



TOWN OF EAST LONGMEADOW
60 CENTER SQUARE
EAST LONGMEADOW, MA 01028

Board of Health

REGULATIONS FOR REFUSE AND RECYCLING COLLECTION

PURPOSE

The goal of these model regulations is to help ensure the Massachusetts waste ban regulations are uniformly adhered to, and that the playing field for collection of refuse and recyclables is level for all haulers. This should ensure that:

- The environmental benefits of recycling are maximized;
- There is collaborative compliance with the Waste Bans by the municipality and all private haulers operating within the municipality;
- Municipalities and haulers work together to support the goals of the solid Waste Master Plan and the Global Warming Solutions Act;
- 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 haulers licensed to operate in a municipality are in compliance with state regulations (310 CMR 19.017); and,
- There is greater consistency across municipalities to promote clear operating guidelines for haulers.

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

These regulations also apply to any contractor, firm, or person that supplies a dumpster service in the town of East Longmeadow for the purpose of storage, removal, or transportation of garbage rubbish, offal or other offensive substance.

Haulers shall only collect for disposal those items acceptable for disposal. Waste Ban items, which include Recyclables, shall not be included with Solid Waste.

MANDATORY RECYCLING

These regulations are intended to support and enhance the Town of East Longmeadow's Mandatory Recycling Regulations/bylaw/ordinance as follows.

In order to protect the environment, promote recycling and be in compliance with Massachusetts waste bans (310 CMR 19.017); the Town of East Longmeadow hereby establishes a requirement for mandatory separation of 'waste ban materials' from the solid waste stream.

This requirement applies to all owners, tenants, occupants, and property managers of residential, multifamily, commercial, municipal, and institutional structures and properties in the Town of East Longmeadow, Massachusetts General Laws Chapter 40 Section 8H authorizes this program.

Effective Date:

These regulations shall take effect on January 1, 2018.

Promulgated April 20, 2017

Definitions

Residential Customers shall include all property owners, including single family and multi-family dwellings, and all condominium and mobile home associations contracting for solid waste collection services within the Town of East Longmeadow contracting for the collection of solid waste and recyclables with the exception of those that would be defined as a **Commercial Customer**.

Commercial Customer shall mean any commercial, industrial, or institutional enterprise within the Town of East Longmeadow contracting for the collection of solid waste and recyclables, including property owners with multi-family buildings and condominium and mobile home associations contracting for solid waste collection services that utilize refuse containers with capacities of 3 cubic yards or greater.

Hauler shall mean any person or entity providing collection of solid waste and/or recyclables for hire within the Town of East Longmeadow.

Recyclables shall mean a material that has the potential to be recycled and which is pre-sorted, and 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.

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 (310CMR 19.017).

Waste Banned Materials shall mean all materials designated as banned from disposal in the Commonwealth of Massachusetts pursuant to 310 CMR 19.017 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 waste, white goods (large appliances), and whole tires (banned from landfills only).

Hauler Permit Required

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

This requirement also applies to the Hauler that is contracted by the Municipality for collection services.

Hauler Permit Application

Upon receipt of a complete Application for Permit the Board of Health shall have 30 days to rule on the granting of a permit to operate within the Town/City of East Longmeadow. All haulers shall apply annually for a hauler permit from the East Longmeadow Board of Health by submitting an application form provided by the Board. A completed application form including any information requested by the Town, and payment of related fees is required before a permit will be processed. Any application, which fails to include all information requested in the Board of Health regulations, 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 January each year.

The permit application must include a statement that the Hauler understands, and is in compliance with, the restrictions on Waste Ban Materials and shall list the Solid Waste disposal facilities used, and the Recyclable processing facilities where Recyclables and/or Yard wastes were delivered from Hauler's customers during the previous year. A designated representative of the company, permitted to do business within the Commonwealth of Massachusetts, shall sign the application. The application shall include information on the types of services to be offered.

Annual Hauler Permit Renewal

Each permitted Hauler shall annually submit a renewal application of his/her permit no later than December 1. Applicant shall pay an annual permit fee of TBD. For haulers with 3 or fewer trucks operating in the Town/City, the annual permit fee shall be reduced to TBD.

The annual renewal application must indicate any changes from the original permit, including any change in facilities used, and be signed by a business owner. The renewal must be accompanied by an Annual Report listing the total tons of Solid Waste collected for disposal and total tons of Recyclables for processing within the Town of East Longmeadow during the previous calendar year or 12-month period, as well as the average number of Residential and Commercial customers using each service during the previous calendar year within the Town. In the case where the hauler delivers loads for disposal or recycling that are combined with more than one municipality, then the Hauler must provide their best estimate of tonnage delivered from the Town/City.

Failure to provide a complete and accurate Annual Report shall be grounds for denial of a permit to operate within the Town of East Longmeadow.

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

General Permit Regulations

1. All Haulers must clearly display the name of the company on each vehicle operating in the municipality
2. Each vehicle must meet all the Department of Transportation safety requirements at all times
3. All materials must be securely contained in the vehicle. Littering shall be considered a violation of the permit.
4. Haulers may only collect for disposal Solid Waste that is not banned from disposal. It is the responsibility of the Hauler to refuse to collect banned Recyclables from any of their customers. Improper collection of Solid Waste containing Recyclables may be cause for immediate and permanent revocation of the Hauler's permit. Please refer to the attached list of waste banned items*, which may not be accepted at Massachusetts' disposal facilities.
5. In the event that the Hauler refuses to collect materials set out for disposal, Hauler will notify such customers in writing 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 will, where possible, assist Hauler in helping customers come into compliance with these regulations.
6. Haulers that collect only Recyclables must also be permitted, but are not required to collect Solid Waste.
7. No Vehicle shall be driven or moves on any street within the Town of East Longmeadow 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 that may be blown about by the wind shall be suitably covered to prevent the contents from being blown upon streets or Town properties.

Bundled Pricing Requirement

A Permitted Hauler (that is collecting Residential Solid Waste) must provide a bundled service for the provision of both Solid Waste and Recyclables collection for each customer.

For **Residential Customers**, the bundled service must be charged as a single charge so that each customer receives Recyclables collection at a blended rate for Solid Waste and Recyclables collection; however the Permitted Hauler may itemize the invoice to clearly show the cost of recycling collection contained in the bundled price.

For **Commercial Customers**, the Hauler must offer to provide Solid Waste and Recyclables collection, but may charge separately for the collection of Recyclables. Conversely, commercial entities may independently contract for separate collections, and if they do so, the commercial customer must provide proof of recycling service to the municipality.

Any exceptions (which can be requested by e-mail) need to receive approval of the Board of Health in advance. Haulers providing Solid Waste collection can subcontract the Recyclables collection services offered but still must provide this as a bundled service (for Residential Customers) and must show proof of recycling service by another provider, who must also be permitted to operate in the Town of East Longmeadow.

Residential and Commercial Collection of Solid Waste and Recyclables from Multi- Family Buildings or Complexes

All Permitted Haulers collecting solid waste from businesses, condominium or mobile home complexes or from multi-family buildings must provide appropriately sized paired Solid Waste and Recyclables containers that are clearly marked.

As with all Residential Customers, recyclables may not be commingled with Solid Waste when collected by the Hauler, but instead the Recyclables must be delivered to a processing facility designed to accept Recyclables. The Hauler shall establish rules concerning the acceptable preparation of the Recyclables consistent with the requirements of the Recyclables processing facility where the material is to be delivered.

Haulers must provide the names of their **refuse only Commercial Customers** to the Town so the Town can follow up to ensure the waste ban is being followed.

Inspection

The Board of Health or their agent is authorized to inspect a Permitted Hauler's truck and load at any time.

Enforcement and Penalties:

Enforcement of these regulations may be by criminal complaint in Massachusetts District Court and/or non-criminal disposition ticket M.G.L. Chapter 40, Section 210. The issuance of a fine or penalty shall not preclude the Town of East Longmeadow from seeking or obtaining any or all other legal and equitable remedies to prevent or remove a violation of this section. The East Longmeadow Board of health or their agents (including the Health Director, Inspector, any members of DPW, any police officers or the Recycling Coordinator shall have the power to enforce the provisions of these regulations.

Penalties

Violations of these regulations shall be punished by fines and penalties as follows:

First offense: Warning

Second offense: TBD

Third offense: TBD

Subsequent offenses: Up to TBD

Each day of failure to comply with these regulations may constitute a separate violation.

Violations involving hazardous substances or Restricted Materials may result in fines up to \$1,000.00 in addition to any clean-up costs described elsewhere in these regulations.

The East Longmeadow Board of Health may deny, suspend, revoke, or refuse to renew a rubbish/recycling haulers (RTDP) permit for failure to comply with any provision of these regulations.

The East Longmeadow Board of health may deny, suspend, revoke, or refuse to renew a residential or commercial hauler vehicle permit for failure to comply with any provision of these regulations.

Appeal

Any party cited for a violation of these regulations may appeal such citation by filing a written notice of appeal with the East Longmeadow 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.

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.

*Banned Materials