

HOUSE No. 753

By Ms. Gobi of Spencer, petition of Anne M. Gobi and others that the Department of Environmental Protection be directed to reinstate the moratorium on the siting and permitting of solid waste landfills. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

PETITION OF:

Anne M. Gobi
Stephen M. Brewer

Jennifer M. Callahan

In the Year Two Thousand and Seven.

AN ACT TO REINSTATE THE LANDFILL MORATORIUM.

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. Legislative findings. The legislature hereby finds
2 and determines that solid waste landfills potentially threaten public
3 health by contaminating groundwater, polluting the air, and
4 despoiling the land. The legislature further finds and determines that
5 the Massachusetts Constitution, Article 97 of the Articles of Amend-
6 ment, guarantees the right of Massachusetts residents to clean air
7 and water; and that to protect and preserve these rights the Common-
8 wealth of Massachusetts should restore the moratorium on land-
9 filling, which was originally established in 1995, and should
10 establish a solid waste management program that will reduce the per
11 capital generation of solid waste and increase recycling.

1 SECTION 2. Notwithstanding any general or special law to the
2 contrary, the Department of Environmental Protection is hereby
3 authorized to reinstate the moratorium on the siting and permitting
4 of solid waste landfills.

1 SECTION 3. Section 150A of Chapter 111 of the General Laws is
2 hereby further amended by adding the following paragraphs:—

3 No site in any city or town be assigned as a site for a sanitary
4 landfill or as a dumping ground for refuse, or as an expansion
5 thereof, unless said site assignment or expansion was in effect on or
6 before July first, two thousand.

7 The department shall not grant a permit for a sanitary landfill or a
8 dumping ground for refuse, or for an expansion thereof, unless said
9 permit was granted on or before July first, two thousand.

1 SECTION 4. Chapter 16 of the General Laws is hereby amended
2 by striking Section 19 and by striking the second paragraph of
3 section 20 and inserting in its place thereof the following:—

4 The comprehensive statewide master plan referred to herein shall
5 describe, to the maximum practicable extent, a short and long-range
6 plan for reduction of the per capita generation of solid waste
7 throughout the Commonwealth, the solid waste programs and facili-
8 ties which the department determines to be necessary or convenient
9 to promote the reduction of waste generation and to increase recy-
10 cling of solid waste in a manner which protects the public health,
11 safety and environment and is financially sound, and the funding for
12 the development of such facilities and programs which the depart-
13 ment finds to be reasonable necessary to accomplish said purposes.

1 SECTION 5. This act shall take effect upon its passage.