

HEARINGS, MEETINGS, LICENSES

6/1/15

TOWN OF MIDDLEBORO
BOARD OF HEALTH
PRIVATE HAULER RULES AND REGULATIONS

DRAFT ONE

**REGULATIONS FOR PRIVATE HAULERS
COLLECTION OF SOLID WASTE AND RECYCLABLES**

1. PURPOSE

These regulations are intended to protect the public health, safety, and the environment in the Town of Middleborough by regulating the storage, transferring, recycling and disposal of solid waste, as defined in 310 CMR 18.00 – 21.00 of the State Environmental Code, and to ensure compliance with the provisions of C 111, sec 150A of the Commonwealth of Massachusetts; the Rules and Regulations stated in 310 CMR 18.0 – 21.00 of the State Environmental Code; 527 CMR 34.0 of the Board of Fire Prevention Regulations; and the Zoning Bylaws of the Town of Middleborough.

These regulations apply to all contractors, firms and/or persons operating as a Solid Waste Disposal Company or Private Hauler collecting solid waste and recyclables from residential properties in the Town of Middleborough.

2. AUTHORITY

These regulations are adopted by the Middleborough Board of Health Department as authorized by Massachusetts General Law, Chapter 111, Section 31.

3. DEFINITIONS

“Definitions” shall be as defined in the Commonwealth of Massachusetts Department of Environmental Protection Solid Waste Management Regulations 310 CMR 19.006 – Definitions included as Appendix A to these Regulations and as follows.

Approved Facility: An established site or works, and other appurtenances thereto, that will be used for the handling, storage, transfer, processing, treatment and/or disposal of solid waste. An established site or works, and other appurtenances thereto, that will be used for the handling, storage, transfer, processing and/or treatment of recyclable material. Such facility must be permitted and approved by the appropriate municipal and/or or state agency.

Disposal: see Appendix A

Enforcement Agent: Any member of the Board of Health, the Health Director, Department of Public Works AND MIDDLEBOROUGH POLICE DEPARTMENT or designee thereof.

Permittee: Any contractor, firm and/or person which has applied for and obtained the appropriate permit to collect and haul solid waste and recycling within the Town of Middleborough.

Recyclable Material: see Appendix A

Solid Waste: see Appendix A

Solid Waste/Recycling Collection Vehicle: Any vehicle used for the collection and hauling of solid waste and/or recyclables.

Waste Banned Materials: Are as defined in the Commonwealth of Massachusetts Department of Environmental Protection Solid Waste Management Regulations 310 CMR 19.017: Waste Bans as included as Appendix B to these Regulations.

Waste Hauler/Private Hauler: Any contractor, firm and/or person who is duly permitted by the Middleborough Board of Health to collect or haul solid waste and recyclables within the Town of Middleborough off-site to an approved solid waste or recycling treatment, processing or disposal facility.

4. PERMITTING AND OPERATIONAL PROCEDURES

- a. No contractor, firm or person shall provide collection of solid waste or recyclables in the Town of Middleborough without first obtaining a permit from the Middleborough Board of Health.
- b. No contractor, firm or person shall provide collection of solid waste in the Town of Middleborough without providing collection of recyclable material in conjunction with collection of solid waste as a bundled/integrated service to allow compliance with the Commonwealth of Massachusetts Department of Environmental Protection Waste Bans, 310 CMR 19.017. For the purposes of this regulation incineration of waste is not considered recycling.
- c. Each applicant/permittee shall submit the following information to the Health Department and the Department of Public Works with their permit application:
 - i. Information detailing how compliance with the terms of these regulations will be met. Such information shall include, at minimum, a list of residential customers served and frequency (weekly, bi-weekly), of collections and the names and locations of the approved facilities to which all refuse and recyclables are brought.
 - ii. Each applicant shall indicate the means for ensuring that customers exclude all items banned from disposal at solid waste facilities as described in 310 CMR 19.017 (3), including but not limited to providing each customer with a list of waste banned items and a description of proper packaging or bundling methods with a clear explanation that recyclables must be separated from solid waste in a separate container. Applicant shall detail how non-recyclables will be excluded from loads of recyclables. The applicant must also indicate how customers will be notified of improper recycling or trash disposal methods.
- d. Each applicant/permittee shall submit the following information to the Middleborough Board of Health in order to maintain a valid permit:
 - i. Each permittee will be required to submit quarterly reports to the Board of Health listing the tonnages of solid waste and recyclables that have been collected. Copies of weight

slips supporting this data must be provided along with the names and locations of the approved facilities to which said materials are brought. Reports shall summarize the totals collected during the quarters ending March 31, June 30, September 30 and December 31 and shall be submitted within thirty (30) days of the end of the quarter. Failure to provide these reports in a timely fashion may be cause for revocation or suspension of permit.

- e. A description of the collection vehicle(s) to be used, including the company name, make, model, year, type, registration number and the capacity of the vehicle(s) is a requirement of the permit application.
- f. All permits shall expire at the end of the calendar year in which they are issued, but may be renewed annually on application to the Middleborough Board of Health. Permits are non-transferable without the prior approval of the Board of Health.
- g. Any application which fails to include all information requested in the Board of Health Regulations shall be deemed incomplete and shall be denied.

5. FEES

A non-refundable permit fee of \$200.00 dollars per vehicle is required with permit application.

6. INSURANCE

- a. Each applicant shall furnish to the Board of Health a certificate from an insurance company licensed to do business in the Commonwealth of Massachusetts showing the applicant carries Public Liability Insurance in an amount not less than Five Hundred Thousand (\$500,000.00) up to One Million (\$1,000,000.00) dollars for the injury or death of one or more persons, and Two Hundred Fifty Thousand (\$250,000.00) dollars for damage to property. Certificates of Insurance shall be furnished each year upon renewal of permit.
- b. The applicant shall make certain that the above insurance policy is not canceled prior to notification of the Board of Health. This notification shall be not less than thirty (30) days prior to such cancellation.

7. SUBMITTAL REQUIREMENTS

- a. Completed Application
- b. Confirmation of Compliance with Sections 4.c.i, 4.c.ii and 4.c.iii by the Middleborough Board of Health
- c. Appropriate Fee as described in Section 5
- d. Proof of property/liability insurance as described in Section 6

8. ENFORCEMENT

- a. The individuals empowered as Enforcement Agent(s) may enforce the provisions of these regulations.
- b. Enforcement Agent(s) may inspect collection vehicles and loads at reasonable times in order to ensure that they comply with all applicable state laws or local regulations. Failure to comply with any of these regulations or conditions of any permit(s) issued by the Middleborough Board Health Department may be cause for suspending or revoking a permit.

- c. Enforcement of this regulation shall be by either criminal complaint in a court of jurisdiction or non-criminal procedures as set forth in MGL Chapter 111 Sections 31, 31A, 31B and 150A.
- d. Improper disposal of waste may be cause for immediate revocation of permit and prosecution to the fullest extent of the law. "Improper disposal" shall include disposal of recyclable materials with trash.

9. PENALTIES

Any contractor, firm and/or person who violates these regulations may be subject to revocation of permit and/or a fine of:

- a. \$100.00 for the first violation
- b. \$200.00 for the second violation
- c. \$500.00 for the third violation

Any subsequent violations shall be determined by the Board of Health at a show cause hearing at which time additional fines may be imposed or the license to operate may be suspended or revoked.

10. APPEAL

Any person aggrieved by the decision of the Middleborough Board of Health may appeal to the Board of Health within ten (10) business days of grievance. Furthermore, if the decision of Middleborough Board of Health, the aggrieved party may appeal the Board's decision in any court of competent jurisdiction, as provided in the laws of the Commonwealth.

11. SEVERABILITY

Each section of these regulations shall be constructed as separate to the end that if any regulation or sentence, or phrase thereof shall be held invalid for any reason, the remainder of these regulations and all other regulations shall continue in full force.

12. EFFECTIVE DATE

These regulations were adopted by the Middleborough Board of Health at the _____ meeting. A summary of regulations adopted shall be published once in the _____ as required by MGL Chapter 111, Section 31, of the General Laws of the Commonwealth.

Effective date of these Regulations shall be