

HOUSE No. 735

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act to reinstate the landfill moratorium..

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

1 SECTION 1. Legislative findings. The legislature hereby finds and determines that solid
2 waste landfills potentially threaten public health by contaminating groundwater, polluting the air,
3 and despoiling the land. The legislature further finds and determines that the Massachusetts
4 Constitution, Article 97 of the Articles of Amendment, guarantees the right of Massachusetts
5 residents to clean air and water; and that to protect and preserve these rights the Commonwealth
6 of Massachusetts should restore the moratorium on landfilling, which was originally established
7 in 1995, and should establish a solid waste management program that will reduce the per capital
8 generation of solid waste and increase recycling.

9 SECTION 2. Notwithstanding any general or special law to the contrary, the Department
10 of Environmental Protection is hereby authorized to reinstate the moratorium on the siting and
11 permitting of solid waste landfills.

12 SECTION 3. Section 150A of Chapter 111 of the General Laws is hereby further
13 amended by adding the following paragraphs:—

14 No site in any city or town be assigned as a site for a sanitary landfill or as a dumping
15 ground for refuse, or as an expansion thereof, unless said site assignment or expansion was in
16 effect on or before July first, two thousand.

17 The department shall not grant a permit for a sanitary landfill or a dumping ground for
18 refuse, or for an expansion thereof, unless said permit was granted on or before July first, two
19 thousand.

20 SECTION 4. Chapter 16 of the General Laws is hereby amended by striking Section 19
21 and by striking the second paragraph of section 20 and inserting in its place thereof the
22 following:—

23 The comprehensive statewide master plan referred to herein shall describe, to the
24 maximum practicable extent, a short and long-range plan for reduction of the per capita
25 generation of solid waste throughout the commonwealth, the solid waste programs and facilities
26 which the department determines to be necessary or convenient to promote the reduction of
27 waste generation and to increase recycling of solid waste in a manner which protects the public
28 health, safety and environment and is financially sound, and the funding for the development of
29 such facilities and programs which the department finds to be reasonable necessary to
30 accomplish said purposes.

31 SECTION 5. This act shall take effect upon its passage.