

HOUSE No. 753

The Commonwealth of Massachusetts

PRESENTED BY:

Marjorie C. Decker

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 public space recycling.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/18/2019</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	<i>2/1/2019</i>

HOUSE No. 753

By Ms. Decker of Cambridge, a petition (accompanied by bill, House, No. 753) of Marjorie C. Decker and Jonathan Hecht relative to recycling by state agencies. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to public space recycling.

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 21A of the General Laws is amended by inserting after section 27,
2 inserted by section 5 of chapter 209 of the acts of 2018, the following new section:-

3 Section 28. (a) As used in this section the following words, unless the context clearly
4 requires otherwise, shall have the following meanings:-

5 "Agency", any state agency, state authority, commission or political subdivision thereof,
6 any state higher education facility or state office.

7 "Commissioner," the Commissioner of the Department of Environmental Protection.

8 "Court", any trial court department, appeals court and the supreme judicial court.

9 "Department," the Department of Environmental Protection.

10 “Glass Containers,” glass bottles and jars (soda-lime glass) but excluding light bulbs,
11 Pyrex cookware, plate glass, drinking glasses, windows, windshields and ceramics.

12 “Metal containers”, aluminum or bi-metal beverage cans and food containers.

13 “Paper”, all paper, corrugated cardboard, paperboard products, except tissue paper,
14 toweling, wax-coated corrugated cardboard, and other low-grade paper products.

15 “Plastic bottles”, all narrow-neck, single polymer plastic containers where the diameter of
16 the mouth of the container is less than the diameter of the body of the container.

17 "Public building," a building or transit facility owned by the Commonwealth or any
18 political subdivision thereof, or in an any enclosed indoor space occupied by a state agency or
19 department of the Commonwealth which is located in a building not owned by the
20 Commonwealth.

21 (b) By January 1, 2020, every agency and court of the Commonwealth of Massachusetts,
22 individually or in conjunction with other agencies or courts, shall recycle glass containers, metal
23 containers, paper and plastic bottles and shall provide recycling receptacles for gathering said
24 materials in public buildings that currently provide waste disposal services to tenants and the
25 general public.

26 In all public spaces accessible by the general public in said public buildings, all waste
27 receptacles must be accompanied by an adjacent recycling receptacle.

28 If said public building is not owned by the Commonwealth of Massachusetts nor any
29 political subdivision thereof, the agency or court shall work with the property owner, manager or

30 their representative to implement a program to recycle glass containers, metal containers, paper
31 and plastic bottles by July 1, 2020.

32 Every lease agreement, including but not limited to renewals of existing leases, entered
33 into by an agency or court of the Commonwealth after the effective date of this act shall contain
34 a provision that requires recycling of glass containers, metal containers, paper and plastic bottles
35 pursuant to this section.

36 The department shall promulgate such rules, regulations, plans, proposals, and procedures
37 as are necessary and appropriate to promote recycling of said materials pursuant to this section.

38 (c) By January 1, 2020, every agency or court of the Commonwealth of Massachusetts
39 that operates public open space, including, but not limited to, public parks, conservation land and
40 recreational areas, shall recycle glass containers, metal containers, paper and plastic bottles in
41 said open spaces that currently provide waste disposal services to the general public.

42 In said open spaces, recycling receptacles must be placed adjacent to at least half of the
43 waste receptacles at the open space, and shall include proper signage indicating the availability
44 of proper recycling receptacles located in the open space.

45 By July 1, 2020, public open spaces that do not offer any waste disposal services must
46 offer reasonably placed signage and educational materials to promote proper recycling or waste
47 disposal in an effort to minimize litter.

48 The department shall promulgate such rules, regulations, plans, proposals, and procedures
49 as are necessary and appropriate to promote recycling of said materials pursuant to this section.

50 (d) By January 1, 2020, facilities visited by at least five thousand individuals annually,
51 including but not limited to stadiums, arenas, marinas, airports, museums and theaters, shall
52 recycle glass containers, metal containers, paper and plastic bottles and shall provide recycling
53 receptacles for gathering said materials in all areas accessible by the general public.

54 In said facilities, recycling receptacles must be placed adjacent to at least half of the
55 waste receptacles at the facilities, and shall include proper signage indicating the availability of
56 proper recycling receptacles located in the facility.

57 The department shall promulgate such rules, regulations, plans, proposals, and procedures
58 as are necessary and appropriate to promote recycling of said materials pursuant to this section to
59 ensure compliance at said facilities.

60 The Department shall have the authority and responsibility to directly enforce the
61 provision of 310 CMR 19.017 on the said facility owners, managers or their representatives and
62 to make public all enforcement actions resulting in penalties.

63 (e) By January 1, 2021, all municipalities in the Commonwealth shall file a formal plan
64 with the department that establishes the availability of recycling receptacles for gathering glass
65 containers, metal containers, paper and plastic bottles for all municipally-owned and managed
66 public spaces, including but not limited to, public buildings and parks, as well as all municipally-
67 owned and managed high traffic areas. Said plans must begin implementation by no later than
68 January 1, 2022.

69 The department shall promulgate such rules, regulations, plans, proposals, and procedures
70 as are necessary and appropriate to promote recycling of said materials pursuant to this section

71 and shall establish reasonable and appropriate thresholds for recycling receptacle availability in
72 high-traffic areas based on, but not limited to, population density of a municipality.

73 (f) In the event of ongoing noncompliance by an agency or court in violation of the
74 provisions of section 25 and section 26 inclusive, the department shall be authorized to fine said
75 agency or court no more than \$500 for each instance of noncompliance.

76 In the event of ongoing noncompliance by a privately-owned facility in violation of the
77 provisions of section 28 inclusive, the department shall be authorized to fine the owner, manager
78 or representative of said facility no more than \$2,000 for each instance of noncompliance.

79 In the event of ongoing noncompliance by a municipality in violation of the provisions of
80 section 28 inclusive, the department shall be authorized to fine said municipality no more than
81 \$500 for each instance of noncompliance.

82 Revenue from enforcement penalties provided for in this act shall be credited to and
83 deposited in an expendable trust, established pursuant to section 4F of chapter 7 and section 6 of
84 chapter 6A, to be called the sustainable materials management expendable trust, the proceeds of
85 which shall be invested by the treasurer and which shall be under the care and custody of the
86 commissioner of the department. Interest earnings on funds deposited in said trust shall be
87 credited to and become part of said trust. The proceeds of said trust shall be expended by the
88 department without further appropriation to cover administrative costs for the implementation
89 and enforcement of this act, including but not limited to, supporting additional staff and
90 enforcement officers and to notify, inform and provide further education regarding the rules and
91 regulations related to this act.

92 (g) The department shall cause to be filed with the chairs of the House and Senate
93 committees on ways and means an annual report regarding the revenues, expenditures and loans
94 provided from said expendable trust. The department shall promulgate rules and regulations to
95 ensure the implementation of this act, including, without limitation, rules and regulations that
96 govern enforcement and appeals process with regard to failure to comply with the provisions of
97 said sections, grant programs funded by penalty-related revenue, and the means of measuring
98 aggregate waste and recovered material volumes.