

HOUSE No. 3780

By Mr. Koczera of New Bedford, petition of Robert M. Koczera and others for legislation to further regulate the recycling of certain materials by multi-family residences within the Commonwealth. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

PETITION OF:

Robert M. Koczera
Douglas W. Petersen

Gloria L. Fox

In the Year Two Thousand and Seven.

AN ACT TO INCREASE 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. Section 2 of chapter 21H of the General Laws, as
2 appearing in the 2000 Official Edition, is hereby further amended by
3 adding after the definition of “Landfill” the following definitions:—
4 “Mercury-added product” means a product, commodity, chemical,
5 or product with a component that contains mercury or a mercury
6 compound intentionally added to the product, commodity, chemical,
7 or component in order to provide a specific characteristic, appear-
8 ance, or quality or to perform a specific function for any other
9 reason.

10 “Multi-family residence” means a building or complex of build-
11 ings in which are located more than four individual units that are
12 used for residential purposes. “Owner” or “Operator” of a multi-
13 family residence means any persona who owns, operates or man-
14 ages, or otherwise controls a multi-family residence. Such terms
15 shall include, but are not limited to, property owners, property man-
16 agers and superintendents.

1 SECTION 2. Section 2 of chapter 21H of the General Laws, as
2 appearing in the 2000 Official Edition, is hereby further amended by

3 adding after the definition of “Public Body” the following defini-
4 tions:—

5 “Recyclable” or “Recyclable Material” means a material that has
6 the potential to be recycled and which is pre-sorted and has not been
7 contaminated by significant amounts of toxic substances. Such mate-
8 rials shall include but are not limited to: aluminum, glass and bi-
9 metal food and beverage containers; single polymer plastic food and
10 beverage containers; and recyclable paper (including newspapers,
11 magazines, kraft or brown paper bags, white and colored office
12 paper, mail, paperboard, and other paper products, but excluding
13 tissue paper, toweling, paper plates, cups, and other low grade paper
14 products which cannot be processed by Paper mills due to their
15 normal intended use).

16 “Recycle” or “Recycling” means to recover materials or by-prod-
17 ucts which are: reused, used as an ingredient or a feedstock in an
18 industrial or manufacturing process to make a marketable product:
19 or use in a particular function or application as an effective substi-
20 tute for a commercial product or commodity. “Recycle” or “Recy-
21 cling” does not mean to recover energy from the combustion of
22 material.

23 “Transport” means the movement, by vessel or carrier, of solid
24 waste from the point of generation to ultimate disposal, or any inter-
25 mediate point for storage, reuse, treatment, or recycling.

1 SECTION 3. Section 2 of chapter 21H of the General Laws, as
2 appearing in the 2000 Official Edition, is hereby further amended by
3 adding after the definition of “Tipping fee” the following defini-
4 tions:—

5 “White goods” means appliances employing electric, oil, natural
6 gas or liquefied petroleum gas to supply heat or motive power to
7 preserve or cook food, to wash or dry clothing or kitchen utensils or
8 related items, or to cool or heat air or water.

9 “Yard waste” means leaves, grass clippings, weeds, hedge clip-
10 pings, garden materials, and brush.

1 SECTION 4. Chapter 21H of the General Laws, as appearing in
2 the 2000 Official Edition, is hereby amended by inserting after
3 section seven the following new section:—

4 Section 7A. Establishment of recycling programs at multifamily
5 residences.

6 (a) Owners and operators of multi-family residences that are not
7 served by municipal recycling programs shall establish and maintain
8 a recycling program for the occupants of multi-family residences
9 under their ownership, operation, or control. Such program shall
10 provide for:—

11 (1) The separation, collection, and processing of recyclable mate-
12 rials; and

13 (2) The provision of information about programs for collection
14 and recycling of unwanted lead acid batteries, mercury-added
15 product, tires, white goods, devices containing cathode ray tubes,
16 yard wastes, and other materials as directed by the department.

17 (b) Owners and operator of multi-family residences shall establish
18 their own recycling programs or create partnerships with other enti-
19 tles to carry out the mandate of this section.

20 (c) No later than one year from the date of enactment of this bill,
21 the department shall promulgate regulations:—

22 (1) Offering equipment and information material to owners and
23 operators of multi-family residences through municipalities' partici-
24 pation in the Municipal Recycling Grant Program (established pur-
25 suant to MGL chapter 584 of the Acts of 1987); and/or

26 (2) Establishing and operating a statewide toll-free recycling hot-
27 line and by providing information about such programs via the
28 department's Web page.

29 (d) The recycling Programs required by this section shall be
30 implemented no later than six months after promulgation of the reg-
31 ulations described in this section.

1 SECTION 5. Every multi-family residence constructed after the
2 date of enactment of this bill shall contain adequate space for the
3 separation, storage, and collection of recyclable materials generated
4 at that multi-family residence.

1 SECTION 6. No person who transports solid waste shall know-
2 ingly mix recyclable materials that have been set aside for collection
3 and shipment for recycling with trash destined for a solid waste
4 transfer station or disposal facility. No person who transports solid
5 waste shall knowingly transport recyclable materials to a solid waste

6 disposal facility or to a solid waste transfer station from which the
7 recyclable materials will be shipped for disposal.

1 SECTION 7. Municipalities may, at their sole discretion, enforce
2 the provision of Section 7A (a) of chapter 21H.