

TOWN OF PLYMOUTH
BOARD OF HEALTH REGULATIONS FOR PRIVATE HAULERS
COLLECTION OF SOLID WASTE AND RECYCLABLES

EFFECTIVE DATE: July 1, 2019

1. PURPOSE

These regulations are intended to protect the public health, environment, and safety in the Town of Plymouth by regulating the storage, transferring, recycling and disposal of solid waste, as defined in 310 CMR 18.00 – 21.00 of the State Environmental Code, and to ensure compliance with the provisions of Chapter 111, section 150A of the Commonwealth of Massachusetts; the Rules and Regulations stated in 310 CMR 18.00 – 21.00 of the State Environmental Code; 527 CMR. 34.00 of the Board of Fire Prevention Regulations; and the Zoning Bylaws of the Town of Plymouth.

These regulations apply to all contractors, firms and/or persons operating as Solid Waste Disposal Company or Private Hauler collecting solid waste and recyclables from residential properties in the Town of Plymouth.

2. AUTHORITY

These regulations are adopted by the Plymouth Board of Health (BOH) and enforced by the Plymouth Department of Public Health (DPH) as authorized by Massachusetts General Law, Chapter 111, Section 31.

3. DEFINITIONS

Applicant: Contractor, firm and/or person named on the application to provide solid waste and recycling collection and hauling services to residential customers throughout the Town of Plymouth.

Approved Facility: An established site or works, and other appurtenances thereto, that will be used for the handling, storage, transfer, processing, treatment and/or disposal of solid waste. An established site or works and other appurtenances thereto, that will be used for the handling, storage, transfer, processing, and/or treatment of recyclable material. Such facility must be permitted and approved by the appropriate municipal and/or state agency.

Disposal: The final dumping, landfilling or placement of solid waste into or on any land or water or the combustion of solid waste.

Enforcement Agent: This Board of Health Regulation is enforced by the Plymouth Department of Public Health or designee thereof.

Permittee: Any contractor, firm and/or person which has applied for and obtained the appropriate permit to collect and haul solid waste and recycling within the Town of Plymouth.

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Recyclable Material: A material that has the potential to be recycled and which is pre-sorted.
Recyclable material includes biodegradable paper, but does not include:

- a. Organic materials that will be composted or converted; or
- b. Construction and demolition waste unless separated, and kept separate, into at least the following categories: asphalt, brick and concrete; wood; metals; plaster and wallboard; roofing materials; and carpet.

Solid Waste: Useless, unwanted or discarded solid, liquid or contained gaseous material resulting from industrial, commercial, mining, agricultural, municipal or household activities that is disposed or is stored, treated, processed or transferred pending such disposal, but does not include:

- a. Hazardous wastes as defined and regulated pursuant to 310 CMR 30.000: Hazardous Waste:
 1. Sludge or septage which is land applied in compliance with 310 CMR 32.00: Land Application of Sludge and Septage.
 2. Wastewater treatment facility residuals and sludge ash from either publicly or privately owned wastewater treatment facilities that treat only sewage and which is treated and/or disposed at a site regulated pursuant to M.G.L. c. 83 SS 6 and 7 and/or M.G.L. c. 21 SS 26 310 CMR: DEPARTMENT OF ENVIRONMENTAL PROTECTION 19.006: continued through 53 and the regulations promulgated thereunder, unless the wastewater treatment residuals and/or sludge ash are co-disposed with solid waste;
 3. Septage and sewage as defined as and regulated pursuant 314 CMR 5.00: Ground Water Discharge Permit Program, and regulated pursuant to either M.G.L. c. 21 SS 26 through 53 or 310 CMR 15.00: The State Environmental Code, Title 5: Standard Requirements for the Siting, Construction, Inspection, Upgrade and Disposal of Septage, provided that 310 CMR 19.000 does apply to solid waste management facilities which co-dispose septage and sewage with solid waste;
 4. Ash produced from the combustion of coal when reused as prescribed pursuant to M.G.L. c. 111S 150A;
 5. Solid or dissolved materials in irrigation return flows;
 6. Source, special nuclear or by- product material as defined by the Atomic Energy Act of 1954;
 7. Those materials and by-products generated from and reused within an original manufacturing process;
 8. Materials which are recycled, composted, or converted in compliance with 310 CMR 16.03: Exemptions from Site Assignment, 310 CMR 16.04: General Permit for Recycling Composting or Aerobic and Anaerobic Digestion Operations; or 310 CMR 16.05: Permit for Recycling, Composting or Conversion (RCC) Operations:
and
 9. Organic material when handled at a Publicly Owned Treatment Works as defined in 314 CMR 12.00 Operation and Maintenance and Pretreatment Standards for Wastewater Treatment Works and Indirect Discharges and as approved by the Department pursuant to 314 CMR 12.00: Operation and Maintenance and

Pretreatment Standards for Wastewater Treatment Works and Indirect Discharges.

10. Solid Waste/Recycling Collection Vehicle: Any vehicle used for the collection and hauling of solid waste and recyclables.

Waste Banned Materials: Recyclable and/or toxic items prohibited from disposal, including:

- a. Asphalt, Pavement, Brick, Concrete, Metal & Wood
- b. Cathode Ray Tubes
- c. Clean Gypsum Wallboard
- d. Commercial Organic Materials
- e. Glass Containers
- f. Lead Acid Batteries
- g. Leaves & Yard Waste
- h. Metal Containers
- i. Recyclable Cardboard & Paper
- j. Single Resin Narrow-Necked Plastic Containers
- k. Whole Tires
- l. White Goods (Large Appliances)

Waste Hauler/Private Hauler: Any contractor, firm and/or person who is duly permitted by the Plymouth Board of Health to collect or haul solid waste and recyclables within the Town of Plymouth off-site to an approved solid waste or recycling treatment, processing or disposal facility.

4. **PERMITTING AND OPERATIONAL PROCEDURES**

- a. No contractor, firm or person shall provide collection of solid waste or recyclables in the Town of Plymouth without first obtaining a permit from the Plymouth DPH.
- b. No contractor, firm or person shall provide collection of solid waste in the Town of Plymouth without providing collection of recyclable material in conjunction with collection of solid waste as a bundled/integrated service to allow compliance with the Commonwealth of Massachusetts Department of Environmental Protection Waste Bans, 310 CMR 19.017. For the purposes of this regulation incineration of waste is not considered recycling.
- c. Each applicant/permittee shall submit the following information to the Plymouth DPH with their permit application:
 1. A description of the collection vehicle(s) to be used, including the company name, make, model, year, type, registration number and the load capacity of the vehicle(s) is a requirement of the permit application.
 2. A description of how trash and recycling are visibly separated during collection (e.g., separate trash and recycling pickup vehicles, dual compartment vehicle).
 3. A list of all the approved facilities (including addresses) to which recyclables and trash are taken.

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4. A customer list (names and addresses).
5. A description of frequency of collection for trash and for recycling (e.g., weekly, every other week, twice a week).
6. Proof of Customer Education. Submit examples of the following and describe how each is individually distributed to customer households (e.g., flyer, email, phone call, sticker on cart, insert with bill):
 - List of waste ban materials.
 - List with images/graphics depicting items accepted for recycling along with common items that are NOT accepted (e.g., plastic bags of any type, shrink wrap, food, liquids, Styrofoam, wood, toys)
 - Description of proper packaging or bundling methods with a clear explanation that recyclables must be separated from solid waste in a separate container.
 - Procedure for the company to notify customers of improper recycling or trash disposal methods and to ascertain improvement.
 - Conditions that will nullify contract (e.g., continued improper recycling following notifications, inclusion of waste banned items in trash or recycling).
 - Procedure for customers to submit concerns about recycling or trash to the company and/or to Plymouth Department of Public Health.
- d. Each applicant/permittee shall submit the following information to the Department of Public Health in order to maintain a valid permit:
 1. Each permittee will be required to submit quarterly reports to the Department of Public Health listing the tonnages of solid waste and recyclables that have been collected. Copies of weight slips supporting this data must be provided along with the names and locations of the approved facilities to which said materials are brought. Reports shall summarize the totals collected during the quarters ending March 31, June 30, September 30 and December 31 and shall be submitted within thirty (30) days of the end of the quarter. Failure to provide these reports in a timely fashion may be cause for revocation or suspension of permit.
- e. All permits shall expire April 30 of each calendar year but may be renewed annually by application to the Plymouth Department of Public Health (DPH). Permits are non-transferable without the prior approval of the Plymouth DPH.
- f. Any application which fails to include all information requested in the Board of Health Regulations shall be deemed incomplete and shall be denied.

5. **FEES**

A non-refundable permit fee of \$250.00 dollars per vehicle is required with permit application.

6. **INSURANCE**

- a. Each applicant shall furnish to the Plymouth DPH a certificate 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 Five Hundred Thousand (\$500,000.00) up to One Million (\$1,000,000.00) dollars for the injury or death of one or more persons, and Two Hundred Fifty Thousand (\$250,000.00) dollars for damage to property. Certificates of Insurance shall be furnished each year upon renewal of permit.
- b. The applicant shall make certain that the above insurance policy is not canceled prior to notification of the Plymouth DPH. This notification shall be not less than thirty (30) days prior to such cancellation.

7. **SUBMITTAL REQUIREMENTS**

- a. Completed Application
- b. Confirmation of Compliance with Section 4
- c. Appropriate Fee as described in Section 5
- d. Proof of property/liability insurance as described in Section 6

8. **ENFORCEMENT**

- a. The individuals empowered as Enforcement Agent(s) may enforce the provisions of these regulations.
- b. Enforcement Agent(s) may inspect collection vehicles and loads at reasonable times in order to ensure that they comply with all applicable state laws or local regulations. Failure to comply with any of these regulations or conditions of any permit(s) issued by the Plymouth DPH may be cause for suspending or revoking a permit.
- c. 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, 31 A, 31B and 1SOA.
- d. Improper disposal of waste may be cause for immediate revocation of permit and prosecution to *the* fullest extent of the law. "Improper disposal" shall include disposal of recyclable materials with trash.

9. **PENALTIES**

Any contractor, firm and/or person who violates these regulations may be subject to revocation of permit and/or a fine of:

- a. \$250.00 for the first violation
- b. \$500.00 for the second violation
- c. \$1,000.00 for the third violation

Any subsequent violations shall be determined by the Board of Health at a show cause hearing at which time additional fines may be imposed or the license to operate may be suspended or revoked.

10. **APPEAL**

Any person aggrieved by the decision of the Plymouth DPH may appeal the decision to the Board of Health within ten (10) business days of grievance. Furthermore, if the decision of Director of Public Health and/or Enforcement Agent is upheld by the Board of Health, the aggrieved party may appeal the Board's decision in

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any court of competent jurisdiction, as provided in the laws of the Commonwealth.

11. VARIANCE

A private hauler may request to apply for a variance or appeal as it pertains their operations regarding any section of this regulation by contacting any member of the Department of Public Health who will bring it before the Board of Health for consideration.

12. SEVERABILITY

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

13. EFFECTIVE DATE

These regulations were adopted by the Plymouth Board of Health at the June 26, 2019 meeting. A summary of regulations adopted shall be published once in the Old Colony Memorial as required by MGL Chapter 111, Section 31, of the General Laws of the Commonwealth.

The effective date of these Regulations shall be July 1, 2019.

Board of Health Members Authorizing and Approving Signatures

1. Board of Health Chair: Birgitte E. Kueh
2. Board of Health Vice Chair: Bang K. Kim
3. Board of Health Member: Nancy O'Connor Santz
4. Board of Health Member: James Ferris
5. Board of Health Member: _____

Authorized and approved on June 26, 2019