

HOUSE No. 735

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 passage of the accompanying bill:

An Act to reinstate the landfill moratorium.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Anne M. Gobi	5th Worcester
Todd M. Smola	1st Hampden
Geraldo Alicea	6th Worcester
Denise Provost	27th Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 753 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO REINSTATE THE LANDFILL MORATORIUM.

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. Legislative findings. The legislature hereby finds and determines that solid waste
2 landfills potentially threaten public health by contaminating groundwater, polluting the air, and despoiling
3 the land. The legislature further finds and determines that the Massachusetts Constitution, Article 97 of
4 the Articles of Amendment, guarantees the right of Massachusetts residents to clean air and water; and
5 that to protect and preserve these rights the Commonwealth of Massachusetts should restore the
6 moratorium on landfilling, which was originally established in 1995, and should establish a solid waste
7 management program that will reduce the per capital generation of solid waste and increase recycling.

8 SECTION 2. Notwithstanding any general or special law to the contrary, the Department of
9 Environmental Protection is hereby authorized to reinstate the moratorium on the siting and permitting of
10 solid waste landfills.

11 SECTION 3. Section 150A of Chapter 111 of the General Laws is hereby further amended by adding the
12 following paragraphs:—

13 No site in any city or town be assigned as a site for a sanitary landfill or as a dumping ground for refuse,
14 or as an expansion thereof, unless said site assignment or expansion was in effect on or before July first,
15 two thousand.

16 The department shall not grant a permit for a sanitary landfill or a dumping ground for refuse, or for an
17 expansion thereof, unless said permit was granted on or before July first, two thousand.

18 SECTION 4. Chapter 16 of the General Laws is hereby amended by striking Section 19 and by striking
19 the second paragraph of section 20 and inserting in its place thereof the following:—

20 The comprehensive statewide master plan referred to herein shall describe, to the maximum practicable
21 extent, a short and long-range plan for reduction of the per capita generation of solid waste throughout the
22 commonwealth, the solid waste programs and facilities which the department determines to be necessary
23 or convenient to promote the reduction of waste generation and to increase recycling of solid waste in a
24 manner which protects the public health, safety and environment and is financially sound, and the funding
25 for the development of such facilities and programs which the department finds to be reasonable
26 necessary to accomplish said purposes.

27 SECTION 5. This act shall take effect upon its passage.