

SENATE No. 1487

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

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:

1 SECTION 1. Chapter 94 of the General Laws, as appearing in the 2004 Official
2 Edition, is hereby amended by inserting the following new section:

3 Section 323G.

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

9 Not less than sixty percent of amounts deposited in the Fund annually shall be used for
10 creation and support of waste reduction, recycling and composting programs, outreach,
11 infrastructure and market development in the public, private and institutional sectors, as set forth
12 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 investigate fraudulent activities and illegal redemptions, the review of reports submitted by bottlers and distributors in accordance with Section 323B of Chapter 94 of the General Laws and the review of all expenditures from the Fund to determine whether said monies are being used for their intended purpose.

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

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

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

municipal recycling and waste reduction program improvements, including unit-based pricing, single stream collection, composting, and public space recycling

35 municipal recycling equipment

36 school recycling and composting program establishment and improvements

37 commercial and institutional recycling and composting program establishment and

38 improvements

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

40 recycling and waste reduction outreach and education – schools and the general public

41 market development for recovered materials

42 enforcement of Waste Bans (9310 CMR 19.017) by the Department of Environment

43 Protection

44 other activities as recommended by the department

45 SECTION 3. Section 323D of Chapter 94 is amended by inserting in place of the words

46 “twenty three F” in line 8, the following words, twenty -three G.

47 SECTION 4. Section 3 of Chapter 21 of the General Laws as appearing in the 2004

48 Official Edition, is hereby amended by:- inserting after the last sentence the following new

49 sentence:- With funding from Chapter 94 Section 323G (d) the commissioner shall establish a

50 program to increase recycling opportunities for all property under his control. The commissioner

51 shall file a report on all programs supported by this Fund annually with the joint committee on

52 environment, natural resources and agriculture, on or before December 31st of each year. The

53 report shall contain, but not be limited to, activities promoting recycling on property under the

control of the division of urban parks and recreation and the division of state parks and recreation.

SECTION 5. Chapter 21H of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after Section 7, the following new section:- Section 7A. The department with funding from Chapter 94, Section 323G (b), shall establish a program to increase recycling opportunities at all publicly owned facilities and shall work with all appropriate state and local agencies and other entities to establish such a program.

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

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