

HOUSE No. 1142

The Commonwealth of Massachusetts

PRESENTED BY:

Jason M. Lewis

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 adoption of the accompanying bill:

An Act to reduce solid waste and save money for cities and towns.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Jason M. Lewis</i>	<i>31st Middlesex</i>	
<i>Cory Atkins</i>	<i>14th Middlesex</i>	<i>1/31/2011</i>
<i>William N. Brownsberger</i>		<i>1/28/2011</i>
<i>James B. Eldridge</i>		<i>2/2/2011</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>	<i>1/28/2011</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>	<i>2/4/2011</i>

HOUSE No. 1142

By Mr. Lewis of Winchester, a petition (accompanied by bill, House, No. 1142) of Jason M. Lewis and others that the Department of Environmental Protection develop specific targets for solid waste reduction in cities and towns. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act to reduce solid waste and save money for cities and towns.

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. It shall be the purpose of this Act to provide for an improved system of solid
2 waste management that reduces the total amount of residential solid waste disposed of by means
3 of landfill, incineration, transport out of the Commonwealth, and other means in order to
4 increase recycling and waste diversion, and in doing so to reduce the cost of government
5 services, while improving the quality of the environment in the Commonwealth.

6 Section 2. Consistent with the Massachusetts 2010-2020 Solid Waste Master Plan, the
7 department of environmental protection shall develop specific targets for solid waste reduction
8 that cities and towns must achieve by 2012, 2014 and 2016. The department shall determine the
9 appropriate measure to use when determining these targets, whether that should be pounds of
10 residential solid waste per capita per year, pounds of residential solid waste per household per
11 year, diversion rate, or some other measure. The measurement shall only include individuals and
12 solid waste amounts associated with the solid waste programs operated by or caused to be
13 operated by a municipality.

14

15 Section 3. The measurement of residential solid waste as stipulated by the department of
16 environmental protection shall be reported to said department by the cities and towns of the
17 Commonwealth by February 1 of each year, covering the period from January 1 to December 31
18 of the preceding year. The department will issue a report each year available to the public which
19 compiles solid waste management results from the cities and towns of the Commonwealth.

20 Section 4. Cities and towns which fail to achieve the targets set forth in Section 2 shall
21 not be subject to enforcement action during the first six months of non-compliance with said
22 targets but thereafter may be subject to an excess waste surcharge with the amount to be
23 determined by the commissioner of the department of environmental protection.

24 No later than June 15, 2012, the department of environmental protection shall promulgate
25 rules and regulations stipulating the enforcement and appeals processes with regard to
26 surcharging for failure to comply with this Act. Any surcharge levied by the department of
27 environmental protection may be appealed by a city or town to said department pursuant to the
28 rules and regulations provided for in this section. The determination of said department with
29 regard to an appeal may be appealed to superior court. The department of environmental
30 protection shall not levy a surcharge against a city or town which, upon investigation, was found
31 to have taken good faith efforts to achieve compliance with the solid waste reduction targets, but
32 for which the implementation of waste reduction programs, including public education, has
33 failed to achieve said targets.

34 Section 5. Revenue from enforcement surcharges provided for in this Act shall be
35 credited to and deposited in an expendable trust, established pursuant to Massachusetts General

Law Chapter 7 Section 4F and General Law Chapter 6A Section 6, to be called the environmental quality expendable trust, the proceeds of which shall be invested by the treasurer and which shall be under the care and custody of the commissioner of the department of environmental protection. Interest earnings on funds deposited in said trust shall be credited to and become part of said trust. The proceeds of said trust may be expended by said commissioner of environmental protection without further appropriation to provide assistance to cities and towns in the Commonwealth in achieving the residential solid waste reduction targets. The commissioner shall cause to be filed with the chairs of the House and Senate committees on ways and means an annual report regarding the revenues, expenditures and grants provided from said expendable trust.

Section 6. In the event that a city or town fails to achieve the waste reduction targets as determined by the department of environmental protection, and said failure continues for a period of twenty four months, the department of environmental protection shall be authorized to bring suit against said city or town in superior court to compel said city or town to implement specific residential solid waste reduction programs in order to achieve compliance with said targets within the shortest reasonable time. Solid waste reduction programs established pursuant to this section may be modified by the city or town upon written certification by the chief executive officer of said city or town, accompanied by sufficient and appropriate evidence that the proposed modifications will reduce the amount of residential solid waste disposed of by said city or town more than the solid waste reduction programs imposed pursuant to the provisions of this section. No such modification or rescission shall occur until approved in writing by the commissioner of the department of environmental protection and by the superior court.

58 Section 7. No later than June 15, 2012, the department of environmental protection shall
59 make training available to all cities and towns with regard to the collection and reporting of solid
60 waste disposal information. In the event of intentional false or negligent reporting of solid waste
61 information to said department by any city or town, the commissioner of the department of
62 environmental protection shall be authorized to fine said city or town no more than \$2,000 for
63 each instance of false reporting and in addition shall levy any surcharge that may have been
64 established by the department for actual amounts of excess residential solid waste disposed of
65 but not reported by said city or town.

66 Section 8. The department of environmental protection may promulgate rules and
67 regulations to ensure the implementation of this Act, including, without limitation, rules and
68 regulations that govern enforcement, grant programs funded by surcharge-related revenue, and
69 the means of measuring solid waste amounts and reduction targets.