

**HOUSE . . . . . No. 769**

---

**The Commonwealth of Massachusetts**

PRESENTED BY:

**Robert M. Koczera**

*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 bill:

An Act to increase recycling.

PETITION OF:

NAME:

Robert M. Koczera

DISTRICT/ADDRESS:

11th Bristol

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 3780 OF 2007-2008.]

## The Commonwealth of Massachusetts

\_\_\_\_\_  
In the Year Two Thousand and Nine  
\_\_\_\_\_

### AN ACT TO INCREASE RECYCLING.

*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. Section 2 of chapter 21H of the General Laws, as appearing in the 2000 Official Edition, is  
2 hereby further amended by adding after the definition of “Landfill” the following definitions:-

3 “Mercury-added product” means a product, commodity, chemical, or product with a component that  
4 contains mercury or a mercury compound intentionally added to the product, commodity, chemical, or component in  
5 order to provide a specific characteristic, appearance, or quality or to perform a specific function for any other  
6 reason.

7 “Multi-family residence” means a building or complex of buildings in which are located more than four  
8 individual units that are used for residential purposes.

9 “Owner” or “Operator” of a multi-family residence means any persona who owns, operates or manages, or  
10 otherwise controls a multi-family residence. Such terms shall include, but are not limited to, property owners,  
11 property managers and superintendents.

12 SECTION 2. Section 2 of chapter 21H of the General Laws, as appearing in the 2000 Official Edition, is hereby  
13 further amended by adding after the definition of “Public Body” the following definitions:-

14 “Recyclable” or “Recyclable Material” means a material that has the potential to be recycled and which is  
15 pre-sorted and has not been contaminated by significant amounts of toxic substances. Such materials shall include  
16 but are not limited to: aluminum, glass and bi-metal food and beverage containers; single polymer plastic food and  
17 beverage containers; and recyclable paper (including newspapers, magazines, kraft or brown paper bags, white and  
18 colored office paper, mail, paperboard, and other paper products, but excluding tissue paper, toweling, paper plates,  
19 cups, and other low grade paper products which cannot be processed by Paper mills due to their normal intended  
20 use).

21 “Recycle” or “Recycling” means to recover materials or by-products which are: reused, used as an  
22 ingredient or a feedstock in an industrial or manufacturing process to make a marketable product: or use in a

23 particular function or application as an effective substitute for a commercial product or commodity. “Recycle” or  
24 “Recycling” does not mean to recover energy from the combustion of material.

25 “Transport” means the movement, by vessel or carrier, of solid waste from the point of generation to  
26 ultimate disposal, or any intermediate point for storage, reuse, treatment, or recycling.

27 SECTION 3. Section 2 of chapter 21H of the General Laws, as appearing in the 2000 Official Edition, is hereby  
28 further amended by adding after the definition of “Tipping fee” the following definitions:-

29 “White goods” means appliances employing electric, oil, natural gas or liquefied petroleum gas to supply  
30 heat or motive power to preserve or cook food, to wash or dry clothing or kitchen utensils or related items, or to cool  
31 or heat air or water.

32 “Yard waste” means leaves, grass clippings, weeds, hedge clippings, garden materials, and brush.

33 SECTION 4. Chapter 21H of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by  
34 inserting after section seven the following new section:-

35 Section 7A. Establishment of recycling programs at multifamily residences.

36 (a) Owners and operators of multi-family residences that are not served by municipal recycling programs  
37 shall establish and maintain a recycling program for the occupants of multi-family residences under their ownership,  
38 operation, or control. Such program shall provide for:

39 (1) The separation, collection, and processing of recyclable materials; and

40 (2) The provision of information about programs for collection and recycling of unwanted lead acid  
41 batteries, mercury-added product, tires, white goods, devices containing cathode ray tubes, yard wastes, and other  
42 materials as directed by the department.

43 (b) Owners and operator of multi-family residences shall establish their own recycling programs or create  
44 partnerships with other entitles to carry out the mandate of this section.

45 (c) No later than one year from the date of enactment of this bill, the department shall promulgate  
46 regulations

47 (1) Offering equipment and information material to owners and operators of multi-family residences  
48 through municipalities’ participation in the Municipal Recycling Grant Program (established pursuant to MGL  
49 chapter 584 of the Acts of 1987);and/or

50 (2) Establishing and operating a statewide toll-free recycling hotline and by providing information about  
51 such programs via the department’s Web page.

52 (d) The recycling Programs required by this section shall be implemented no later than six months after  
53 promulgation of the regulations described in this section.

54 SECTION 5. Every multi-family residence constructed after the date of enactment of this bill shall contain  
55 adequate space for the separation, storage, and collection of recyclable materials generated at that multi-family  
56 residence.

57 SECTION 6. No person who transports solid waste shall knowingly mix recyclable materials that have  
58 been set aside for collection and shipment for recycling with trash destined for a solid waste transfer station or  
59 disposal facility. No person who transports solid waste shall knowingly transport recyclable materials to a solid

60 waste disposal facility or to a solid waste transfer station from which the recyclable materials will be shipped for  
61 disposal.

62 SECTION 7. Municipalities may, at their sole discretion, enforce the provision of Section 7A(a) of chapter  
63 21H.