

SENATE No. 436

The Commonwealth of Massachusetts

PRESENTED BY:

Anne M. Gobi

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 relative to public space recycling.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>	
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>	<i>1/19/2017</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	<i>2/1/2017</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>	<i>2/1/2017</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>2/3/2017</i>
<i>Kenneth J. Donnelly</i>	<i>Fourth Middlesex</i>	<i>2/3/2017</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>2/3/2017</i>
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>	<i>2/3/2017</i>

SENATE No. 436

By Ms. Gobi, a petition (accompanied by bill, Senate, No. 436) of Anne M. Gobi, Jay R. Kaufman, Jonathan Hecht, Barbara A. L'Italien and other members of the General Court for legislation relative to public space recycling. Environment, Natural Resources and Agriculture.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1653 OF 2015-2016.]

The Commonwealth of Massachusetts

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

An Act relative to public space 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 21A of the General Laws, as appearing in the 2014 Official
2 Edition, is hereby amended by inserting after section 26 the following new section:-

3 Section 27. (a) As used in sections 28 to 32 the following words, unless the context
4 clearly requires otherwise, shall have the following meanings:-

5 "Agency", any state agency, state authority, commission or political subdivision thereof,
6 any state higher education facility or state office.

7 "Commissioner," the Commissioner of the Department of Environmental Protection.

8 "Court", any trial court department, appeals court and the supreme judicial court.

9 “Department,” the Department of Environmental Protection.

10 “Glass Containers,” glass bottles and jars (soda-lime glass) but excluding light bulbs,
11 Pyrex cookware, plate glass, drinking glasses, windows, windshields and ceramics.

12 “Metal containers”, aluminum or bi-metal beverage cans and food containers.

13 “Paper”, all paper, corrugated cardboard, paperboard products, except tissue paper,
14 toweling, wax-coated corrugated cardboard, and other low-grade paper products.

15 “Plastic bottles”, all narrow-neck, single polymer plastic containers where the diameter of
16 the mouth of the container is less than the diameter of the body of the container.

17 "Public building," a building or transit facility owned by the Commonwealth or any
18 political subdivision thereof, or in an any enclosed indoor space occupied by a state agency or
19 department of the Commonwealth which is located in a building not owned by the
20 Commonwealth.

21 Section 28. Recycling in Public Buildings

22 (a) By January 1, 2019, every agency and court of the Commonwealth of Massachusetts,
23 individually or in conjunction with other agencies or courts, shall recycle glass containers, metal
24 containers, paper and plastic bottles and shall provide recycling receptacles for gathering said
25 materials in public buildings that currently provide waste disposal services to tenants and the
26 general public.

27 In all public spaces accessible by the general public in said public buildings, all waste
28 receptacles must be accompanied by an adjacent recycling receptacle.

29 (b) If said public building is not owned by the Commonwealth of Massachusetts nor any
30 political subdivision thereof, the agency or court shall work with the property owner, manager or
31 their representative to implement a program to recycle glass containers, metal containers, paper
32 and plastic bottles by July 1, 2019.

33 Every lease agreement, including but not limited to renewals of existing leases, entered
34 into by an agency or court of the Commonwealth after the effective date of this act shall contain
35 a provision that requires recycling of glass containers, metal containers, paper and plastic bottles
36 pursuant to this section.

37 (c) The department shall promulgate such rules, regulations, plans, proposals, and
38 procedures as are necessary and appropriate to promote recycling of said materials pursuant to
39 this section.

40 Section 29. Recycling in Public Parks

41 (a) By January 1, 2019, every agency or court of the Commonwealth of Massachusetts
42 that operates public open space, including, but not limited to, public parks, conservation land and
43 recreational areas, shall recycle glass containers, metal containers, paper and plastic bottles in
44 said open spaces that currently provide waste disposal services to the general public.

45 In said open spaces, recycling receptacles must be placed adjacent to at least half of the
46 waste receptacles at the open space, and shall include proper signage indicating the availability
47 of proper recycling receptacles located in the open space.

48 (b) By July 1, 2019, public open spaces that do not offer any waste disposal services must
49 offer reasonably placed signage and educational materials to promote proper recycling or waste
50 disposal in an effort to minimize litter.

51 (c) The department shall promulgate such rules, regulations, plans, proposals, and
52 procedures as are necessary and appropriate to promote recycling of said materials pursuant to
53 this section.

54 Section 30. Recycling in Privately-Owned High Traffic Areas

55 (a) By January 1, 2019, facilities visited by at least five thousand individuals annually,
56 including but not limited to stadiums, arenas, marinas, airports, museums and theatres, shall
57 recycle glass containers, metal containers, paper and plastic bottles and shall provide recycling
58 receptacles for gathering said materials in all areas accessible by the general public.

59 (b) In said facilities, recycling receptacles must be placed adjacent to at least half of the
60 waste receptacles at the facilities, and shall include proper signage indicating the availability of
61 proper recycling receptacles located in the facility.

62 (c) The department shall promulgate such rules, regulations, plans, proposals, and
63 procedures as are necessary and appropriate to promote recycling of said materials pursuant to
64 this section to ensure compliance at said facilities.

65 (d) The Department shall have the authority and responsibility to directly enforce the
66 provision of 310 CMR 19.017 on the said facility owners, managers or their representatives and
67 to make public all enforcement actions resulting in penalties.

68 Section 31. Recycling in Municipal Public Spaces

69 (a) By January 1, 2020, all municipalities in the Commonwealth shall file a formal plan
70 with the department that establishes the availability of recycling receptacles for gathering glass
71 containers, metal containers, paper and plastic bottles for all municipally-owned and managed
72 public spaces, including but not limited to, public buildings and parks, as well as all municipally-
73 owned and managed high traffic areas. Said plans must begin implementation by no later than
74 January 1, 2021.

75 (b) The department shall promulgate such rules, regulations, plans, proposals, and
76 procedures as are necessary and appropriate to promote recycling of said materials pursuant to
77 this section and shall establish reasonable and appropriate thresholds for recycling receptacle
78 availability in high-traffic areas based on, but not limited to, population density of a
79 municipality.

80 Section 32. Penalties and Funding

81 (a) In the event of ongoing noncompliance by an agency or court in violation of the
82 provisions of Section 25 and Section 26 inclusive, the department shall be authorized to fine said
83 agency or court no more than \$500 for each instance of noncompliance.

84 (b) In the event of ongoing noncompliance by a privately-owned facility in violation of
85 the provisions of Section 27 inclusive, the department shall be authorized to fine the owner,
86 manager or representative of said facility no more than \$2,000 for each instance of
87 noncompliance.

88 (c) In the event of ongoing noncompliance by a municipality in violation of the
89 provisions of Section 28 inclusive, the department shall be authorized to fine said municipality
90 no more than \$500 for each instance of noncompliance.

91 (d) Revenue from enforcement penalties provided for in this act shall be credited to and
92 deposited in an expendable trust, established pursuant to Massachusetts General Law Chapter 7
93 Section 4F and General Law Chapter 6A Section 6, to be called the sustainable materials
94 management expendable trust, the proceeds of which shall be invested by the treasurer and
95 which shall be under the care and custody of the commissioner of the Department. Interest
96 earnings on funds deposited in said trust shall be credited to and become part of said trust. The
97 proceeds of said trust shall be expended by the department without further appropriation to cover
98 administrative costs for the implementation and enforcement of this Act, including but not
99 limited to, supporting additional staff and enforcement officers and to notify, inform and provide
100 further education regarding the rules and regulations related to this act.

101 The department shall cause to be filed with the chairs of the House and Senate
102 committees on ways and means an annual report regarding the revenues, expenditures and loans
103 provided from said expendable trust.

104 (e) The Department shall promulgate rules and regulations to ensure the implementation
105 of this Sections 26 to Section 29 inclusive of this act, including, without limitation, rules and
106 regulations that govern enforcement and appeals process with regard to failure to comply with
107 the provisions of said sections, grant programs funded by penalty-related revenue, and the means
108 of measuring aggregate waste and recovered material volumes.