

**HOUSE . . . . . No. 4205**

---

The Commonwealth of Massachusetts

\_\_\_\_\_  
**In the Year Two Thousand Twelve**  
\_\_\_\_\_

An Act to reduce solid waste and generate municipal cost savings.

*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 16 of the General Laws is hereby amended by adding after section  
2 21 the following new section:-

3           Section 21A. (a) In conjunction with the statewide solid waste master plan, the  
4 department shall establish annual performance target goals for municipal solid waste reduction,  
5 based on total pounds of solid waste disposed per resident served per year. The department, in  
6 consultation with the solid waste advisory committee, shall consider the costs and benefits to a  
7 municipality in the setting of such goals. Such performance targets shall be established no later  
8 than July 1, 2013.

9           (b) Each municipality shall make a written report to the department, no later than first  
10 day of September of each year, of the total weight of solid waste disposed during the prior fiscal  
11 year, as well as the approximate number of households and residents served by that  
12 municipality’s solid waste disposal program. Such report shall be made in a form and with the  
13 information, as prescribed by the department.

14 By the first day of December of each year, the department shall provide information for  
15 all municipal solid waste disposal programs, which shall include annual per resident served solid  
16 waste disposal statistics for all such municipal programs. The department shall adopt rules and  
17 regulations consistent with this section, including but not limited to, grant incentive programs  
18 and the method of measurement of the amount solid waste disposed.

19 SECTION 2. As part of the Sustainable Materials Recovery Program, the department of  
20 environmental protection shall establish a solid waste reduction assistance program to assist  
21 municipalities in exceeding the waste reduction target goals established pursuant to section 21A  
22 of chapter 16, provided that such goal established for the disposal of solid waste for the 2016  
23 fiscal year, shall not be greater than 700 pounds per resident. Notwithstanding, the department  
24 may as necessary, reduce such target goals for a municipality that is selected to participate in the  
25 program, upon review and consideration of the municipality's type of solid waste disposal  
26 system and whether such disposal is comprised of commercial waste. Such program shall  
27 commence on or before July 1, 2013, and shall continue on a yearly fiscal basis unless  
28 terminated or suspended for any period; provided however, the establishment and continuation of  
29 such program shall be subject to the availability of operating and grant funding. The department  
30 by agreement with each participating municipality shall establish the duration of such program  
31 period; provided, the initial period shall not exceed 3 years. By agreement, the department may  
32 extend such program for an additional period not to exceed 3 years, provided the municipality  
33 had demonstrated more than moderate reduction in its solid waste disposed during the initial  
34 period of the program.

35 In connection with the program, the department of environmental protection shall  
36 establish 3 classes of municipal population density. Each year, the department shall select, as

37 part of a competitive application process, up to a total of 5 municipalities, but not less than 3  
38 municipalities, to participate in the solid waste reduction program. The department in its  
39 selection of participating municipalities shall, to the extent possible, select 1 municipality for  
40 each class of municipal population so established. Municipalities participating in such program  
41 may be eligible for focused technical assistance, capital improvement grants, and other assistance  
42 to meet and exceed the department's solid waste performance target goals as described in this  
43 section.

44           The department shall on an annual basis, dedicate the first \$350,000 of any revenue  
45 deposited for such year in the sustainable materials recovery program trust pursuant to 310 CMR  
46 19.303 to the solid waste reduction assistance program for assistance to municipalities.

47           Municipalities selected to participate in the solid waste reduction assistance program,  
48 shall enter into a written agreement with the department providing that a percentage of the  
49 annual net waste disposal savings to the participating municipality as a direct result of  
50 improvements to its disposal system resulting from the program, shall be remitted to the  
51 sustainable materials recovery program trust; provided, such agreed annual amount shall not be  
52 less than 10 percent. Payments to the trust shall commence at the start of the first fiscal year  
53 following the termination of the municipality's participation in the program. Such annual  
54 payments shall be remitted until: (i) the municipality has refunded the department 50 per cent of  
55 the initial grant or (ii) such required annual payment is remitted for the number of years the  
56 municipality participated in such program, whichever first occurs. The department by further  
57 agreement with the municipality may adjust the annual amount required to be remitted.  
58 Notwithstanding, the department shall be authorized to waive such payments to the trust, if it

59 first approves the reinvestment by the municipality of any such net savings in the community's  
60 waste reduction program.

61           Prior to the beginning of a fiscal year, the commissioner of the department of  
62 environmental protection, shall review the program's effectiveness and funding available for  
63 continuation of the program for the next fiscal year; and, notwithstanding any other provision,  
64 the commissioner shall have the authority in his discretion to temporarily suspend in whole or in  
65 part, or terminate such program for any reason related to such effectiveness or available funding.