

HOUSE No.

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 bill:

An Act to increase recycling.

PETITION OF:

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

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3780 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

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 appearing in the 2000 Official Edition, is
2 hereby further amended by adding after the definition of "Landfill" the following definitions:-

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

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

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

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

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17 "Recyclable" or "Recyclable Material" means a material that has the potential to be recycled and which is
18 pre-sorted and has not been contaminated by significant amounts of toxic substances. Such materials shall include

19 but are not limited to: aluminum, glass and bi-metal food and beverage containers; single polymer plastic food and
20 beverage containers; and recyclable paper (including newspapers, magazines, kraft or brown paper bags, white
21 and colored office paper, mail, paperboard, and other paper products, but excluding tissue paper, toweling, paper
22 plates, cups, and other low grade paper products which cannot be processed by Paper mills due to their normal
23 intended use).

24

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

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

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

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

38 "Yard waste" means leaves, grass clippings, weeds, hedge clippings, garden materials, and brush.

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40 SECTION 4. Chapter 21H of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by
41 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 recycling programs
44 shall establish and maintain a recycling program for the occupants of multi-family residences under their
45 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 unwanted lead acid
48 batteries, mercury-added product, tires, white goods, devices containing cathode ray tubes, yard wastes, and
49 other materials as directed by the department.

50 (b) Owners and operator of multi-family residences shall establish their own recycling programs or create
51 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 promulgate
53 regulations

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

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

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

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

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

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72 SECTION 7. Municipalities may, at their sole discretion, enforce the provision of Section 7A(a) of chapter
73 21H.