

# SENATE NO. 1923

## **AN ACT** REINSTATING THE CLEAN ENVIRONMENT FUND TO REDUCE WASTE AND PROTECT THE ENVIRONMENT IN THE COMMONWEALTH OF MASSACHUSETTS

*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 2004 Official Edition is hereby  
2 amended by inserting the following new section:

3 Section 323G (a) There shall be established on the books of the commonwealth a separate fund to be  
4 known as the Clean Environment Fund. Amounts deposited in such fund shall be used solely for  
5 programs and projects in the management of solid waste and environmental protection.

6 (b) Not less than fifty percent of amounts deposited in the Fund shall annually be used for the  
7 creation and support of waste reduction, recycling and composting programs, outreach, infrastructure  
8 and market development in the public, private and institutional sectors as set forth in the department of  
9 environmental protection's Solid Waste Management Plan: 2006 Revision.

10 (c) Not less than 1 per cent of amounts deposited annually in the Fund shall be used by the  
11 office of the state auditor for the oversight of the bottle deposit law and Fund expenditures. Oversight  
12 activities shall include but not be limited to, the performance of onsite reviews to investigate  
13 fraudulent activities and illegal redemptions, the review of reports submitted by bottlers and  
14 distributors in accordance with Section 323B of Chapter 94 of the General Laws and the review of all  
15 expenditures from the Fund to determine whether said monies are being used for their intended  
16 purpose.

17 (d) Remaining amounts deposited annually in the fund shall be appropriated for recycling and  
18 other environmental programs at public reservations and property under the control of the department  
19 of conservation and recreation.

20 SECTION 2. Qualifying programs funded under Chapter 94, Section 323G (b) shall include but not be  
21 limited to:

22 (a) municipal recycling and waste reduction program improvements, including unit-based  
23 pricing, single stream collection, composting, and public space recycling.

24 (b) municipal recycling equipment.

25 (c) school recycling and composting program establishment and improvements.

26 (d) commercial and institutional recycling and composting program establishment and  
27 improvement.

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

29 (f) recycling and waste reduction outreach and education-schools and the general public.

30 (g) market development for recovered materials.

31 (h) enforcement of Waste Bans 9310 CMR 19.017 by the department of environmental  
32 protection.

33 (i) other activities as recommended by the department of environmental protection.

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

36 SECTION 4. Section 3 of Chapter 21 of the General Laws as appearing in the 2004 Official Edition, is  
37 hereby amended by:-inserting after the last sentence the following new sentence:-With funding from  
38 Chapter 94 Section 323G (d) the commissioner shall establish a program to increase recycling

39 opportunities for all property under his control. The commissioner shall file a report on all programs  
40 supported by this Fund annually with the joint committee on environment, natural resources and  
41 agriculture, on or before December 31<sup>st</sup> of each year. The report shall contain, but not be limited to,  
42 activities promoting recycling on property under the control of the division of urban parks and  
43 recreation and the division of state parks and recreation.

44 SECTION 5. Chapter 21H of the General Laws as appearing in the 2004 Official Edition is hereby  
45 amended by inserting after Section 7, the following new section:-Section 7A. The department, with  
46 funding from Chapter 94, Section 323G (b), shall establish a program to increase recycling  
47 opportunities at all publicly owned facilities and shall work with all appropriate state and local  
48 agencies and other entities to establish such a program.

49 SECTION 6. Section 33 of Chapter 92 of the General Laws as appearing in the 2004 Official Edition  
50 is hereby amended by inserting after the first paragraph the following new paragraph:-With funding  
51 from Chapter 94 Section 323G (d), the commissioner of the division shall (a) require the development  
52 and incorporation of recycling opportunities into all reservation designs or redesigns and (b) establish  
53 a program to increase recycling opportunities in all of the reservations under his control.

54 SECTION 7. After a period of five years from the implementation of this law, the funding level need  
55 shall be evaluated by the department in consultation with the solid waste advisory committee, the joint  
56 committee on environment, natural resources and agriculture and the Tellus Institute, and adjusted  
57 according to need.