

TOWN OF PLAINVILLE, MA

Chapter 712. SOLID WASTE and RECYCLABLES, RULES AND REGULATIONS FOR REMOVAL, TRANSPORT, AND DISPOSAL

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 the Town of Plainville. 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.

I. 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 Plainville. The Board of Health of the Town of Plainville 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.

II. Effective Date

These regulations shall take effect on January 1, 2018.

III. Definitions

For the purposes of this regulation, the following words and phrases shall have the following meaning unless the content clearly indicates otherwise:

Containers shall mean any barrels, bins, rolling carts, dumpsters and roll-off containers that are used for the storage or collection of Solid Waste and/or Recyclables.

Commercial Customers/Generators shall mean property owners and occupants of any commercial, industrial, institutional, municipal, school, or mixed use building within the Town of Plainville.

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 permit to Remove, Transport and Disposal of Solid Waste or Recyclables from the Town of Plainville.

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

Recyclables shall mean a material that is banned from disposal in the Commonwealth of Massachusetts pursuant to 310 CMR 19.017: Waste Bans. These materials include:

Glass Containers: glass bottles and jars (soda-lime glass) only, but not light bulbs, Pyrex cookware, plate glass, drinking glasses, windows, windshields and ceramics.

Metal Containers: aluminum, steel or bi-metal beverage and food containers.

Plastic - Single Polymer Plastics: all narrow-neck plastic containers, (household bottles, jugs & jars) but not plastic bags, plastic wrap, motor oil/chemical containers, foam containers, Styrofoam, toys, etc. or any other plastic item not used as a household bottles, jug or jar.

Recyclable Paper: all paper, cardboard, and paperboard products, but not tissue paper, toweling, paper plates and cups, wax-coated cardboard, and other low-grade paper products that cannot be used by paper mills as a result of normal intended use.

any other materials designated for recycling per 310CMR19.017 (MassDEP Waste Bans).

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 Plainville.

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).

Temporary Roll off Containers/Dumpsters – shall mean a container used for the collection of solid wastes used for construction/demolition waste or “clean-outs” and do not exceed sixty (60) days at any one location or is being used in connection with a valid building permit.

Town/City shall mean the Town of Plainville.

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, include but are not limited to, the following:

Asphalt pavement, brick & concrete,
Cathode ray tubes,
Clean gypsum wallboard,
Commercial food waste (over one ton per week)
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).

IV. Mandatory Separation of Waste Ban Materials

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

V. Partnership between Permitted Haulers and Municipality

This regulation is designed to ensure that the Massachusetts Waste Bans are uniformly adhered to in the Town Plainville and relies on a partnership between the Town of Plainville and all Permitted Haulers to ensure compliance with Massachusetts Waste Ban Materials and separation of Recyclables from the Solid Waste stream are followed by all Residential Customers/Generators and Commercial Customers/Generators in the Town of Plainville.

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

- Educational information on the municipal website about the Massachusetts Waste Bans, 310 CMR 190.17 requirement for all Residential Customers/Generators and Commercial Customers/Generators;
- Educational materials that Private Haulers can reproduce to use with new and existing Customers, e.g., Waste Ban Fact Sheet;
- Enforcement of the regulation for Residential Customers/Generators and Commercial Customers/Generators who do not comply with the Massachusetts Waste Ban requirements.

Permitted Haulers will support the Town of Plainville 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 Plainville contact information for follow-up regarding the Massachusetts Waste Ban Material requirement. The Permitted Hauler shall notify the appropriate Town contact regarding any Customer whose Solid Waste is so rejected. If notified, the Town will follow up to enforce the Massachusetts Waste Ban requirement.

VI. Permit Required

All Private Haulers wishing to collect, transfer, or transport Solid Waste or Recyclables generated within the Town of Plainville shall be required to first obtain or annually renew a permit from the Town of Plainville. No Private Hauler may collect Solid Waste or Recyclables unless they have obtained a valid Private 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 permit application shall include a list of all recyclables accepted from the Recycling Processing Facilities/MRF listed on the permit application.
- 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 thirty (30) days to rule on the granting of a permit to operate within the Town of Plainville. In addition, the applicant shall pay an annual permit fee as determined by the Town of Plainville Board of Health.

B. Annual Permit Renewal

- Each Permitted Hauler shall annually submit a renewal application of his/her permit no later than the 1st of November, 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.
- Annual permits will be issued by the 1st of January each year.

C. Annual Permit Renewal Reporting Requirements

- The renewal must be accompanied by the following information on a completed Annual Solid Waste and Recyclables Reporting Form:
- Total tons of Solid Waste collected for disposal and total tons of Recyclables collected for processing from Residential Customers/Generators within the Town of Plainville during the previous calendar year or 12-month period. (In the case where the Permitted Hauler delivers loads for disposal or recycling that are combined with more than one municipality, then the Permitted Hauler must provide their best estimate of tonnage delivered from the Town of Plainville.)
- A list of all Residential and Commercial Customers using each service (Solid Waste, Recycling during the previous calendar year within the Town of Plainville.
- 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 Plainville.
- 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 Plainville.
- Permitted Haulers that provide Temporary Roll off Containers/Dumpsters are exempt from the Annual Reporting Requirements.

D. 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 municipality.
- 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.
- Permitted Haulers shall not keep or store Solid Waste collected from Customers within the Town of Plainville.
- No container, barrel, bin, rolling cart, dumpster or roll-off container shall be placed within five (5) feet of the edge of pavement of a public way or property line except on scheduled pick up days. Blocking of public ways at any time is prohibited.
- Collection of Solid Waste and Recyclables may only occur during the hours of 7:00 a.m. to 7:00 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.
- 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 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 Waste Ban requirement.

E. Residential Customers/Generators Requirements

- 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.
- A Permitted Hauler must provide at least two days annually for the collection of Bulk items such as, but not limited to, couches, chairs, mattresses, etc. for Residential Customers/Generators of single, two and three family residences.
- A Permitted Hauler shall provide a collection schedule listing the regularly schedule day of the week collection is provided.
- Permitted haulers must provide collection of recyclables that parallels the municipal collection program. Materials collected for recycling must meet the specifications of the recycling processing Facilities/MRF listed on the permit application.

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.
- If Permitted Hauler is providing a container for refuse, they must also provide a container for recycling. The recycling containers must be equal to or greater than the volume of the refuse container provided. Containers for Recyclables should be of a large enough volume to collect all Recyclables generated by the Customer.
- Additional fees for additional services, such as collection of yard trimmings or food scraps, special pickups for bulky items are permitted.

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. 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 Town so the Town can follow up to ensure that those Customers are complying with the Waste Bans.

C. Exceptions

Temporary Roll-off containers/dumpsters used for construction purposes or “clean-outs” and do not exceed 60 days at any one location or is being used in conjunction with a valid building permit or is used for the collection of agricultural organics (compost, manure), shall not be affected by the Bundled Service Requirement.

VIII. Containers

A. Labeling of Containers

- If containers are provided by the Permitted Hauler, the Town requires that all barrels, bins, rolling carts, dumpsters and roll-off containers provided shall be clearly labeled as the property of the Permitted Hauler, with the Permitted Haulers name and shall be in good repair at all times.
- If containers are not provided by the Permitted Hauler and customers provide their own containers, the Permitted Hauler shall supply customers with a label to be adhered to customers container clearly identifying the name of the Permitted Hauler that is supplying service. Haulers shall not collect from containers that do not have the Haulers name.

B. Recyclables Containers

- All containers for recyclables must be clearly labeled with the word “RECYCLE”, “RECYCLING”, or “RECYCLABLES” in letters large enough for easy identification or a blue universal Recycling symbol (three chasing arrows) identify it as a recycling container. A Permitted Hauler may either offer a collection container for Recyclables or clearly visible stickers for the Customer to apply to their existing container for Recyclables.
- Containers for Recyclables should be of a large enough volume to collect all Recyclables generated by the Customer.
- It is also recommended that Recyclables containers provided by Permitted Haulers be clearly labeled with graphics/pictures and/or a list of accepted Recyclables.

C. Solid Waste Containers

- It is recommended that Permitted Haulers will not provide blue containers for the collection of Solid Waste, except as provided below:

- If the Permitted Hauler uses blue containers for the collection of Solid Waste, the containers should be clearly marked with the word “TRASH,” with letters large enough for easy identification.

IX. Insurance

- The Permitted Hauler shall provide a certificate of proof that workers’ compensation insurance meeting statutory requirements has been provided for all employees engaged in work under the permit.
- A Permitted Hauler must maintain adequate insurance and shall furnish the Plainville Board of Health with certificates from an insurance company, licensed to do business in the Commonwealth of Massachusetts showing the applicant carries public liability and property insurance. Cancellation of insurance shall automatically be grounds for cancellation of the Private Hauler Permit. Certificates of Insurance shall be furnished each year upon renewal of the permit.
- The Permitted Hauler shall make certain that the above insurance policy is not canceled prior to notification of the Plainville Board of Health. This notification shall be not less than thirty (30) days prior to such cancellation.

X. 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.

XI. Communication with Waste Ban Inspectors

The Town of Plainville reserves the right to exchange information and coordinate enforcement activity with MassDEP’s waste ban inspectors in order to enforce the provisions of these regulations and State law.

XII. 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.

XIII. Modification or Revocation of Permits

Any Permitted Hauler permit may be suspended, modified or revoked by the Board of Health upon receipt of evidence satisfactory to the Board that the permittee has not conformed to the requirements of these regulations or such further regulations as may be adopted or to any applicable state or federal statute, regulation, rule or order regarding the transportation of disposal of solid waste concerning the collection and disposal of solid waste. Appeals of such suspensions, modification or revocations may be directed to the Board of Health within 10 business days of said suspension, modification or revocations.

XIV. Indemnification of Town

- Permitted Haulers may enter into arrangements for the collection of refuse and recyclables with individual residents, the municipality and commercial/industrial customers of the Town, in which the permittee will be paid directly by the customer. The Town shall have no liability for payment to the permittee for any residential or commercial/industrial collection and disposal work that is not included in the Town's contract.
- The Permitted Hauler shall take all responsibility for the work and take all reasonable precautions for preventing injuries to persons or damage to property; shall bear all losses resulting to the collection company on account of the quantity or character of the work; shall assume the defense of and indemnify and hold harmless, the Town of Plainville, its officers, agents and servants from all claims relating to labor and materials furnished to the work, and for all injuries to any person or corporation received or sustained by or from the permittee and employees doing the work, in consequence or any improper materials, implements or labor used therein, and to any act, omission or neglect of the permittee and its employees.
- The Permitted Hauler agrees to indemnify the Town for any liability that may arise from the improper treatment, storage or disposal of hazardous wastes collected within the Town.

XV. 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.

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| (a) First offense | warning |
| (b) Second offense | \$ 100.00 fine |
| (c) Third offense | \$ 200.00 fine |
| (d) Subsequent offenses | not less than \$500.00 nor more than \$1,000.00 |

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 Town of Plainville, Board of Health.

List of Waste Ban Materials: 310 CMR 19.017

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 Concrete	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.