



Town of Merrimac Board of Health

Solid Waste and Recycling Regulations

In accordance with the authority granted by 105 CMR 400.000 and MGL Chapter 111, § 127A, the Merrimac Board of Health herein establishes Solid Waste and Recycling Rules and Regulations. In instances of differences, the requirements of the Town of Merrimac shall take precedence.

These regulations provide for the systematic collection of Solid Waste and Recyclables in order to promote recycling, to comply with State-mandated waste bans and to assist in cost reduction for residential waste disposal by removing those items from the waste stream which can be managed more effectively in other ways. It is strongly recommended that all municipalities, businesses and residents recycle. The Board of Health of the Town of Merrimac adopts these regulations under the provisions of the Code of Massachusetts Regulations, 105 CMR 410.000 and under Chapter 111 Sections 31, 31A, 31B, 122 and 150A of the Massachusetts General Laws (MGL).

Definitions:

As used in this regulation, the following terms shall have the meanings indicated:

BOARD OF HEALTH: The Town of Merrimac's Board of Health.

APPROVED: Approved by the Board of Health of the Town of Merrimac.

BULKY WASTE: Individual items too large or too heavy for a thirty-gallon waste bag or barrel, but not classified as white goods. Examples of bulky wastes include furniture, mattresses and rugs.

BUSINESSES: Retail stores, professional buildings, contractors, industries, churches, private schools and all other buildings, other than residential dwellings and municipal buildings, are considered businesses.

HAZARDOUS WASTE: Waste in any amount, which is defined, characterized or designated as hazardous by the United States Environmental Protection Agency or appropriate state agency by or pursuant to federal or state law, or waste in any amount which is regulated under federal or state law. For purposes of these regulations, the term "hazardous waste" also includes gasoline, waste oil, other automotive fluids, oil-based paint and related solvents/thinners/pesticides and their storage cans; and lead/acid batteries (such as automobile batteries).

LICENSED HAULER: Any hauler who has been approved by the license granting authority in Merrimac to remove, transport and dispose of Solid Waste in Merrimac and who thereby agrees to comply with all the Laws, Rules and Regulations of the Commonwealth of Massachusetts (MGL Chapter 111, §31A).

PERMITTEE: Any person(s) or company which has applied for and obtained the appropriate permit to collect solid waste and recyclable materials within the limits of Merrimac, Massachusetts.

RECYCLABLE COLLECTION: The curbside collection of recyclable materials generated by the households, municipal facilities, businesses and public and private schools of Merrimac.

RECYCLABLE MATERIAL: Material that has the potential to be recycled and which is not comingled with solid waste or contaminated by significant amounts of toxic substances as per 310 CMR 19.0006.

SERVICE AREA: The permittee shall provide collection service to those residences, businesses and municipal facilities in Merrimac which have contracted with the permittee to provide collection services. Promotional materials will be distributed, informing residents as to when and how the materials will be collected.

SOLID WASTE: Consists of all rubbish, garbage or refuse normally generated, but excluding explosives and ordnance materials, sludge, highly flammable substances, cesspool or other human waste, human or animal remains and hazardous refuse of any kind, such as cleaning fluids, crankcase oils, cutting oils, paints, acids, caustics, poisons, drugs, radioactive materials, fine powdery earth used for filter cleaning fluids and refuse of similar nature. Any recyclable materials are specifically excluded from solid waste.

SOLID WASTE COLLECTION VEHICLE: Any vehicle used for the delivery of acceptable wastes. Said vehicle shall be in a safe, clean condition and in good repair.

TOWN: The Town of Merrimac, a body corporate and politic of the Commonwealth of Massachusetts, including all streets and ways and all buildings and improvements within the municipal boundaries, as set forth on the official map.

WHITE GOODS: Refrigerators, stoves, dishwashers, freezers, washers, dryers, air conditioners, etc.

Section 1: Purpose:

These regulations of the Board of Health have been enacted for the purpose of the protection of the citizens of Merrimac, the protection of the public health and the environment. These rules and regulations shall supersede any prior and/or existing version.

Section 2: Permitting and Administration:

- 2.1 Every waste hauler collecting/transporting solid waste or recycling in the Town of Merrimac shall obtain a permit for each vehicle from the Merrimac Board of Health. Hauling permits shall be valid for one calendar year, renewable annually on the first day of January, subject to review and approval by the Board of Health. No permit shall be transferable except with the approval of the Board of Health. Any application which fails to include all information requested in the Board of Health regulations shall be deemed incomplete and shall be denied. Any renewal application not received by the Board of Health by November 1 will be subject to a weekly late fee, per our *Schedule of Fees and Penalties*.
- 2.2 All permitted individuals, entities, and businesses shall provide waste and recycling services in compliance with the Massachusetts Solid Waste Master Plan and Department of Environmental Protection Regulations. Waste collection and recyclable collection services shall be offered to customers as part of an integrated waste management service. For the purposes of this regulation, incineration of waste is not considered recycling.
- 2.3 Upon application for permit the hauler shall indicate the means for ensuring that customers exclude all items banned from disposal at solid waste facilities as described in 310 CMR 19.017 (3), and how non-recyclables will be excluded from loads of recyclables. The hauler must also indicate how customers will be notified of improper recycling or waste disposal methods.

- 2.4 Annually, by October 1, Permittee shall submit annual reports to the Board of Health stating the tonnages of waste and recyclables that have been collected. Failure to provide these reports in a timely fashion may be cause for revocation or suspension of Hauler's Permit.
- 2.5 Annually, by October 1, each Waste Hauling Permit holder shall submit an updated customer list with complete addresses, and shall update all information provided in the Waste Hauling Permit application.
- 2.6 The applicant for a Solid Waste Collection and Recycle Collection Permit(s) shall include payment of the permit fee(s) for each vehicle, per our *Schedule of Fees and Penalties*, and proof of property/liability insurance for each vehicle.
- 2.7 Collection vehicles shall keep a copy of the Town of Merrimac Solid Waste Hauler Permit in each vehicle at all times while hauling in Merrimac.

Section 3: Insurance:

- 3.1 The permittee 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.
- 3.2 The permittee shall provide a certificate of insurance as evidence of having comprehensive general liability. The comprehensive general liability policy shall be in an amount not less than \$1,000,000 combined single limit for bodily injury and property damage.
- 3.3 The permittee shall provide a certificate of insurance as evidence of having vehicle insurance. The vehicle liability policy will be in the amount not less than \$1,000,000 combined single limit for bodily injury and property damage.

Section 4: Enforcement:

- 4.1 The individuals empowered to enforce the provision of these regulations shall be the Agent of the Board of Health, any member of the Board of Health, its designee, or any police officer in the Town of Merrimac.
- 4.2 The Board will consider reinstatement after review of such safety violation(s) by the Board or its designee.
- 4.3 No vehicle shall be driven or moved on any street or highway within the town 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 which may be blown about by the wind shall be suitably covered to prevent the contents from being blown upon the streets or highways. Failure to comply with the requirements of this regulation could result in the loss of the Solid Waste hauler's permit and a complaint filed with the courts. Penalties are punishable by a fine and possible loss of driver's license, subject to MGL C. 270 Sec. 16.
- 4.4 Following a public hearing called for such cause, subject to MGL Chapter 111 Section 127B, a waste/recycling permit may be suspended, modified or revoked by the Board of Health upon receipt of evidence satisfactory to the Board that the hauler has not conformed with the requirements of these regulations. The Board of Health may issue an order to fix the stated problem within a stated time frame. Appeals of such suspensions, modifications or revocations may be made pursuant to MGL Chapter 30A Section 14.
- 4.5 Enforcement of this regulation shall be by either criminal complaint in a court of jurisdiction or non-criminal procedures as set forth in MGL Chapter 111 Sections 31, 31A, 31B and 150A.

- 4.6 Improper disposal of waste may be cause for immediate revocation of the hauler's permit and prosecution to the fullest extent of the law. "Improper disposal" shall include *disposal of recyclable materials with waste*.
- 4.7 **Non-Criminal Disposition:** Whoever violates any provision of this regulation may be penalized by a non-criminal disposition process as provided in MGL Chapter 40, Subsection 21D and the town's non-criminal disposition by-law. If non-criminal disposition is elected, then any person who violates any provision of this regulation shall be subject to a penalty in the amount of three hundred dollars (\$300.00) per day of violation, commencing ten days following day of receipt of written notice from the Board of Health. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.
- 4.8 The Board of Health may enforce these Regulations or enjoin violations thereof through any lawful process, and the election of one remedy by the Board of Health shall not preclude enforcement through any other lawful means.

Section 5: General Requirements:

- 5.1 Any persons engaged in the collection of acceptable waste and who are granted permits by the Merrimac Board of Health shall collect household rubbish, non recyclable paper, garbage and other permitted waste materials from residential households, and shall remove the same to an approved location or facility outside the limits of the Town of Merrimac in accordance with this article, as well as all other applicable rules and regulations.
- 5.2 The permittee shall provide recycling service to allow compliance with the State of Massachusetts Department of Environmental Protection Solid Waste Bans by the effective date of those bans and any other items deemed feasible by the Merrimac Board of Health.

Section 6: Application for Permit:

- 6.1 At the time of application or as otherwise specified, the refuse collection company shall submit to the Board of Health the following:
- a. Payment of the permit fee(s), per our *Schedule of Fees and Penalties*.
 - b. A proposed schedule of the day, time and those areas of the Town in which collection will take place. Recyclables will be collected at least every 2 weeks.
 - c. A map of the Town indicating the proposed routes of collection and delivery.
 - d. A list of the customers, by street address, serviced by the collection company for each route (provided within 30 days of permitting).
- 6.2 Annually, by October 1, an estimation or exact figure of the tonnage of refuse and of recyclables that the applicant has collected during a 12-month period will be submitted to the Board of Health. Failure to provide information within the time period may result in revocation, suspension, or modification of this permit.
- 6.3 The Board of Health reserves the right to require all collection vehicles which are to be used in Merrimac to keep a copy of the Permit in the vehicle while servicing Merrimac.
- 6.4 A permittee is allowed the right to appear before the Merrimac Board of health at a hearing to discuss its application by filing such hearing request in writing with the Board.

Section 7: Operational Procedures:

- 7.1 The permit will be valid for a period of not more than one year, renewable annually before the first day of January, subject to review and approval by the Board of Health.
- 7.2 No permit shall be transferable except with the approval of the Board of Health.
- 7.3 The permittee shall deliver all acceptable wastes collected within the corporate limits of Merrimac to a licensed solid waste resource recovery plant.
- 7.4 The permittee shall provide recycling service to allow compliance with the State of Massachusetts Department of Environmental Protection Solid Waste Bans by the effective date of those bans.
- 7.5 All recyclables must be collected at least every other week.
- 7.6 All permittees shall have established routes and days which have been approved by the Board of Health and shall take appropriate steps to operate according to approved collection routes.
- 7.7 Annually, by October 1, revised customer lists by route shall be submitted to the Board of Health and shall indicate any changes in the number of customers served on each street of each approved route. All new customers shall be indicated, as well as those customers who have terminated their agreements with the collector.
- 7.8 The permittee shall collect acceptable wastes from its customers in Merrimac. The permittee may require that the acceptable waste be contained in plastic bags or containers. Recyclables must be placed at curbside, on specified days, in their own reusable containers.
- 7.9 The permittee shall refuse to collect any commercial/industrial, municipal or residential waste if there is any indication that the material is not acceptable waste according to the definitions provided herein or if it is not properly packaged or bundled. The permittee will notify such customers of the reason(s) for refusal to collect the waste. The permittee shall notify the Board of health of any customer who continues with repeated offenses. Three offenses may constitute justifiable reason for termination of services by the permittee. Notification of such must be made to the Board of Health within two weeks of said notification.
- 7.10 The permittee shall take all reasonable care in collecting refuse. Refuse shall not be scattered about the streets or onto private property. Refuse which is spilled shall be immediately picked up by the permittee and removed with other wastes.
- 7.11 The Board of Health reserves the right to inspect collection vehicles and loads at reasonable times in order to ensure that they comply with all applicable state and local laws, bylaws and regulations.
- 7.12 Any violation of this article or any other applicable laws or regulations by the permittee shall be grounds for suspension, modification or revocation of said permit.
- 7.13 The permittee may enter into contractual agreements with commercial/industrial or municipal customers within the Town of Merrimac, provided that these customers are responsible for all fees (pickup, transportation and disposal) and that they follow recycling guidelines outlined in this article.
- 7.14 Permittees are required to provide their customers with a list of acceptable waste types and recyclables according to this article and with a list or description of proper packaging or bundling methods of the same. This will ensure fewer incidents of refusal by the permittee to collect wastes and will provide for a more efficient and economic system of waste collection/disposal and recycling.

Section 8: Containment:

- 8.1 WASTE: Each residential subscriber shall deposit waste in a covered 96-gallon cart or less. No Permittee shall accept hazardous, liquid or banned waste or sewage, unless licensed and permitted to do so.
- 8.2 Waste shall be stored in water-tight receptacles with tight-fitting covers. The receptacles shall be of metal or other durable material to prevent wildlife from entering the container. Plastic bags may be used to store mixed garbage and rubbish only if used as a liner in water-tight, covered receptacles as required above.
- 8.3 RECYCLING SERVICE. The Permittee shall provide waste and recycling services. For residential subscribers, the Permittee will provide a cart or two curbside bins, or RECYCLING stickers to affix to customers' barrels.

Section 9: Collection:

- 9.1 The collection from residential homes shall be made between the hours of 7:00 AM and 6:00 PM on approved days. No pickups outside this time frame will be allowed without prior approval from the Board of Health.
- 9.2 The Permittee shall collect waste from all residential subscribers at least twice a month. The Permittee shall collect waste from schools, municipal facilities and businesses by arrangements. Recycling shall be picked up at least twice a month.
- 9.3 All Solid waste shall be taken to a disposal facility licensed, permitted or approved by all Governmental bodies and agencies having jurisdiction.

Section 10: Point of Collection:

- 10.1 Point of collection shall be at curbside, which shall mean within five feet of the sidewalk, side of the curb or edge of the street.

Section 11: Collection of Material:

- 11.1 Separation of recyclables from solid waste will take place at the source of generation, unless the disposal facility separates waste and recyclables.

Section 12: Education

- 12.1 The Permittee shall distribute an annual written notice of service to subscribers. This notice will detail what is acceptable waste, and specify how, what, and when to recycle. The Permittee shall also provide notices of collection schedule change, and any other pertinent information to residents as required. The Permittee is responsible for the development and distribution of this material. A copy of these materials must be included with the permit.

Section 13: Penalties:

- 13.1 Any Permittee who violates any provision of these regulations may be subject to a maximum fine of up to \$300 for each such violation.
- 13.2 Any person who violates Section 6 of these regulations may be subject to a fine or written warning for the first violation, \$50 for the second violation, and \$100 for the third violation.

Section 14: Indemnity:

The Permittee shall indemnify and save harmless the Town of Merrimac and all of its officers, agents and employees against all suits, claims or liabilities of every name, nature and description arising out of or in consequence of the acts of the Permittee in performance of the work covered by the permit and/or its failure to comply with the terms and conditions thereof and will be at its own expense, defend any and all such suits and actions.

Section 15: Appeal:

Any party cited for a violation of these regulations may appeal such citation by filing a written notice of appeal with the Merrimac 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 weeks prior to the scheduled date. The hearing will be conducted in accordance with the established procedures of the Board of Health.

Section 16: Severability:

If any provision, clause, sentence, paragraph or section 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.

Date of Board of Health Vote: October 30, 2013

Signed in approval this 30th day of October, 2013.



MERRIMAC BOARD OF HEALTH

Eileen Hurley

Eileen Hurley, Chairperson

Russell Hussey

Russell Hussey

Jason Sargent

Jason Sargent

Attachment: Solid Waste and Recycling Guidelines

MERRIMAC BOARD OF HEALTH

SOLID WASTE AND RECYCLING GUIDELINES

SOLID WASTE DISPOSAL BANS

The following materials and items are prohibited from disposal and/or transfer for disposal in Massachusetts.

- Asphalt pavement, brick and concrete
- Cathode ray tubes
- Clean gypsum wallboard
- Ferrous and non-ferrous metals
- Glass and 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) These items require separate disposal permits.
- Whole tires (banned from landfills only; shredded tires acceptable)

ACCEPTABLE RECYCLING MATERIALS

- News papers and newspaper inserts
- Magazines, catalogs
- Paperboard (cereal, cracker boxes), pizza boxes – must be clean
- Corrugated cardboard, flatten 2 x 2, brown paper bags, junk mail, office paper, colored paper, hard covered books, paperback books, phone books
- Tin cans and aluminum cans, steel cans and lids, aluminum
- Foil, glass bottles and jars, all colors and sizes
- Plastic containers labeled 1-7
- Shampoo bottles, Tylenol, Advil bottles, hand cream bottles
- Milk cartons and juice boxes, flattened, no straws, paper egg cartons, blueprints, file folders
- Small rigid plastic, example: laundry basket (mark it with a note saying “please take” _ , small plastic buckets or pails, must be cleaned, and no more than 5 gallons in size
- Spiral cans (potato chips, snack cans, etc.)
- Paper towel tubes and toilet paper tubes
- Clean paper cups