

**HOUSE . . . . . No. 1142**

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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.

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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

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

46 Section 6. In the event that a city or town fails to achieve the waste reduction targets as  
47 determined by the department of environmental protection, and said failure continues for a  
48 period of twenty four months, the department of environmental protection shall be authorized to  
49 bring suit against said city or town in superior court to compel said city or town to implement  
50 specific residential solid waste reduction programs in order to achieve compliance with said  
51 targets within the shortest reasonable time. Solid waste reduction programs established pursuant  
52 to this section may be modified by the city or town upon written certification by the chief  
53 executive officer of said city or town, accompanied by sufficient and appropriate evidence that  
54 the proposed modifications will reduce the amount of residential solid waste disposed of by said  
55 city or town more than the solid waste reduction programs imposed pursuant to the provisions of  
56 this section. No such modification or rescission shall occur until approved in writing by the  
57 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.