



Town of Uxbridge
Board of Health
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ARTICLE XIX
RULES AND REGULATIONS FOR COMMERCIAL/RESIDENTIAL, MUNICIPAL, AND RESIDENTIAL
REFUSE/RECYCLING PERMITTING AND OPERATION
(revised 12/20/2017)

1. Purpose

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 Uxbridge. 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.

2. 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 19.00 et seq), and further the goals of the Town of Uxbridge. The Board of Health of the Town of Uxbridge adopts these regulations under the provisions of M.G.L. 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.

3. Definitions

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

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

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 Private Hauler permit from the Town of Uxbridge.

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

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 materials of this regulation.

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 Uxbridge.

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).

Town/City shall mean the Town of Uxbridge.

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, 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).

4. Mandatory Recycling

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

The Town of Uxbridge will inform all generators (residential and commercial) at least once per year that recycling is mandatory.

5. Permit Required

All Private Haulers wishing to collect, transfer, or transport Solid Waste or Recyclables generated within Uxbridge shall be required to first obtain or annually renew a permit from the Town of Uxbridge. 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.

Permits will be valid for a period of not more than one (1) year, renewable annually on the first day of January, subject to review and approval of the Board of Health.

A. Permit Application

At the time of application or as otherwise specified, the Private Hauler shall submit to the Board of Health the following:

- 1) A permit application which 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.
- 2) Copies of certificates of insurance for public liability and property insurance also shall be included.
- 3) 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.
- 4) 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.

- 5) A copy of the most recent safety inspection report for vehicles used in the Town of Uxbridge
- 6) A list of references from companies for whom the Private Hauler has hauled wastes for a two-year period of time, and who will attest to the Private Hauler professional qualifications and integrity may be required by the Board.

Upon receipt of a complete permit application and appropriate fee, the Board of Health shall have 30 days to rule on the granting of a permit to operate within the Town of Uxbridge. The annual permit fee shall be in accordance with current/approved Uxbridge Board of Health Fee Schedule.

B. Annual Permit Renewal

Each Permitted Hauler shall annually submit a renewal application of his/her permit no later than the 1st of December for renewal in the upcoming year. The renewal application shall include the annual permit fee and copies of certificates of insurance for public liability and property insurance.

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. The renewal must be accompanied by the following information or a completed **Annual Solid Waste and Recyclables Reporting Form**:

- 1) Total tons of Solid Waste collected for disposal and total tons of Recyclables collected for processing from Residential Customers/Generators within the Town of Uxbridge 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.)
- 2) The average number of Residential and Commercial Customers using each service (Solid Waste, Recycling) during the previous calendar year within the Town.
- 3) The names of any Commercial Customers where the Permitted Hauler is providing Solid Waste only service.
- 4) The names of any Commercial Customers where the Permitted Hauler is providing Recycling only service.
- 5) 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 Uxbridge.

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 Uxbridge.

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

C. General Permit Requirements

All Permitted Haulers must be in compliance with the following general permit requirements:

- 1) All Permitted Haulers must clearly display the name of the company on each vehicle operating in the municipality.
- 2) 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.
- 3) All materials must be securely contained in the vehicle. Littering or leaking shall be considered a violation of the permit.
- 4) 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.
- 5) 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 **current MassDEP List of Waste Ban Items** which may not be accepted at Massachusetts' disposal facilities.

- 6) 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 Mandatory Recycling provision and/or Waste Ban requirement
- 7) The Board of Health reserves the right to require all collection vehicles which are used in Uxbridge to have affixed on them any markings the Board deems appropriate concerning authorization to conduct refuse collection transportation and disposal of solid waste.
- 8) No permit shall be transferable by sale, acquisition, merger or other process except with the approval of the Board of Health.
- 9) The Private Hauler shall deliver all acceptable wastes collected within the corporate limits of Uxbridge to a licensed solid-waste resource recovery plant or State-approved sanitary landfill.
- 10) All recyclables must be collected at least twice monthly, PERMITTED HAULERS are required to collect both paper products and co-mingles (glass, plastic, metal) at each recycling pickup, unless an alternative program is approved by the Board of Health. Recyclables must be collected at curbside, on days specified by the Permitted Hauler.
- 11) The Permitted Hauler shall take all reasonable care in collection of refuse. Refuse shall not be scattered about the street or onto private property. Refuse that is spilled at fault of the Permitted Hauler shall be immediately picked up by the Permitted Hauler and removed with other wastes.

C. Insurance Requirements

Each applicant shall furnish the Board of Health certificates 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 one million dollars (\$1,000,000.00) for the injury or death of more than one person, fifty thousand dollars (\$50,000.00) for the damage to property. Certificates of Insurance shall be furnished each year upon renewal of permit.

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.

6. 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.

All Permitted Haulers serving Residential Customers/Generators must provide appropriately-sized, paired Solid Waste and Recyclables containers that are clearly marked and adjacent or in close proximity to each other.

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

7. Inspection

The Board of Health or its designee is authorized to inspect a Permitted Hauler's truck and load at any time in order to ensure that they comply with all applicable state and local laws, by-laws and regulations. The Board of

Health also has the right to require weight slips or confirmation of disposal of Solid Waste or management of Recyclables.

8. 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/City, subject to the Appeal Provisions described below.

- (a) First offense warning
- (b) Second offense \$200 fine
- (c) Third offense \$400 fine
- (d) Subsequent offenses \$500 fine

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 Board of Health.

9. Indemnification

Permitted Haulers shall 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 Permitted Hauler will be paid directly by the customer. The Town shall have no liability for payment to the Permitted Hauler for any residential or commercial/industrial collection and disposal work.

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 Uxbridge, 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 Permitted Hauler and employees doing the work, in consequence of any improper materials, implements or labor used therein; and to any act, omission or neglect of the Permitted Hauler and its employees.

The Permitted Hauler agrees to indemnify the Town for any liability that may arise from the improper treatment, collection, storage or disposal by the Permitted Hauler of hazardous wastes collected within the Town.

10. Suspension, Modification or Revocation of Permit

Any refuse/recycling collection permit may be suspended, modified or revoked by the Board of Health upon receipt of evidence satisfactory to the Board that the Permitted Hauler 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 transportation or disposal of solid waste concerning the collection and disposal of rubbish. The Board of Health shall provide written notice to the Permitted Hauler of its intent to suspend, modify or revoke a refuse/recycling collection permit. The notice shall contain the reasons for the suspension, modification or revocation and establish a date and time for a hearing. The date of the hearing shall be no earlier than seven (7) days after the date of said notice. The Permitted Hauler shall have an opportunity to be heard at such hearing and shall be notified of the Board's decision and reasons in writing.

11. Severability

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

12. Effective Date

These regulations shall take effect on April 1, 2018.