

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Mr. Eldridge

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 Reinstate the Clean Environment Fund.

PETITION OF:

NAME:

Mr. Eldridge

DISTRICT/ADDRESS:

Middlesex and Worcester

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

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:

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

3 Section 323G.

- 4 (a) There shall be established on the books of the Commonwealth a separate fund to be
5 known as the Clean Environment Fund. All unredeemed bottle bill deposits collected
6 pursuant to Chapter 94, sec. 323D shall be deposited into the Clean Environment Fund.
7 Amounts deposited in said fund shall be used solely for programs and projects in the
8 management of solid waste and for environmental protection.
- 9 (b) Not less than sixty percent of amounts deposited in the Fund annually shall be used for
10 creation and support of waste reduction, recycling and composting programs, outreach,
11 infrastructure and market development in the public, private and institutional sectors, as
12 set forth in the department of environmental protection's Solid Waste Management Plan:
13 2006 Revision
- 14 (c) Not less than one percent of amounts deposited annually in the Fund shall be used by
15 the Office of the State Auditor for the oversight of the bottle deposit law and Fund
16 expenditures. Oversight activities shall include, but not limited to, the performance of
17 onsite reviews to investigate fraudulent activities and illegal redemptions, the review of
18 reports submitted by bottlers and distributors in accordance with Section 323B of
19 Chapter 94 of the General Laws and the review of all expenditures from the Fund to
20 determine whether said monies are being used for their intended purpose.
- 21 (d) Not less than ten (10) percent of amounts deposited annually in the Fund shall be used
22 by the Department of Environmental Protection Drinking Water Program for
23 administration and implementation of the federal Safe Drinking Water Act. These
24 amounts shall be used to reduce or supplement the Safe Drinking Water Assessment
25 Fee paid annually to the Department by public water systems pursuant to Section 18A of
26 Chapter 21A of the General Laws. Use of these funds by the Department shall be

27 consistent with the requirements of Section 18A of Chapter 21A of the General Laws
28 with oversight by the Advisory Committee established by that statute.
29 (e) Remaining amounts deposited annually in the Fund shall be appropriated for capital
30 improvements under the control of Department of Conservation and Recreation, Division
31 of Parks for construction that meets LEEDS building standards established by the U.S.
32 Green Building Council

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

- 35 (a) municipal recycling and waste reduction program improvements, including unit-based
36 pricing, single stream collection, composting, and public space recycling
- 37 (b) municipal recycling equipment
- 38 (c) school recycling and composting program establishment and improvements
- 39 (d) commercial and institutional recycling and composting program establishment and
40 improvements
- 41 (e) recycling service provider grants, low interest equipment loans and tax incentives
- 42 (f) recycling and waste reduction outreach and education – schools and the general public
- 43 (g) market development for recovered materials
- 44 (h) enforcement of Waste Bans (9310 CMR 19.017) by the Department of Environment
45 Protection
- 46 (i) other activities as recommended by the department

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

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

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

64 SECTION 6. Section 33 of Chapter 92 of the General Laws as appearing in the 2004
65 Official Edition is hereby amended by inserting after the first paragraph the following
66 new paragraph:- With funding from Chapter 94 Section 323G 9 (d), the commissioner of
67 the division shall (a) require the development and incorporation of recycling

68 opportunities into all reservation designs or redesigns and (b) establish a program to
69 increase recycling opportunities in all of the reservations under his control.

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

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