

# Chapter 604 Solid Waste Hauler Regulations

## Article I: Garbage Collection Restrictions

[Adopted 7-12-1993]

### § 604-1 Purpose and authority.

In order to limit noise and odor and provide peace of mind within the residential zoning districts of the Town of Dalton, the Board of Health, pursuant to MGL c. 111, §31B, hereby adopts the following regulation.

### § 604-2 Hours for collection limited.

Effective August 1, 1993, no removal, transportation or disposal of garbage, refuse, recyclable materials, offal or other offensive substances, or empty refuse vehicles, shall be permitted in any residential district between the hours of 7:00 p.m. and 7:00 a.m., Monday through Sunday.

### § 604-3 Violations and penalties.

Violation of this regulation will result in a fine of \$1,000. Each offense will be deemed a separate violation. If any portion, sentence or clause is subsequently held to be invalid, the remainder of the regulation shall be in full force and effect.

## Article II: Refuse and Recycling Collection Regulations

[Adopted 6-17-2002 with BOH Regulations adopted 10/5/2020]

### § 604-4 Purpose.

These regulations provide for the systematic collection of refuse and recyclables by permitted haulers in order to promote recycling and to comply with state-mandated waste bans. The Board of Health adopts these provisions under Chapter 111 Sections 31, 31A, 31B, 122 and 150A of the Massachusetts General Laws. These regulations are intended to support and align with the Town of Dalton's Mandatory Recycling Bylaw Chapter 270.

### § 604-5 Applicability.

The following regulations shall apply to owners as defined in Chapter 105, Section 410.020, of the CMR, property managers acting on behalf of owners, and tenants of all residential, commercial and institutional properties in the Town of Dalton and also to permitted haulers in the Town of Dalton.

### §604-6 Definitions.

For the purposes of these regulations, the following shall apply.

#### **ACCEPTABLE WASTES**

Wastes normally generated by residential, commercial, and institutional properties. This excludes recyclables, banned materials, and hazardous waste.

#### **APPROVED FACILITY**

A facility approved by the Dalton Board of health for haulers to bring refuse and/or recyclables collected in the Town of Dalton.

#### **BANNED MATERIALS**

All materials designated as banned from disposal in the Commonwealth of Massachusetts pursuant to 310 CMR 19.017: Waste Bans, 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 wood waste (banned from landfills only), white goods (large appliances), and whole tires (banned from landfills only).

#### **BUNDLED PRICING**

A billing system that includes the cost of both refuse and recyclables collection in the total collection price.

#### **HAZARDOUS WASTES**

As defined from time to time pursuant to MGL Chapter 21c and the regulations promulgated thereunder including household hazardous waste.

**LITTER**

Any waste material which is thrown or discarded in a manner which could create danger to public health, quality of life, safety or welfare.

**NON-RECYCLABLE**

Any material, which does not specifically meet the definition of "recyclables" as specified in this regulation.

**OPERATOR**

The vendor selected by the Town of Dalton to operate the transfer station, or the approved facility to which recyclables will be brought by the permitted hauler.

**PAY-AS-YOU-THROW**

Permitted haulers charge customers for the collection of non-recyclable refuse based on the amount collected. Also known as unit-based pricing, volume-based pricing, or variable-rate pricing.

**PERMITTED HAULER**

Any person or company which has applied for and obtained the appropriate permit to collect and haul refuse or recyclables within the corporate limits of the Town of Dalton. Also known as hauler in these regulations.

**RECYCLABLE(S)**

Discarded nonhazardous solid waste materials considered marketable by the Commonwealth and the operator. Such items shall include bimetal tin/steel cans including aerosol cans; glass jars and bottles; aluminum foil, cans and trays; plastic bottles, jars, trays and jugs; paper and multi-material cartons for juice, milk, and milk substitutes; paper products including newspaper, magazines, junk mail paperboard, corrugated cardboard, boxboard, paperback books, and telephone books.

**REFUSE**

Solid waste material that is normally generated by residential, commercial, and institutional properties. This excludes recyclables, banned materials, yard waste, sewage, and hazardous waste.

**REFUSE COLLECTION VEHICLE**

Any vehicle designed for and commonly used for the collection and delivery of acceptable wastes.

**YARD WASTE**

Vegetation that includes grass clippings, leaves, twigs, branches, brush (including Christmas trees), wreaths, waste shrubs and plants, weeds, hedge clippings and prunings and all organic material that can be composted, but not including railroad ties, pressure-treated materials, landscaping structures or other material which has been treated with chemical preservatives.

**§ 604-7 Waste hauler permits.**

- A. **Permit duration and non-transferability:** Every hauler collecting refuse and recyclables in the Town of Dalton shall have a valid solid waste hauler permit, approved by the Dalton Board of Health. Permits shall be valid for one calendar year, renewable annually on the first day of January. No permit shall be transferable except with the approval of the Board of Health.
- B. **Application:** A Solid Waste Hauler Permit may be obtained upon approval of a Solid Waste Hauler Permit Application by the Dalton Board of Health. Any application which fails to include all information requested in said application shall be deemed incomplete and shall be denied. A completed application will include but will not be limited to:
  1. proof of workman's compensation insurance with companies licensed to provide insurance in Massachusetts
  2. the names and locations of the approved facilities to which all refuse and recyclables will be brought
  3. the number of customers being served at time of application, with annual tonnages for solid waste and recyclables for the previous year, when available
  4. the days of collection for both non-recyclable refuse and recyclables
  5. 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 customer educational materials.
  6. how non-recyclables will be excluded from loads of recyclables, and

7. how customers will be notified of improper recycling or non-recyclable refuse disposal methods, including examples of customer notifications (stickers or notes) for placing non-recyclable material in recycling bins.
  8. A signed acceptance indicating that the permitted hauler understands and agrees to the penalty structure outlined in § 604-9 E.
- C. **Permit fee:** The Solid Waste Hauler Permit Application shall include payment of the permit fee as set forth by the Select Board.

## § 604-8 Operational procedures.

- A. **Integrated waste management:** permitted haulers serving residential, commercial, or institutional properties shall provide both refuse and recycling services in compliance with the State of Massachusetts Solid Waste Plan and DEP recycling regulations 310 CMR 19.017(3). For the purposes of this regulation, incineration of waste is not considered recycling. Haulers may not offer refuse collection services without recycling services unless otherwise pre-approved by the Board of Health.
- B. **Collection, transport and delivery:** The permitted hauler shall be responsible for the collection, transport and delivery of recyclables to the recycling facility and of refuse to the licensed waste facility named in their application.
- C. **Separation:** Recyclable materials must be kept separate from non-recyclable refuse and shall not be comingled by the permitted hauler.
- D. **Bundled pricing:** Permitted haulers may itemize customer invoices to clearly show the cost of recycling collection, but may not offer customers a lower price for refuse collection without recycling collection.
- E. **Unit- or volume-based pricing:** Permitted haulers are encouraged to offer residential, commercial, and institutional customers a unit- or volume-based user fee system (commonly known as pay-as-you-throw), by weight or volume, for refuse collection and disposal.
- F. **Customer education:** Permitted hauler shall distribute public educational materials to its customers annually or more frequently. Such materials must be approved by and/or obtained from the Dalton Board of Health.
- G. **Customer compliance and notification:** In the event a customer places non-recyclable materials in their recycling receptacle, or material that is not acceptable waste in their refuse receptacle, the permitted hauler shall not collect the receptacle contents and shall leave a written customer notification that identifies the rejected materials and the non-compliant action.

The permitted hauler shall notify the Board of Health of any customer who continues with repeat offenses. Upon notification, the Board of Health may investigate and issue citations under the provisions of 105 CMR 410.600, 410.602, this regulation, or any other applicable state or local law, ordinance or statute. Upon request by the Dalton Health Agent, permitted hauler shall cooperate with the Dalton Health Agent to develop new or revise existing customer notification materials.

- H. **Quarterly reporting requirements:** Each hauler shall submit quarterly reports to the Board of Health listing the tonnages of refuse and recyclables that have been collected. Copies of weight slips supporting this data must be available 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. Failure to provide these reports in a timely fashion may be cause for revocation or suspension of hauler's permit, upon notice by the Board of Health and opportunity for a hearing.
- I. **Spill cleanup:** The permitted hauler shall take reasonable care in the collections of refuse and recycling. Materials shall not be scattered about the streets or onto private property. Spilled materials or litter adjacent to receptacles for refuse and recyclables shall immediately be picked up by the permitted hauler and removed in the appropriate manner.

## § 604-9 Enforcement; violations and penalties.

- A. **Authority:** The individuals empowered to enforce the provisions of these regulations shall be the following: agent of the Board of Health, any member of the Board of Health or any police officer of the Town of Dalton, or their designee.
- B. **Inspection:** 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. Any violation of this regulation shall be grounds for suspension, modification or revocation of the permit by the Board of Health, or penalty as set forth below in § 604-9 E, upon receipt of evidence satisfactory to the Board that the permittee has not conformed with the requirements of these regulations.
- C. **Enforcement:** Enforcement of this regulation shall be by either criminal complaint in a court of competent jurisdiction pursuant to MGL c. 111, §§31, 31B and 150A or by noncriminal disposition pursuant to MGL c. 40, §21D, and the Town's Noncriminal Disposition Bylaw pursuant to Chapter 1. Haulers will be subject to enforcement at a date yet to be determined in 2021 and the haulers will get at least 60 days notification prior to the start of enforcement/penalties.
- D. **Improper disposal:** Improper disposal of waste may be cause for immediate revocation of the hauler's permit and prosecution upon notice by the Board of Health and opportunity for a hearing as per § 604-10 of this regulation. "Improper disposal" shall include disposal of recyclable materials with non-recyclable refuse.
- E. **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 of Dalton, subject to the Appeal Provisions described below.
  - (a) First offense: warning
  - (b) Second offense \$50 fine
  - (c) Third offense \$100 fine
  - (d) Fourth offense \$250 fine
  - (e) Fifth offense: revocation of permit.

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

## § 604-10 Appeal.

Any party cited for a violation of these regulations may appeal such citation by filing a written notice of appeal with the Town of Dalton Board of Health within seven days, exclusive of Saturdays and 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 weeks prior to the scheduled date. The hearing will be conducted in accordance with the established procedures of the Board of Health.

## § 604-11 Effective date.

The bylaw shall take effect on November 1, 2020.