

SENATE No. 2389

Senate, June 28, 2016 -- Text of the Senate Bill relative to recycling (Senate, No. 2389) (being the text of Senate, No. 2308, printed as amended)

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to recycling.

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 29 of the General Laws is hereby amended by inserting after
2 section 2TTTT the following section:-

3 Section 2UUUU. There shall be a solid waste reduction assistance fund. The
4 commissioner of environmental protection shall be the trustee of the fund. The fund shall be
5 credited with revenues transferred to it through: (i) penalties assessed to solid waste haulers for
6 waste ban violations on waste disposed of at a solid waste disposal facility; (ii) appropriations,
7 bond proceeds or other funds authorized by the general court and specifically designated to be
8 credited to the fund; (iii) other amounts credited or transferred to the fund from another fund or
9 source; and (iv) interest earned on the money in the fund. The amount credited to the fund shall
10 be expended without further appropriation.

11 Money in the fund shall be allocated by the department to fund municipal and other
12 recycling programs, composting programs, composting and recycling public education programs
13 and programs promoting zero waste principles. Money in the fund may also be allocated to

14 provide grants to solid waste haulers and generators for equipment to assist in meeting the
15 commonwealth's waste ban requirements.

16 The unexpended balance in the fund at the end of a fiscal year shall not revert to the
17 General Fund but shall remain available for expenditure in subsequent fiscal years. The
18 commissioner of environmental protection shall annually, not later than December 31, file a
19 report with the clerks of the senate and house of representatives, who shall forward the same to
20 the senate and house chairs of the joint committee on environment, natural resources and
21 agriculture, detailing the amount and source of money credited to the fund and the expenditures
22 and grants provided from the solid waste reduction assistance fund.

23 SECTION 1A. The commissioner of environmental protection shall establish
24 performance standards for the reduction of municipal solid waste, as described in section 2, to
25 achieve the purposes of the solid waste master plan and greenhouse gas reduction plan and to
26 protect the natural environment, preserve resources, achieve progress toward the goals to reduce
27 greenhouse gases and create green jobs. The performance standards shall be promulgated by July
28 1, 2017.

29 SECTION 2. The department of environmental protection shall establish performance
30 standards for municipal solid waste reduction in each municipality on the basis of pounds per
31 capita of solid waste disposed. The standards shall reduce solid waste to not more than 600
32 pounds per capita by July 1, 2018 and not more than 450 pounds per capita by July 1, 2022. A
33 municipality that does not administer trash and recycling collection shall be exempt from
34 meeting performance standards for municipal solid waste reduction established in this section;

35 provided, however, that the municipality shall confer with its residents and private waste
36 disposal companies to establish solid waste performance standards for the municipality.

37 SECTION 3. Not later than December 1, 2017, the secretary of energy and environmental
38 affairs, in consultation with the department of environmental protection and the department of
39 energy resources, shall develop a municipal solid waste standards action plan to assist
40 municipalities in achieving the standards set forth in this act. The secretary shall review the
41 effectiveness of existing recycling programs and other incentives available to achieve these
42 standards and shall make any recommendations available to the public on the website of the
43 executive office of energy and environmental affairs. Recommendations may include, but shall
44 not be limited to, potential regulatory or statutory changes to the solid waste master plan, the
45 Clean Energy and Climate Plan for 2020 or the green communities program. The secretary shall
46 consult with the solid waste advisory committee in developing the plan.

47 SECTION 4. Each city and town shall report to the department of environmental
48 protection annually, by not later than September 1, the total weight of solid waste disposed of
49 through the solid waste program of the city or town during the prior fiscal year, as well as the
50 number of households and residents who participated in the program; provided, however, that if
51 a city or town enters into a contract with a solid waste hauler for the transportation of material
52 for disposal and recycling, the contract may provide for the solid waste hauler to make the report
53 to the department. If the department makes a determination that a city or town has not met the
54 municipal solid waste reduction performance standards as prescribed by the department by July
55 1, 2018, that city or town shall submit a report to the department setting forth the reasons that the
56 town did not meet the standards and detailing a plan to achieve the performance standards by
57 July 1, 2022. The department shall issue a report on the municipal solid waste programs not later

58 than December 1 of that year that provides per capita solid waste disposal statistics for the
59 municipal solid waste programs and shall file the report with the clerks of the senate and house
60 of representatives and the senate and house chairs of the joint committee on environment, natural
61 resources and agriculture. The report may disaggregate solid waste tonnage information to
62 highlight categories of waste, including waste that is beyond the control of a city or town such as
63 waste created as a result of a natural disaster.

64 SECTION 5. A city or town that has a high risk of failing to reach the per capita
65 municipal solid waste reduction standard under section 2 may file hardship documentation with
66 the department of environmental protection detailing the reasons for not reaching the municipal
67 solid waste reduction standard. The department shall prioritize sustainable materials recovery
68 program municipal grant applications from cities and towns that submit hardship documentation
69 under this section.

70 SECTION 6. Notwithstanding any general or special law to the contrary, in a city or town
71 that does not provide solid waste removal, a privately contracted waste disposal and trash
72 hauling contract entered into on or after the effective date of this act shall include a recycling
73 option for the customers served under the contract.

74 SECTION 7. This act shall be subject to appropriation.