

HOUSE No. 3233

The Commonwealth of Massachusetts

PRESENTED BY:

Michelle M. DuBois

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 prohibiting the burning of construction and demolition waste as fuel.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|---------------------------|------------------------------|------------------|
| <i>Michelle M. DuBois</i> | <i>10th Plymouth</i> | <i>1/20/2017</i> |
| <i>José F. Tosado</i> | <i>9th Hampden</i> | |
| <i>Paul R. Heroux</i> | <i>2nd Bristol</i> | <i>1/30/2017</i> |
| <i>Sal N. DiDomenico</i> | <i>Middlesex and Suffolk</i> | |

HOUSE No. 3233

By Ms. DuBois of Brockton, a petition (accompanied by bill, House, No. 3233) of Michelle M. DuBois and others relative to the burning of construction and demolition waste as biofuel and further regulating the permitting or operation of energy-generating facilities. Public Health.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act prohibiting the burning of construction and demolition waste as fuel.

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 111 of the General Laws is hereby amended by adding the
2 following sections:-

3 Section 142P. Whereas construction materials are frequently treated with treated with
4 toxic preservatives, including but not limited to, copper chromium arsenate, creosote, or
5 pentachlorophenol, and the burning of construction and demolition waste as biofuel needlessly
6 risks the release of such toxic substances into the environment and communities, the burning of
7 construction and demolition waste as a source of biofuel in energy generating facilities shall be
8 prohibited. Notwithstanding any general or special law, rule or regulation to the contrary, no
9 energy-generating facility, as defined by Section 69G of Chapter 164, shall be permitted to burn
10 any manner of construction or demolition waste or any manner of material intended for use
11 principally in construction as fuel.

12 As this Act concerns a matter of public health, this section shall be deemed an emergency
13 measure and take effect immediately.

14 Section 142Q. By no later than 60 days after the effective date of this Act, the Secretary
15 of Energy and Environmental Affairs shall amend any regulations or policies regarding the
16 permitting or operation of energy-generating facilities to be in conformity with this Act. The
17 Secretary may temporarily suspend or modify any permitting proceeding to be in conformity
18 with this Act. The Secretary may deem such amendments, suspensions, or modifications to be
19 emergency regulations or measures in the interest in immediate public health.