

Wilbraham Board of Health

RULES AND REGULATIONS FOR REMOVAL, TRANSPORT, AND DISPOSAL OF SOLID WASTE, RECYCLABLES, GREASE, SEPTAGE, WASTEWATER, OFFAL AND OTHER OFFENSIVE MATERIALS.

1. Purpose

The goal of these regulations is to protect the public health and environment and to ensure that all Private Haulers (as defined below) collecting and/or transporting Waste Material (as defined below) in the Town of Wilbraham adhere to the regulations and/or permit requirements established by the Town of Wilbraham. This should ensure that:

- Environmental benefits are maximized;
- There is joint enforcement by the municipality and all Private Haulers operating within the municipality;
- There are fair and equitable rules for all Private Haulers operating within the municipality;
- All residents and businesses have convenient (equal) access to collection services;
- All Private Haulers permitted to operate in the municipality are in compliance with Massachusetts State regulation *310 CMR 19.017: Waste Bans* and local regulations;
- There is consistency across the municipality to promote clear operating guidelines for Private Haulers;
- Wilbraham and Private Haulers work together to support the goals of Massachusetts' Solid Waste Master Plan and Global Warming Solutions Act.

2. Authority

- (1) These regulations establish the minimum requirements for the systematic collection and/or transportation of Waste Materials to promote waste reduction, comply with State-mandated waste bans (310. CMR 19.017) and other state and local regulations to further the goals of the Town of Wilbraham for haulers involved in such transportation. The Board of Health of the Town of Wilbraham adopts these regulations under the provisions of Chapter 111, Sec 31, 31A, 31B, 122 and 150A of the Massachusetts General Laws, and 310 CMR 15.000.. All grease and wastewater requirements herein must also adhere to the Town of Wilbraham Wastewater Regulations.
- (2) Permitted Haulers shall only collect for disposal those items acceptable for disposal. Materials banned from disposal under 310 CMR 19.017 shall be rejected and not be collected 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 Wilbraham.

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 collecting and transporting Waste Material through the Town of Wilbraham and who shall be permitted by the town annually.

Private Hauler shall mean any person or entity with the exception of local, state or federal government agencies collecting and/or transporting Waste Materials in the Town of Wilbraham. All Private Haulers must be permitted or registered annually with the Town of Wilbraham before collecting or transporting waste materials within the Town of Wilbraham.

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.

Registered Hauler shall mean any Private Hauler transporting Waste Material through the Town of Wilbraham and who shall be registered with the town annually

Residential Customers/Generators shall mean property owners and occupants of single and multifamily dwellings, condominiums, public housing, and mobile homes within the Town of Wilbraham.

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*).

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).

Waste Material shall mean Solid Waste, Recyclables, grease, Wastewater, septage, offal and other offensive materials.

Wastewater shall mean used water from any combination of domestic, industrial, commercial or agricultural activities, surface runoff or stormwater, and any sewer inflow or sewer infiltration.

4. Mandatory Recycling

In order to protect the environment, promote recycling and be in compliance with Massachusetts Waste Ban regulations (*310 CMR 19.017*); the Town of Wilbraham 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 Wilbraham, as established under *Chapter 40, Sec 8H of the Massachusetts General Laws*.

The Town of Wilbraham will inform all generators (residential and commercial) at least once per year that recycling is mandatory. Please refer to Appendix B for the list of waste ban materials.

5. Private Hauler Permit or Registration Requirements

- (1) All Private Haulers wishing to collect and transport Waste Materials within the Town of Wilbraham shall be required annually to obtain a Private Hauler Permit from the Town. Private Haulers collecting septage, grease and/or wastewater from any tank in Town must also comply with the additional permitting requirements set forth in these regulations. Permits must be kept in the vehicle at all times while within the Town.
- (2) Registered Haulers may transport Waste Materials generated outside the Town of Wilbraham through the streets of Wilbraham, provided the hauler registers with the Board of Health in Town as required by M.G.L. c. 111, Sec. 31A; and, provided further, that he or she transports said substances in accordance with these and any further reasonable rules and regulations as may be established by the Board of Health. Registered Hauler's must include a description of each vehicle and license plate number transporting material through Town. Registration documentation must be kept in the vehicle at all times while within the Town.

6. Private Hauler Permit Application

- (1) Upon receipt of a complete application form, the Board of Health shall have 30 days to rule on the granting of a Private Hauler Permit to operate within the Town of Wilbraham.
- (2) All Permitted Haulers shall apply annually for a Private Hauler Permit from the Board of Health by submitting an application form. A completed application form including information requested by the Town, and payment of related fees is required before a Private Hauler Permit will be processed.
- (3) The Private Hauler Permit shall be valid for one calendar year and shall be renewable on the first day of January each year.
- (4) The Private Hauler Permit application form 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, a contact name, address, phone number and email. Copies of certificates of insurance for public liability and property insurance shall also be included.
- (5) Permitted Haulers must submit the license plate number and description of all vehicles hauling within the Town.
- (6) All Permitted Haulers shall indicate where the hauler is authorized to dispose of Waste Materials, and a copy of all contracts or other agreements between the hauler and the receiving facility shall be submitted to, and retained by, the Board of Health. The Town may require proof of disposal.
- (7) A Private Hauler Permit application is not required for Registered Haulers, who shall register with the Board of Health prior to transporting Waste Material through the streets of Wilbraham.

7. Private Hauler Permit and Registered Hauler Registration Requirements

All Permitted and Registered Haulers must carry their permit or registration in their vehicle at all times when collecting and/or transporting Waste Material through Town. Both haulers shall be in compliance with the following general Private Hauler Permit and Registered Hauler Registration requirements:

- (1) All Permitted Haulers and Registered Haulers must clearly display the name of the company on each vehicle operating in the municipality.
- (2) All Permitted Haulers and Registered 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 material must be securely contained in the vehicle. Littering or leaking shall be considered a violation of these regulations.
- (4) The Town reserves the right to inspect all Permitted Haulers and Registered Haulers as well as those who fail to register or obtain a permit.

8. Annual Private Hauler Permit and Registration Renewal

Each Permitted or Registered Hauler shall submit the annual fee, an application for permit or registration as promulgated by the Town, and information requested by the Town, prior to January 1st of each year.

The annual Private Hauler application must include a completed Annual Solid Waste and Recyclables Reporting Form as provided by the Town.

Failure to provide a complete and accurate Annual Solid Waste and Recyclables Reporting Form may be grounds for non-renewal of a Private Hauler Permit to operate within the Town of Wilbraham.

Annual Private Hauler Permits will be issued by the 1st of January each year.

9. Bundle Service Requirement

- (1) *Residential Service:* For Residential Customers/Generators, the Permitted Hauler must provide a bundled service for 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.

- (2) *Commercial Service:* 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 enforce waste ban compliance.

10. Additional Requirements for Permitted Haulers Collecting Septage

In addition to a Private Hauler Permit, the Board of Health requires a Septage Hauler's Permit and inspection prior to collecting septage from any septic tank in Town. The purpose of this article is to provide a greater degree of protection to the environment, public health and safety, prevent the spread of disease, and provide greater clarification of the definitions used by the Board in applying the provisions of Title 5. Enforcement of the provisions contained in this Section will be carried out in accordance with the provisions of *Title 5 of the State Environmental Code* set forth at *310 C.M.R. 15.000*.

Enforcement of the provisions contained in this Section will be carried out in accordance with the provisions of *Title 5 of the State Environmental Code* set forth at *310 C.M.R. 15.000, M.G.L. c. 111, Sec. 31B, and these Rules and Regulations*.

During an inspection all equipment must be clearly marked and identified with markings indicating the capacity of the tank. Trucks must have gauges that are cleaned and calibrated so that exact volume is easily determined.

Permitted Haulers must maintain reports for 1 year detailing the cleaning of septage tanks along with a statement attesting to the accuracy of the information contained in the records. Records must be submitted to the Town with 30 days of pumping. Records shall include the following information:

- (1) Estimated amount of septage removed;
- (2) Any defects in the septage tank;
- (3) Date of pump-out;
- (4) Capacity septage tank; and
- (5) Disposal location.

11. Additional Requirements for Permitted Haulers Collecting Grease or Wastewater in Town

In addition to a Private Hauler Permit, the Board of Health requires a Grease Hauler Permit and inspection prior to collecting grease or wastewater from any tank in Town. The purpose of this article is to protect the residents, businesses, and the environment within the Town of Wilbraham from blockages or problems within the Town's sanitary sewer system caused by wastewater tanks, grease, kitchen oils, and other substances discharged from facilities.

Permitted Haulers collecting grease and/or wastewater shall also comply with the Town of Wilbraham Wastewater Regulations

Permitted Haulers collecting grease and/or wastewater must maintain reports for 1 year detailing interceptor cleaning for each grease trap/interceptor or tank serviced along with a statement attesting to

the accuracy of the information contained in the records. Records shall include at a minimum the following information:

- (1) Estimated depth of grease and/or solids removed from the interceptor.
- (2) Any defects in the grease interceptor or tank.
- (3) Date of pump-out.
- (4) Capacity of interceptor tank.
- (5) Disposal location

Records shall be sent to the Town within 30 days and kept by haulers related to pumping for each service along with documentation for each trip to a disposal facility. Haulers shall be required to designate the location of disposal sites on the permit and only dispose of grease or wastewater at approved facilities. The Town may request copies of the disposal documentation.

12. Compression Release Engine Brakes

In accordance with Massachusetts General Laws Chapter 90, Section 16, the Town of Wilbraham reserves the right to regulate “excessive noise” from motor vehicles within the Town. Violations for the use of compression release engine brakes (Jake Brakes) shall be fined \$50 for each offense.

The use of a compression release engine brake on a motor vehicle not properly equipped with an engine exhaust muffler as per state and federal regulations, or equipped with a defective, damaged, or inappropriately modified engine exhaust muffler and/or associated exhaust system components, creates loud and excessive noise adversely affecting the public health, safety and welfare of the residents of the Town of Wilbraham and is considered a nuisance condition. Violators shall be subject to a fine of \$50. The Town of Wilbraham recognizes that compression release engine brakes can be an important accessory safety component of large commercial motor vehicles, particularly when hauling heavy loads on steeply graded roadways, but encourages motor vehicle owners and operators to deploy them judiciously and respectfully in our community, avoiding unnecessary use in nonemergency situations (e.g., on flat, low-grade, or uphill roadways; in an unloaded or lightly loaded vehicle; to compensate for excessive speed or insufficient braking distances as a result of improper operation; in residential and downtown areas; during late night/early morning hours, etc.).

Private Haulers shall comply with all restrictions imposed on operations arising under town bylaws including those limiting operations on certain streets.

13. Enforcement and Penalties

- (1) Enforcement of these regulations shall be by criminal complaint in the district court and/or non-criminal procedures as set forth in *MGL Chapter 111 Sections 31, 31A, 31B and 150A* or by ticket per *MGL Chapter 40, Section 21D*.
- (2) Agents of the Board of Health or its designee (including the health agent, any employees of the Wilbraham DPW, and any Wilbraham police officers) shall have the power to enforce the provisions of these regulations.

- (3) The issuance of a fine or penalty shall not preclude the Town of Wilbraham from seeking or obtaining any or all other legal and equitable remedies to prevent or remove a violation of this section.
- (4) Following a public hearing called for such cause of violation, a Private Hauler permit may be suspended, modified or revoked by the Board of Health upon receipt of evidence satisfactory to said Board that the Permitted Hauler has not conformed with the requirements of these regulations.
- (5) An order may be issued by the Board of Health to correct the violation within a stated time frame.
- (6) Vehicle safety violations shall be cause for immediate revocation of the hauler's Private Hauler permit. The Board will consider reinstatement after review of such safety violation(s) by the Board or its designee.
- (7) The Board of Health agent or designee may inspect collection, vehicles, and loads at reasonable times in order to ensure that they comply with all applicable laws or local regulations.
- (8) Any violation of this regulation shall be grounds for suspension, revocation, or modification of the Private Hauler permit issued by the Board of Health. The Board of Health retains the right to define and determine "nuisance" conditions.

14. Violations shall be punished by fines and penalties as follows:

Any Private Hauler permit holder who violates any provision of these regulations or applicable law may be subject to a maximum fine of up to \$1,000 for each such violation pursuant to M.G.L. c. 111, Sec. 31B.

First offense: Written Warning

Second Offense: One month permit suspension and \$300 fine.

Third Offense: One year permit suspension and \$600 fine.

Subsequent offenses: Subject to permanent revocation of permit and a fine not more than \$1,000 .

Each day of failure to comply with these regulations or applicable law shall constitute a separate violation. The Board of Health reserves the right to deviate from the foregoing progressive suspension periods upon a finding that public health and/or safety requires additional penalties including immediate revocation of a permit.

15. Appeal

Any party 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 with the Town. 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.

Severability

Each provision of this regulation shall be construed as separate, in that if any part of these regulations shall be held invalid for any reason, the remainder shall continue in full force and effect.

Effective Date:

These regulations shall take effect on 6/8/20.

Adopted by the Wilbraham Board of Selectmen/Board of Health on 6/8/20.

Appendix A- Recyclables

Paper Products:

Newspapers and inserts
Magazines and catalogues
Phone books
Junk (and other) mail
Cereal boxes (cardboard), packaging, toy boxes, etc.
White, colored and computer paper
Corrugated cardboard

Glass:

Clear, brown, and green bottles and jars (food and beverage only)

Metal:

All metal cans
Scrap metal
White goods (appliances)
Propane tanks (valves closed, do not vent)

Plastics:

Plastics #1-7

Electronics:

Cathode Ray Tubes (CRTs) including computer monitors/TVs
Cell phones
Rechargeable batteries

Automotive:

Motor oil
Lead acid batteries
Tires

Mercury-Containing Products:

Fluorescent bulbs
Mercury thermostats
Mercury thermometers

Yard Waste:

Leaves and grass clippings
Wood Waste including brush, logs and stumps

Other Household Materials:

Useable clothing
Books
Foam padding

Appendix B- Waste Ban Materials

The following materials are banned from disposal by Massachusetts regulations *310 CMR 19.017: Waste Bans*:

Asphalt Pavement, Brick, and Concrete: Asphalt pavement, brick, and concrete from construction activities and demolition of buildings, roads and bridges and similar sources.

Cathode Ray Tubes: any intact, broken or processed glass tubes used to provide the visual display in televisions, computer monitors, and certain scientific instruments such as oscilloscopes.

Glass containers: glass bottles and jars, but excluding light bulbs, Pyrex® cookware, plate glass, drinking glasses, windows, windshields, and ceramics.

Lead batteries: lead-acid batteries used in motor vehicles or stationary appliances.

Leaves: deciduous and coniferous leaf deposition.

Metal: Ferrous and non-ferrous metals derived from used appliances, building materials industrial equipment, transportation vehicles, and manufacturing processes.

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

Recyclable Paper: all paper, corrugated, cardboard, and paperboard products, except tissue paper, toweling, paper plates and cups, wax-coated corrugated cardboard, and other low-grade paper products.

Single Polymer Plastics: all narrow-neck plastic where the diameter of the mouth of the container is less than the diameter of the body of the container. This includes single polymer containers labeled 1-6.

Tires: a continuous solid or pneumatic rubber covering intended for use on a motor vehicle.

White Goods: appliances employing electricity, oil, natural gas or liquified petroleum gas to preserve or cook food; wash or drying clothing or kitchen utensils or related items; or cool or heat air or water.

For purposes of the waste bans, white goods include, but are not limited to, refrigerators, freezers, air conditioners, water coolers, dishwashers, clothes washers, clothes dryers, gas or electric ovens, and hot water heaters. White goods do not include microwave ovens.

Wood: treated and untreated wood, including wood waste.

Yard Waste: deciduous and coniferous seasonal deposition (e.g. leaves), grass clippings, weeds, hedge clippings, garden materials and brush 1 (one) inch or less in diameter (excluding diseased plants).