

By Mr. Carney of Lynn, petition of Philip N. Carney for legislation to authorize the Department of Public Works to dispose of solid wastes. Social Welfare.

The Commonwealth of Massachusetts

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

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

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 by the department of public health. For these
7 purposes the department is authorized and empowered with
8 said concurrence, to purchase, lease or take by eminent
9 domain under the provisions of chapter seventy-nine any
10 land and buildings necessary for solid waste disposal. Aside
11 from any collection and transportation incident to site man-
12 agement, the department is excluded from any and all
13 collection and transportation of solid waste. The department
14 may, from such funds as may be appropriated from the State
15 Waste Disposal Fund hire outside the provisions of chapter
16 thirty-one such experts, engineers, and other personnel
17 deemed necessary, and contract with users, public and pri-
18 vate, including agencies of the commonwealth and its poli-
19 tical subdivisions, to dispose of solid wastes. To carry out the
20 provisions of this section, the department may contract with
21 any person or municipality to implement this section, and
22 may accept any gifts or grants of money or property, whether

23 real or personal, from any source, including but not limited to
24 the United States of America or its agencies relative to the
25 disposal of solid wastes. Any land acquired under this section
26 may be disposed of by the department with the approval of
27 the department of Natural Resources.

28 *Section 16.* There shall be in the department, a division of
29 solid waste disposal under the supervision of a director
30 appointed by the commissioner with the approval of the
31 governor. It shall be the responsibility of the division to carry
32 out the provisions of sections fifteen through seventeen.

33 *Section 17.* The department, with the cooperation of the
34 department of Natural Resources and the department of
35 public health, shall investigate and study the solid waste
36 disposal needs of the commonwealth and the department,
37 after holding a public hearing, shall develop and submit to
38 the appropriate regional planning agencies for their review
39 and comment, proposed programs for solid waste disposal
40 including plans for their implementation. The department, at
41 least sixty days prior to submitting its estimates as required
42 by section four of chapter twenty-nine, shall annually submit
43 for approval, by certified mail, to each city and town a
44 proposed budget indicating the projected costs of the disposal
45 of solid wastes originating within such cities and towns, and
46 such approval shall not be withheld unreasonably and shall
47 be deemed granted unless acted upon within thirty days after
48 submission. If the majority of cities or towns in a waste
49 disposal area approve, the budget shall be deemed approved.
50 The department of public health, on a continuing basis, shall
51 review the solid waste program and make recommendations to
52 the department in matters pertaining to public health and
53 the department of Natural Resources shall review any site
54 and make recommendations to the department and the
55 department shall implement such recommendations.

56 *Section 18.* Money received by the department relative to
57 solid waste disposal, including but not limited to funds
58 received from assessments on cities and towns as provided in
59 section nineteen shall be credited on the books of the com-
60 monwealth to a fund to be known as the State Waste Disposal
61 Fund which shall be expended, subject to appropriation and
62 the laws relating to state finance, for the purposes of solid

63 waste disposal and for the debt and interest cost relating to
64 any bonds issued to meet the capital outlay expenditures
65 necessary to carry out the provisions of sections fifteen
66 through nineteen.

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

1 SECTION 2. Initially to meet the expenditures necessary in
2 carrying out the provisions of sections fifteen through nine-
3 teen of chapter sixteen of the General Laws, the state
4 treasurer shall, upon request of the governor, issue and sell at
5 public or private sale bonds of the commonwealth, registered
6 or with interest coupons attached, as he may deem best, to an
7 amount to be specified by the governor from time to time,
8 but not exceeding in the aggregate, the sum of ten million

9 dollars. All bonds issued by the commonwealth, as aforesaid,
10 shall be designated on the face, Solid Waste Disposal Bonds,
11 Act of 1967, and money therefrom shall be deposited in the
12 Solid Waste Disposal Fund and shall be on the serial pay-
13 ment plan for such maximum term of years, not exceeding
14 twenty years, as the governor may recommend to the general
15 court pursuant to section three of Article LXII of the
16 Amendments to the Constitution of the Commonwealth, and
17 maturities thereof to be so arranged that the amount payable
18 in the several years of the period of amortization, other than
19 the final year, shall be as nearly equal as in the opinion of the
20 state treasurer it is practicable to make them. Said bonds
21 shall bear interest semi-annually at such rate as the state
22 treasurer, with the approval of the governor, shall fix. The
23 initial maturities of such bonds shall be payable not later
24 than one year from the date of issue thereof, and the entire
25 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
30 obligations of the commonwealth. Any sums expended in
31 developing and initiating preliminary solid waste disposal
32 plans and programs shall not be subject to provisions of
33 section nineteen. Solid Waste Disposal location must conform
34 with local zoning ordinances and regional planning. The
35 collection of solid wastes for delivery to the disposal area
36 shall be precluded from the activities of this department.