HOUSE . . . . . No. 4205

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act to reduce solid waste and generate municipal cost savings.

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 16 of the General Laws is hereby amended by adding after section 21 the following new section:-

Section 21A. (a) In conjunction with the statewide solid waste master plan, the department shall establish annual performance target goals for municipal solid waste reduction, based on total pounds of solid waste disposed per resident served per year. The department, in consultation with the solid waste advisory committee, shall consider the costs and benefits to a municipality in the setting of such goals. Such performance targets shall be established no later than July 1, 2013.

(b) Each municipality shall make a written report to the department, no later than first day of September of each year, of the total weight of solid waste disposed during the prior fiscal year, as well as the approximate number of households and residents served by that municipality's solid waste disposal program. Such report shall be made in a form and with the information, as prescribed by the department.

By the first day of December of each year, the department shall provide information for all municipal solid waste disposal programs, which shall include annual per resident served solid waste disposal statistics for all such municipal programs. The department shall adopt rules and regulations consistent with this section, including but not limited to, grant incentive programs and the method of measurement of the amount solid waste disposed.

SECTION 2. As part of the Sustainable Materials Recovery Program, the department of environmental protection shall establish a solid waste reduction assistance program to assist municipalities in exceeding the waste reduction target goals established pursuant to section 21A of chapter 16, provided that such goal established for the disposal of solid waste for the 2016 fiscal year, shall not be greater than 700 pounds per resident. Notwithstanding, the department

24 may as necessary, reduce such target goals for a municipality that is selected to participate in the
25 program, upon review and consideration of the municipality's type of solid waste disposal
26 system and whether such disposal is comprised of commercial waste. Such program shall
27 commence on or before July 1, 2013, and shall continue on a yearly fiscal basis unless
28 terminated or suspended for any period; provided however, the establishment and continuation of
29 such program shall be subject to the availability of operating and grant funding. The department
30 by agreement with each participating municipality shall establish the duration of such program
31 period; provided, the initial period shall not exceed 3 years. By agreement, the department may
32 extend such program for an additional period not to exceed 3 years, provided the municipality
33 had demonstrated more than moderate reduction in its solid waste disposed during the initial
34 period of the program.

35 In connection with the program, the department of environmental protection shall
36 establish 3 classes of municipal population density. Each year, the department shall select, as
37 part of a competitive application process, up to a total of 5 municipalities, but not less than 3
38 municipalities, to participate in the solid waste reduction program. The department in its
39 selection of participating municipalities shall, to the extent possible, select 1 municipality for
40 each class of municipal population so established. Municipalities participating in such program
41 may be eligible for focused technical assistance, capital improvement grants, and other assistance
42 to meet and exceed the department's solid waste performance target goals as described in this
43 section.

44 The department shall on an annual basis, dedicate the first $350,000 of any revenue
45 deposited for such year in the sustainable materials recovery program trust pursuant to 310 CMR
46 19.303 to the solid waste reduction assistance program for assistance to municipalities.

47 Municipalities selected to participate in the solid waste reduction assistance program,
48 shall enter into a written agreement with the department providing that a percentage of the
49 annual net waste disposal savings to the participating municipality as a direct result of
50 improvements to its disposal system resulting from the program, shall be remitted to the
51 sustainable materials recovery program trust; provided, such agreed annual amount shall not be
52 less than 10 percent. Payments to the trust shall commence at the start of the first fiscal year
53 following the termination of the municipality's participation in the program. Such annual
54 payments shall be remitted until: (i) the municipality has refunded the department 50 per cent of
55 the initial grant or (ii) such required annual payment is remitted for the number of years the
56 municipality participated in such program, whichever first occurs. The department by further
57 agreement with the municipality may adjust the annual amount required to be remitted.
58 Notwithstanding, the department shall be authorized to waive such payments to the trust, if it
59 first approves the reinvestment by the municipality of any such net savings in the community's
60 waste reduction program.

61 Prior to the beginning of a fiscal year, the commissioner of the department of
62 environmental protection, shall review the program's effectiveness and funding available for
63 continuation of the program for the next fiscal year; and, notwithstanding any other provision,
64 the commissioner shall have the authority in his discretion to temporarily suspend in whole or in
65 part, or terminate such program for any reason related to such effectiveness or available funding.