



TOWN *of* ADAMS

RULES AND REGULATIONS FOR REMOVAL, TRANSPORT, AND DISPOSAL OF SOLID WASTE OR RECYCLABLES

I. 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 Adams. 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.
- The waste stream data will enable the Town to track progress on solid waste diversion and to develop appropriate educational campaigns.

II. 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 Adams. The Board of Health of the Town of Adams adopts these regulations under the provisions of Chapter 111 Sections 31, 31A, 31B, 122 and 150A of the Massachusetts General Laws and further subject to the Charter and Related Acts of the Town of Adams (Ch. 31, Acts of 1983, adopted 5-2-1983).

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.

III. EFFECTIVE DATE

These regulations shall take effect on November 1, 2022, for Calendar Year 2023, except as noted in VI. C. Permit Renewal, below.

IV. DEFINITIONS

For the purposes of this regulation, the following words and phrases shall have the following meaning unless the context 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 Adams.

Customer shall mean either Residential Customer/Generator or Commercial Customer/Generator.

Inspectional Services shall mean the authorized members of the Department of Inspectional Services of the Town of Adams, specifically the Building Commissioner and the Code Enforcement Officer, to approve permits for private waste haulers.

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>

Operate shall mean collect, transfer, or transport Solid Waste or Recyclables within or passing through Adams.

Permitted Hauler shall mean any Private Hauler who has obtained a valid Private Hauler permit from the Town of Adams.

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

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 premanufactured housing within the Town of Adams.

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 shall mean the Town of Adams.

Waste Ban Materials shall mean all materials designated as banned from disposal in the Commonwealth of Massachusetts pursuant to 310 CMR 19.017 (see <https://www.mass.gov/regulations/310-CMR-19000-solid-waste-facility-regulations>).

V. MANDATORY RECYCLING

Mandatory Recycling is codified in the Adams Town By-laws, Chapter 101 Solid Waste § 101-5 Mandatory Recycling.

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

VI. PERMIT REQUIRED

All Private Haulers wishing to collect, transfer, or transport Solid Waste or Recyclables generated within Adams shall be required to first obtain or annually renew a permit from the Town of Adams. 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. An online Permit application can be accessed on the Town website at www.town.adams.ma.us/home/pages/online-permitting or directly at https://fctpermit.com/sites/Alliance/boh/user_logins.asp via the Berkshire Public Health Alliance permitting system.

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.

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 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. The Adams Board of Health will provide educational materials and a template for notification of non-compliance. Private Haulers may also provide their own materials that serve the same purposes.

Upon receipt of a complete permit application, along with the annual permit fee of \$100.00 (as determined by the Town of Adams), the application will be reviewed in a timely fashion by Inspectional Services to rule on the eligibility of granting of a permit to operate within the Town of Adams.

B. ANNUAL PERMIT RENEWAL

Each Permitted Hauler shall annually submit a renewal application of his/her permit no later than the 1st of December, by paying the annual permit fee. The first and last items below (as noted) are optional for Calendar Year 2023 but will be required for the renewal of permits for Calendar Year 2024 and forward.

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 designated representative of the company. The renewal must be accompanied by the following information or a completed Annual Solid Waste and Recyclables Report on the online application:

- Total tons of Solid Waste collected for disposal and total tons of Recyclables collected for processing from Residential and Commercial Customers/Generators within the Town of Adams during the previous calendar year or 12-month period (optional for 2023 permit). 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.
- The average number of Residential and Commercial Customers using each service (Solid Waste, recycling) during the previous calendar year within the Town.
- 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 Adams (optional for 2023 permit).

Failure to provide a complete and accurate Annual Solid Waste and Recyclables Report may be grounds for denial of a permit to operate within the Town of Adams. 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:

- 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.
- 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. The Board of Health will provide educational materials for distribution to Customers.

- 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. The Board of Health will make available a template refusal form for Permitted Haulers to provide to Customers in violation of this regulation.

VII. BUNDLED SERVICE RECOMMENDATION

A. SERVICE TO RESIDENTIAL CUSTOMERS/GENERATORS

For Residential Customers/Generators, the bundled service may 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. Private Waste Haulers may charge Customers for the 2nd container dedicated to Recyclables. Alternatively, a Customer may obtain their own container as long as it is clearly marked "Recyclables."

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.

VIII. INSPECTION

The Code Enforcement Officer or the Board of Health is authorized to inspect a Permitted Hauler's truck and load at any time. The Code Enforcement Officer or the Board of Health also has the right to require weight slips or confirmation of disposal of Solid Waste or management of Recyclables.

IX. 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. Inspectional Services 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, Inspectional Services or 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.

- 1st offense shall be no less than \$50.00;
- 2nd offense shall be no less than \$100.00;
- 3rd and subsequent offenses shall be no less than \$300.00.

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 Board of Health.

X. WAIVERS

The Board of Health may, in its discretion, waive compliance with a particular requirement of these regulations when, in its opinion:

- A. The enforcement of the regulation would do manifest injustice; and
- B. The applicant has proved that the same degree of protection of the public health, safety and welfare can be achieved without strict application of the particular provision. Any alternative means of protection shall be detailed and documented by the applicant to the satisfaction of the Board of Health

XI. SEVERABILITY

If any part of this regulation or the application thereof to any person or circumstances shall be held invalid or unenforceable, the other provisions shall continue in full force and effect.