

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

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The Commonwealth of Massachusetts

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**In the Year Two Thousand Nine**  
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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  
2 Official Edition, is hereby further amended by adding after the definition of “Landfill” the  
3 following definitions:-

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

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

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

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

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

24 “Recycle” or “Recycling” means to recover materials or by-products which are:  
25 reused, used as an ingredient or a feedstock in an industrial or manufacturing process to make a  
26 marketable product: or use in a particular function or application as an effective substitute for a  
27 commercial product or commodity. “Recycle” or “Recycling” does not mean to recover energy  
28 from the combustion of material.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

64 SECTION 6. No person who transports solid waste shall knowingly mix recyclable  
65 materials that have been set aside for collection and shipment for recycling with trash destined  
66 for a solid waste transfer station or disposal facility. No person who transports solid waste shall  
67 knowingly transport recyclable materials to a solid waste disposal facility or to a solid waste  
68 transfer station from which the recyclable materials will be shipped for disposal.

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