

HOUSE No. 5950

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 20, 1971.

The committee on Natural Resources and Agriculture, to whom was referred so much of the message from His Excellency the Governor recommending legislation relative to the environment of the Commonwealth (House, No. 5859) as relates to increasing the authority of the bureau of solid waste disposal in the Department of Public Works (App. B), report recommending that the accompanying bill (House, No. 5950) ought to pass.

For the committee,

RICHARD J. DWINELL

The Commonwealth of Massachusetts

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

AN ACT INCREASING THE AUTHORITY OF THE BUREAU OF SOLID WASTE DISPOSAL WITHIN THE DEPARTMENT OF PUBLIC WORKS.

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. Section 18 of chapter 16 of the General Laws, as
2 inserted by chapter 834 of the acts of 1969, is hereby amended
3 by inserting after the words "public health" as they appear in
4 said section the following words: — , recycling plant.

1 SECTION 2. Section 19 of said chapter 16, as inserted by said
2 chapter 834, is hereby amended by striking the third sentence of
3 said section and by inserting after the fourth sentence of said
4 section the following new sentence: —

5 The department of public health, on a continuing basis, shall
6 review and make recommendations to the department on the
7 manner of operation and adequacy from a public health
8 standpoint of any solid waste disposal facility planned, estab-
9 lished, or operated under the provisions of sections eighteen
10 through twenty-four, inclusive, and the department shall imple-
11 ment such recommendations, subject to appropriations.

1 SECTION 3. Section 20 of said chapter 16, as inserted by said
2 chapter 834, is hereby amended by adding the following five
3 sentences: —

4 Said bureau may conduct research and demonstration projects
5 and may make grants to cities, towns, and districts to encourage
6 improved methods of solid waste disposal including recycling.
7 The administrative cost of operating said bureau shall be paid and
8 the cost of such projects and grants may be paid from the general
9 fund. The department may hire such experts, engineers, and
10 other personnel, from such funds as may be appropriated, as it
11 deems necessary for the operation of the bureau. The department

12 may, subject to the provisions of chapter thirty A, and with the
13 concurrence of the department of natural resources and the
14 department of public health, promulgate rules and regulations
15 relating to the storage, collection, transportation, transfer, and
16 disposal of solid waste. The superior court in equity shall have
17 jurisdiction to enforce such rules and regulations.

1 SECTION 4. Section 21 of said chapter 16, as inserted by said
2 chapter 834, is hereby amended by striking the second sentence
3 of said section and inserting in place thereof the following two
4 sentences: —

5 The department shall, after public hearing, designate such solid
6 waste disposal districts as it deems necessary to provide for the
7 efficient disposal of solid wastes within the commonwealth. A
8 solid waste disposal so designated may consist of a single city or
9 town, or a part thereof, or two or more cities or towns, or cities
10 and towns, or parts thereof.

1 SECTION 5. Said chapter 16 is hereby further amended by
2 striking sections 22 and 23 of said chapter, as inserted by said
3 chapter 834, and inserting in place thereof the following new
4 sections: —

5 *Section 22.* The department shall, after hearing, determine the
6 amount which shall be assessed upon each city or town which is
7 included in a district established under the provisions of section
8 twenty-one to meet the costs, including capital costs, of
9 operating such district. The amount so assessed shall be based
10 upon the amount and category of solid waste originating within
11 such city or town, or the part thereof included in such district,
12 which is disposed of at a facility established under the provisions
13 of this chapter in proportion to the total amount of solid waste
14 originating within such district which is so disposed of, provided
15 that the department may establish a minimum assessment as a
16 city or town's share of the cost of amortizing a district solid
17 waste disposal facility established under the provisions of
18 sections eighteen to twenty-four, based upon an estimate of the
19 anticipated usage over the life of said facility by said city or
20 town, as determined by a solid waste disposal needs survey. The
21 proportion in which each participating city and town shall
22 annually pay money into the treasury of the commonwealth to

23 meet expenses incurred under sections eighteen through twenty-
24 four, inclusive, and any deficiency in the amounts previously
25 paid in shall reflect appropriate adjustments which take into
26 account fees paid by users other than cities and towns.

27 *Section 23.* Money received by the department relative to solid
28 waste disposal, including but not limited to funds received from
29 assessments on cities and towns as provided in sections twenty-
30 two and twenty-four shall be credited on the books of the
31 commonwealth to a fund to be known as the Solid Waste
32 Disposal Fund which shall be expended, subject to appropriation
33 and the laws relating to state finance, for the purposes of
34 management, maintenance and operation of solid waste disposal
35 facilities established under sections eighteen through twenty-
36 four, and expenses incidental thereto, including without limita-
37 tion expenses of contracts with an individual, a corporation, or
38 public agency, including agencies of the commonwealth and its
39 political subdivisions, to dispose of solid wastes at said facilities,
40 and for the debt and interest cost relating to any bonds issued to
41 meet the expenditures necessary to carry out the provisions of
42 sections eighteen through twenty-four, inclusive.

1 SECTION 6. Section 24 of said chapter 16, as inserted by said
2 chapter 834, is hereby amended by striking the first two
3 sentences of said section and inserting in place thereof the
4 following sentence: —

5 The department shall maintain records of the cost of carrying
6 out the provisions of sections eighteen through twenty-three and
7 shall notify the treasurer of the commonwealth of the estimated
8 amounts of money due the commonwealth from the various
9 municipalities served, and such amounts shall be assessed by the
10 state treasurer and included and made a part of the sum charged
11 to such city or town and shall be paid by such city or town into
12 the state treasury as provided by section twenty of chapter
13 fifty-nine provided that any such city or town may in any year
14 anticipate in whole or in part its assessment and appropriate,
15 raise and deposit the amount thereof with the state treasurer, and
16 any sum so deposited shall be credited against such assessment.