

By Mr. Hatch of Beverly, petition of Francis W. Hatch, Jr., and other members of the House that the Department of Public Works be authorized to establish and operate facilities for the sanitary disposal of solid waste. Social Welfare.

The Commonwealth of Massachusetts

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

AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO ESTABLISH AND OPERATE FACILITIES FOR THE SANITARY DISPOSAL OF SOLID WASTES IN THE COMMONWEALTH.

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.* In this chapter, unless the context otherwise
4 requires, the following words shall have the following
5 meanings:—

6 “Solid wastes disposal facility”, incinerators, sanitary
7 landfills, transfer stations, composting plants, other sanitary
8 means of solid wastes disposals approved by the department
9 of public health, or any combination of one or more of the
10 above facilities and appurtenant facilities.

11 *Section 16.* The department may establish solid waste
12 disposal facilities for the disposal of all or part of the solid
13 wastes generated within the commonwealth, provided, how-
14 ever, that no city or town shall be required to use or be
15 assessed for the use of said facilities unless said city by vote of
16 its council or town by vote of its board of selectmen petitions
17 said department for services under the provisions of this
18 act.

19 For the purposes of this chapter, the department shall have
20 the following powers and duties:

21 1. to receive gifts, grants in aid, money, land rights,

22 facilities or equipment as may be made by persons, cities, or
23 towns, bodies politic, or state or federal government for the
24 planning, design, construction, establishment, operation, or
25 maintenance of solid waste disposal facilities;

26 2. to receive as a gift or to purchase, acquire, or take by
27 eminent domain under provisions of chapter seventy-nine,
28 land, structures, facilities and easements;

29 3. to plan, design, construct, manage, maintain and operate
30 solid waste disposal facilities;

31 4. to enter into contracts with other bodies politic or
32 persons for the planning, design, management, construction,
33 maintenance, and operation of solid waste disposal facilities;
34 and

35 5. to enter into contracts with any city or town, body
36 politic, corporation, firm, company, or person for the disposal
37 of all or a portion of its or his solid wastes;

38 6. to expend for the purposes of this act, such sums as may
39 be appropriated therefor.

40 *Section 17.* The department with the cooperation of the
41 department of public health and the department of natural
42 resources shall investigate and study the solid waste disposal
43 needs of the commonwealth and shall, after joint public
44 hearings, as may be indicated, develop and submit to regional
45 planning agencies, as may be indicated, for their review and
46 comment, proposed plans and programs for solid waste dis-
47 posal services including plans for the location, acquisition,
48 construction, reconstruction, or alteration of facilities for
49 solid waste disposal together with priorities, a schedule for
50 implementation, estimates of costs and revenues, and an
51 allocation of costs.

52 *Section 18.* There shall be a solid waste disposal board
53 within the department of public works hereinafter referred to
54 as the "board", the department shall establish the board
55 consisting of eight members and the commissioner of public
56 works as ex-officio chairman of the board and with voting
57 privileges only to break a tie vote. The eight members shall
58 consist of one elected official from each of the eight solid
59 waste disposal districts in the commonwealth to be deter-
60 mined by the department of public works; the mayors and
61 chairmen of the boards of selectmen in each of the districts

62 shall elect one of themselves to represent their respective
63 districts on the board; four shall be elected for a term of one
64 year and four for a term of two years. At the expiration of the
65 appointed term of any board member, a successor shall be
66 appointed for a term of two years and he shall serve until his
67 successor is appointed. The initial one year terms shall be
68 geographically distributed and insofar as is feasible, the
69 members of the board shall be from municipalities served or
70 in which facilities are or are to be located.

71 Members of the board shall be compensated for their
72 services at the rate of fifty dollars *per diem* but in no event to
73 exceed twenty-five hundred dollars in any one year and they
74 shall be reimbursed for expenses incurred.

75 The board shall sit at the joint public hearings, as may be
76 indicated, in each of the districts so that the public and
77 elected officials may be heard as to site selections, solid waste
78 disposal facility needs, and recommendations thereto.

79 The department shall not expend any sum appropriated by
80 the general court for the establishment, maintenance, or
81 operation of solid waste disposal facilities under provisions of
82 this chapter unless such expenditure is in conformity with a
83 schedule of expenditures approved by the board. Whenever
84 the approval of such board is required for any matter, such
85 approval shall be deemed to have been granted unless, within
86 sixty days after submission of the matter, such board has
87 communicated its disapproval to the department in writ-
88 ing.

89 *Section 19.* The department shall establish, as may be
90 indicated, advisory boards consisting of the city managers in
91 the case of a plan D or E city, the mayors of other cities, the
92 town managers of towns having such officers, and chairmen of
93 boards of selectmen of other towns to represent each of the
94 cities and towns involved, in, or contemplated to be involved
95 in, through use or location therein of, any regional solid waste
96 disposal facility. Each mayor, city or town manager, and
97 chairman may, by a writing filed with the department, from
98 time to time, appoint a designee to act for him on such
99 advisory boards. The members of each advisory board estab-
100 lished shall elect its own chairman and may sit with and
101 participate in such hearings as may be held by the depart-

102 ment relative to such solid waste disposal facility with which
103 the department determines said advisory board members may
104 have a concern. The department shall request and be further
105 guided by the recommendations of the advisory boards in
106 matters pertaining to the selection of sites to be used for, the
107 designs of, and the construction costs of solid waste disposal
108 facilities.

109 *Section 20.* Insofar as it is feasible, the site for a solid waste
110 disposal facility established under the provisions of this
111 chapter shall be in a city or town to be serviced or contem-
112 plated to be serviced under the provisions of this chapter.
113 Assignment of the site under the provisions of section one
114 hundred and fifty A of chapter one hundred and eleven shall
115 not be required. Further, in the selection of the site for such a
116 facility, the department shall be cognizant of the provisions
117 of any local ordinance or by-law adopted under chapter forty
118 A or corresponding provisions of earlier law and insofar as is
119 feasible conform therewith. Where deemed advisable for
120 aesthetic reasons and to protect the public health, comfort,
121 and convenience and property values in the vicinity, the
122 department shall employ the use of buffer zones, special
123 architectural treatment of the facility, and such other means
124 as may be indicated and appropriate.

125 Insofar as it is feasible the design and manner of operation
126 of a solid waste disposal facility established under the provi-
127 sions of this chapter shall be compatible with the ultimate
128 contemplable and foreseeable use of the site after its termi-
129 nation under the provisions of section eight.

130 The department of public health, from time to time, shall
131 review the manner of operation and adequacy of such facili-
132 ties and shall make recommendations to the department and
133 the department shall implement such recommendations sub-
134 ject to appropriations.

135 *Section 21.* The department shall maintain records of the
136 costs of planning, designing, constructing, maintaining, and
137 operating the solid wastes disposal facilities and of any debt
138 charges and amortization and such records shall be the basis
139 for the determination of the charges to be levied against the
140 cities and towns or others contracting for the solid wastes
141 disposal service, in proportion to the category and amount of

142 wastes received, and in accordance with the terms of the
143 contract.

144 The department shall annually notify the treasurer of the
145 commonwealth of the amounts of money due the common-
146 wealth by the various municipalities served and the state
147 treasurer shall issue his warrant requiring the assessors of the
148 cities and towns to assess a tax in the amount of said sums;
149 provided, that any such city or town may in any year
150 anticipate in whole or in part its assessment, and appropriate,
151 raise, and deposit the amount thereof with the state trea-
152 surer, and any sum so deposited shall be credited against such
153 assessment.

154 *Section 22.* Upon termination of a solid wastes disposal
155 facility or completion of use of a site, or a reasonable portion
156 thereof, the department, after a public hearing and in the
157 best interests of the commonwealth, may convey the site to
158 the local conservation commission, or sell it as an industrial
159 development site if compatible with local zoning laws at the
160 time, or retain and further develop the site as a public park,
161 open area, green belt, golf course, camp site, marina or other
162 recreation area for the use of the general public, or convey it
163 to the city or town for such similar specific purposes.

1 SECTION 2. To meet the expenditures necessary in carrying
2 out the provisions of this act, the state treasurer shall, upon
3 request of the governor and council, issue and sell at public or
4 private sale bonds of the commonwealth, registered or with
5 interest coupons attached, as he may deem best, to an
6 amount to be specified by the governor and council from time
7 to time, but not exceeding in the aggregate, the sum of
8 million dollars. All bonds issued by the
9 commonwealth, as aforesaid, shall be designated on the face,
10 Solid Wastes Disposal Facilities Bonds, Act of 1967, and shall
11 be on the serial payment plan for such maximum term of
12 years, not exceeding twenty years, as the governor may
13 recommend to the general court pursuant to Section 3 of
14 Article LXII of the Amendments to the Constitution of the
15 Commonwealth, and maturities thereof to be so arranged
16 that the amount payable in the several years of the period of
17 amortization, other than the final year, shall be as nearly

18 equal as in the opinion of the state treasurer it is practicable
19 to make them. Said bonds shall bear interest and semi-
20 annually at such rate as the state treasurer, with the approval
21 of the governor, shall fix. The initial maturities of such bonds
22 shall be payable not later than one year from the date of
23 issue thereof, and the entire issue not later than twenty years
24 from the date of issue thereof.

