

By Mrs. Murray of Cohasset, petition of Mary Jeanette Murray relative to authorizing county commissioners and the Department of Environmental Quality Engineering to establish, operate, maintain and control facilities for energy resource recovery and for the collection, transfer, processing and disposal of solid waste. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety.

AN ACT AUTHORIZING COUNTY COMMISSIONERS AND THE DEPARTMENT OF ENVIRONMENTAL QUALITY ENGINEERING TO ESTABLISH, OPERATE, MAINTAIN AND CONTROL FACILITIES FOR ENERGY RESOURCE RECOVERY AND FOR THE COLLECTION, TRANSFER, PROCESSING, AND DISPOSAL 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. The county commissioners of any county in
2 cooperation with the department of environmental quality
3 engineering, subject to the provisions of chapter thirty-four and
4 chapter thirty-five of the General Laws are hereby authorized to
5 establish a comprehensive program for the disposal of solid waste
6 within said county. Such program may include the provision for
7 the establishment of transfer stations, processing, separation,
8 recovery, recycling, energy recovery, baling, and final disposal of
9 non-utilized materials by sanitary landfill; or any other processing
10 or disposal method. Such program may include all transfer and
11 hauling of solid waste to serve any district which may include two
12 or more municipalities without said county.

1 SECTION 2. Said county commissioners and the department
2 of environmental quality engineering are authorized to establish
3 a department of solid waste management with a county and they
4 shall establish a management committee consisting of the county
5 commissioners, a representative of the said department, one
6 member from each participating municipality and one member

7 from each municipality within the county that has system facilities
8 but are not participants. The county commissioners shall
9 constitute an executive board of the management committee and
10 may have such duties and powers as the management committee
11 may deem appropriate.

1 SECTION 3. The commissioners and the department of
2 environmental quality engineering with the approval of the
3 management committee, are further authorized to acquire site or
4 sites for such transfer, processing or disposal facilities by lease
5 purchase or by eminent domain, subject, however, to the approval
6 of the town meeting in the town or by the city council of the city
7 in which the site is to be located.

8 The commissioners and the department of environmental
9 quality engineering with the approval of the management
10 committee are further authorized to cause plans and/or
11 specifications to be prepared for such facilities and to contract
12 with private enterprise for the design, construction and operation
13 on a cost-per-tonnage or other basis; or to contract for use of
14 facilities within or without said county; or to construct and/or
15 operate such facilities.

16 All sums received from the federal and state governments for
17 the purposes of this act shall be included in and considered a part
18 of the total amount to be extended hereunder. The county and
19 the department of environmental engineering shall access capital
20 and operating costs on the municipalities and other authorized
21 users of said facilities, in whole or in part, by direct charges to
22 the users based upon the tonnage received or other basis.

23 Municipalities who do not utilize said disposal program shall
24 not be assessed for usage of same. Municipalities contracting to
25 use county financed facilities after they are put into operation shall
26 be assessed by the county an amount equal to that municipality's
27 equitable share less depreciation of the capital cost of the years
28 on which said municipality did not participate. The county shall
29 compensate any of the municipalities in which county-owned
30 facilities are located by the use of tax payments or compensation
31 payments or combination of both for potential losses in real estate
32 taxes.