HOUSE DOCKET, NO. 3830 FILED ON: 2/19/2021

HOUSE . . . . . No. 881

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:
Marjorie C. Decker	*25th Middlesex*	*2/19/2021*
Jason M. Lewis	*Fifth Middlesex*	*2/25/2021*
Christina A. Minicucci	*14th Essex*	*2/26/2021*
Michelle L. Ciccolo	*15th Middlesex*	*2/26/2021*
David Allen Robertson	*19th Middlesex*	*2/26/2021*
Nika C. Elugardo	*15th Suffolk*	*2/26/2021*
Dylan A. Fernandes	*Barnstable, Dukes and Nantucket*	*3/8/2021*
Daniel J. Ryan	*2nd Suffolk*	*3/10/2021*
Joanne M. Comerford	*Hampshire, Franklin and Worcester*	*3/18/2021*

HOUSE DOCKET, NO. 3830 FILED ON: 2/19/2021

HOUSE . . . . . No. 881

By Ms. Decker of Cambridge, a petition (accompanied by bill, House, No. 881) of Marjorie C. Decker and others relative to recycling by state agencies. Environment, Natural Resources and Agriculture.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *753* OF 2019-2020.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

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:

SECTION 1. Chapter 21A of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting after section 27 the following new section:-

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

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

“Commissioner,” the Commissioner of the Department of Environmental Protection.

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

“Department,” the Department of Environmental Protection.

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

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

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

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

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

(b) By January 1, 2022, every agency and court of the Commonwealth of Massachusetts, individually or in conjunction with other agencies or courts, shall recycle glass containers, metal containers, paper and plastic bottles and shall provide recycling receptacles for gathering said materials in public buildings that currently provide waste disposal services to tenants and the general public.

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

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

their representative to implement a program to recycle glass containers, metal containers, paper and plastic bottles by July 1, 2022.

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

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

(c) By January 1, 2022, every agency or court of the Commonwealth of Massachusetts that operates public open space, including, but not limited to, public parks, conservation land and recreational areas, shall recycle glass containers, metal containers, paper and plastic bottles in said open spaces that currently provide waste disposal services to the general public.

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

By July 1, 2022, public open spaces that do not offer any waste disposal services must offer reasonably placed signage and educational materials to promote proper recycling or waste disposal in an effort to minimize litter.

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

(d) By January 1, 2022, facilities visited by at least five thousand individuals annually, including but not limited to stadiums, arenas, marinas, airports, museums and theaters, shall recycle glass containers, metal containers, paper and plastic bottles and shall provide recycling receptacles for gathering said materials in all areas accessible by the general public.

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

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

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

(e) By January 1, 2023, all municipalities in the Commonwealth shall file a formal plan with the department that establishes the availability of recycling receptacles for gathering glass containers, metal containers, paper and plastic bottles for all municipally-owned and managed public spaces, including but not limited to, public buildings and parks, as well as all municipally-owned and managed high traffic areas. Said plans must begin implementation by no later than January 1, 2024.

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

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

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

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

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

Revenue from enforcement penalties provided for in this act shall be credited to and deposited in an expendable trust, established pursuant to section 4F of chapter 7 and section 6 of chapter 6A, to be called the sustainable materials management 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. 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 the department without further appropriation to cover administrative costs for the implementation and enforcement of this act, including but not limited to, supporting additional staff and enforcement officers and to notify, inform and provide further education regarding the rules and regulations related to this act.

(g) The department 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. The department shall promulgate rules and regulations to ensure the implementation of this act, including, without limitation, rules and regulations that govern enforcement and appeals process with regard to failure to comply with the provisions of said sections, grant programs funded by penalty-related revenue, and the means of measuring aggregate waste and recovered material volumes.