

**HOUSE . . . . . No. 00890**

The Commonwealth of Massachusetts

PRESENTED BY:

*Alice K. Wolf*

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 updating the bottle bill.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Cynthia S. Creem</i>	<i>First Middlesex and Norfolk</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>
<i>Edward Copping</i>	<i>10th Suffolk</i>
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>William "Smitty" Pignatelli</i>	<i>4th Berkshire</i>
<i>Timothy R. Madden</i>	<i>Barnstable, Dukes and Nantucket</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>Cheryl A. Coakley-Rivera</i>	<i>10th Hampden</i>
<i>Jason M. Lewis</i>	<i>31st Middlesex</i>
<i>William N. Brownsberger</i>	<i>24th Middlesex</i>
<i>Thomas P. Conroy</i>	<i>13th Middlesex</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Cleon H. Turner</i>	<i>1st Barnstable</i>

<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Jay Kaufman</i>	<i>15th Middlesex</i>
<i>William M. Straus</i>	<i>10th Bristol</i>
<i>Gloria L. Fox</i>	<i>7th Suffolk</i>
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>
<i>Robert M. Koczera</i>	<i>11th Bristol</i>
<i>Harriett L. Stanley</i>	<i>2nd Essex</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Theodore C. Speliotis</i>	<i>13th Essex</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Stephen Kulik</i>	<i>1st Franklin</i>
<i>Martha M. Walz</i>	<i>8th Suffolk</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>
<i>Geraldine Creedon</i>	<i>11th Plymouth</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>Christine E. Canavan</i>	<i>10th Plymouth</i>
<i>Michael F. Rush</i>	<i>Suffolk and Norfolk</i>
<i>Thomas P. Kennedy</i>	<i>Second Plymouth and Bristol</i>
<i>Jeffrey Sánchez</i>	<i>15th Suffolk</i>
<i>Daniel Winslow</i>	<i>9th Norfolk</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Denise Andrews</i>	<i>2nd Franklin</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>
<i>Walter F. Timilty</i>	<i>7th Norfolk</i>
<i>Christopher N. Speranzo</i>	<i>3rd Berkshire</i>
<i>Carlo Basile</i>	<i>1st Suffolk</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>Byron Rushing</i>	<i>9th Suffolk</i>
<i>John V. Fernandes</i>	<i>10th Worcester</i>
<i>Gailanne Cariddi</i>	<i>1st Berkshire</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>

<i>Denise Garlick</i>	<i>13th Norfolk</i>
<i>Ellen Story</i>	<i>3rd Hampshire</i>
<i>Geraldo Alicea</i>	<i>6th Worcester</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Brian Ashe</i>	<i>2nd Hampden</i>
<i>Stephen Stat Smith</i>	<i>28th Middlesex</i>
<i>Carlos Henriquez</i>	<i>5th Suffolk</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Mayor Thomas M. Menino</i>	<i>One City Hall Square, Suite 500</i> <i>□ Boston, MA 02201-2013</i>

# HOUSE . . . . . No. 00890

By Ms. Wolf of Cambridge, petition (accompanied by Bill, House, No. 00890) of Sean Garballey and others relative to further regulating recycling rates and expanding the bottle bill, so-called . Joint Committee on Telecommunications, Utilities and Energy.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE  
□ HOUSE  
□ , NO. 3515 OF 2009-2010.]

## The Commonwealth of Massachusetts

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

An Act updating the bottle bill.

*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. Section 321 of chapter 94 of the General Laws, as appearing in the 2008 Official  
2 Edition, is hereby amended by inserting after the words “carbonated soft drinks”, in line 4, the  
3 following words:-

4 “noncarbonated beverages including mineral water, flavored and unflavored water, vitamin  
5 water, and other water beverages, tea, sports drinks, isotonic drinks; and all other non-alcoholic  
6 carbonated and noncarbonated drinks in liquid form intended for human consumption, except  
7 milk and beverages that are primarily derived from dairy products, infant formula, and FDA-  
8 approved medicines.”

9 SECTION 2 - Paragraph 3 of said section 321 of said chapter 94, as so appearing, is hereby  
10 amended by striking out the last sentence and inserting in place thereof the following sentence:-

11 This definition shall not include containers made of paper-based biodegradable material and  
12 aseptic multi-material packaging.

13 SECTION 3. Said section 321 of said chapter 94, as so appearing, is hereby further amended by  
14 inserting after the definition of “Plastic bottle” the following definition:-

15 “Redemption center”, any business whose primary purpose is the redemption of beverage  
16 containers and is not ancillary to any other business,

17 SECTION 4. Said section 321 of said chapter 94, as so appearing, is hereby further amended by  
18 inserting after the definition of “Reusable beverage container” the following definition:-

19 “Small dealer”, any person or business, including any operator of a vending machine, who  
20 engages in the sale of beverages in beverage containers to consumers in the commonwealth,  
21 whose operating premises are less than 4000 square feet.

22 SECTION 5. Section 323 of said chapter 94, as so appearing, is hereby amended by inserting  
23 before the first sentence of paragraph (e) the following sentence:-

24 The executive office of environmental affairs shall promulgate rules and regulations for the  
25 licensure of redemption centers, and may set fees for the licensing of such redemption centers.

26 SECTION 6. Paragraph (c) of said section 323 of said chapter 94 of the General Laws, as so  
27 appearing, is hereby amended by striking out the words “one cent” and inserting in place thereof  
28 the words “three and one quarter cents” and by adding the following sentence:-

29 The handling fee shall be reviewed semi-annually by the secretary of the executive office of  
30 energy and environmental affairs and adjustments made to reflect increases in costs incurred by  
31 redemption facilities.

32 SECTION 7. Paragraph (d) of said section 323 of said chapter 94, as so appearing, is hereby  
33 amended by striking out the words “one cent” and inserting in place thereof the words “three and  
34 one quarter cents” and by adding the following sentence:-

35 The handling fee shall be reviewed semi-annually by the secretary of the executive office of  
36 energy and environmental affairs and adjustments made to reflect increases in costs incurred by  
37 redemption facilities.

38 SECTION 8. Said section 323 of said chapter 94, as so appearing, is hereby further amended by  
39 inserting after the word “civil”, in line 73, the words “or administrative”.

40 SECTION 9. Said chapter 94 is hereby further amended by inserting after section 323E the  
41 following section:-

42 Section 323F. (a) There shall be established on the books of the commonwealth a separate  
43 fund to be known as the Clean Environment Fund. Amounts to be deposited in said Fund shall  
44 be used, subject to appropriation, solely for programs and projects supporting the proper  
45 management of solid waste, water resource protection, parkland, urban forestry, air quality and  
46 climate protection; provided, however, that no funds shall be used for costs associated with  
47 incineration.

48 (b) Not less than fifty percent of amounts deposited in the Fund shall be used for recycling,  
49 composting and solid waste source reduction projects and programs.

50 (c) Not less than an additional twenty percent of amounts deposited in the Fund shall be used  
51 for recycling and other solid waste projects and programs.

52 (d) Not more than thirty percent of amounts deposited in the fund shall be used for other  
53 environmental programs consistent with the purposes of the "bottle bill", so-called.

54 SECTION 10: Notwithstanding any general or special law to the contrary, the secretary of the  
55 executive office of energy and environmental affairs shall, on or before January 1, 2012,  
56 promulgate regulations providing small dealers as defined herein with the ability to seek  
57 exemptions from accepting empty deposit containers. Said regulations shall consider at least the  
58 health and safety of the public; the convenience for the public, including standards governing  
59 distribution of centers by population or by distance or both, the size and storage capacity of the  
60 dealer(s) to be served by the redemption center and the size and storage capacity of the  
61 redemption center. The order approving a local redemption center license must state the dealers  
62 to be served and the kinds, sizes and brand names of empty beverage containers that the center  
63 accepts.

64 SECTION 11. Section 327 of said chapter 94 of the General Laws, as so appearing, is hereby  
65 amended by inserting after the first paragraph the following paragraphs:—

66 The department of environmental protection may enforce the provisions of section 321;  
67 paragraphs (a) through (f), inclusive, of section 322; paragraph (i) of section 323; section 323A;  
68 section 323F; section 324 and section 325. Any bottler, distributor, redemption center, or dealer  
69 who violates any of the foregoing provisions shall be subject to an administrative penalty for  
70 each violation of not more than \$1,000.

71 The department of revenue may enforce the provisions of paragraphs (g) and (h) of section  
72 323 and sections 323B to 323E, inclusive. Any bottler, distributor, redemption center, or dealer  
73 who violates any of the foregoing provisions shall be subject to an administrative penalty for  
74 each violation of not more than \$1,000.

75 SECTION 12. Said section 327 of said chapter 94 of the General Laws, as so appearing, is  
76 hereby further amended by inserting after the word "civil", in line 14, the words "or  
77 administrative".

78 SECTION 13. This act shall take effect on December 1, 2012.