

The Commonwealth of Massachusetts

EXECUTIVE DEPARTMENT,
STATE HOUSE, BOSTON, January 10, 1968.

To the Honorable Senate and House of Representatives:

On October 6, 1967, a public emergency was declared because of grave dangers to the public health caused by the lack of solid waste disposal facilities in the Greater Boston Area. At that time the Commissioner of Public Health ordered that a large refuse disposal site, located off Route 107 in the Town of Saugus, remain open to communities and commercial users having no alternate disposal facility. This site previously had been ordered closed by the Saugus Board of Health.

Prior to the order of the Saugus Board of Health, fifteen Greater Boston communities had become dependent on this Saugus site. In addition, it had become the sole available outlet for 900,000 tons per year of commercial, industrial and institutional refuse collected by private companies in the Greater Boston area. At the present time the Saugus site is being operated pursuant to the emergency powers provided by Chapter 17, Section 2A, of the General Laws.

The Saugus site is filled nearly to capacity. When exhausted, its further use could create a serious danger to the health and safety of the residents of Saugus and adjoining communities.

The Department of Public Health warns that unless other disposal areas are made available immediately, this could lead to serious health problems. Non-collection and accumulation of wastes results in increases in insects, vermin, flies and rodents and can be responsible for serious disease outbreaks in a community. It is necessary, therefore, that the Commonwealth provide an immediate solution.

This refuse disposal crisis has reached proportions which preclude a present solution on the community or private level. A thorough study of possible remedies which could be provided by the Commonwealth has been made by the Commissioner of Administration and Finance and the Division of Sanitary Engineering of the Department of Public Health. The conclusion reached is that the only feasible solution to the present emergency in Saugus, and to others

which might arise in the future, is the authorization of the Department of Public Works, with the concurrence of the Departments of Public Health and Natural Resources, to dispose of solid wastes. Such disposal would be carried out by the Department of Public Works at such sites and in the manner concurred in by the other two Departments.

The attached legislation would accomplish this purpose. In further detail, it also includes the following provisions:

— The Commonwealth would advance funds to initiate the solid waste disposal operations and would be reimbursed by the assessment of charges to municipal and private users.

— Only users would bear the costs.

— Municipalities requesting the service would have an approving authority over the proposed budgets for such facilities.

— The Department of Public Health would supervise the manner of waste disposal.

— In the event of the acquisition of land for a sanitary land fill, the land, when filled, would first be offered to the municipality in which it is located for a price approximately that of its cost to the State, less all principal payments that had been made. It is expected that the costs of such land substantially would have been amortized at the time of its disposal, thus allowing the Commonwealth to return it to the municipality in which it is located at no cost to that community.

— Ten million dollars (\$10,000,000) would be authorized to be raised by the sale of bonds of the Commonwealth for the purpose of developing the solid waste disposal program.

— The services would be available to any community in the Commonwealth, but need not be utilized if the community wishes to use other facilities and means for waste disposal.

The attached legislation must be enacted if grave dangers to the public health are to be avoided. It is my hope that the people of the Commonwealth can receive the benefits of this legislation as soon as possible.

I respectfully request that Your Honorable Bodies grant this measure your early approval.

Respectfully submitted,

JOHN A. VOLPE,
Governor of the Commonwealth.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Eight.

AN ACT AUTHORIZING THE MASSACHUSETTS DEPARTMENT OF PUBLIC WORKS TO DISPOSE OF SOLID WASTE.

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 16 of the General Laws is hereby
2 amended by adding the following sections:—

3 *Section 15.* The department is hereby authorized to dispose
4 of solid wastes, from whatever source, in any manner and at
5 any site which are concurred in by the department of natural
6 resources and the department of public health, provided that
7 the provisions of section one hundred and fifty A of chapter
8 one hundred and eleven shall not apply. For these purposes
9 the department is authorized and empowered, with said
10 concurrence, to purchase, lease or take by eminent domain
11 under the provisions of chapter seventy-nine any land and
12 buildings necessary for solid waste disposal. The department
13 may, from such funds as may be appropriated from the State
14 Waste Disposal Fund hire such experts, engineers, and other
15 personnel deemed necessary, and contract with users, public
16 and private, including agencies of the commonwealth and its
17 political subdivisions, to dispose of solid wastes. To carry out
18 the provisions of this section, the department may, subject to
19 the aforesaid concurrence, contract with any person or
20 municipality to implement this section, and may accept any
21 gifts or grants of money or property, whether real or personal,
22 from any source, including but not limited to the United
23 States of America or its agencies relative to the disposal of
24 solid wastes. Any land acquired under this section may be
25 disposed of by the department, with the concurrence of the
26 department of natural resources and the department of public

27 health, in the best interests of the commonwealth; provided,
28 however, that in no event shall such land be so disposed of
29 unless said department, with the concurrence of the depart-
30 ment of natural resources and the department of public
31 health, first offers in writing to convey it to the city or town
32 wherein such land lies for an amount of money not less than
33 the principal amount remaining to be paid on bonds issued
34 pursuant to section two of chapter of the acts of nineteen
35 hundred and sixty-eight to meet the capital outlay expendi-
36 tures relative to such land, nor unless such offer is not
37 accepted within two months after being made or is refused by
38 the mayor or selectmen of the city or town wherein such land
39 lies.

40 *Section 16.* The commissioner shall establish, pursuant to
41 the provisions of section three, a bureau of solid waste
42 disposal. It shall be the responsibility of the bureau to carry
43 out the provisions of sections fifteen through seventeen.

44 *Section 17.* The department, with the cooperation of the
45 department of public health and the department of natural
46 resources, shall investigate and study the solid waste disposal
47 needs of the commonwealth and, after a public hearing, shall
48 develop and submit to the appropriate regional planning
49 agencies for their review and comment, proposed programs
50 for solid waste disposal including plans for their implementa-
51 tion. The department, at least sixty days prior to submitting
52 its estimates as required by section four of chapter twenty-
53 nine, shall annually submit for approval, by certified mail, to
54 each city and town a proposed budget indicating the pro-
55 jected costs of the disposal of solid wastes originating within
56 such cities and towns, and such approval shall not be
57 withheld unreasonably and shall be deemed granted unless
58 acted upon within thirty days after submission. The depart-
59 ment of public health, on a continuing basis, shall review and
60 make recommendations to the department pertaining to solid
61 waste disposal, and the department shall implement such
62 recommendations.

63 *Section 18.* Money received by the department relative to
64 solid waste disposal, including but not limited to funds
65 received from assessments on cities and towns as provided in
66 section nineteen shall be credited on the books of the com-

67 monwealth to a fund to be known as the State Waste
68 Disposal Fund which shall be expended, subject to appropria-
69 tion and the laws relating to state finance, for the purposes of
70 solid waste disposal and for the debt and interest cost relating
71 to any bonds issued to meet the capital outlay expenditures
72 necessary to carry out the provisions of sections fifteen
73 through nineteen.

74 *Section 19.* The department shall maintain records of the
75 cost of carrying out the provisions of sections fifteen through
76 nineteen and shall notify the treasurer of the commonwealth
77 of the estimated amounts of money due the commonwealth
78 from the various municipalities served and they shall be
79 assessed by the state treasurer and included and made a part
80 of the sum charged to such city or town and shall be paid by
81 such city and town into the state treasury as provided by
82 section twenty of chapter fifty-nine provided that any such
83 city or town may in any year anticipate in whole or in part
84 its assessment and appropriate, raise and deposit the amount
85 thereof with the state treasurer, and any sum so deposited
86 shall be credited against such assessment. The proportion in
87 which each participating city and town shall annually pay
88 money into the treasury of the commonwealth to meet
89 expenses incurred under sections fifteen through nineteen of
90 this chapter, and the cost of maintaining the bureau of solid
91 waste disposal, and any deficiency in the amounts previously
92 paid in, shall annually be determined by the department
93 according to the amount and category of waste received from
94 each such city or town for disposal. The department after
95 public hearing shall establish and from time to time amend
96 charges to private or other users.

1 SECTION 2. To meet the capital outlay expenditures,
2 including but not limited to expenditures for machinery and
3 equipment, necessary in carrying out the provisions of sec-
4 tions fifteen through nineteen of chapter sixteen of the
5 general laws, the state treasurer shall, upon request of the
6 governor, issue and sell at public or private sale bonds of the
7 commonwealth, registered or with interest coupons attached,
8 as he may deem best, to an amount to be specified by the
9 governor from time to time, but not exceeding in the aggre-

10 gate, the sum of ten million dollars. All bonds issued by the
11 commonwealth, as aforesaid, shall be designated on the face,
12 Solid Waste Disposal Bonds, Act of 1967, and shall be on the
13 serial payment plan for such maximum term of years, not
14 exceeding twenty years, as the governor may recommend to
15 the general court pursuant to section three of Article LXII of
16 the Amendments to the Constitution of the Commonwealth,
17 and maturities thereof to be so arranged that the amount
18 payable in the several years of the period of amortization,
19 other than the final year, shall be as nearly equal as in the
20 opinion of the state treasurer it is practicable to make them.
21 Said bonds shall bear interest semi-annually at such rate as
22 the state treasurer, with the approval of the governor, shall
23 fix. The initial maturities of such bonds shall be payable not
24 later than one year from the date of issue thereof, and the
25 entire issue not later than twenty years from the date of issue
26 thereof. All interest payments and payments on account of
27 principal on bonds authorized by this section shall be paid
28 from the State Waste Disposal Fund; provided, that not-
29 withstanding the foregoing, such bonds shall be general obli-
30 gations of the commonwealth.



