended purpose.

20 Not less than ten (10) percent of amounts deposited annually in the Fund shall be used by
21 the Department of Environmental Protection Drinking Water Program for administration and
22 implementation of the federal Safe Drinking Water Act. These amounts shall be used to reduce
23 or supplement the Safe Drinking Water Assessment Fee paid annually to the Department by
24 public water systems pursuant to Section 18A of Chapter 21A of the General Laws. Use of these
25 funds by the Department shall be consistent with the requirements of Section 18A of Chapter
26 21A of the General Laws with oversight by the Advisory Committee established by that statute.

27 Remaining amounts deposited annually in the Fund shall be appropriated for capital
28 improvements under the control of Department of Conservation and Recreation, Division of
29 Parks for construction that meets LEEDS building standards established by the U.S. Green
30 Building Council

31 SECTION 2. Qualifying programs funded under Chapter 94, Section 323G (b) shall
32 include but are not limited to:

33 (a) municipal recycling and waste reduction program improvements, including unit-
34 based pricing, single stream collection, composting, and public space recycling

35 (b) municipal recycling equipment

36 (c) school recycling and composting program establishment and improvements

37 (d) commercial and institutional recycling and composting program establishment
38 and improvements

39 (e) recycling service provider grants, low interest equipment loans and tax incentives

40 (f) recycling and waste reduction outreach and education – schools and the general
41 public

42 (g) market development for recovered materials

43 (h) enforcement of Waste Bans (9310 CMR 19.017) by the Department of
44 Environment Protection

45 (i) other activities as recommended by the department

46 SECTION 3. Section 323D of Chapter 94 is amended by inserting in place of the words
47 twenty three F in line 8, the following words, twenty -three G.

48 SECTION 4. Section 3 of Chapter 21 of the General Laws as appearing in the 2004
49 Official Edition, is hereby amended by:- inserting after the last sentence the following new
50 sentence:- With funding from Chapter 94 Section 323G (d) the commissioner shall establish a
51 program to increase recycling opportunities for all property under his control. The commissioner
52 shall file a report on all programs supported by this Fund annually with the joint committee on
53 environment, natural resources and agriculture, on or before December 31st of each year. The
54 report shall contain, but not be limited to, activities promoting recycling on property under the
55 control of the division of urban parks and recreation and the division of state parks and
56 recreation.

57 SECTION 5. Chapter 21H of the General Laws, as appearing in the 2004 Official
58 Edition, is hereby amended by inserting after Section 7, the following new section:-

59 Section 7A. The department with funding from Chapter 94, Section 323G (b), shall
60 establish a program to increase recycling opportunities at all publicly owned facilities and shall
61 work with all appropriate state and local agencies and other entities to establish such a program.

62 SECTION 6. Section 33 of Chapter 92 of the General Laws as appearing in the 2004
63 Official Edition is hereby amended by inserting after the first paragraph the following new
64 paragraph:- With funding from Chapter 94 Section 323G 9 (d), the commissioner of the division
65 shall (a) require the development and incorporation of recycling opportunities into all reservation
66 designs or redesigns and (b) establish a program to increase recycling opportunities in all of the
67 reservations under his control.

68 SECTION 7. After a period of five years from the implementation of this law, the
69 funding level need shall be evaluated by the department in consultation with the solid waste
70 advisory committee, the joint committee on environment, natural resources and agriculture and
71 the Tellus Institute, and adjusted according to need.