

SENATE No. 1350

By Mr. Wetmore, a petition (accompanied by bill, Senate, No. 1350) of Robert D. Wetmore for legislation to reduce hazardous waste generation at the source. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-four.

AN ACT TO REDUCE HAZARDOUS WASTE GENERATION AT THE SOURCE.

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. *Preamble.* It is hereby determined that the re-
2 duced generation of hazardous wastes through recycling and
3 other on-site processing technologies is vital to the protection
4 of the public health and safety; that such technologies are
5 available and could be more fully utilized through promotion
6 of such technologies by the Commonwealth; and that the
7 policy of the Commonwealth should give preference to such
8 source reduction technologies over other approaches to haz-
9 ardous waste disposal.

1 SECTION 2. Section 4 of Chapter 21C of the General Laws,
2 as most recently amended by Chapter 508 of the Acts of 1980,
3 is hereby further amended by inserting after the second para-
4 graph the following: —

5 The department shall study the available technologies for
6 resources recovery, recycling and other methods of on-site
7 treatment of hazardous wastes and shall determine the tech-
8 nological and economic feasibility of such methods of on-site
9 treatment. The department shall establish standards requir-
10 ing generators of hazardous waste which could feasibly be
11 treated on site to adopt such technologies within a reason-
12 able period of time, wherever such a means of treatment is
13 technologically feasible, safe, and would not result in signifi-
14 cant economic injury to the generator. Such standards shall
15 be initially promulgated no later than July first, nineteen

16 hundred and eighty-five, and shall be revised from time to
17 time in light of improvements in the technology or economic
18 feasibility of source reduction. In developing such standards
19 the department shall take into consideration the assistance
20 available to generators from the Commonwealth for the de-
21 velopment of source reduction technologies. In considering
22 the economic feasibility of such standards, the department
23 shall take into account the economic resources available to
24 particular generators or categories of generators and the
25 special needs of small businesses, and may establish standards
26 which differentiate between generators capable of implement-
27 ing source reduction through their own resources and those
28 capable of implementing source reduction only with assistance
29 from the commonwealth.

30 The department shall operate a program of technical assist-
31 ance to generators of hazardous waste in the development and
32 implementation of source reduction technologies and may, for
33 that purpose, expend funds appropriated for that purpose for
34 grants, contract assistance, or technical consultation to gen-
35 erators. Priority in the provision of such technical assistance
36 shall be given to generators who do not have sufficient re-
37 sources to develop or implement source reduction technologies
38 in the absence of such assistance.

39 The department shall review applications to the Massachu-
40 setts Industrial Finance Agency for priority assistance for
41 source reduction projects and shall certify to that Agency
42 projects which warrant such priority because they satisfy the
43 following requirements: (a) they are technologically feasible
44 and safe; (b) they further the policy of the commonwealth
45 to promote reduction of hazardous waste generation at the
46 source; (c) they would be economically feasible for the gen-
47 erator with such assistance but would not be economically
48 feasible for the generator without such assistance.

1 SECTION 3. Section 5 of Chapter 21C of the General Laws,
2 as inserted by Chapter 704 of the Acts of 1979, is hereby
3 amended by inserting after the third paragraph the follow-
4 ing: —

5 No person who generates hazardous waste shall dispose of
6 such wastes in violation of the standards promulgated by the

7 department requiring disposal of hazardous waste by gener-
8 ators on site.

1 SECTION 4. There is hereby appropriated from the general
2 fund the sum of two million dollars for expenditure by the
3 division of hazardous waste in the department of environ-
4 mental quality engineering for the purpose of developing the
5 source of reduction program mandated by section four of
6 chapter 21C of the General Laws. No more than four hundred
7 thousand dollars of such sum shall be expended for the pur-
8 pose of developing the standards for source reduction required
9 by said section, and the balance shall be expended for the
10 purpose of technical assistance to generators of hazardous
11 waste for the development or implementation of source re-
12 duction technologies as provided by said section.

1 SECTION 5. Section 35 of Chapter 23A of the General Laws,
2 as most recently amended by Chapter 490 of the Acts of 1980,
3 is hereby further amended by inserting after subsection (h)
4 the following: —

5 (i) The Agency is authorized to issue up to one hundred
6 million dollars of bonds between January first, nineteen hun-
7 dred and eighty-four, and January first, nineteen hundred and
8 eighty-nine, for the purpose of financing investments by gen-
9 erators of hazardous waste in the reduction of such hazard-
10 ous waste generation at its source. Such source reduction
11 projects which are certified by the division of hazardous waste
12 of the department of environmental quality engineering as
13 projects which warrant priority for source reduction assist-
14 ance under section four of chapter twenty-one C of the Gen-
15 eral Laws shall have first priority over all other financing as-
16 sistance by the Agency.

1 SECTION 6. The division of hazardous waste of the depart-
2 ment of environmental quality engineering shall, in conjunc-
3 tion with the hazardous waste advisory committee established
4 under chapter 21C of the General Laws, conduct a study and
5 report to the legislature no later than July 1, 1984, on the
6 following matters: (1) to what extent can the need for new
7 hazardous waste processing facilities be reduced or eliminated
8 through policies to promote reduction of hazardous waste

9 generation at the source? (2) What level of technical or
10 financial assistance by the commonwealth be required to pro-
11 mote adoption of all source reduction technologies which
12 are technically feasible and safe by all generators in the
13 commonwealth? (3) What level of tax on the sale of toxic
14 chemicals within the commonwealth would be required to
15 finance a system of expenditures to promote the maximum
16 technologically feasible use of source reduction coupled with
17 the development of publicly owned and operated hazardous
18 waste processing facilities to process those wastes which could
19 not be processed at the source? (4) What number of publicly
20 owned and operated facilities of what size and character
21 would be needed to provide a comprehensive system of hazard-
22 ous waste treatment within the commonwealth? There is
23 hereby appropriated from the general fund for the purpose of
23 conducting such a study the sum of three hundred thousand
24 dollars to be expended by the division of hazardous waste of
25 the department of environmental quality engineering.