

HOUSE No. 792

By Mr. Koczera of New Bedford, petition of Robert M. Koczera and others to reinstate the Clean Environment Fund to reduce waste and protect the environment in the Commonwealth. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

PETITION OF:

Robert M. Koczera	Michael F. Rush
Matthew C. Patrick	David Paul Linsky
Douglas W. Petersen	Carl M. Sciortino, Jr.
Stephen M. Brewer	Kay Khan
James E. Timilty	Jennifer M. Callahan
Pamela P. Resor	

In the Year Two Thousand and Seven.

AN ACT TO REINSTATE THE CLEAN ENVIRONMENT FUND.

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 94 of the General Laws, as appearing in the
2 2004 Official Edition, is hereby amended by inserting the following
3 new section:—
4 Section 323G.
5 (a) There shall be established on the books of the Commonwealth
6 a separate fund to be known as the Clean Environment Fund. All
7 unredeemed bottle bill deposits collected pursuant to Chapter 94,
8 sec. 323D shall be deposited into the Clean Environment Fund.
9 Amounts deposited in said fund shall be used solely for programs
10 and projects in the management of solid waste and for environ-
11 mental protection.
12 (b) Not less than sixty percent of amounts deposited in the Fund
13 annually shall be used for creation and support of waste reduction,
14 recycling and composting programs, outreach, infrastructure and
15 market development in the public, private and institutional sectors,
16 as set forth in the department of environmental protection's Solid
17 Waste Management Plan:— 2006 Revision.

18 (c) Not less than one percent of amounts deposited annually in the
19 Fund shall be used by the Office of the State Auditor for the over-
20 sight of the bottle deposit law and Fund expenditures. Oversight
21 activities shall include, but not limited to, the performance of onsite
22 reviews to investigate fraudulent activities and illegal redemptions,
23 the review of reports submitted by bottlers and distributors in accor-
24 dance with Section 323B of Chapter 94 of the General Laws and the
25 review of all expenditures from the Fund to determine whether said
26 monies are being used for their intended purpose.

27 (d) Remaining amounts deposited annually in the Fund shall be
28 appropriated for capital improvements under the control of Depart-
29 ment of Conservation and Recreation, Division of Parks for con-
30 struction that meets LEEDS building standards established by the
31 U.S. Green Building Council.

1 SECTION 2. Qualifying programs funded under Chapter 94,
2 Section 323G (b) shall include but are not limited to:—

3 (a) municipal recycling and waste reduction program improve-
4 ments, including unit-based pricing, single stream collection, com-
5 posting, and public space recycling.

6 (b) municipal recycling equipment.

7 (c) school recycling and composting program establishment and
8 improvements.

9 (d) commercial and institutional recycling and composting pro-
10 gram establishment and improvements.

11 (e) recycling service provider grants, low interest equipment loans
12 and tax incentives.

13 (f) recycling and waste reduction outreach and education –
14 schools and the general public.

15 (g) market development for recovered materials.

16 (h) enforcement of Waste Bans (9310 CMR 19.017) by the
17 Department of Environment Protection.

18 (i) other activities as recommended by the department.

1 SECTION 3. Section 323D of Chapter 94 is amended by inserting
2 in place of the words “twenty three F” in line 8, the following words,
3 twenty-three G.

1 SECTION 4. Section 3 of Chapter 21 of the General Laws as
2 appearing in the 2004 Official Edition, is hereby amended by
3 inserting after the last sentence the following new sentence:—

4 With funding from Chapter 94 Section 323G (d) the commis-
5 sioner shall establish a program to increase recycling opportunities
6 for all property under his control. The commissioner shall file a
7 report on all programs supported by this Fund annually with the joint
8 committee on environment, natural resources and agriculture, on or
9 before December 31st of each year. The report shall contain, but not
10 be limited to, activities promoting recycling on property under the
11 control of the division of urban parks and recreation and the division
12 of state parks and recreation.

1 SECTION 5. Chapter 21H of the General Laws, as appearing in
2 the 2004 Official Edition, is hereby amended by inserting after
3 Section 7, the following new section:—

4 Section 7A. The department with funding from Chapter 94,
5 Section 323G (b), shall establish a program to increase recycling
6 opportunities at all publicly owned facilities and shall work with all
7 appropriate state and local agencies and other entities to establish
8 such a program.

1 SECTION 6. Section 33 of Chapter 92 of the General Laws as
2 appearing in the 2004 Official Edition is hereby amended by
3 inserting after the first paragraph the following new paragraph:—

4 With funding from Chapter 94 Section 323G 9 (d), the commissioner
5 of the division shall (a) require the development and incorporation of
6 recycling opportunities into all reservation designs or redesigns and
7 (b) establish a program to increase recycling opportunities in all of
8 the reservations under his control.

1 SECTION 7. After a period of five years from the implementation
2 of this law, the funding level need shall be evaluated by the depart-
3 ment in consultation with the solid waste advisory committee, the
4 joint committee on environment, natural resources and agriculture
5 and the Tellus Institute, and adjusted according to need.