

# RULES AND REGULATIONS FOR REMOVAL, TRANSPORT, AND DISPOSAL OF SOLID WASTE OR RECYCLABLES IN THE TOWN OF WESTON

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### RULES AND REGULATIONS FOR REMOVAL, TRANSPORT, AND DISPOSAL OF SOLID WASTE OR RECYCLABLES IN THE TOWN OF WESTON

### 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 each municipality. 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 Weston. The Board of Health of the Town of Weston 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, 2021 and all Licensed Haulers must be in compliance with these regulations by January 1, 2022.

### 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 Weston.

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 Waste Hauler permit from the Town of Weston.

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

**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 and multi-family dwellings, condominiums, public housing, and mobile homes within the Town of Weston.

**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 Weston.

**Board of Health** shall mean the Weston Board of Health.

**Waste Ban Materials** 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

In order to protect the environment, promote recycling and be in compliance with Massachusetts Waste Ban regulations (310CMR 19.017); the Town of Weston hereby establishes a requirement for mandatory separation of Recyclables from the Solid Waste stream. This requirement applies to all Residential Customers/Generators and Commercial Customer/Generators in the Town of Weston.

The Weston Board of Health adopts Mandatory Recycling under the provisions of MGL Chapter 111 Section 31.

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

### VI. Permit Requirements

All Private Haulers wishing to collect, transfer, or transport Solid Waste or Recyclables generated within the Town of Weston shall be required to first obtain or annually renew a permit from the Town. No Hauler may collect Solid Waste or Recyclables unless they have obtained a valid Solid Waste Hauler Permit from the Town. Private Haulers that collect only Recyclables must also be permitted.

### 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 <u>10</u> days to rule on the granting of a permit to operate within the Town. In addition, the applicant shall pay an annual permit fee of \$250.00 and \$55.00 per truck as determined by the Town.

### **B.** Annual Permit Renewal

Each Permitted Hauler shall annually submit a renewal application of his/her permit no later than the 1<sup>st</sup> of December, 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 a business owner. The renewal must be accompanied by the following information or a completed Annual Solid Waste and Recyclables Reporting Form (ATTACHMENT 3):

- Total tons of Solid Waste collected for disposal and total tons of Recyclables collected for processing from Residential Customers/Generators within the Town of Weston\_during the previous calendar year or 12-month period.
- 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 is providing 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 Weston.

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 Weston. Annual permits will be issued by the 1<sup>st</sup> of January 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 Town of Weston.
- 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 (ATTACHMENT 1) 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 the 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.

### VII. 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 (ATTACHMENT 4). 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 Weston Board of Health so the Town can follow up to ensure that those Customers are complying with the Waste Bans.

### C. Exceptions

Solid Waste and Recycling services must be provided by the same Permitted Hauler unless otherwise preapproved by the Board of Health. Any exception to this regulation for private households must be requested in a letter from the home owner addressed to the Board of Health at least one week before their regularly scheduled meeting. The letter should indicate the reasons why application of this provision is not necessary and how the applicant plans to meet the requirements of this regulation. A commercial generator must fill out the form Recycling Service Exemption Form for Commercial Generators.

The Board of Health will review an exemption request and act on it at their next regularly scheduled next meeting.

### 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. Partnership between Permitted Haulers and Municipality

This bylaw/ordinance and/or regulation is designed to ensure that the Massachusetts Waste Bans are uniformly adhered to in the Town of Weston and relies on a partnership between the Town and all Permitted Haulers to ensure the requirements of Mandatory Recycling and separation of Recyclables from the Solid Waste stream are followed by all Residential Customers/Generators and Commercial Customers/Generators in the Town of Weston.

The Town of Weston will support Permitted Haulers by providing the following:

- Educational information on the municipal website about the Mandatory Recycling requirement for all Residential Customers/Generators and Commercial Customers/Generators
- Educational materials that Private Haulers can use with new and existing Customers, e.g., Waste Ban Fact Sheet; OOPS Tags to hang on rejected Solid Waste and Recyclables containers
- Enforcement of the bylaw/ordinance and/or regulation for Residential Customers/Generators and Commercial Customers/Generators who do not comply with the Mandatory Recycling and separation requirements

Permitted Haulers will support the Town of Weston goals by providing the following:

- Instructions on proper management of Solid Waste and Recyclables to new Customers when service commences and to all Customers on an annual basis at a minimum.
- Permitted Haulers shall not dispose of banned Recyclables that are properly prepared and set out for collection. No Permitted Hauler shall knowingly collect for disposal Solid Waste that contains visible Waste Ban Materials. Any such Solid Waste must be left behind/rejected by the Permitted Hauler, who shall notify the Customer generating such Solid Waste of the reason for rejection, e.g., via sticker affixed to non-compliant set-out, including Town of Weston contact information for follow-up regarding the Mandatory Recycling requirement. The Permitted Hauler shall notify the appropriate Town of Weston contact regarding any Customer whose Solid Waste is so rejected. If notified, the Town will follow up to enforce the Mandatory Recycling requirement.

### X. Hours of Collection

Collection of Solid Waste and Recyclables may only occur during the hours of 7 a.m. to 5 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.

### Example:

Residential collection: 7:00 a.m. - 5:00 p.m.

Commercial collection: No limitations, except for collection in residential neighborhoods (refer to zoning

map)

### XI. Minimum Service Level Requirement

A Permitted Hauler shall not collect Solid Waste and Recyclables from Residential Customers/ Generators less than every two weeks. Collection of Recyclables from Residential Customers must be on the same day of the week as Solid Waste Collection, but can be less frequent than Solid Waste collection if Solid Waste collection occurs every week.

### XII. Insurance

A Permitted Hauler must furnish and maintain adequate insurance, as specified by the Board of Health. Cancellation of insurance shall automatically be grounds for cancellation of the Private Hauler Permit. The Private Hauler's Permit Application will maintain liability insurance coverage at or above the following levels for the Term of the Permit:

\$500,000/\$1,000,000 per person for personal injury or death, and \$1,000,000 per occurrence for property damage.

### XIII. Nuisance

The Board of Health and its agents reserve the right to monitor collection vehicles, loads, litter and/or nuisance conditions and routes at reasonable times to ensure that all Permitted Hauler services comply with all applicable State and local laws, by-laws and regulations. The Board of Health retains the right to define and determine "nuisance" conditions.

### XIV. 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. 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 \$100.00 fine
(c) Third offense \$200.00 fine
(d) Subsequent offenses \$300.00 fine

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

### B. 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 from 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.

### XV. ATTACHMENTS

- 1. List of Waste Ban Materials
- 2. Permit Application
- 3. Annual Solid Waste and Recyclables Reporting Form
- 4. Recycling Service Exemption Form for Commercial Generators
- 5. Waste Ban Educational Handout:

### **ATTACHMENT 1: Banned Materials**

Following is a list of materials which have been banned from landfill or incineration disposal by the Massachusetts Department of Environmental Protection, with the date that material was banned. These materials are banned either because they pose an environmental threat or because there are methods for reusing or recycling them.

List of Waste Ban Materials: 310 CMR 19.017

MATERIAL	DATE OF BAN
Lead Batteries	December 31, 1990
Leaves	December 31, 1991
Tires	December 31, 1991
White Goods	December 31, 1991
Other Yard Waste	December 31, 1992
Aluminum Containers	December 31, 1992
Metal / Glass Containers	December 31, 1992
Single Polymer Plastics	December 31, 1994
Recyclable Paper	December 31, 1994
Cathode Ray Tubes (CRT)	April 1, 2000
Asphalt Pavement, Brick and	July 1, 2006
Metal	July 1, 2006
Wood	July 1, 2006
Clean Gypsum Wallboard	July 1, 2011
Commercial Organic Material (1)	October 1, 2014

(1) Applies to entities that generate more than one ton of those materials for Solid Waste disposal per week.

Mailing Address (if different)

Emergency 24-hour Contact Name Emergency 24-hour Telephone #

City, State, ZIP Code

ATTACHMENT 2: Permit Application					
Town of Weston	Date				
	PERMIT APPLICATION				
	EMOVE, TRANSPORT AND DISPOSE OF SOLID WASTE OR RECYCLABLES IN WESTON				
Instructions All sections of this application mu	ast be completed. Incomplete applications will not be considered.				
In accordance with MGL Chapter 111, Sections 31 A and 31B and in accordance with the Town of Weston's Rules and Regulations for Removal, Transport, and Disposal of Solid Waste or Recyclables the undersigned makes application to the Board of Health for permission to collect and transport Solid Waste and/or Recyclables as set forth below:					
NEW APPLICANTS: Must submit three letters of reference with the application form. In addition, copies of any solid waste licenses issued by other Towns will support your application.					
Permit Fee The application fee is \$250.00 per Weston.	company and \$55.00 per truck seeking a permit to operate in the Town of				
Please select which type(s) of collection   Solid Waste and Recyclables   Recyclables   Solid Waste Only (Commercial)					
Permit Date If approved, this permit will be effort	ective from				
Company Information					
Company Name					
Contact Name					
Location Address					
City, State ZIP Code	City, State ZIP Code				
E-Mail Address					
Telephone #					

Jse separate sheet to list addition ruck Registration Number		Type and Capacity	Date of Last Inspection
ruck Registration Number	State	Type and Capacity	Date of Last Inspection
siana and / Dansalina dafamaat	:		
	and/or Recyc		disposal or processing during the permit year.
Note multiple outlets if used during	g the permit y		ested to verify end disposal site.)
olid Waste Disposal Facility		Address	Material(s) Delivered
ecyclables Processing Facility/N	MRF	Address	Material(s) Delivered
		<u> </u>	
	ot be consi	dered. ned a copy of the Annual	uded. Solid Waste and Recyclables Reporting Form. If
This is a permit renewal: I this is your first application I have attached a copy of I certify that the company the Mercury Disposal Profit I have attached a copy of that recycling is mandator I confirm that my compan regulations.  I have attached a copy of mixed with Solid Waste, in the Waste Bans, and prov All employees understand authorized official of the compandation.	ot be considered to the considered to the considered to the considered to the company and the company approach to the company	dered.  ned a copy of the Annual Not Applicable (NA).  te of insurance for public operates in compliance on materials indicating the cribing the Massachusetts oliance with the Bundled tion that will go to Custon eminder that recycling is ne number for the Board oplying for this permit.	Solid Waste and Recyclables Reporting Form. If a liability and property insurance. With the Massachusetts Waste Ban regulations are types of services offered, reminding Customers Waste Ban Materials. Service requirement outlined in Section VII of the mers who set out visible Waste Ban Materials mandatory, describing what was seen that viola

## **ATTACHMENT 3: Annual Solid Waste and Recyclables Reporting Form**

Town of Weston	Date
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# ANNUAL SOLID WASTE AND RECYCLABLES REPORTING FORM FOR PERMITTED HAULERS OPERATING IN WESTON

Application. Private Hauler permits will no			
<b>Reporting Period:</b> For the period starting	MONTH/DATE/YEAR	through MON	ΓΗ/DATE/YEAR
Company Information			
Company Name			
Name of Person Completing Form			
Address			
City, State ZIP Code			
Phone			
E-Mail			
n the table below, please provide the average ategory type.	ge number of Weston_Custome	rs you served during this 12	-month reporting period, by
Category		Custon	ner Count
Residential Customers: Solid Waste and Recycla	ables		
Commercial Customers: Solid Waste and Recycle	lables		
Commercial Customers: Recyclables Only			
Commercial Customers: Solid Waste Only			
Tonnage Data  Please provide the total tons of Solid Waste and Recyc period. (Note: In the case where your company delive your best estimate of tonnage delivered from the Tow	rs loads for disposal or recycling that	are combined with more than one	municipality, you must provide
Гоппаде			
Disposal or Processing Facility			
Please check all and make sure all associate Incomplete applications will not be considered in the property of the considered in the property of the constant of	ered.  f Commercial Customers who Customers who are provided Re E Board of Health regarding Cu n violation letters or notices rec	are provided Solid Waste or cyclables only collection. stomer set-outs not in comp	nly. collection I have attache
Signature of Company Official	Printed Name	Title	Date

### **ATTACHMENT 4: Recycling Service and Exemption Form for Commercial Generators**

# RECYCLING SERVICE EXEMPTION FORM FOR COMMERCIAL GENERATORS IN THE TOWN OF WESTON

Recycling is mandatory in the Town of Weston. The Town of Weston regulation is attached here.

All Permitted Haulers must provide both Solid Waste and Recyclables collection to all Commercial Customers unless the Customer can provide proof to the Permitted Hauler that separate Recycling services are provided by another Permitted Hauler, or by one or several of the methods listed below. Commercial Customers that decline recycling collection service from their Permitted Solid Waste Hauler must demonstrate to their Permitted Hauler and the Weston Board of Health that they are diverting Mandatory Recyclables from disposal.

The Weston Board of Health periodically checks recycling compliance throughout the Town of Weston and can offer outreach and assistance. Commercial Customers that do not separate Recyclables from Solid Waste destined for disposal at a landfill or waste combustor are subject to fines. Permitted Haulers that do not offer/provide collection of Recyclables along with Solid Waste pickup are also subject to fines, unless the Town of Weston Board of Health has received this form showing that recycling services were offered.

Please choose one:					
I am a Permitted Hauler/customer se	-	_	•		
below. Identify your company name	here:				
I am a business/organization who ha					
I am a Permitted Hauler/customer se	-		_		
was offered recycling service, but refuse	d. Identify your company nar	ne here:	_		
Business, Organization, or Property	Manager Seeking Exemp	tion			
Business/Organization Name		non			
Business/Organization Contact					
Address					
City, State ZIP Code					
Phone					
E-Mail					
Materials Handling Information					
Name of Permitted Solid Waste Hau					
Please describe the manner in which					
Option 1 -Ship directly to mill:					
Option 2 Self-haul: Identify recycling outlet					
Option 3 - Back-haul to parent company					
Option 4 – Recycling Collection	n by Permitted Recycling I	Hauler Name of Permitted	Dogwaling Houler		
G:		Name of Fernilled	Recycling Hauter		
Signature	1 1 1 1 1 1	T. C.Y D. 1 . C.			
By signing below, I certify that I hav		Town of Weston Board of	Health requirement to comply		
with Mandatory Recycling as stated in the regulation.					
Signature of Company Official	Printed Name	Title	Date		

### **ATTACHMENT 5: Waste Ban Educational Handout**

In 1990, the Massachusetts Department of Environmental Protection (MassDEP) introduced its first bans on landfilling and combustion of easy-to-recycle and toxic materials. Additional "waste bans" have been phased in over time.

Since the first waste bans were introduced, Massachusetts municipalities and businesses - often supported by MassDEP grants and technical assistance - have developed new infrastructure to collect banned items and other discarded materials, and to divert them from disposal to reuse and recycling.

For additional information, see:

https://www.mass.gov/doc/fact-sheet-your-municipality-waste-ban-compliance/download