HOUSE DOCKET, NO. 610 FILED ON: 1/18/2011

HOUSE . . . . . No. 233

The Commonwealth of Massachusetts

PRESENTED BY:

Robert M. Koczera

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act to reinstate the clean environment fund.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Robert M. Koczera	*11th Bristol*

HOUSE DOCKET, NO. 610 FILED ON: 1/18/2011

HOUSE . . . . . No. 233

By Mr. Koczera of New Bedford, a petition (accompanied by bill, House, No. 233) of Robert M. Koczera to reinstate the Clean Environment Fund to reduce waste and protect the environment in the Commonwealth. Environment, Natural Resources and Agriculture.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *766* OF 2009-2010.]

The Commonwealth of Massachusetts

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:

SECTION 1. Chapter 94 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting the following new section:

Section 323G.

There shall be established on the books of the Commonwealth a separate fund to be known as the Clean Environment Fund. All unredeemed bottle bill deposits collected pursuant to Chapter 94, sec. 323D shall be deposited into the Clean Environment Fund. Amounts deposited in said fund shall be used solely for programs and projects in the management of solid waste and for environmental protection.

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

Not less than one percent of amounts deposited annually in the Fund shall be used by the Office of the State Auditor for the oversight of the bottle deposit law and Fund expenditures. Oversight activities shall include, but not limited to, the performance of onsite reviews to investigate fraudulent activities and illegal redemptions, the review of reports submitted by

17 bottlers and distributors in accordance with Section 323B of Chapter 94 of the General Laws and
18 the review of all expenditures from the Fund to determine whether said monies are being used
19 for their intended purpose.

20 Remaining amounts deposited annually in the Fund shall be appropriated for capital
21 improvements under the control of Department of Conservation and Recreation, Division of
22 Parks for construction that meets LEEDS building standards established by the U.S. Green
23 Building Council

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

26 municipal recycling and waste reduction program improvements, including unit-based
27 pricing, single stream collection, composting, and public space recycling

28 municipal recycling equipment

29 school recycling and composting program establishment and improvements

30 commercial and institutional recycling and composting program establishment and
31 improvements

32 recycling service provider grants, low interest equipment loans and tax incentives

33 recycling and waste reduction outreach and education – schools and the general public

34 market development for recovered materials

35 enforcement of Waste Bans (9310 CMR 19.017) by the Department of Environment
36 Protection

37 other activities as recommended by the department

38 SECTION 3. Section 323D of Chapter 94 is amended by inserting in place of the words
39 "twenty three F" in line 8, the following words, twenty-three G.

40 SECTION 4. Section 3 of Chapter 21 of the General Laws as appearing in the 2004
41 Official Edition, is hereby amended by:- inserting after the last sentence the following new
42 sentence:- With funding from Chapter 94 Section 323G (d) the commissioner shall establish a
43 program to increase recycling opportunities for all property under his control. The commissioner
44 shall file a report on all programs supported by this Fund annually with the joint committee on
45 environment, natural resources and agriculture, on or before December 31st of each year. The
46 report shall contain, but not be limited to, activities promoting recycling on property under the
47 control of the division of urban parks and recreation and the division of state parks and
48 recreation.

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

54 SECTION 6. Section 33 of Chapter 92 of the General Laws as appearing in the 2004
55 Official Edition is hereby amended by inserting after the first paragraph the following new
56 paragraph:- With funding from Chapter 94 Section 323G 9 (d), the commissioner of the division
57 shall (a) require the development and incorporation of recycling opportunities into all reservation
58 designs or redesigns and (b) establish a program to increase recycling opportunities in all of the
59 reservations under his control.

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