

HOUSE No. 4343

By Messrs. Marzilli of Arlington and Angelo of Saugus, petition of J. James Marzilli, Jr., Steven Angelo, Paul Kollios, Robert A. Durand and Pamela P. Resor relative to "full capacity fees" of resource recovery facilities. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Three.

AN ACT RELATIVE TO RESOURCE RECOVERY FACILITIES.

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 21 of chapter 40D of the General Laws is hereby
- 2 amended by adding the following new section: —
- 3 (j) "Full capacity fees" shall be defined as the fees calculated
- 4 on the condition that a resource recovery facility is operating at
- 5 its maximum sustainable throughput rate.
- 6 "Maximum sustainable throughput rate" shall be defined as the
- 7 operating condition at which a resource recovery facility is
- 8 designated to operate on a continual basis. Notwithstanding any
- 9 currently existing contractual provisions to the contrary, tipping
- 10 fees charged to municipalities by the operators of resource
- 11 recovery facilities shall not exceed full capacity fees at any time.

