

HOUSE No. 766

The Commonwealth of Massachusetts

PRESENTED BY:

Robert M. Koczera

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 clean environment fund.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Robert M. Koczera	11th Bristol
John V. Fernandes	10th Worcester
Stephen Kulik	1st Franklin

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 792 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO REINSTATE THE CLEAN ENVIRONMENT FUND.

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 94 of the General Laws, as appearing in the 2004 Official Edition, is hereby
2 amended by inserting the following new section:

3 Section 323G.

- 4 (a) There shall be established on the books of the Commonwealth a separate fund to be known as the Clean
5 Environment Fund. All unredeemed bottle bill deposits collected pursuant to Chapter 94, sec. 323D shall
6 be deposited into the Clean Environment Fund. Amounts deposited in said fund shall be used solely for
7 programs and projects in the management of solid waste and for environmental protection.
- 8 (b) Not less than sixty percent of amounts deposited in the Fund annually shall be used for creation and support
9 of waste reduction, recycling and composting programs, outreach, infrastructure and market development
10 in the public, private and institutional sectors, as set forth in the department of environmental protection's
11 Solid Waste Management Plan: 2006 Revision
- 12 (c) Not less than one percent of amounts deposited annually in the Fund shall be used by the Office of the State
13 Auditor for the oversight of the bottle deposit law and Fund expenditures. Oversight activities shall
14 include, but not limited to, the performance of onsite reviews to investigate fraudulent activities and illegal
15 redemptions, the review of reports submitted by bottlers and distributors in accordance with Section 323B
16 of Chapter 94 of the General Laws and the review of all expenditures from the Fund to determine whether
17 said monies are being used for their intended purpose.
- 18 (d) Remaining amounts deposited annually in the Fund shall be appropriated for capital improvements under
19 the control of Department of Conservation and Recreation, Division of Parks for construction that meets
20 LEEDS building standards established by the U.S. Green Building Council

21 SECTION 2. Qualifying programs funded under Chapter 94, Section 323G (b) shall include but are not limited to:

- 22 (a) municipal recycling and waste reduction program improvements, including unit-based pricing, single
23 stream collection, composting, and public space recycling
- 24 (b) municipal recycling equipment
- 25 (c) school recycling and composting program establishment and improvements
- 26 (d) commercial and institutional recycling and composting program establishment and improvements
- 27 (e) recycling service provider grants, low interest equipment loans and tax incentives
- 28 (f) recycling and waste reduction outreach and education – schools and the general public

- 29 (g) market development for recovered materials
- 30 (h) enforcement of Waste Bans (9310 CMR 19.017) by the Department of Environment Protection
- 31 (i) other activities as recommended by the department

32 SECTION 3. Section 323D of Chapter 94 is amended by inserting in place of the words “twenty three F” in line 8,
33 the following words, twenty-three G.

34 SECTION 4. Section 3 of Chapter 21 of the General Laws as appearing in the 2004 Official Edition, is hereby
35 amended by:- inserting after the last sentence the following new sentence:- With funding from Chapter 94 Section
36 323G (d) the commissioner shall establish a program to increase recycling opportunities for all property under his
37 control. The commissioner shall file a report on all programs supported by this Fund annually with the joint
38 committee on environment, natural resources and agriculture, on or before December 31st of each year. The report
39 shall contain, but not be limited to, activities promoting recycling on property under the control of the division of
40 urban parks and recreation and the division of state parks and recreation.

41 SECTION 5. Chapter 21H of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by
42 inserting after Section 7, the following new section:- Section 7A. The department with funding from Chapter 94,
43 Section 323G (b), shall establish a program to increase recycling opportunities at all publicly owned facilities and
44 shall work with all appropriate state and local agencies and other entities to establish such a program.

45 SECTION 6. Section 33 of Chapter 92 of the General Laws as appearing in the 2004 Official Edition is hereby
46 amended by inserting after the first paragraph the following new paragraph:- With funding from Chapter 94 Section
47 323G 9 (d), the commissioner of the division shall (a) require the development and incorporation of recycling
48 opportunities into all reservation designs or redesigns and (b) establish a program to increase recycling opportunities
49 in all of the reservations under his control.

50 SECTION 7. After a period of five years from the implementation of this law, the funding level need shall be
51 evaluated by the department in consultation with the solid waste advisory committee, the joint committee on
52 environment, natural resources and agriculture and the Tellus Institute, and adjusted according to need.