

TOWN OF LONGMEADOW
Board of Health Regulations for Refuse and Recycling Collection

I. PURPOSE

These regulations establish minimum requirements for the systematic collection of solid waste, recyclables and other banned waste materials at *all* locations in Longmeadow and the transport of these materials within Longmeadow for out-of-Town disposal or processing.

These regulations expand the Town recycling requirements that had previously been applicable solely to municipal-funded residential curbside pick-ups to include all locations where refuse is generated or collected in Longmeadow, including commercial sites;

These regulations will enhance and broaden the Board of Health's efforts to preserve and protect public health by:

- Reducing the weight and volume of solid waste transported to landfills or to other solid waste disposal facilities from the Town of Longmeadow thereby contributing to efforts to protect groundwater and ambient air quality and conserve available landfill capacity.
- Enhancing uniform compliance by all haulers collecting refuse in the Town of Longmeadow with the existing Massachusetts Department of Environmental Protection Waste Ban Regulation (310 CMR 19.017).
- Preventing public nuisance conditions that arise related to unsanitary conditions during refuse collection and transport.

II. AUTHORITY

These regulations establish requirements for the collection of Solid Waste, Recyclables and other banned materials in order to promote waste reduction and comply with 310 CMR 19.017. Materials banned from disposal under 310 CMR 19.017 shall not be collected nor co-mingled with Solid Waste nor disposed of at solid waste-only disposal facilities.

The Longmeadow Board of Health adopts these regulations under its statutory authority pursuant to M.G.L. c. 111, §§ 31, 31A, 31B, M.G.L. c. 122, and M.G.L. c. 150A. These regulations support and expand upon the existing Longmeadow Board of Health Recycling Regulation (promulgated at the March 1984) and the Town of Longmeadow Bylaws, Chapter 600, 2-626 Longmeadow Recycling Program and 2-627 Mandatory Separation of Recyclable Materials, authorized at the May, 1993 Annual Town Meeting, under the statutory authority pursuant to M.G.L. c.40 §8H.

III. DEFINITIONS

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 Waste Hauler who has obtained a valid Private Waste Hauler permit from the Town of Longmeadow.

Town shall mean the Town of Longmeadow.

Board of Health shall mean the Town of Longmeadow Board of Health.

Residential Customers/Generator shall include all property owners and occupants of residential property within the Town of Longmeadow eligible for municipality-contracted curbside collection of solid waste and recyclables.

Commercial Customer/Generator shall mean any property owner or occupant of a commercial, industrial or mixed –use site or multi-family housing complexes, or condominiums, or mixed-use site within the Town of Longmeadow that is not eligible for Town-contracted curbside pick-up for the collection of solid waste and recyclables. Commercial Customer/Generator shall also include municipal-owned or -operated buildings and sites; solid waste and recyclables generated at Town-owned or –operated buildings and sites are collected and transported out-of-town for disposal or processing by the Town-contracted private waste hauler.

Private Waste Hauler shall mean any person or entity providing collection and transport of either solid waste or banned waste for hire within the Town of Longmeadow.

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 items of this regulation.

310 CMR 19.00 shall mean the current version of the Massachusetts Department of Environmental Protection Solid Waste Management Regulations.

310 CMR 19.017 shall mean the current version of the Massachusetts Department of Environmental Protection Waste Bans Regulation.

310 CMR 30.00 shall mean the current version of the Massachusetts Department of Environmental Protection Hazardous Waste Regulations.

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).

Waste Banned Materials or Banned Waste shall mean all materials designated as banned from disposal in landfills within the Commonwealth of Massachusetts pursuant to 310 CMR 19.017 including, but not limited to 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 waste, white goods (large appliances), and whole tires (landfills only).

Hazardous Waste shall mean waste that is defined and regulated by 310 CMR 30.00. Such waste may pose or may potentially pose a hazard to public health and safety due to any of the following properties: ignitability, corrosivity, reactivity, or toxicity.

Refuse shall mean all solid waste and recyclables and other waste banned materials but excluding sewage and hazardous waste generated at a residential or commercial site.

Dumpster shall mean a container other than a conventional trash fitted with a lid that is used for the collection of solid waste, recyclables, or other waste banned materials.

Yard Waste shall mean deciduous and coniferous seasonal depositions (e.g., leaves), grass clippings, weeds, hedge clippings, garden materials, and brush 1 (one) inch or less in diameter (excluding diseased plants).

“Sorry Note” shall mean written notification left by private waste hauler detailing reason why materials left out for collection were not collected.

IV. MANDATORY RECYCLING REQUIRED OF ALL RESIDENTIAL CUSTOMERS/ AND COMMERCIAL CUSTOMERS/GENERATORS

Banned Waste (i.e. materials banned by 105 CMR 109.017 from disposal in Massachusetts landfills) including recyclables must be pre-separated from refuse collected by private waste haulers at *all* locations in Longmeadow.

This requirement applies to collections from all Residential and Commercial Customers/Generators. This requirement also applies to solid waste and recyclable collections at the Town of Longmeadow-owned buildings and sites and the curbside collection services for residential customers performed by a private waste hauler pursuant to a municipal contract.

V. PRIVATE WASTE HAULERS: PERMITTING

A. Private Waste Hauler Permitting Required

All Private Waste Haulers wishing to collect, transfer, or transport Solid Waste, Recyclables, or other Banned Waste generated within Longmeadow, shall be required to first obtain or annually renew a permit from the Board of Health. No Hauler may collect, transfer, or transport Solid Waste or Recyclables and other banned waste from sites within the Town of Longmeadow unless they have obtained a valid Hauler's Permit from the Town.

B. Exemption from Permitting Requirement: Private haulers exclusively of yard waste shall be exempt from the waste hauler permitting requirement

C. Permitting Process

All private waste haulers shall apply annually for a Private Waste Hauler Permit from the Longmeadow Board of Health by submitting a completed application form provided by the Board and any other required documentation in the Board's annual hauler permit packet. A completed application form including any information requested by the Town and payment of the Private Waste Hauler Annual Permit Fee are required before a permit will be processed. Any application which fails to include all information requested in the Board of Health and the annual permit fee shall be deemed incomplete and shall be denied. The permit shall be valid for one calendar year and shall be renewable on the first day of September of each year.

D. Annual Permit Application

The permit application shall include, but not be limited to, the following information: 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 and Email. Copies of certificates of insurance for public liability and property insurance also shall be included.

The permit application must include a signed statement that the private waste hauler understands, and is in compliance with the Massachusetts Waste Bans and Mercury Disposal Prohibition. The private waste 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 waste 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 also 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 waste hauler intends to ensure that customers prevent Waste Ban materials from being disposed with Solid Waste, and how the private waste hauler intends to notify customers of improper Recycling or Solid Waste disposal (i.e. customer recycling educational materials) .

Upon receipt of a complete initial private waste hauler permit application, the Board of Health shall have 14 days to rule on the granting of a private waste hauler permit to operate within the Town of Longmeadow. In addition, the applicant shall pay an annual private waste hauler permit fee as determined by the Town of Longmeadow.

Failure to submit a completed private waste hauler permit renewal packet with accurate documentation of requested information will be grounds for denial of permit renewal.

E. Annual Permit Renewal

Each Permitted Private Waste Hauler shall annually submit a waste hauler permit renewal application of his/her permit no later than the first of August each year accompanied by the annual permit fee.

The annual renewal application must indicate any changes from the original permit, including any change in Solid Waste disposal or Recyclable processing facilities used, and must be signed by a business owner. The renewal must be accompanied by a completed Annual Solid Waste and Recyclables Reporting Form to be provided by the Board of Health.

- Total tons of Solid Waste collected for disposal and total tons of Recyclables collected for processing from Residential Customers and (calculated separately) from Commercial Customers/Generators within the Town of Longmeadow during the previous calendar year or 12-month period. In the case where the Permitted Waste Hauler delivers loads for disposal or recycling that are combined with more than one municipality, then the Permitted Private Waste Hauler must provide their best estimate of tonnage delivered from the Town. The average number of Residential/ and Commercial Customers/Generators during the previous calendar year within the Town.
- Copies of any Waste Ban violation letters or notices received by the Permitted Waste Hauler during the prior year that refer to loads collected within the Town of Longmeadow.

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 Longmeadow.

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

VI. GENERAL REGULATIONS FOR PRIVATE WASTE HAULERS

- A. All private waste haulers must clearly display the name of the company on each vehicle operating in the Town of Longmeadow. Waste haulers who exclusively collect yard waste in Longmeadow are exempt from the requirement.
- B. Each vehicle used by permitted private waste haulers for the collection and transport of waste in the Town must meet all the Department of Transportation safety requirements at all times
- C. All solid waste and recyclables/banned waste must be securely contained in the vehicle used for collecting and transporting solid waste in the Town of Longmeadow. Littering or discharge or liquid waste is prohibited.
- D. Improper disposal of Solid Waste containing recyclables and other banned waste may be cause for immediate and permanent revocation of Private Waste Hauler's permits. Please refer to the list of waste banned items, which may not be accepted at Massachusetts' disposal facilities in 310 CMR 19.017.
- E. Private Waste Haulers shall provide to customers educational materials concerning the acceptable preparation of the recyclables/banned waste consistent with the current requirements of the recyclable/banned waste processing facility(s) where the material is to be delivered.
- F. In the event that the Private Waste Hauler refuses to collect materials set out for disposal, the Private Waste Hauler will notify such customers in writing ("sorry note") of the reason(s) for refusal to collect, and will advise the Board of Health about customers who have received more than one warning/rejection. The Board of Health or its designee will, where possible, assist Private Waste Haulers in helping customers come into compliance with these regulations.

VII. BUNDLED PRICING REQUIREMENT

A. Private Waste haulers *for multi-family residential buildings or residential complexes* are required to provide both solid waste and recyclable collection services. Private waste haulers **must** charge a blended rate which reflects the cost of providing both services to these customers. Waste haulers may itemize the invoice to clearly show the cost of recycling collection contained in the bundled price for residential commercial customers only.

B. Private Waste Haulers for non-residential commercial customers must provide both Solid Waste and Recyclables collection services. Private Waste Haulers may charge separately for the collection of Recyclables.

C. In all cases, Recyclables shall not be co-mingled with Solid Waste when collected by a Private Waste Hauler. Recyclables must be delivered to a processing facility designed to accept Recyclables. The Private Waste Hauler shall inform Customers how to prepare acceptable Recyclables consistent with the requirements of the recyclables processing facility.

VIII. ADDITIONAL REQUIREMENTS FOR COLLECTION OF SOLID WASTE AND RECYCLABLES FROM MULTI-FAMILY BUILDINGS OR COMPLEXES

All Permitted Haulers collecting solid waste and recyclables from condominium or apartment complexes or other multi-family buildings must provide appropriately-sized and clearly marked Solid Waste and Recyclables Collection Containers adjacent to or in close proximity to each other. The number of recycling containers provided at each multi-family residential building or complex shall conform to the pre-sorting requirements of the recyclable processing facility where the private waste hauler transports the recyclable materials collected.

IX. VARIANCES

Any requests for variances from the provisions of this regulation must be presented to the Longmeadow Board of Health in writing and should specify the reason why the variance is being requested. Applicants for variances afforded by this provision will be afforded the opportunity to appear before the Board of Health prior to its decision. Any variance granted must provide equivalent protection of the public health.

X. INSPECTIONS: The Board of Health and/or its designated agent are authorized to inspect waste hauler trucks and loads at any time.

XI. ENFORCEMENT AND PENALTIES

A. VIOLATIONS

Written notice of violation(s) of this regulation shall specify the nature, time and date of the violation and a schedule of compliance.

B. PENALTIES AND ENFORCEMENT

1. Penalties

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

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

2. Non-Criminal Disposition

This regulation is subject to enforcement by the Longmeadow Board of Health or any agent that it may designate under the Non-Criminal Disposition Process as provided in M.G.L. Chapter 40, Section 21D or by filing a criminal complaint at the appropriate venue. Each violation shall constitute a separate offense.

Violations involving hazardous substances or Restricted Materials constitute separate offenses. Each day or portion thereof, during which a violation continues shall constitute separate violations.

3. The Longmeadow Board of Health may deny, suspend, revoke, or refuse to renew a Private Waste Hauler permit for repeated or serious failure to comply with any provision of these regulations.

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

5. The tolling period for determining the number of offenses and the assigned fine shall be set by the Board of

Health; the length of the tolling period shall be reviewed by the Board of Health annually.

XII. APPEAL

- A. In regard to a ticket served under the Non-Criminal Disposition Process, M.G.L. Chapter 40, Section 21D allows for a Magistrate Hearing in a court of jurisdiction named on the ticket. Instructions printed on the ticket indicate the prescribed procedure to request a Magistrate Hearing.

- B. Any party cited for a violation or who receives written orders relative to this regulation may appeal such citation or order by filing a written notice of appeal with the Longmeadow Board of Health within seven days of the receipt of such citation of violation or order.. A hearing will be held within 15 days from the date of the filing of the appeal. Written notice of the hearing date will be delivered to the party requesting the appeal least 7 days prior to the scheduled hearing date. The hearing will be conducted in accordance with the established procedures of the Board of Health.

XIII. SEVERABILITY

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.

LONGMEADOW BOARD OF HEALTH

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