HOUSE DOCKET, NO. 2959 FILED ON: 1/18/2013

HOUSE . . . . . No. 765

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

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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:

Section 1. Whereas it is in the public interest to minimize the amount of discarded material disposed by means of land filling and incineration, and to maximize the recovery of materials for reuse, recycling or other beneficial use, therefore every residence, business and institution must have access to and make use of comprehensive waste management service which is both convenient and cost effective.

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

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

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

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

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

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

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

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

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

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

Section 7. Revenue from registration fees and enforcement penalties provided for in this Act shall be 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 shall be expended by said commissioner of environmental protection without further appropriation to cover administrative costs for the implementation and enforcement of this Act, and to provide low interest loans to haulers for equipment with which to implement the provisions of the regulations promulgated as a result of this Act. 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 loans provided from said expendable trust.

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

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