

**RULES AND REGULATIONS
FOR
PERMITTING AND OPERATION
OF
COMMERCIAL, RESIDENTIAL AND MUNICIPAL SOLID
WASTE/RECYCLING COLLECTION**

1. AUTHORITY

In accordance with the authority vested in the Town of Marshfield Board of Health by M.G. L. Chapter 111, Section 31A and 31B and every other power thereto enabling, the regulations set forth hereinafter are promulgated.

2. DEFINITIONS

FACILITY shall mean a licensed solid-waste disposal or handling facility approved or licensed by DEP.

PERMITTEE shall mean any person(s) or company, which has applied for and obtained the appropriate permit to collect refuse within the corporate limits of Marshfield, Massachusetts.

RECYCLABLES shall mean those items listed in Appendix A

REFUSE COLLECTION VEHICLE shall mean any vehicle used for the transport of SOLID WASTE.

SOLID WASTE shall mean useless, unwanted or discarded solid, liquid or contained gaseous material resulting from commercial, industrial, municipal or household activities that is abandoned by being disposed or incinerated or is stored, treated or transferred pending such disposal, incineration or other treatment, but does not include:

Hazardous wastes or regulated recyclable materials as defined and regulated pursuant to 310 CMR 30.000;

Sludge or septage which is land applied in compliance with 310 CMR 32.00;

Wastewater treatment plant residuals or sludge ash from publicly or privately owned wastewater treatment plants which is treated and disposed at a site regulated pursuant to 314 CMR 12.00;

Septage, as defined and regulated pursuant to M.G.L. c.111, s. 31D;

Sewage;

Ash produced from the combustion of coal when reused as prescribed pursuant to M.G.L. c. 111, s. 150A;

Solid or dissolved materials in irrigation return flows;

Solid or dissolved materials in domestic sewage;

(9) Source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended;

(10) Those materials and by-products generated from and commonly reused within an original manufacturing process; and,

(11) Compostable or recyclable materials when composted or recycled in a facility or operation not required to be assigned pursuant to 310 CMR 16.05(2)-(4).

(12) Commercial Waste: means non-hazardous waste generated by businesses, such as office buildings, retail, wholesale establishments, restaurants and industrial businesses. It does not include waste generated by single or multi-family homes and apartments.

(13) Access: means the implementation of a recycling program which provides the opportunity to recycle for residents, tenants, or occupants of multi-family units five (5) units and above and commercial businesses. The recycling program must be as convenient as trash collection whenever possible.

(14) Green or Blue box or Household Recycling Container: is a rectangular plastic container of approximately fourteen (14) to eighteen (18) gallons, designed to use as a curbside setout container for recyclable materials.

(15) Wheeled Cart: Is a container of sixty-five to sixty-eight gallons to ninety-five to one hundred (95-100) gallons for recyclable materials.

(16) Waste Bans: the Commonwealth of Massachusetts has promulgated Waste Bans Which restrict the disposal of certain recyclable items at solid waste landfills, transfer stations and incinerators in Massachusetts (310 CMR 19.017). (See Appendix E)

(17) Designated Hauler: A permitted company in the business of collecting and transporting recyclables and solid waste.

(18) Director: Means the Director of Public Health or his/her duly authorized representative.

(19) Drop-off Location: the transport and deposit of recyclable materials to a BOH approved location.

(20) Multi-Family Dwelling Unit: Any building or portion that contains living facilities (which provide for sleeping, eating, cooking and sanitation) of five (5) households or more.

(21) Hauler Reporting Forms: The forms required by the Board of Health to be submitted for multi-family and commercial business recycling collection programs by the permitted and contracted hauling company. (Reference Appendix C)

(22) Multiple Community Loads: Mixed Paper or Commingled containers that have been collected from two or more municipalities.

(23) Business Owners and Managers: Individuals or managers of commercial businesses, responsible for providing waste management services for their businesses, located in the Town of Marshfield.

(24) Multi-family Housing Agreement Form: The form required by the Board of Health to be submitted by each property owner or manager of the multi-family building or complex which identifies how they are complying with the requirement to offer their tenants/residents access to a recycling program. Also it is an agreement between the Marshfield Board of Health on the loan of wheeled carts and responsibility of property owners & managers. (See Appendix B)

(25) Multi-family Housing Recycling Plan: The plan is required by the BOH to be submitted by each property owner or manager of a multi-family housing complex, which identifies how they are complying with the requirement to provide their tenants with access to a recycling program. (See Appendix D)

(26) Commercial Business Recycling Plan: The plan is required by the BOH to be submitted by business owner or manager or property manager of any office building, retail, wholesale establishments, restaurant, non-profit organizations and industrial businesses. The plan will identify how they are complying with the requirement to provide access to recycling for their businesses, establishments and organizations. (See Appendix F)

3. GENERAL

a. Any persons engaged in the collection of SOLID WASTE in the Town of Marshfield shall remove the same to an approved location or FACILITY in accordance with these rules and regulations, as well as all other applicable rules and regulations.

b. The PERMITTEE shall provide recycling service to allow compliance with the Commonwealth of Massachusetts Department of Environmental Protection Solid Waste Bans and any other item deemed feasible by the Board of Health. Items required by the Town to be recycled are set forth in **Appendix A**. In servicing establishments generating COMMERCIAL WASTE, the PERMITTEE may limit recycling service to PAPER PRODUCTS, as listed in Schedule A. Schedule A is subject to amendment and revision by the Board of Health and the Commonwealth as additional rules and regulations may be promulgated. The Board of Health may amend Schedule A upon written notice to all PERMITTEES following public hearing after reasonable notice to all PERMITTEES and current applicants.

c. MANDATORY RECYCLING:

- 1. Purpose and Intent**
- 2. Establishment of Program**
- 3. Collection of Recyclable Materials**
- 4. Business Owners/Managers and Private Haulers Operations**
- 5. Designated Hauler Status**

(1A) PURPOSE and INTENT: The Town of Marshfield now participates in a municipal managed recycling program for households from one (1) to four (4) units; and the Commonwealth of Massachusetts has promulgated Waste Bans which restrict the disposal of certain recyclable items at solid waste landfills, transfer stations and incinerators in Massachusetts (310 CMR 19.017). The restricted materials are: lead batteries, leaf waste, and yard waste, white goods, recyclable aluminum, metals, and glass bottles & jars, all grades of recyclable paper, single polymer plastics, cathode ray tubes in televisions and computers. Compliance with the Waste bans may be accomplished through reducing the amount of solid waste to the fullest; and promoting public support for recycling and composting. (See Reference Appendix E)

(1B) Declaration: Be it declared by the Marshfield Board of Health that the following policies are hereby adopted with respect to efficient management of solid waste, for the promotion of health and welfare of its citizens and for the protection of the environment; hereby declares its goal of requiring all multi-family housing and commercial businesses in the town to implement recycling collection programs.

(2A) ESTABLISHMENT of PROGRAM: There is hereby established in the Town of Marshfield a program for the mandatory separation of recyclable materials from trash, which shall apply to all multi-family dwellings that are five units and above and commercial businesses in the town.

(2B) Mandatory Separation of Recyclable Materials: It shall be mandatory in multi-family housing in the Town of Marshfield to separate all designated recyclable materials from other trash in accordance with the provisions in this section:

- a. Buildings with five (5) or more Dwelling Units; materials to be collected include the following: Mix Paper which includes, newspaper, corrugated cardboard, white paper, junk mail, magazines, catalogs, telephone books, cereal boxes (paper board) Plastic containers #1 -#7, unbroken Glass containers Clear, Green & Brown, Steel (tin) cans and aluminum cans & foil.
- b. Commercial Businesses; Cardboard (also known as Old Corrugated Cardboard) (OCC). Owners are required to contract with their private hauler for the collection and recycling of cardboard and are responsible for program cost. Cardboard is a recyclable material and is a waste ban prohibited material.

(3A) COLLECTION of RECYCLABLE MATERIALS:

The BOH will provide recycling wheeled carts, as long as DEP provides/awards municipal grants for recycling wheeled cart program. The wheeled carts come in the following sizes; sixty to sixty-eight (60-68) gallons or ninety to one hundred (90 to 100) gallons for multi-family dwelling units in those multi-family complexes, which complete a "Marshfield BOH Multi-Family Housing Recycling Agreement". (Reference Appendix C)

(3B) The Town of Marshfield shall retain ownership of its Wheeled Carts and the building manager, or owner/s shall take proper care to protect such containers from loss or damage. If the containers are lost or stolen, it is the responsibility of the owner/s or managers of the building to obtain a suitable replacement within ten (10) days in accordance with rules and regulations issued by the Board of Health under this section.

a. All Recycling containers and receptacles shall be placed at designated Recycling Collection areas by 7:00 am, on the same collection day as trash pick-up. The property owner will set-up recycling collection area next to trash collection location or another location with the approval of the BOH and the hauler shall mutually agree upon recycling collection schedules and collection locations

b. Upon placement of recyclables in recycling containers, such recyclables shall become property of the private haulers.

c. Tenants will be provided with the following information by the BOH:

1. Reasons to reduce and recycle solid waste
2. List of materials collected
3. Preparation instructions for all recyclable materials in order to meet the processing requirements.
4. Collection methods and location of Designated Recycling collection site.
5. The BOH and the property owner/s or managers for Multi-family Buildings will provide recycling Educational materials.
6. Residential recycling contact person or Private hauling company, including name, address and phone number.
7. Property owner/s and managers will provide the BOH with a Multi-family Housing Recycling Plan, which indicates how they will provide their tenants access to a recycling program.
8. This recycling plan will be done for each property for which the property owner/s and manager/s are responsible. Each recycling plan will cover the following items:

- a. Program contact person and phone number
- b. Location of recycling containers
 - c. Frequency of collection
- d. Name and phone number of hauler under contract.
- e. Any educational information provide to tenants.

Recyclable materials must be collected from each property at least once every two weeks. Recycling containers with adequate capacity must be provided.

Commercial Businesses are required to establish an on-site recycling program for cardboard, also know as Old Corrugated Cardboard, (OCC), and identify its designated recycling hauler.

4A. Business Owners/Managers and Private Haulers Operations

- a. Schedules and Locations: The commercial business and the hauler shall mutually agree upon recycling collection schedules and pick-up locations. The town is not responsible for any problems, unauthorized collections, liabilities, or any other difficulties that arise between the hauler and the business.
- b. Promotion and Education: A business subject to this requirement is responsible for notifying and continually educating its employees on recycling of Cardboard, and by posting guidelines on preparing cardboard boxes for recycling as required by private haulers.
- c. Containers provided by haulers for recycling of materials, shall be clearly labeled In English and in other languages if appropriate, including indicating the materials to be placed in the container and the word "Recycle" or "Recyclable" or the "Chasing Arrows" recycling symbol.
- d. Containers used to collect the recyclable materials should have adequate capacity and durability to function efficiently and meet the spatial constraints of the building. The type of containers used for collection of recyclables will be established between the owner/manager and the hauler.
- e. Containers located outdoors shall be covered or otherwise secured to prevent materials from blowing, leaking or falling out and to protect the materials from the elements and vector populations. The building property owner/manager shall maintain all recycling areas in a clean, sanitary and litter free manner.
- f. Indoor common-area collection/storage areas shall be established in accordance with appropriate Town of Marshfield fire and/or safety codes.
- g. Recycling containers at multi-family building shall be placed in a location or locations at least as convenient to tenants as the trash receptacles, insofar as is practical given space limitations.

4. PERMITTING PROCEDURE

All persons collecting SOLID WASTE in the Town of Marshfield shall obtain a permit from the Board of Health prior to commencing with collection.

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

A non-refundable permit fee of Two Hundred (\$200.00) dollars together with proof of property/liability insurance as required in Section 5;

A list of the residential, municipal and commercial/industrial customers, by street address, serviced by the applicant for each route; (provided within thirty days of permitting). Said list shall remain confidential to the Board for Town purposes only;

A description of the REFUSE COLLECTION VEHICLE(s) to be used, including the make, model, year, type and size of compactor, registration number and the company name appearing on the vehicle(s);

Copies of all area Board of Health hauler permits held by applicant;

Names of all drivers to be employed by the applicant and current applicable drivers license numbers and expiration dates; and,

The Board of Health reserves the right to require all REFUSE COLLECTION VEHICLES which are to be used in Marshfield to have affixed on them any markings concerning authorization to conduct refuse collection transportation and disposal of SOLID WASTE.

The Board of Health will review applications for permits and will respond to applicants within thirty (30) days.

Applicants have the right to appear before the Marshfield Board of Health at a hearing to discuss their application by filing such hearing request in writing with the Board.

5. INSURANCE

Each applicant shall furnish to 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 (\$1,000,000.00) dollars for the injury or death of more than one person, and Fifty Thousand (\$50,000.00) dollars for 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. OPERATIONAL PROCEDURES

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

No permit shall be transferable except with the written approval of the Board of Health.

c. The PERMITTEE shall provide recycling service to allow compliance with the Commonwealth of Massachusetts Department of Environmental Protection Solid Waste Bans and any other item deemed feasible by the Board of Health, as set forth in Schedule A attached hereto.

d. The PERMITTEE shall provide approved recyclable containers at a cost determined by the PERMITTEE:

e. The tonnage of refuse and recyclables, or a reasonable estimation thereof, that the applicant has collected during each three (3) month period of the license shall be submitted to the Board of Health quarterly, within one month, following said three (3) month period. The tonnage of refuse and recyclables shall be listed on weight slips or tare weights, on Hauler's letterhead. In cases of consolidated loads, divide the load by the percentage of households or businesses participating in Marshfield Commercial, Residential (including multifamily) or Municipal Solid Waste/Recycling Program. Failure to provide this required information within the time period specified may result in revocation, suspension, or modification of this permit. This information shall be required after the permittee has operated for three months in the Town of Marshfield. Required customer lists shall be submitted to the Board of Health on a quarterly basis and shall indicate any changes in the number of customers served. All new customers shall be indicated, as well as those customers who have terminated their agreements with the collector.

f. The PERMITTEE shall collect SOLID WASTE from its customers in Marshfield. RECYCLABLES shall be placed at curbside or another approved location, on specified days, in their own reusable containers.

g. The PERMITTEE shall refuse to collect any commercial/industrial, municipal or residential wastes if there is any indication that the material is not SOLID WASTE according to the definition provided in section 2 of these regulations, or if it is not properly packaged or bundled. The PERMITTEE shall 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 (2) weeks of said termination.

The PERMITTEE shall take all reasonable care in SOLID WASTE collection. SOLID WASTE shall not be scattered about the streets or onto private property. SOLID WASTE which is spilled shall be immediately picked up by the PERMITTEE and removed with other wastes.

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, by-laws and regulations.

Any violation of these regulations or any other applicable laws or regulations by the PERMITTEE will be grounds for suspension, modification or revocation of said permit.

The PERMITTEE shall provide at least one day, annually, for the collection of bulk items such as, but not limited to, couches, chairs, mattresses, etc.

The individuals empowered to enforce the provision of these regulations are any authorized Agent of the Board of Health, any member of the Board of Health or any Police Officer of the Town.

PERMITTEES shall provide their customer with a list of acceptable waste types and recyclables according to section 2 of these regulations, and with a list or description of proper packaging or bundling methods of same. This will ensure fewer incidents of refusal by PERMITTEE to collect wastes, and will provide for a more efficient and economic system of waste collection/disposal and recycling.

7. INDEMNIFICATION

PERMITTEES 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 PERMITTEE will be paid directly by the customer.

The PERMITTEE agrees to indemnify the Town from any loss that may arise from the improper treatment, storage or disposal of hazardous wastes collected within the Town.

8. SUSPENSION, MODIFICATION OR REVOCATION OF PERMITS

Any SOLID WASTE/RECYCLABLES collection permit may be suspended, modified or revoked by the Board of Health upon receipt of evidence satisfactory to the Board that the PERMITTEE 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. Appeals of such suspensions, modification or revocations may be directed to the Board of Health within ten (10) business days of said suspensions, modification or revocation.

9. SEVERABILITY

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

10. VARIANCES

Each variance must be requested in writing.

Each variance that is granted must be in writing, by a majority vote of the Board.

A copy must be maintained in the permanent files, at the Board of Health office, and must be available to the public during normal business hours.

A variance filing fee will be charged (see current fee schedule).

If a variance is requested from any portion of these regulations, the applicant must demonstrate to the Board by clear and convincing evidence, that there will be no adverse effect on the environment or the public health and safety if the variance is given.

Any variance so granted, after notice and hearing, may be revoked, modified or suspended by a majority vote of the Board at a Board of Health meeting.

11. PHASE – IN OF REGULATIONS

All permittees shall provide recycling service in accordance with these regulations, for Recyclable items outlined in Appendix A, beginning on the following dates:

July 1, 2000 Paper Products

Sept 1, 2000 Glass

November 1, 2000 Metal Cans and Plastics

These Regulations were adopted by the Marshfield Board of Health on March 6, 2000 and shall be effective on June 1, 2000.

Board of Health voted Revisions on July 15, 2002 to be effective on September 2, 2002.

APPENDIX A

PAPER PRODUCTS

Newspaper and Glossy Inserts

Magazines & Catalogs

Phone Books

Junk (and other) Mail

Cereal Boxes (paperboard), Packaging, toy boxes, etc.

White, colored and computer paper

Corrugated Cardboard

PLEASE NOTE: PAPERBAGS can be used to bundle all of the above.

GLASS

Clear, Brown and Green bottles and jars (rinse out) food & beverage containers ONLY!

METAL CANS

All metal cans, tins, steel and aluminum, etc.

Aluminum foil and food trays (rinse out).

PLASTIC

Plastic milk, juice and water jugs

Soda bottles
Detergent bottles
Plastics #1 - #7