SENATE DOCKET, NO. 935 FILED ON: 1/17/2013

SENATE . . . . . No. 353

The Commonwealth of Massachusetts

PRESENTED BY:

Kenneth J. Donnelly

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 reduce solid waste in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Kenneth J. Donnelly	*Fourth Middlesex*
Jay R. Kaufman	*15th Middlesex*
Kenneth I. Gordon	*21st Middlesex*

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SENATE . . . . . No. 353

By Mr. Donnelly, a petition (accompanied by bill, Senate, No. 353) of Kenneth J. Donnelly, Jay R. Kaufman and Kenneth I. Gordon for legislation to reduce solid waste in the Commonwealth. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

An Act to reduce solid waste in the Commonwealth.

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 21A of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after section 23 the following sections:-

Section 24. Definitions. As used in sections 25 through 28 the following words shall have the following meanings:-

"Agency", any state agency, state authority, state higher education facility or state office.

"Cathode ray tubes", any intact, broken, or processed glass tube used to provide the visual display in televisions, computer monitors and certain scientific instruments such as oscilloscopes.

“Commercial Establishment,” any non-residential building, including, but not limited to, those used for retail, wholesale, industrial, manufacturing, dining, offices, professional services, automobile services, hotels and motels, restaurants, or shipping and receiving areas.

“Commissioner,” the Commissioner of the Department of Environmental Protection.

"Construction and demolition", asphalt pavement, brick, wood, metal and concrete from construction activities and demolition of buildings, roads and bridges and similar sources.

"Court", any trial court department, appeals court and the supreme judicial court.

“Department,” the Department of Environmental Protection.

"Glass Containers", glass bottles and jars (soda-lime glass) but excluding light bulbs, Pyrex cookware, plate glass, drinking glasses, windows, windshields and ceramics.

19 "Fluorescent lamp", an electric lamp to which the manufacturer intentionally introduces
20 mercury for the operation of the lamp, including, but not limited to fluorescent, compact
21 fluorescent, black lights, high intensity discharge lamps, ultraviolet lamps and neon lamps.

22 "Lead Batteries", lead-acid batteries used in motor vehicles or stationary applications.

23 "Metal Containers", aluminum, steel or bi-metal beverage and food containers.

24 "Public building," a building owned by the Commonwealth or any political subdivision
25 thereof, or in an enclosed indoor space occupied by a state agency or department of the
26 commonwealth which is located in a building not owned by the commonwealth.

27 "Recyclable paper", all paper, corrugated cardboard, and paperboard products, except
28 tissue paper, toweling, paper plates and cups, wax-coated corrugated cardboard, and other low-
29 grade paper products.

30 "Single polymer plastics", all narrow-neck plastic containers where the diameter of the
31 mouth of the container is less than the diameter of the body of the container. This includes single
32 polymer plastic containers labeled 1-6.

33 "State Sustainability Program", State Sustainability Program within the executive office
34 of environmental affairs.

35 "Tires", a continuous solid or pneumatic rubber covering intended for use on a motor
36 vehicle.

37 "White goods", appliances employing electricity, oil, natural gas or liquefied petroleum
38 gas to preserve or cook food; wash or dry clothing, cooking or kitchen utensils or related items;
39 or to cool or to heat air or water, including, but not limited to, refrigerators, freezers, air
40 conditioners, water coolers, dishwashers, clothes washers, clothes dryers, gas or electric ovens
41 and ranges, and hot water heaters. White goods do not include microwave ovens.

42 "Yard Waste", deciduous and coniferous seasonal depositions, such as leaves, grass
43 clippings, weeds, hedge clippings, garden materials, and brush 1 (one) inch or less in diameter
44 (excluding diseased plants).

45 Section 25. Recycling in Public Buildings

46 (a) By January 1, 2015, every agency and court, individually or in conjunction with other
47 agencies or courts, the General Court and all public buildings shall implement a program to
48 recycle the following materials: lead batteries, metal containers, glass containers, single polymer
49 plastics, recyclable paper, yard waste, tires, white goods, fluorescent lamps, cathode ray tubes or
50 the product that contains the cathode ray tube and construction and demolition material.

51 (b) The State Sustainability Program shall provide recycling guidance to establish and
52 implement a waste generation and recyclable material generation reporting system for agencies,
53 courts, and the General Court. Agencies and courts with more than 50 employees located in a
54 state owned building and the General Court shall be required to submit said reports to the State
55 Sustainability Program. In the event an agency or court is located in a facility where the waste
56 management is handled by another agency or court, the agency or court responsible for waste
57 management shall be responsible for submitting said reports. Said reports shall, where feasible,
58 include, but not be limited to the following:

59 (1) Tonnage of solid waste generated by the agency, court, General Court or
60 public building; and

61 (2) Tonnage of waste recycled by agency, court, General Court or public building;
62 and

63 (3) A breakdown of the tonnage of materials recycled listed in subsection (a).

64 (c) Every lease agreement entered into by an agency or court after the effective date of
65 this section shall contain a provision that requires recycling pursuant to the terms of this act, and,
66 where feasible, requires the landlord to report on agency or court waste generation and recycling
67 data pursuant to section (b) of this act.

68 (d) The executive office of environmental affairs may promulgate rules and regulations
69 regarding this act.

70 Section 26. Public Recycling Bins

71 (a) Every municipality in the state shall provide recycling bins for metal containers,
72 single polymer plastics, and recyclable paper adjacent to at least half of the outdoor public trash
73 cans in that municipality. The municipality shall be responsible for collection and proper
74 delivery of the recycled materials in the recycling bins.

75 Section 27. Recycling in high traffic facilities.

76 (a) Facilities visited by at least five thousand individuals annually, including but not
77 limited to stadiums, arenas, marinas, airports, museums, and theatres, shall implement a program
78 to recycle metal containers, single polymer plastics, and recyclable paper. The department shall
79 promulgate rules and regulations as necessary to effect the requirements set forth herein.

80 Said facilities shall provide recycling receptacles for metal containers, single polymer
81 plastics, and recyclable paper. Said receptacles shall be located adjacent to each other and to at
82 least half of the public trash cans at the facilities. Receptacles shall be clearly indicated as for
83 recycling of metal containers, plastics, and paper.

84 The facility shall cause the recyclable contents of these receptacles to be transferred to
85 appropriate recycling facilities and done so with adequate frequency that contents of said
86 receptacle do not protrude above the highest point on said receptacles.

87 SECTION 2. MBTA Recycling.

88 Chapter 161A of the General Laws, as so appearing, is hereby amended by inserting after
89 section 5(r), the following:-

90 (s) To adopt, and revise as appropriate, a recycling program to provide newspaper
91 recycling bins adjacent to every trash receptacle at all mass transportation facilities where
92 newspapers are sold or distributed.