HOUSE DOCKET, NO. 1949 FILED ON: 1/17/2013

HOUSE . . . . . No. 746

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 increase recycling.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Robert M. Koczera	*11th Bristol*
Cory Atkins	*14th Middlesex*
Michael Barrett	*Third Middlesex*

HOUSE DOCKET, NO. 1949 FILED ON: 1/17/2013

HOUSE . . . . . No. 746

By Mr. Koczera of New Bedford, a petition (accompanied by bill, House, No. 746) of Robert M. Koczera, Cory Atkins and Michael Barrett for legislation to further regulate the recycling of certain materials by multi-family residences within the Commonwealth. Environment, Natural Resources and Agriculture.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *234* OF 2011-2012.]

The Commonwealth of Massachusetts

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:

SECTION 1. Section 2 of chapter 21H of the General Laws, as appearing in the 2000 Official Edition, is hereby further amended by adding after the definition of "Landfill" the following definitions:-

"Mercury-added product" means a product, commodity, chemical, or product with a component that contains mercury or a mercury compound intentionally added to the product, commodity, chemical, or component in order to provide a specific characteristic, appearance, or quality or to perform a specific function for any other reason.

"Multi-family residence" means a building or complex of buildings in which are located more than four individual units that are used for residential purposes.

"Owner" or "Operator" of a multi-family residence means any persona who owns, operates or manages, or otherwise controls a multi-family residence. Such terms shall include, but are not limited to, property owners, property managers and superintendents.

SECTION 2. Section 2 of chapter 21H of the General Laws, as appearing in the 2000 Official Edition, is hereby further amended by adding after the definition of "Public Body" the following definitions:-

16 “Recyclable” or “Recyclable Material” means a material that has the potential to be
17 recycled and which is pre-sorted and has not been contaminated by significant amounts of toxic
18 substances. Such materials shall include but are not limited to: aluminum, glass and bi-metal
19 food and beverage containers; single polymer plastic food and beverage containers; and
20 recyclable paper (including newspapers, magazines, kraft or brown paper bags, white and
21 colored office paper, mail, paperboard, and other paper products, but excluding tissue paper,
22 toweling, paper plates, cups, and other low grade paper products which cannot be processed by
23 Paper mills due to their normal intended use).

24 “Recycle” or “Recycling” means to recover materials or by-products which are:
25 reused, used as an ingredient or a feedstock in an industrial or manufacturing process to make a
26 marketable product: or use in a particular function or application as an effective substitute for a
27 commercial product or commodity. “Recycle” or “Recycling” does not mean to recover energy
28 from the combustion of material.

29 “Transport” means the movement, by vessel or carrier, of solid waste from the point of
30 generation to ultimate disposal, or any intermediate point for storage, reuse, treatment, or
31 recycling.

32 SECTION 3. Section 2 of chapter 21H of the General Laws, as appearing in the 2000
33 Official Edition, is hereby further amended by adding after the definition of “Tipping fee” the
34 following definitions:-

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

38 “Yard waste” means leaves, grass clippings, weeds, hedge clippings, garden materials,
39 and brush.

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

42 Section 7A. Establishment of recycling programs at multifamily residences.

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

46 (1) The separation, collection, and processing of recyclable materials; and

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

50 (b) Owners and operator of multi-family residences shall establish their own recycling
51 programs or create partnerships with other entitles to carry out the mandate of this section.

52 (c) No later than one year from the date of enactment of this bill, the department shall
53 promulgate regulations

54 (1) Offering equipment and information material to owners and operators of multi-family
55 residences through municipalities' participation in the Municipal Recycling Grant Program
56 (established pursuant to MGL chapter 584 of the Acts of 1987);and/or

57 (2) Establishing and operating a statewide toll-free recycling hotline and by providing
58 information about such programs via the department's Web page.

59 (d) The recycling Programs required by this section shall be implemented no later than
60 six months after promulgation of the regulations described in this section.

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

64 SECTION 6. No person who transports solid waste shall knowingly mix recyclable
65 materials that have been set aside for collection and shipment for recycling with trash destined
66 for a solid waste transfer station or disposal facility. No person who transports solid waste shall
67 knowingly transport recyclable materials to a solid waste disposal facility or to a solid waste
68 transfer station from which the recyclable materials will be shipped for disposal.

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