

SENATE No. 439

The Commonwealth of Massachusetts

PRESENTED BY:

Anne M. Gobi

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 relative to solid waste practices.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | |
|--------------------------|--|-----------------|
| <i>Anne M. Gobi</i> | <i>Worcester, Hampden, Hampshire and Middlesex</i> | |
| <i>Denise Provost</i> | <i>27th Middlesex</i> | <i>2/3/2017</i> |
| <i>Mike Connolly</i> | <i>26th Middlesex</i> | <i>2/3/2017</i> |
| <i>James B. Eldridge</i> | <i>Middlesex and Worcester</i> | <i>2/3/2017</i> |
| <i>Todd M. Smola</i> | <i>1st Hampden</i> | <i>2/3/2017</i> |
| <i>Mary S. Keefe</i> | <i>15th Worcester</i> | <i>2/3/2017</i> |
| <i>Chris Walsh</i> | <i>6th Middlesex</i> | <i>2/3/2017</i> |

SENATE No. 439

By Ms. Gobi, a petition (accompanied by bill, Senate, No. 439) of Anne M. Gobi, Denise Provost, Mike Connolly, James B. Eldridge and other members of the General Court for legislation to create a solid waste council. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

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

An Act relative to solid waste practices.

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. Section 18 of Chapter 16 of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by adding the following definitions: -

3 “Commercial Organic Material” food material and vegetative material from any entity
4 that generates more than one-half ton of those materials for solid waste disposal per week, but
5 excludes material from a residence.

6 “Food Material” material produced from human or animal food production, preparation
7 and consumption activities and which consists of, but is not limited to, fruits, vegetables, grains,
8 and fish and animal products and byproducts.

9 “Mattress” any resilient material or combination of materials that is enclosed by ticking,
10 used alone or in combination with other products, and that is intended for or promoted for
11 sleeping upon. Mattress includes any foundation and any renovated mattress.

12 Mattress does not include any mattress pad, mattress topper, sleeping bag, pillow, car
13 bed, carriage, basket, dressing table, stroller, playpen, infant carrier, lounge pad, crib bumper,
14 liquid or gaseous filled ticking, including any water bed and any air mattress that does not
15 contain upholstery material between the ticking and the mattress core, and any upholstered
16 furniture that does not otherwise contain a detachable mattress.

17 “Residence” or “Residential” a single, multi-family, or group home, or apartment
18 complex. A group home means an establishment, usually resembling a private home, for
19 providing a small group of persons with special needs, such as handicapped or elderly persons or
20 children, with lodging and supervised care. Residence does not include any centralized dining
21 facility.

22 “Restricted Material” any material subject to a waste restriction at a solid waste
23 management facility.

24 “Textiles” all clean clothing, (including tops, bottoms, outerwear, bras and underwear),
25 footwear, (including shoes, boots, sandals, cleats and slippers), accessories (including hats, bags,
26 belts, gloves, ties), linens (including sheets, blankets, curtains, comforters, rugs, placemats and
27 pillows), costumes, stuffed animals, pet beds and pet clothing.

28 “Vegetative Material” plant material.

29 SECTION 2. Chapter 16 of said Chapter 90 of the General Laws, as so appearing, is
30 hereby amended by adding after section 24B the following new sections: -

31 Section 25. (a) There shall be a solid waste council, hereinafter referred to as the council.

32 The council shall consist of the following members: the commissioner of the Department or the

33 commissioner's designee, who shall serve as chair; 3 members to be appointed by the governor,
34 1 of whom shall have a member of the solid waste industry or a consultant to that industry, 1 of
35 whom shall be affiliated with a university studying and/or teaching about solid waste, and one of
36 whom shall be a waste reduction advocate; 3 members to be appointed by the senate chair of the
37 joint committee on environment, natural resources and agriculture, 1 of whom shall have a
38 member of the solid waste industry or a consultant to that industry, 1 of whom shall be affiliated
39 with a university studying and/or teaching about solid waste, and one of whom shall be a waste
40 reduction advocate; and 3 members to be appointed by the house chair of the joint committee on
41 environment, natural resources and agriculture, 1 of whom shall have a member of the solid
42 waste industry or a consultant to that industry, 1 of whom shall be affiliated with a university
43 studying and/or teaching about solid waste, and 1 of whom shall be a waste reduction advocate.
44 The Department shall provide the council with qualified administrative staff and qualified
45 technical assistance to the council.

46 (b) The council shall be charged with developing a report outlining best practices in
47 source reduction, consumption reuse, repair, and manufacture to be used in the development of
48 solid waste recommendations for commonwealth

49 (c) The council shall also make recommendations for the spending of funds gathered as a
50 result of the "disposal surcharge" established by section 27 of this chapter.

51 (d) The best practices developed under this section shall aim to decrease waste generation
52 and disposal in the commonwealth; decrease use of high heat or Subtitle D landfilling disposal,
53 decrease the severity and incidence of toxic releases associated with waste disposal in the

54 commonwealth, and increase reuse, repair and remanufacture, recycling and composting in the
55 commonwealth.

56 (e) The council shall conduct at least 6 public hearings, including at least 1 in each of the
57 Department's four regional offices, before final approval of the report. The council shall provide
58 interested persons with an opportunity to submit their views orally and in writing and the
59 department may create and maintain a website to allow members of the public to submit
60 comments electronically and to review comments submitted by others. The council shall provide
61 notice of each public hearing by publication in a newspaper of general circulation in the region in
62 which the hearing is to be located in each of 2 successive weeks, the first publication to be at
63 least 14 days before the day of the hearing and, if feasible, by posting a notice in a conspicuous
64 place in the cities or towns within the highway district for at least 14 consecutive days
65 immediately prior to the day of the hearing.

66 Section 26. The Department shall;

67 (a) Conduct a waste composition study for the commonwealth every five years.

68 (b) Assemble an inventory of reuse/recycling, repair, manufacturers, re-manufacturing
69 organizations or businesses, update it each year and publish on the Department's website.

70 (c) Conduct a comprehensive yearly discard study to ascertain what percentage of
71 materials separated for recycling and composting are recycled, composted and discarded.

72 (d) Require reporting from secondary recycling markets with an aim to better understand
73 how best to encourage the ultimate reuse, re-manufacture and recycling of materials.

74 (e) Release yearly report of annual disposal and diversion tonnages for the previous year
75 by May 1.

76 (f) Increase annual data collection as recommended by the council's report defined
77 above.

78 Section 27. (a) The operator of all incinerators, landfills, resource recovery facilities and
79 transfer stations shall pay to the Department five dollars per ton of solid waste processed at the
80 facility, a "Disposal Surcharge." Said amount shall be increased every January first, effective
81 January first, two thousand and eighteen by the percentage increase of the Boston Consumer
82 Price Index for all urban consumers for the twelve month period ending the previous October
83 first.

84 Section 28. The Department shall develop a five year zero waste plan for any
85 municipality that disposes of more than 600 pounds of waste per capita per year for more than
86 two years in a row. That zero waste plan shall include a pay as you throw program designed to
87 decrease disposal by at least 30% over that five years, and the Department shall assist the
88 municipality in implementing the zero waste plan.

89 Section 29. All materials to be disposed of at incinerators, landfills, resource recovery
90 facilities and transfer stations shall be placed in clear plastic bags to enable the Department to
91 enforce the Waste Bans defined below and at 310 CMR 19.00.

92 No opaque garbage bags may be used for any materials to be disposed of at incinerators,
93 landfills, resource recovery facilities or transfer stations.

94 Section 30.

95 (a)For the purposes of this section, all terms not defined in Chapter 16 shall use the
96 definitions in 310 CMR 19.00.

97 (b) Disposal or contract for disposal shall include, but not be limited to (i) entering into
98 an agreement to dispose or transport for disposal of materials restricted from disposal; (ii)
99 depositing restricted materials for collection, contracting for the collection of such materials or
100 collecting or transporting such materials in a manner which results in the disposal of materials;
101 or (iii) intentionally contaminating or co-mingling with solid waste pre-sorted material restricted
102 from disposal which would result in the need to dispose of said material.

103 (c) Restrictions on the disposal or transfer for disposal of the materials

104 listed herein shall apply as specified. No person shall dispose, transfer for disposal, or
105 contract for disposal or transport of the restricted material, except in accordance with the
106 restriction established in the Table. Any person who disposes, transfers for disposal or contracts
107 for disposal or transport of restricted material may be subject to enforcement by the Department
108 pursuant to 310 CMR 19.081. No landfill, transfer facility incinerator, resource recovery facility
109 or other combustion facility shall accept the restricted material except to handle, recycle or
110 compost the material in accordance with a plan submitted pursuant to 310 CMR 19.017(6) and
111 approved by the Department.

112 (d) Restricted materials shall include:

113 (1)Lead Batteries

114 (2)Leaves

115 (3)Tires

- 116 (4)White Goods
- 117 (5)Other Yard Waste
- 118 (6)Aluminum
- 119 (7)Containers
- 120 (8)Metal or Glass Containers
- 121 (9)Single Polymer Plastics
- 122 (10)Recyclable Paper
- 123 (11)Cathode Ray Tubes
- 124 (12)Asphalt Pavement, Brick and Concrete
- 125 (13)Metal
- 126 (14)Wood
- 127 (15)Clean Gypsum Wallboard
- 128 (16)Commercial Organic Material
- 129 (17)Textiles

- 130 (e) The Department may allow a facility or person to temporarily dispose or temporarily
- 131 contract for the disposal of restricted materials, with prior notification and approval of the
- 132 Department, under the following circumstances:

133 (i) the material is contaminated or is otherwise not acceptable for recycling or
134 composting, provided that the person who contaminated or rendered the material unfit for
135 recycling or composting takes any action necessary to prevent a recurrence of the conditions
136 which contaminated or rendered the material unfit; or

137 (ii) the recycling or composting operation or end user to which the restricted material is
138 normally sent declines to accept the material or is prohibited from accepting the material as a
139 result of an administrative or judicial order, provided that an alternative recycling or composting
140 operation or storage facility which will accept the material cannot be found within a reasonable
141 time.

142 Section 31. If a load or loads of materials are not recycled by a secondary market
143 participant who has received materials delivered by a municipal recycling facility or construction
144 and demolition processor, the secondary market participant shall report the amount of the
145 contamination received in the load, or loads, and the name of the municipal recycling facility or
146 construction and demolition processor they received it from to the Department. The Department
147 shall post this information on their website and include it in the report established in section 26.
148 For the purposes of this section, “secondary market participants” shall include processors,
149 benefactors, and recyclers