

HOUSE No. 782

By Mr. Kaufman of Lexington, petition of Jay R. Kaufman and others for legislation to reduce solid waste in the Commonwealth. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

PETITION OF:

Jay R. Kaufman	William N. Brownsberger
Denise Provost	Susan C. Tucker
Bruce E. Tarr	Mary E. Grant
Edward M. Augustus, Jr.	William Lantigua
Scott P. Brown	Christine E. Canavan
Carl M. Sciortino, Jr.	

In the Year Two Thousand and Seven.

AN ACT TO REDUCE SOLID WASTE IN THE COMMONWEALTH.

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
- 2 the 2004 Official Edition, is hereby amended by inserting after
- 3 Section 20 the following new sections:—
- 4 Section 21. Definitions. As used in Sections 22 through 25 the
- 5 following words shall have the following meanings:—
- 6 “Agency”, any state agency, state authority, state higher education
- 7 facility or state office.
- 8 “Cathode ray tubes”, any intact, broken, or processed glass tube
- 9 used to provide the visual display in televisions, computer monitors
- 10 and certain scientific instruments such as oscilloscopes.
- 11 “Commercial Establishment,” any non-residential building,
- 12 including, but not limited to, those used for retail, wholesale, indus-
- 13 trial, manufacturing, dining, offices, professional services, automo-
- 14 bile services, hotels and motels, restaurants, or shipping and
- 15 receiving areas.

16 “Commissioner,” the Commissioner of the Department of Envi-
17 ronmental Protection.

18 “Construction and demolition”, asphalt pavement, brick, wood,
19 metal and concrete from construction activities and demolition of
20 buildings, roads and bridges and similar sources.

21 “Court”, any trial court department, appeals court and the
22 supreme judicial court.

23 “Department,” the Department of Environmental Protection.

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

27 “Fluorescent lamp”, an electric lamp to which the manufacturer
28 intentionally introduces mercury for the operation of the lamp,
29 including, but not limited to fluorescent, compact fluorescent, black
30 lights, high intensity discharge lamps, ultraviolet lamps and neon
31 lamps.

32 “Lead Batteries”, lead-acid batteries used in motor vehicles or sta-
33 tionary applications.

34 “Metal Containers”, aluminum, steel or bi-metal beverage and
35 food containers.

36 “Public building,” a building owned by the Commonwealth or
37 any political subdivision thereof, or in an enclosed indoor space
38 occupied by a state agency or department of the Commonwealth
39 which is located in a building not owned by the Commonwealth

40 “Recyclable paper”, all paper, corrugated cardboard, and paper-
41 board products, except tissue paper, toweling, paper plates and cups,
42 wax-coated corrugated cardboard, and other low-grade paper prod-
43 ucts.

44 “Single polymer plastics”, all narrow-neck plastic containers
45 where the diameter of the mouth of the container is less than the
46 diameter of the body of the container. This includes single polymer
47 plastic containers labeled 1-6.

48 “State Sustainability Program”, State Sustainability Program
49 within the executive office of environmental affairs.

50 “Tires”, a continuous solid or pneumatic rubber covering intended
51 for use on a motor vehicle.

52 “White goods”, appliances employing electricity, oil, natural gas
53 or liquefied petroleum gas to preserve or cook food; wash or dry
54 clothing, cooking or kitchen utensils or related items; or to cool or to

55 heat air or water, including, but not limited to, refrigerators, freezers,
56 air conditioners, water coolers, dishwashers, clothes washers, clothes
57 dryers, gas or electric ovens and ranges, and hot water heaters.
58 White goods do not include microwave ovens.

59 “Yard Waste”, deciduous and coniferous seasonal depositions,
60 such as leaves, grass clippings, weeds, hedge clippings, garden
61 materials, and brush 1 (one) inch or less in diameter (excluding dis-
62 eased plants).

63 Section 22. Recycling in Public Buildings.

64 (a) By January 1, 2009, every agency and court, individually or in
65 conjunction with other agencies or courts, the General Court, and all
66 public buildings shall implement a program to recycle the following
67 materials: lead batteries, metal containers, glass containers, single
68 polymer plastics, recyclable paper, yard waste, tires, white goods,
69 fluorescent lamps, cathode ray tubes or the product that contains the
70 cathode ray tube and construction and demolition material.

71 (b) The State Sustainability Program shall provide recycling guid-
72 ance to establish and implement a waste generation and recyclable
73 material generation reporting system for agencies, courts, and the
74 General Court. Agencies and courts with more than 50 employees
75 located in a state owned building and the General Court shall be
76 required to submit said reports to the State Sustainability Program.
77 In the event an agency or court is located in a facility where the
78 waste management is handled by another agency or court, the
79 agency or court responsible for waste management shall be respon-
80 sible for submitting said reports. Said reports shall, where feasible,
81 include, but not be limited to the following:—

82 (1) Tonnage of solid waste generated by the agency, court,
83 General Court or public building; and

84 (2) Tonnage of waste recycled by agency, court, General Court or
85 public building; and

86 (3) A breakdown of the tonnage of materials recycled listed in
87 subsection (a).

88 (c) Every lease agreement entered into by an agency or court after
89 the effective date of this section shall contain a provision that
90 requires recycling pursuant to the terms of this act, and, where fea-
91 sible, requires the landlord to report on agency or court waste gener-
92 ation and recycling data pursuant to section (b) of this act.

93 (d) The executive office of environmental affairs may promulgate
94 rules and regulations regarding this act.

95 Section 23. Public Recycling Bins.

96 (a) Every municipality in the state shall provide recycling bins for
97 metal containers, single polymer plastics and recyclable paper adja-
98 cent to at least half of the outdoor public trash cans in that munici-
99 pality. The municipality shall be responsible for collection and
100 proper delivery of the recycled materials in the recycling bins.

101 Section 24. Recycling in high traffic facilities.

102 (a) Facilities visited by at least five thousand individuals annually,
103 including but not limited to stadiums, arenas, marinas, airports,
104 museums, and theatres, shall implement a program to recycle metal
105 containers, single polymer plastics, and recyclable paper. The
106 department shall promulgate rules and regulations as necessary to
107 effect the requirements set forth herein.

108 Said facilities shall provide recycling receptacles for metal con-
109 tainers, single polymer plastics, and recyclable paper. Said recepta-
110 cles shall be located adjacent to each other and to at least half of the
111 public trash cans at the facilities. Receptacles shall be clearly indi-
112 cated as for recycling of metal containers, plastics, and paper.

113 The facility shall cause the recyclable contents of these recepta-
114 cles to be transferred to appropriate recycling facilities and done so
115 with adequate frequency that contents of said receptacle do not pro-
116 trude above the highest point on said receptacles.

1 SECTION 2. MBTA Recycling.

2 Chapter 1611A of the General Laws is hereby amended by
3 inserting after Section 5(r), the following:—

4 (s) To adopt, and revise as appropriate, a recycling program to
5 provide newspaper recycling bins adjacent to every trash receptacle
6 at all mass transportation facilities where newspapers are sold or dis-
7 tributed.