

Senate, No. 2547

[Senate, July 15, 2010 - New draft reported from the committee on Telecommunications Utilities and Energy for Senate, No. 1480]



The Commonwealth of Massachusetts

IN THE YEAR OF TWO THOUSAND AND TEN

AN ACT TO IMPROVE RECYCLING RATES 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. Section 321 of Chapter 94 of the General Laws, as appearing in the 2008
2 Official Edition, is hereby amended by striking out the definition “Beverage” and inserting in
3 place thereof the following definition:-

4 “Beverage”, soda water or similar carbonated soft drinks, mineral water, noncarbonated
5 beverages including mineral water, flavored and unflavored water, vitamin water, and other
6 water beverages, tea, sports drinks, isotonic drinks, beer and other malt beverages, but shall not
7 include alcoholic beverages other than beer and malt beverages as defined in chapter 138, dairy
8 products, natural fruit juices, coffee, or wine.

9 SECTION 2. Said section 321 of chapter 94, as so appearing, is hereby amended by
10 striking out the definition “Beverage container,” and inserting in place thereof the following
11 definition:-

12 “Beverage container,” any sealable bottle, can, jar, or carton which is primarily composed
13 of glass, metal, plastic, or any combination of those materials and is produced for the purpose of
14 containing a beverage, which, at the time of sale, has a capacity of 16 fluid ounces or more, but
15 less than 2 liters. This definition shall not include containers made of paper-based biodegradable
16 material and aseptic multi-material packaging.

17 SECTION 3. Said section 321 of chapter 94, as so appearing, is hereby further amended
18 by inserting after the definition “Dealer,” the following new definition:-

19 “Department”, the department of environmental protection.

20 SECTION 5. Said section 321 of chapter 94, as so appearing, is hereby amended by
21 adding, after the definition of “Plastic bottle” the following definition:-

22 “Redemption center,” any business whose primary purpose is the redemption of beverage
23 containers and is not ancillary to any other business.

24 SECTION 6. Said section 321 of chapter 94, as so appearing, is hereby amended by
25 adding after the definition of “Reusable beverage container,” the following new definition:-

26 “Small dealer,” any person, including any operator of a vending machine, employing the
27 equivalent of ten full time employees or less, who engages in the sale of beverages in beverage
28 containers to consumers in the commonwealth.

29 SECTION 7. Section 323 of chapter 94, as so appearing, is hereby amended by striking
30 out, in lines 11 and 12, and in lines 19 and 36 the words “one cent” and inserting in place thereof,
31 in each instance, the following:- 3 cents.

32 SECTION 8. Subsection (a) of said section 323 is hereby amended by inserting before
33 the word “refund”, in lines 1 and 2, the following word:- full

SECTION 9. Subsection (e) of said section 323 is hereby amended by adding at the end thereof the following:-

The division of professional licensure, in consultation with the executive office of energy and environmental affairs, shall promulgate rules and regulations for the licensure of redemption centers, and may set fees for the licensing of such redemption centers.

SECTION 10. Said section 323 of chapter 94, as so appearing, is hereby further amended by adding after subsection (i) the following subsection:-

(j) The handling fee shall be reviewed every 2 years by the secretary of the executive office of energy and environmental affairs who may make adjustments based on the consumer price index.

SECTION 11. Section 323F of Chapter 94 is hereby amended by striking out the text entirely, and inserting in place thereof the following:-

(a) There shall be established on the books of the commonwealth a separate fund to be known as the Clean Environment Fund. Amounts to be deposited in said Fund shall be used, subject to appropriation, solely for programs and projects supporting the proper management of solid waste, water resources, parkland, urban forestry, air quality and climate protection.

(b) Not less than 50 percent of amounts deposited in the Fund shall be used for recycling, composting and solid waste source reduction projects and programs.

(c) Not more than 25 percent of amounts deposited in the Fund shall be used for a "Sustainable Communities" grant program to cities and towns for advancing waste reduction, water quality, water conservation, and improved air quality.

(d) Not less than 25 percent of amounts deposited in the Fund shall be used for grants to cities and towns for community based park clean-up projects and urban forestry initiatives.

SECTION 12. Chapter 94 of the General Laws is hereby amended by inserting after section 323F the following new section:-

59 Section 323G. (a) A small dealer may apply to the department for an exemption from
60 compliance with subsection (b) of section 323.

61 (b) Application for an exemption shall be jointly filed with the department by a small
62 dealer and a redemption center located within 10 miles of the small dealer. The application shall
63 include the following: (1) the name and address of the person responsible for the establishment
64 and operation of the redemption center; (2) the kinds, sizes and brand names of beverage
65 containers that will be accepted by the redemption center; and (3) the names and addresses of
66 any dealers to be served and their distance from the local redemption center.

67 (c) In approving the exemption, the department shall consider, but not be limited to, the
68 following factors: (1) the health and safety of the public; (2) the convenience for the public,
69 including standards governing distribution of centers by population or by distance or both; (3)
70 the size and storage capacity of the dealer or dealers to be served by the redemption center; and
71 (4) the size and storage capacity of the redemption center.

72 (d) Except as provided for in subsection (f) of section 323, a redemption center shall
73 accept from any person during its business hours any empty beverage container of the type, size
74 and brand sold by a dealer served by the redemption center within the past sixty days and shall
75 pay that person the full refund value of each beverage container returned.

76 (e) A list of the dealers served and the types, sizes and brands accepted shall be
77 conspicuously displayed at each redemption center.

78 (f) The name and location of the redemption center serving the dealer shall be
79 conspicuously displayed at the dealer.

80 SECTION 13. Section 296 of Chapter 26 of the Acts of 2003 is hereby repealed.

81 SECTION 14. This act shall take effect on January 1, 2011.