

**HOUSE . . . . . No. 765**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Paul McMurtry and 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 adoption of the accompanying bill:

An Act to reduce solid waste and provide universal recycling access.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	
<i>Robert M. Koczera</i>	<i>11th Bristol</i>	<i>1/18/2013</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>	
<i>Kay Khan</i>	<i>11th Middlesex</i>	
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>	
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	
<i>Denise Provost</i>	<i>27th Middlesex</i>	
<i>James M. Cantwell</i>	<i>4th Plymouth</i>	
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>	
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	

**HOUSE . . . . . No. 765**

By Messrs. McMurtry of Dedham and Koczera of New Bedford, a petition (accompanied by bill, House, No. 765) of Paul McMurtry and others for legislation to reduce the total amount of solid waste disposed of by means of landfill and incineration. Environment, Natural Resources and Agriculture.

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Thirteen**

An Act to reduce solid waste and provide universal recycling access.

*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. Whereas it is in the public interest to minimize the amount of discarded  
2 material disposed of by means of land filling and incineration, and to maximize the recovery of  
3 materials for reuse, recycling or other beneficial use, therefore every residence, business and  
4 institution must have access to and make use of comprehensive waste management service which  
5 is both convenient and cost effective.

6           It shall be the purpose of this Act to provide for, and require the use of, a consistent  
7 system of solid waste management across public and private sectors that reduces the total amount  
8 of solid waste disposed of by means of landfill and incineration, both in and outside of the  
9 Commonwealth, conserves energy and resources, reduces greenhouse gas emissions from the  
10 manufacture and disposal of consumer products, and enables discarded products and materials  
11 (“recovered materials”) to be repurposed for their highest beneficial uses, as stated in the  
12 “Massachusetts 2010-2020 Solid Waste Master Plan”.

13           Section 2. On and after October 1, 2014, all businesses and all residential dwellings that  
14 generate commercial solid waste shall arrange for recycling services, consistent with state or  
15 local laws or requirements, including a local ordinance or agreement, applicable to the collection,  
16 handling, or recycling of solid waste, to the extent that these services are offered and reasonably  
17 available from a local service provider.

18 All generators shall source separate recyclable materials from solid waste and subscribe  
19 to a basic level of recycling service that includes collection, self-hauling, or other arrangements  
20 for the pickup of the recyclable materials.

21 Section 3. Collection of waste and recovered materials shall be provided to customers by  
22 haulers at a single rate, and in such a way as to encourage recovery and discourage the disposal  
23 of recoverable commodities, with conditions for exemptions to be determined by the department  
24 of environmental protection (“department”). Receptacles of the appropriate sizes for the various  
25 waste streams shall be provided, located in proximity to each other, and collected regularly.  
26 Except under extreme circumstances as determined by the department, recyclables shall not be  
27 brought to a disposal facility either in or outside the Commonwealth, but shall be delivered to a  
28 facility that will put the materials to their highest beneficial use. Documentation of this shall be  
29 provided to the department.

30 Section 4. Haulers shall annually provide each customer with instructions on the proper  
31 use of their comprehensive waste management services.

32 Section 5. The department shall have the authority and responsibility to enforce the  
33 provisions of 310 CMR 19.017 (the “waste bans”) on generators and haulers as well as disposal  
34 facilities, and to make public all enforcement actions resulting in penalties.

35 All entities that provide solid waste collection services in the Commonwealth (“haulers”)  
36 shall be subject to regulation by the department. In order to operate in the Commonwealth,  
37 haulers shall register with the department, subject to an administrative fee as set by the  
38 department. All registered haulers shall document to the department the methods of their  
39 provision of comprehensive and convenient collection services to all their customers to recover  
40 and avoid disposal of the following materials at a minimum: recyclable paper; metal, glass and  
41 rigid plastic containers; and any other materials specified by the department which are banned  
42 from disposal pursuant to 310 CMR 19.017, and which are regularly generated by their service  
43 recipients.

44 Section 6. The measurement of solid waste as stipulated by the department of  
45 environmental protection shall be reported to said department by the waste and recycling  
46 processing facilities of the Commonwealth, and by all haulers who transport material for disposal  
47 and recycling outside the Commonwealth by February 1 of each year, covering the period from  
48 January 1 to December 31 of the preceding year. The department will issue a report each year  
49 available to the public which compiles solid waste management results in the aggregate by  
50 material from all waste haulers in the Commonwealth.

51 No later than July 1, 2014, the department shall promulgate rules and regulations  
52 stipulating the enforcement and appeals processes with regard to penalties for failure to comply  
53 with this Act. Any surcharge levied by the department of environmental protection may be  
54 appealed to said department pursuant to the rules and regulations provided for in this section.

55 The determination of said department with regard to an appeal may be appealed to superior  
56 court.

57 Section 7. Revenue from registration fees and enforcement penalties provided for in this  
58 Act shall be credited to and deposited in an expendable trust, established pursuant to  
59 Massachusetts General Law Chapter 7 Section 4F and General Law Chapter 6A Section 6, to be  
60 called the environmental quality expendable trust, the proceeds of which shall be invested by the  
61 treasurer and which shall be under the care and custody of the commissioner of the department of  
62 environmental protection. Interest earnings on funds deposited in said trust shall be credited to  
63 and become part of said trust. The proceeds of said trust shall be expended by said  
64 commissioner of environmental protection without further appropriation to cover administrative  
65 costs for the implementation and enforcement of this Act, and to provide low interest loans to  
66 haulers for equipment with which to implement the provisions of the regulations promulgated as  
67 a result of this Act. The commissioner shall cause to be filed with the chairs of the House and  
68 Senate committees on ways and means an annual report regarding the revenues, expenditures and  
69 loans provided from said expendable trust.

70 Section 8. No later than August 1, 2014, the department of environmental protection  
71 shall make training available to all haulers with regard to the regulations pursuant to the  
72 collection and reporting of solid waste disposal and recovery information. In the event of  
73 intentional false or negligent reporting of solid waste information to said department by any  
74 hauler, the commissioner of the department of environmental protection shall be authorized to  
75 fine said hauler no more than \$2,000 for each instance of false reporting.

76 Section 9. The department of environmental protection may promulgate rules and  
77 regulations to ensure the implementation of this Act, including, without limitation, rules and  
78 regulations that govern enforcement, grant programs funded by registration and penalty-related  
79 revenue, and the means of measuring solid waste and recovered material volumes.