

**HOUSE . . . . . No. 448**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Paul McMurtry***

*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 reduce solid waste and provide universal recycling access.

PETITION OF:

| NAME:                    | DISTRICT/ADDRESS:                     |
|--------------------------|---------------------------------------|
| <i>Paul McMurtry</i>     | <i>11th Norfolk</i>                   |
| <i>Jason M. Lewis</i>    | <i>Fifth Middlesex</i>                |
| <i>Richard J. Ross</i>   | <i>Norfolk, Bristol and Middlesex</i> |
| <i>James B. Eldridge</i> | <i>Middlesex and Worcester</i>        |
| <i>Jonathan Hecht</i>    | <i>29th Middlesex</i>                 |
| <i>Chris Walsh</i>       | <i>6th Middlesex</i>                  |

**HOUSE . . . . . No. 448**

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By Mr. McMurtry of Dedham, a petition (accompanied by bill, House, No. 448) of Paul McMurtry and others relative to a universal system of solid waste management. Environment, Natural Resources and Agriculture.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 3420 OF 2015-2016.]

**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
\_\_\_\_\_

An Act to reduce solid waste and provide universal recycling access.

*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. The general court makes the following findings and declarations:
- 2 (1) it is in the public interest to:
- 3 (a) conserve energy and resources,
- 4 (b) reduce greenhouse gas emissions from the manufacture, transport and disposal of
- 5 consumer products, and
- 6 (c) enable discarded products and materials to be repurposed for their highest beneficial
- 7 use; and

8 (2) it shall be the purpose of this act to provide for, and require the use of, a consistent  
9 system of solid waste management across public and private sectors that reduces the total amount  
10 of solid waste disposed of and maximizes the recovery of waste banned materials for highest best  
11 use in the recognized order of priority: reuse, recycling, then energy recovery, before landfilling.

12 SECTION 2. Every residence, business and institution, hereinafter referred to as  
13 “generator”, shall separate recyclable materials, including but not limited to materials banned  
14 from disposal as set forth in 310 CMR 19.017, from solid waste.

15 SECTION 3. All entities that provide solid waste collection and transportation services in  
16 the commonwealth, hereinafter referred to as “haulers”, shall provide access to comprehensive  
17 waste management service, directly or through referral, which is both convenient and not  
18 significantly cost prohibitive.

19 SECTION 4. On and after August 1, 2018 all generators that create solid waste shall  
20 subscribe to or participate in recycling services, consistent with this act, and local laws and  
21 ordinances applicable to the proper transport, handling and diversion of waste banned materials.

22 SECTION 5. (a) All haulers shall comply with the reporting requirements as set forth by  
23 the department of environmental protection as required by this act, hereinafter referred to as  
24 “department”.

25 (b) The department may promulgate rules and regulations establishing reporting  
26 requirements, procedures for requesting further information from haulers including but not  
27 limited to reasonable data on aggregate volumes collected along a specified route, penalties for  
28 failure to comply with reporting requirements including but not limited to temporary suspension  
29 of hauler permits or fines, and procedures for informing and coordinating with the designated

30 local authority to ensure that said penalties are enforced. Such rules and regulations shall not  
31 make haulers responsible for enforcement of the provisions set forth in 310 CMR 19.017 on  
32 generators.

33 (c) On and after January 1, 2019, the designated local authority shall provide all haulers  
34 with an annual notice for distribution to all generators serviced. The annual notice shall detail  
35 the requirements set forth in this act, a list of waste banned materials, a list of diversion options  
36 for waste banned materials, including but not limited to licensed and permitted haulers that  
37 service within the given municipality, and a schedule of applicable fees in the case of penalties  
38 for noncompliance to the requirements set forth in this act.

39 (d) If a municipality lacks a designated local authority, or lacks the wherewithal to fulfill  
40 the requirements set forth in this section, the municipality may request that the department act as  
41 its designee in fulfilling the requirements set forth in this section.

42 (e) The department, or its designee, shall annually produce the standardized annual notice  
43 to reflect the requirements set forth in this act, as well as requirements set forth in state laws and  
44 regulations applicable to waste banned materials.

45 (f) The designated local authority may amend the annual notice to remain consistent with  
46 local laws and ordinances, and to customize the list of local diversion options for waste banned  
47 materials.

48 (g) The department shall have the authority and responsibility to directly enforce the  
49 provisions of 310 CMR 19.017 on generators, as well as haulers and disposal facilities, and to  
50 make public all enforcement actions resulting in penalties.

51 (h) All generators and haulers that fail to comply with the requirements set forth in this  
52 act and the rules and regulations promulgated by the department shall be subject to enforcement  
53 by the department.

54 (i) On or before August 1, 2016, the department shall promulgate rules and regulations  
55 stipulating the enforcement and appeals process with regard to penalties for failure to comply  
56 with this Act. Any surcharge levied by the department may be appealed to the department  
57 pursuant to the rules and regulations provided for in this section. The determination of the  
58 department with regard to an appeal may be appealed to superior court.

59 (j) In the event of ongoing noncompliance by a generator, the commissioner of the  
60 department shall be authorized to fine said generator no more than \$2,000 for each instance of  
61 noncompliance.

62 (k) In the event of ongoing noncompliance by a hauler, the commissioner of the  
63 department shall be authorized to fine said hauler no more than \$500 for each instance of  
64 noncompliance.

65 SECTION 6. (a) Revenue from enforcement penalties provided for in this act shall be  
66 credited to and deposited in an expendable trust to be called the Sustainable Materials  
67 Management Expendable Trust, the proceeds of which shall be invested by the treasurer and  
68 which shall be under the care and custody of the commissioner of the department. Interest  
69 earnings on funds deposited in said trust shall be credited to and become part of said trust. The  
70 proceeds of said trust shall be expended by said commissioner of the department without further  
71 appropriation to cover administrative costs for the implementation and enforcement of this act,  
72 including but not limited to supporting additional staff and enforcement officers, to develop the

73 annual notice, and to provide further education to generators of the rules and regulations related  
74 to this act.

75 (b) The commissioner shall cause to be filed with the chairs of the house and senate  
76 committees on ways and means an annual report regarding the revenues, expenditures and loans  
77 provided from said expendable trust.

78 SECTION 7. The department may promulgate rules and regulations to ensure the  
79 implementation of this act, including, without limitation, rules and regulations that govern  
80 enforcement and appeals process with regard to failure to comply with this act, grant programs  
81 funded by penalty-related revenue, and the means of measuring aggregate solid waste and  
82 recovered material volumes.