

RULES AND REGULATIONS FOR REMOVAL, TRANSPORT, AND DISPOSAL OF SOLID WASTE OR RECYCLABLES IN THE TOWN OF TOWNSEND May 2023

I. Purpose

The goal of these regulations is to protect public health and the environment and ensure that all Private Haulers collecting Solid Waste and Recyclables adhere to the Massachusetts Waste Ban regulations and uniformly comply with permit requirements established by the Town of Townsend. This should ensure that:

- The environmental benefits of recycling are maximized;
- There is joint enforcement of the Waste Ban requirements by the municipality and all Private Haulers operating within the municipality;
- There are fair and equitable rules for all Private Haulers operating in the municipality;
- All residents and businesses have convenient (parallel) access to recycling collection services;
- All Private Haulers licensed to operate in a municipality are in compliance with state regulations (310 CMR 19.017);
- There is greater consistency across municipalities to promote clear operating guidelines for Private Haulers; and,
- Municipalities and Private Haulers work together to support the goals of the Solid Waste Master Plan and the Global Warming Solutions Act.

II. Authority

These regulations establish minimum requirements for the systematic collection of Solid Waste and Recyclables in order to promote waste reduction, comply with State-mandated Waste Bans (310 CMR 19.017), and further the goals of the Town of Townsend.

The Board of Health of the Town of Townsend adopts these regulations under the provisions of Chapter 111 Sections 31, 31A, 31B, 122 and 150A of the Massachusetts General Laws.

Private Haulers shall only collect for disposal those items acceptable for disposal. Materials banned from disposal under 310 CMR 19.017 shall not be included with Solid Waste.

III. Effective Date

These regulations shall take effect on July 1, 2019, and have been amended on May 9, 2023.

IV. Definitions

For the purposes of this regulation, the following words and phrases shall have the following meaning unless the content clearly indicates otherwise:

Commercial Customers/Generators shall mean property owners and occupants of any commercial, industrial, institutional, municipal, school, or mixed-use building within the Town of TOWNSEND.

Curbside Hauler shall mean the business that is contracted to service the curbside trash and recycling program with the town of Townsend.

Customer shall mean either Residential Customer/Generator or Commercial Customer/Generator.

Mercury Disposal Prohibition shall mean Disposal Prohibition Provision of the Mercury Management Act (Chapter 190 of the Acts of 2006). Effective May 1, 2008, mercury-added products cannot be disposed of in Solid Waste. The law also prohibits any Solid Waste collector from collecting as Solid Waste the contents of a Solid Waste container that the collector knows (or reasonably should know) includes one or more mercury-added products. Details may be found at this link:

<http://www.mass.gov/eea/docs/dep/toxics/laws/hgbanfaq.pdf>

Permitted Hauler shall mean any Private Hauler who has obtained a valid Private Hauler permit from the Town of TOWNSEND.

Private Hauler shall mean any person or entity providing collection of Solid Waste and/or Recyclables for hire within the Town of TOWNSEND.

Recyclables shall mean a material that is banned from disposal in the Commonwealth of Massachusetts pursuant to 310 CMR 19.017: Waste Bans. Mixed paper, cardboard, glass, metal, and plastic containers are priority materials of this regulation.

Residential Customers/Generators shall mean property owners and occupants of single, 2 family and 3 family homes that are serviced with curbside trash and recycling in the Town of Townsend.

Solid Waste shall mean useless, unwanted, or discarded non-recyclable solid and liquid wastes, excluding items restricted from disposal in Massachusetts, as defined by Table 310 CMR 19.017(3) of the Massachusetts' Solid Waste regulations (310 CMR 19.017).

Town shall mean the Town of Townsend

Waste Ban Materials and Construction Debris shall mean all materials designated as banned from disposal in the Commonwealth of Massachusetts pursuant to 310 CMR 19.017: Waste Bans, including: asphalt pavement, brick & concrete, cathode ray tubes, clean gypsum wallboard, commercial food waste, ferrous and non-ferrous metals, glass & metal containers, lead acid batteries, leaves and yard waste, recyclable paper, cardboard and paperboard, single resin narrow-necked plastics, treated and untreated wood and wood waste (banned from landfills only), white goods (large appliances), and whole tires (banned from landfills only).

V. Mandatory Recycling

These regulations are intended to support and align with the Town of Townsend's Recycling bylaw, Chapter 102 Recycling / regulation as follows.

The Town of Townsend will inform all generators (residential and commercial) at least once per year that recycling is mandatory.

A. Permit Application

The permit application shall include the formal name of the person or company, a statement that the person or company is registered to do business in Massachusetts and that the person or company is fully insured, and a contact name, address, and telephone number. Copies of certificates of insurance for public liability and property insurance also shall be included.

The permit application must include a statement that the Private Hauler understands, and is in compliance with, the Massachusetts Waste Bans and Mercury Disposal Prohibition. The Private Hauler shall list the Solid Waste disposal facilities and the Recycling processing facilities where Solid Waste and Recyclables are expected to be delivered from Private Hauler's Customers during the permit year. The application shall be signed by a designated representative of the company, permitted to do business within the Commonwealth of Massachusetts.

The application shall include information on the types of services intended to be offered, and the approximate number of collection trucks expected to be used in the municipality during the course of the permit year. The application shall include information on how the Private Hauler intends to ensure that Customers prevent Waste Ban materials from being disposed with Solid Waste, and how the Private Hauler intends to notify Customers of improper Recycling or Solid Waste disposal.

Upon receipt of a complete permit application, the Board of Health shall have **15 days to rule** on the granting of a permit to operate within the Town of Townsend. **In addition, the applicant shall pay an annual permit fee and a late fee which are part of their fee schedule.**

B. Annual Permit Renewal

Each Permitted Hauler shall annually submit a renewal application of his/her permit no later than the **15th of June** by paying the annual permit fee.

The annual renewal application must indicate any changes from the original permit, including any change in Solid Waste or Recyclables facilities used, and must be signed by the business owner. The renewal must be accompanied by the following information or a completed Annual Solid Waste and Recyclables Reporting Form:

- Total tons of Solid Waste collected for disposal and total tons of Recyclables collected for processing from Residential Customers/Generators within the Town of Townsend during the previous fiscal year. (In the case where the Permitted Hauler delivers loads for disposal or recycling that are combined with more than one municipality, then the Permitted Hauler must provide their best estimate of tonnage delivered from the Town.)

- The average number of Residential and Commercial Customers using each service (Solid Waste, Recycling) during the previous calendar year within the Town.
- The names of any Commercial Customers where the Permitted Hauler is providing Solid Waste only service.
- The names of any Commercial Customers where the Permitted Hauler provides a Recycling only service.
- Copies of any Waste Ban violation letters or notices received by the Permitted Hauler during the prior year that refer to loads collected within the Town of Townsend.

Failure to provide a complete and accurate Annual Solid Waste and Recyclables Reporting Form may be grounds for denial of a permit to operate within the Town of Townsend.

Annual permits will be issued by the 1st of July each year.

C. General Permit Requirements

All Permitted Haulers must be in compliance with the following general permit requirements:

- All Permitted Haulers must clearly display the name of the company on each vehicle operating in the municipality.
- All Permitted Haulers must be in compliance with applicable federal, state, and local laws. Each vehicle must meet all Department of Transportation safety requirements at all times.
- All materials must be securely contained in the vehicle. Littering or leaking shall be considered a violation of the permit.
- Recyclables shall not be commingled with Solid Waste when collected by the Permitted Hauler. Recyclables must be delivered to a processing facility designed to accept Recyclables. The Permitted Hauler shall inform Customers how to prepare acceptable Recyclables consistent with the requirements of the Recyclables processing facility.
- Permitted Haulers shall only collect for disposal Solid Waste which is not banned from disposal. It is the responsibility of the Permitted Hauler to educate the Customer about the Waste Bans and inform them that they will refuse to collect Solid Waste mixed with Waste Ban items that are visible to the driver/collector from any of their customers (there is no requirement to open bags). Please refer to the list of Waste Ban items, Appendix A, which may not be accepted at Massachusetts' disposal facilities.
- In the event that the Permitted Hauler refuses to collect any materials, the Permitted Hauler will notify such Customers in writing of the reason(s) for refusal to collect Solid Waste or Recyclables. In addition, the Permitted Hauler will advise the Board of Health about Customers who have received rejection notices. The Board of Health will, where possible, assist the Permitted Hauler with enforcement of the Mandatory Recycling provision and/or Waste Ban requirement.

VI. Bundled Service Requirement

A. Service to Residential Customers/Generators

For **Residential Customers/Generators**, the bundled service must provide Customers with Solid Waste and Recyclables collection at a rate that reflects the cost of providing both services. Solid Waste and Recycling services must be provided by the same Permitted Hauler unless otherwise pre-approved by the Board of Health. The Permitted Hauler may itemize the invoice to clearly show the cost of Recycling collection contained in the bundled service.

All Permitted Haulers serving Residential Customers/Generators must provide appropriately sized, paired Solid Waste and Recyclables containers that are clearly marked and adjacent or in close proximity to each other.

B. Service to Commercial Customers/Generators

For **Commercial Customers/Generators**, the Permitted Hauler must provide both Solid Waste and Recyclables collection; unless the Customer can provide proof to the Permitted Hauler that separate Recycling services are provided by another Permitted Hauler or via one of the methods listed on the Recycling Service Exemption Form. Permitted Haulers may charge separately for the collection of Recyclables. Commercial Customers/Generators may choose to contract for collection of Recyclables by a second Permitted Hauler that only performs Recyclables collection. Permitted Haulers that collect only Recyclables are not required to collect Solid Waste.

Permitted Haulers must provide the names and addresses of their Solid Waste only Commercial Customers to the Town so the Town can follow up to ensure that those Customers are complying with the Waste Bans.

VIII. Inspection

The Board of Health or its designee is authorized to inspect a Permitted Hauler's truck and load at any time. The Board of Health also has the right to require weight slips or confirmation of disposal of Solid Waste or management of Recyclables.

IX. Insurance

Each applicant shall furnish to the Board of Health an insurance certificate showing the applicant carries Public Liability Insurance in an amount of at least \$1,000,000 for the injury or death of one of more persons, and \$500,000 for damage to property. Certificates of Insurance shall be furnished each year upon renewal of permit. The Certificate of Insurance shall provide that the policy may not be canceled absent 30 days' prior notification of the Townsend Board of Health.

X. Operations

A. Hours of Collection

Collection of Solid Waste and Recyclables may only occur during the hours of 6 a.m. to 6 p.m. except in the case of bad weather or another emergency that requires collection outside of these hours, with notification to the Board of Health or their designated representative.

B. Minimum Service Level Requirement

(a) Permitted Hauler shall not collect Solid Waste and Recyclables from Residential Customers/Generators less than every two weeks.

(b) Collection of Recyclables from Residential Customers must be on the same day of the week as Solid Waste.

C. Labeling of Collection Vehicles

All trucks operating in the Town/City must be labeled as to their use for collection of Recyclables, Solid Waste, Food Waste, or co-collection of any of these materials.

D. Recyclables Containers

(a) Permitted Hauler may either offer a collection container for Recyclables or clearly visible stickers for the Customer to apply to their existing container for Recyclables. Containers for Recyclables should be of a large enough volume to collect all Recyclables generated by the Customer.

X. Enforcement

Enforcement of this regulation shall be by criminal complaint in the district court and/or non-criminal disposition ticket per MGL Chapter 40, Section 21D or MGL Chapter 111, Sections 31, 31A, 31B and 150A. Agents of the Board of Health or its designee shall have the power to enforce the provisions of this regulation.

A. Penalties

In the event that a Permitted Hauler fails to follow these regulations, the Board of Health reserves the right to impose reasonable fines and/or revoke the permit to operate within the Town, subject to the Appeal Provisions described below.

- | | |
|-------------------------|-------------|
| (a) First offense | warning |
| (b) Second offense | \$ 100 fine |
| (c) Third offense | \$ 200 fine |
| (d) Subsequent offenses | \$ 300 |

Each day of failure to comply with the regulations shall constitute a separate violation.

B. Suspension, denial, revocation, or refusal to renew permit.

The Board may suspend a permit, deny a permit, revoke a permit, or refuse to renew a permit on the following grounds, each of which, in and of itself, shall constitute full and adequate grounds for suspension, denial, revocation or refusal to renew:

- (a) Any actions which would indicate that the health and safety of the public would be at risk;
- (b) Fraud, deceit, or misrepresentation in obtaining a permit, or its renewal;
- (c) Criminal conduct which the Board determines to be of such a nature as to render the establishment, owner, operator, or applicant unfit to haul as evidenced by criminal proceedings resulting in a conviction, guilty plea, or plea of nolo contendere or an admission of sufficient facts;
- (d) Any present or past violations of the Board's regulations governing these operations
- (e) Knowingly permitting, aiding, or abetting an unauthorized person to perform activities requiring a permit;
- (f) Continuing to operate while the permit is lapsed, suspended, or revoked; and
- (g) Having been disciplined in another area in any way by the proper permitting authority for reasons substantially the same as those set forth in the Board's regulations;
- (h) Other just and sufficient cause which the Board may determine would render the establishment, owner, operator, or applicant unfit to haul.

C. Appeal Provisions

Any Permitted Hauler cited for a violation of these regulations may appeal such citation by filing a written notice of appeal with the Board of Health within seven (7) days, exclusive of Saturdays, Sundays, and legal holidays, from the date of said citation. A hearing will be held within 60 days of the date of the

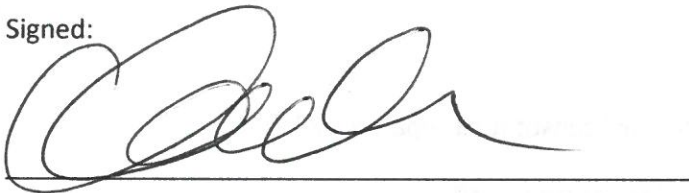
filing of the appeal. Written notice of the hearing date will be delivered to the applicant at least two (2) weeks prior to the scheduled date. The hearing will be conducted in accordance with the established procedures of the Board of Health.

XI. Miscellaneous

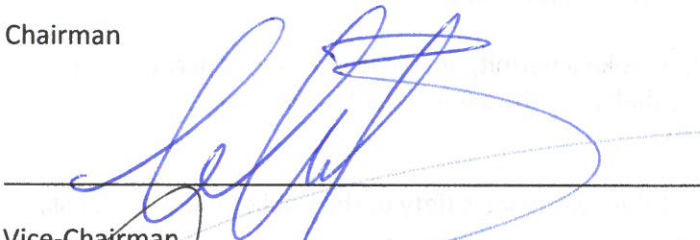
A. Severability

If any paragraph or provision of this article is found to be illegal or against public policy or unconstitutional, it shall not affect the legality of any remaining paragraphs or provisions being in force.

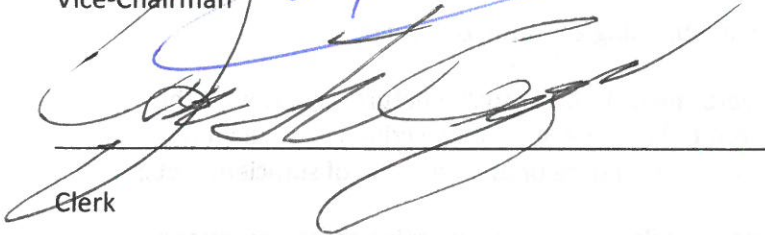
Signed:



Chairman



Vice-Chairman



Clerk

Dated:

Appendix A

Banned Substances

1. Lead Batteries
2. Leaves
3. Tires
4. White Goods
5. Other Yard Waste
6. Aluminum Containers
7. Metal / Glass Containers
8. Single Polymer Plastics
9. Recyclable/Shredded Paper
10. Cathode Ray Tubes (CRT)
11. Asphalt Pavement, Brick and Concrete
12. Metal
13. Wood
14. Clean Gypsum Wallboard
15. Commercial Organic Material
16. Any other material subsequently banned pursuant to 310 CMR 19.017, as amended.



TOWN OF TOWNSEND

BOARD OF HEALTH

272 Main Street
Townsend, MA 01469
978-597-1713

Boardofhealth@townsend.ma.us

APPLICATION FOR SOLID WASTE & RECYCLING HAULER PERMIT

\$250 Late fee \$25.00

Application is hereby made for a permit to operate a DUMPSTER SERVICE and for the REMOVAL or TRANSPORTATION of GARBAGE, RUBBISH, RECYCLING, OFFAL or OTHER OFFENSIVE SUBSTANCES in the **Town of Townsend**, in accordance with Section 31A, Chapter 111 of the General Laws of the Commonwealth of Massachusetts and the Rules and Regulations of the Board of Health.

The Town of Townsend Mandatory Hauler Regulation requires waste haulers to provide both integrated pricing for trash and recycling. Waste haulers are required to submit total recycling tonnage as evidence of compliance with the mandatory Hauler Regulations and Massachusetts Waste Banks and/or a list of customers who are not recycling by the end of the permit year. The Town may request weight slips as the evidence of recycling tonnage so please be sure to retain them in your files.

Check whether the Applicant is:

____ Individual ____ Corporation ____ Partnership ____ Other

Company Name: _____

Address: _____

Telephone Number _____ Fax Number _____

Email _____ Federal ID No _____

I certify that our company offer **"Integrated Pricing"** for trash and recycling.

I further hereby agree to comply with all the Laws, Rules and Regulations of the commonwealth of Massachusetts (MGL Ch. 111, Section 31A) and the Townsend Board of Health "Mandatory Hauler Regulations" governing the removal, transport, and disposal of refuse and recyclable materials, and is aware that failure to comply with said laws, rules and regulations could results in suspension or revocation or denial of permits herewith applied for.

Signature: _____ Date: _____

Print Name: _____ Title: _____

Please attach or list on the back of this form, the names and address of the locations (commercial) that are serviced by you in Townsend.

THE UNIVERSITY OF CHICAGO
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