

Town of North Brookfield Board of Health

Solid Waste Collection, Transport, and Disposal/ Recycling Haulers Aka "Trash Haulers" Licensing and Operating Regulations

I. Authority

Pursuant to Massachusetts General Law Chapter 111, Section 31 and 31A and B, the North Brookfield Board of Health hereby issues the following regulations governing: 1. The hauling of solid waste and/or recyclables through the Town of North Brookfield and 2. the collection of solid waste and [or recyclables in the Town of North Brookfield to be disposed at a facility in and [or outside the town of North Brookfield.

Section 1: Purpose

These regulations of the Board of Health have been enacted for the purpose of the protection of the citizens of North Brookfield, the protection of the public health, the environment, and our roads. For the purpose of this regulation, the term waste and trash are equivalent terms. Section 2: Definitions

The term "board" means the North Brookfield Board of Health

The term "transported" means any permitted waste hauler transporting solid waste and/or recyclables through the town of North Brookfield to a site outside the town of North Brookfield.

The term "collectors" means any permitted waste hauler collecting solid waste and/or recyclables within the town of North Brookfield to be disposed of either within and/or outside the town of North Brookfield

The term "trash trucks" means vehicles in the business of transporting solid waste and/or recyclables in or through the Town of North Brookfield or travel through the town of North Brookfield to collect solid waste and/or recyclables, for disposal at area solid waste or recycling facilities. The term "waste hauler" means any permitted business entity that owns and/or operates trash trucks engaged in the transport and/or collection of trash" The term "trash" includes solid waste and/or recyclables

The term "solid waste" is as defined in MGL chapter 16, section 18

The term "permit" means a permit sticker issued by the North Brookfield Board of Health to a waste hauling company to transport and/or collect solid waste and/or recyclables over the roadways located in the town of North Brookfield to a processing and/or handling facility within or outside the town of North Brookfield.

Section 3: Permitting and Administration

3.1 Every waste hauler collecting and transporting solid waste and recyclables in the town of North Brookfield shall obtain a permit from the Board, within thirty days after the effective date of these regulations. Permits shall be renewable annually on the first day of January following the effective date of these regulations and subject to review and approval by the Board. No permit shall be transferable except with the approval of the Board. Any application, which fails to include all information requested

in the Board regulations, shall be deemed incomplete and shall be denied. Any permit application received after Feb I will be subject to a fee which is doubled.

3.2 Permit applications will be issued by the Board with an application fee of \$200.00 per waste hauler, \$50.00 per additional truck which shall be used to defray the costs of administration and enforcing these regulations. The permit entitles the waste hauling company to pick up and transport waste through North Brookfield. The permit shall be issued within twenty-one business days of the submission of the completed application and shall not require public notice or a public hearing. However, a permit applicant may request public notice or a hearing prior to the issuance of a permit. If the application is denied, prior to utilizing any judicial or other remedies to redress the denial of the permit application, the applicant shall request a hearing before the Board. The Board shall hear the permit applicant within thirty days of the request and decide the matter within thirty days of the hearing.

3.3

Applications for permits issued to Collectors shall include:

- a. A list of residential commercial or institutional customers serviced and frequency (weekly, biweekly) of collections and names and locations of approved facilities to which all trash and recyclables are brought.
- b. **Means for ensuring that customers exclude all items banned from disposal at solid waste facilities as described in 310 CMR 19.017 (3) and how non-recyclables will be excluded from loads of recyclables. The hauler must also indicate how customers will be notified of improper recycling and/or trash disposal methods.**
- c. Permit fee
- d. Current valid certificates from an Insurance company, licensed to do business in the Commonwealth of Massachusetts showing the applicant carries public liability and property insurance. Certificates of insurance shall be furnished each year upon the renewal of the license. The applicant shall make certain that the above insurance policy is not cancelled prior to notification of the Board. This notification shall be not less than (30) days prior to the cancellation.
- e. current valid vehicle registration

4. All permitted collectors shall provide trash and recycling services in compliance with the Massachusetts Solid Waste Master Plan and Department of Environmental Protection Regulations. Collectors will offer a single price to residential customers as part of an integrated waste management service that includes both trash collection and recyclable collection.

For the purposes of this regulation, incineration of waste is not considered recycling. Composting of certain biodegradable elements of the waste stream may be acceptable as recycling.

5. Each collector shall submit quarterly reports and an annual calendar year report (due January 15th of the next year) to the Board listing the tonnages of Trash and recyclables that have been collected and the associated disposal sites. Failure to provide these reports in a timely fashion may be cause for revocation or suspension of collector's Permit.

Section 4: Registration Requirements

4.1

All transporters shall file a registration form with the Board to be provided by the Board, within thirty days after the effective date of these regulations and renewable annually on January 1st following the effective date of these regulations and provide the following:

- a. Registration fee of \$200.00 per waste hauler and \$50.00 per additional truck (entitles the waste hauling company to transport waste through the Town of North Brookfield for disposal at a facility outside of the Town of North Brookfield boundaries. The Permittee shall display a placard or sticker provided by the Board of Health in each vehicle that travels through the Town of North Brookfield.) This fee shall be used to defray the costs of administrating and enforcing these regulations
- b. Current valid vehicle registration
- c. Current valid certificates from an Insurance company, licensed to do business in the Commonwealth of Massachusetts showing the applicant carries public liability and property insurance. Certificates of insurance shall be furnished each year upon the renewal of the license. The applicant shall make certain that the above insurance policy is not cancelled prior to notification of the Board. This notification shall be not less than (30) days prior to the cancellation.
- d. The Each transport vehicle company shall supply the Board with the transport route and final destination of waste as part of its application.

4.2 Any failure to register will result in a violation of these regulations and enforcements will be as set forth in section 5.2

Section 5: Enforcement

5.1 The individuals empowered to enforce the provisions of these regulations shall be the Agent of the Board of Health, any member of the Board of Health or any police officer of the Town of North Brookfield.

5.2 Board of Health members, its Agent(s), and Town of North Brookfield police officers may inspect Collection and transport vehicles and load at reasonable times in order to ensure that they comply with all applicable state laws or local regulations. Any violation of this regulation shall be grounds for suspension, modification or revocation of the permit by the Board. Vehicle safety violations shall be cause for revocation of hauler's permit. The North Brookfield Police Department shall issue tickets/ violation notices to the violator, with a copy sent to the Board which will include a description of the violation. The violation notice shall be signed by the violator. The first violation notice will be in the form of a written warning; a non-criminal payment of not more than \$300.00 per day for the second violation as set forth in MGL Ch.40, Sec 21D, and a fine of \$500.00 per day for a third and all subsequent violations incurred within a 24 month period pursuant to the procedure set forth in MGL Ch.40, Sec 21 All payments for these non-criminal violations shall be made to the North Brookfield Town Clerk within twenty-one days of the violation. Prior to the expiration of the twenty-one-day period, a non-criminal hearing before a Clerk Magistrate may be requested by the violator. This request must be in writing. The

decision of the Clerk is final. Failure to either pay the fine to the North Brookfield Town Clerk within twenty-one days or abide by findings of the non-criminal hearing may result in a criminal complaint.

5.3 No trash hauling vehicle shall be driven or moved on any street or highway within the Town unless such vehicle is so constructed and so loaded as to prevent its contents from spilling, dropping, shifting, leaking or otherwise escaping. Vehicles loaded with any material, which may be blown about by the wind, shall be suitably covered to prevent the contents from being blown upon the streets or highways. All vehicles are to be covered after their contents are disposed of to prevent any residual material from escaping into the environment. Failure to comply with the requirements of this regulation could result in the loss of the Trash hauler's permit and a complaint filed with the courts. Penalties are punishable by a fine and possible loss of driver's license, subject to MGL Ch. 270 Sec. 16.

5.4 Improper disposal of waste may be cause for immediate revocation of the hauler's permit and prosecution to the fullest extent of the law. "Improper disposal" shall include disposal of recyclable materials with trash.

Section 6: Containment

6.1 **TRASH**; Each residential customer shall deposit trash in a supplied cart. Separation of recyclables from solid waste will take place at the source (i.e. individual residences, businesses or municipal facility will perform separation). Permitted collector must not accept a load with greater than 5% by volume of recyclable materials. No permitted collector shall accept hazardous, liquid or banned waste or sewage, unless licensed and permitted to do so.

6.1.1 It shall be the customer's responsibility to ensure that trash will be stored in water-tight receptacles with tight-fitting covers and that the covers shall be closed. The receptacles shall be of metal or other durable material to prevent wildlife from entering the container. Plastic bags may be used to store mixed garbage and rubbish only if used as a liner in water-tight receptacles as required above or Plastic bags may be put curbside on the day of collection.

6.2 RECYCLING SERVICE: **The permitted collector shall provide trash and recycling at a bundled cost, meaning no additional cost for recycling. For residential subscribers the permitted collector will provide a cart, 2+ set out containers or recycling bin stickers to all subscribers for recycling.**

6.3 **BULKY WASTE/WHITE GOODS**; The permitted collector shall offer a discounted rate or a monthly on call option for pick-up for bulky waste and White Goods or provide the town recycling center information.

Section 7: Collection Times

7.1 The collection of residential homes shall be made between the hours of 7:00 AM to 6:00 PM. No pick-ups outside this time frame will be allowed without prior approval from the Board.

7.2 The permitted collector shall collect trash from all residential customers at least twice a month. The permitted collector shall collect trash from schools, municipal facilities and businesses at least twice a month.

Section 8: Education

8.1The permitted collector shall distribute a yearly written notice of service to customers/subscribers. This notice will detail what is acceptable waste, and specify how, what, and when to recycle. The permitted collector shall also provide notices of collection schedule changes, and any other pertinent information to residents as required. The permitted collector is responsible for the development and distribution of this material. A copy of these materials must be included with the permit application.

Section 9: Performance

9.1 For residential units: The permitted collector shall ensure that residential customers have lbs. per unit that is well below 2800 lbs. per year of trash and minimum 250 lbs. of recyclables per year. This will be enforced by April.

9.2 For commercial units: The permitted collector shall ensure that commercial customers have recycling access. Apartment buildings, condominium units, manufactured housing, mobile home parks, etc. shall be considered residences and not businesses and shall be required to comply with these regulations.

Section 10: Penalties

10.1 Any permitted collector who violates any provision of these regulations may be subject to a maximum fine of up to \$300.00 for each such violation.

10.2 Any permitted collector who violates these regulations may be subject to a fine of: a.
\$0 for the first violation warning letter
b. Fines to be determined by the Board for repeat offenses.

Section 11: Appeal and Variances

11.1 A Permittee may request a variance to these regulations by submitting a written request to the Board which cites the portion of the regulation to which a variance is requested and the reason why a variance is being requested. The variance request must be submitted to the Board of Health at least ten days in advance of a regularly scheduled Board meeting. All decisions of the Board are based on a majority vote and decisions shall be provided in writing.

Section 12:

If any provision, clause, sentence or paragraph of this regulation or the application thereof to any person or circumstances shall be held invalid or unenforceable, the other provisions shall not be affected thereby, but shall continue in full force and effect.

