

HOUSE No. 891

The Commonwealth of Massachusetts

PRESENTED BY:

David M. Rogers

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 to require transparency and disclosure by materials recovery facilities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>1/19/2023</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>1/27/2023</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>2/10/2023</i>
<i>Patrick M. O'Connor</i>	<i>First Plymouth and Norfolk</i>	<i>2/15/2023</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>3/10/2023</i>

HOUSE No. 891

By Representative Rogers of Cambridge, a petition (accompanied by bill, House, No. 891) of David M. Rogers and others for legislation to further regulate solid waste facilities. Environment and Natural Resources.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act to require transparency and disclosure by materials recovery facilities.

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 21H of the Massachusetts General Laws is hereby amended by
2 inserting after Section 8 the following section:-

3

4 Section 9. Materials Recovery Facility Disclosure and Transparency

5

6 (a) Definitions:

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8 “Actual Value”, shall mean price of commodities as determined by a Materials Recovery
9 Facility which is not based on a commodities index

10

11 “Average Market Value” or “AMV”, shall mean the sum of the percentage of each
12 commodity and contamination as determined by commodity composition multiplied by its index
13 value or actual value

14

15 “Commodity Composition”, shall mean the relative weights of each commodity and
16 residue based on inbound audits conducted by an independent third party approved by the
17 department using a methodology determined by the department

18

19 “Contaminant”, shall mean a material that is not recyclable in a MRF’s system and that is
20 not banned from disposal pursuant to 310 CMR 19.017

21

22 “Department”, shall refer to the Massachusetts Department of Environmental Protection

23

24 “Index”, a third-party publication that provides weekly or monthly price ranges for
25 recyclable commodities based on objective, confidential information provided by buyers and
26 sellers in the industry

27

28 “Materials Recovery Facility” or “MRF”, a facility that receives, processes, converts and
29 markets post-consumer materials for use as a raw material for manufacturing or other type of

30 beneficial use approved by the Municipality other than energy recovery, thermal conversion, or
31 disposal.

32

33 (b) In order to ensure that outbound materials are efficiently sorted into recyclable
34 commodities, and are sent to facilities that meet the department's environmental and public
35 health standards, each Materials Recovery Facility shall be required to regularly provide reports
36 to the Massachusetts Department of Environmental Protection detailing the following:

37

38 i. Inbound weight of each commodity and all contaminants sold or disposed based
39 on audited commodity compositions

40 ii. Outbound weight of each commodity sold

41 iii. Commodity composition of residue, to determine sorting losses

42 iv. Commodity composition of samples taken immediately before baling of each
43 commodity sold, to determine bale quality

44 v. Destinations of each commodity and residue and

45 vi. Evidence that it is reporting its outbound commodity pricing to the index it uses
46 for contract pricing.

47

48 The frequency and methodology of third party audits, a list of approved third party
49 auditors, and the frequency of these reports shall be determined by the department.

50

51 (c) The department shall make current index value information available to
52 municipalities that contract with a MRF either directly or through a contract with a waste hauler.

53

54 (d) Materials recovery facilities shall use the most recently reported commodity
55 compositions and index values in their AMV calculations for all but disposed residue when
56 invoicing municipal customers. If an index does not exist for a particular commodity or
57 contaminants, MRFs shall provide primary documentation of how the value is determined to the
58 municipality.

59

60 (e) MRFs shall provide reports to the publisher of the index on which they base their
61 pricing.

62

63 (f) MRFs shall not impose fees in excess of 150% of actual disposal cost, with
64 documentation of actual disposal cost and location, for contamination in excess of the MRF's
65 permitted residue rate.

66

67 (g) Residue disposed by a MRF shall meet department standards for the disposal of
68 Waste Ban materials listed in 310 CMR 19.017.

69

70 SECTION 2. The department shall promulgate regulations pursuant to subsection (b) of
71 Section 9 of Chapter 21H of the General Laws by July 1, 2024.

72

73 SECTION 3. Subsections (c) through (g) of Section 9 of Chapter 21H shall take effect
74 on January 1, 2024.