

## *Best Practices for Municipalities Developing Hauler Regulations*

# DRAFT Municipal Hauler Regulation

August 2016

### **Purpose**

The goal of these model regulations is to help ensure the Massachusetts waste ban regulations are uniformly adhered to, and that the playing field for collection of refuse and recyclables is level for all haulers. This should ensure that:

- All residents and businesses have convenient (parallel) recycling access;
- All haulers licensed to operate in a municipality are in compliance with state law (310 CMR 19.017); and,
- All haulers are provided clear guidance on how they must operate.

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/City of \_\_\_\_\_. The Board of Health of the Town/City of \_\_\_\_\_ adopts these regulations under the provisions of Chapter 111 Sections 31, 31A, 31B, 122 and 150A of the Massachusetts General Laws.

Haulers shall only collect for disposal those items acceptable for disposal. Waste Ban items, which include Recyclables, shall not be included with Solid Waste.

### *If Applicable:*

*These regulations are intended to support and align with the Town/City of \_\_\_\_\_ Mandatory Recycling regulations/bylaw/ordinance, which can be found at \_\_\_\_\_.*

### *Recommended:*

### **Mandatory Recycling**

In order to protect the environment, promote recycling and be in compliance with Massachusetts mandated waste bans (310CMR 19.017); the Town/City of \_\_\_\_\_ hereby establishes a program for mandatory separation of recyclables and compostable yard waste from the solid waste stream. This program applies to all owners, tenants, occupants, and property managers of residential, multifamily, commercial, municipal, and institutional structures and properties in the Town/City \_\_\_\_\_. Massachusetts General Laws Chapter 40 Section 8H authorizes this program.

### **Effective Date**

These regulations shall take effect on \_\_\_\_\_

## **Definitions**

*Commercial-Industrial Customer* shall mean any commercial, industrial, or institutional enterprise within the Town/City of \_\_\_\_\_ contracting for the collection of solid waste and recyclables.

*Commercial-Residential Customers* shall include all property owners with multi-family dwellings, and all condominium and mobile home associations contracting for solid waste collection services within the Town/City of \_\_\_\_\_.

*Yard waste:* Yard waste means deciduous and coniferous seasonal deposition (*e.g.*, leaves), grass clippings, weeds, hedge clippings, garden materials and brush.

*Hauler* shall mean any person or entity providing collection of solid waste, recyclables, and/or yard waste for hire within the Town/City of \_\_\_\_\_.

*Recyclables* shall mean a material that has the potential to be recycled and which is pre-sorted, and 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 items of this regulation.

*Residential Customer* shall mean any household within the Town/City of \_\_\_\_\_ contracting for the collection of solid waste and recyclables.

*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).

*Vegetative Material* means plant material.

*Waste Banned Materials* shall mean all materials designated as banned from disposal in the Commonwealth of Massachusetts pursuant to 310 CMR 19.017: Waste Bans.

## **I. Permit Required**

All Haulers wishing to collect, transfer, or transport Solid Waste, Recyclables, or Yard waste generated within \_\_\_\_\_ shall be required to first obtain or annually renew a permit from the Town/City of \_\_\_\_\_. No Hauler may collect, transfer, or transport Solid Waste, Recyclables, or Yard waste unless they have obtained a valid Hauler's Permit from the Town/City.

Every truck that is intended for use by the above Hauler in the Town/City of \_\_\_\_\_ for routine collection of Solid Waste, Recyclables, and/or Yard waste must be annually permitted.

This requirement also applies to the Hauler who is contracted by the Municipality for collection services.

### **A. Permit Application**

The Application for a permit shall include the formal name of the person or company, a statement that the business is registered to do business in Massachusetts, a contact name, address, and telephone number, copies of certificates of insurance for public liability and property insurance, and a list of collection vehicles they intend to use within the Town/City of \_\_\_\_\_. The list of collection vehicles

shall include the make, model, capacity (in cubic yards) and Commonwealth of Massachusetts commercial plate number.

The permit application must include a statement that the Hauler understands, and is in compliance with, the restrictions on Waste Banned Materials and shall list the Solid Waste disposal facilities used, and the Recyclable processing facilities where Recyclables and/or Yard wastes were delivered from Hauler's customers during the previous 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.

The application shall include information on how the Hauler intends to ensure that customers exclude all items banned from disposal at solid waste facilities in Massachusetts as described in 310. CMR 19.017 (3) and how non-recyclable solid waste will be excluded from loads of recyclables, including how the Hauler intends to notify customers of improper recycling or solid waste disposal.

Upon receipt of a complete Application for Permit the Board of Health shall have \_\_\_\_ days to rule on the granting of a permit to operate within the Town/City of \_\_\_\_\_. In addition the Applicant shall pay a permit fee of \_\_\_\_\_ for each vehicle described in the Application and shall be issued a permit sticker that shall be firmly affixed to each designated vehicle.

#### **B. Annual Permit Renewal**

Each permitted Hauler shall annually submit a renewal application of his/her permit no later than December 1, by paying the annual permit fee and the permit fee for each vehicle expected to be used in the Town/City of \_\_\_\_\_ for the upcoming year. Collection vehicles no longer operated by the Hauler shall be noted, and the required information for all new collection vehicles provided.

The annual renewal application must indicate any changes from the original permit, including any change in facilities used, and be signed by a business owner. The renewal must be accompanied by an Annual Report listing the total tons of Solid Waste collected for disposal and total tons of Recyclables and Yard waste collected for processing within the Town/City of \_\_\_\_\_ during the previous calendar year or 12-month period, as well as the average number of Residential and Commercial customers using each service during the previous calendar year within the Town/City. In the case where the hauler delivers loads for disposal or recycling that are combined with more than one municipality, then the Hauler must provide his best estimate of tonnage delivered from the Town/City.

Failure to provide a complete and accurate Annual Report, as specified in Attachment X, shall be grounds for denial of a permit to operate within the Town/City of \_\_\_\_\_.

Annual permits will be issued by January 1<sup>st</sup> of each year.

## **II. General Permit Regulations**

1. All Haulers must clearly display the permit on each collection vehicle permitted to operate within the Town/City.
2. The name of the company must be clearly displayed on the vehicle
3. Each vehicle must meet all the Department of Transportation safety requirements at all times

4. All materials must be securely contained in the vehicle. Littering shall be considered a violation of the permit.
5. Haulers may only collect for disposal Solid Waste which is not banned from disposal. It is the responsibility of the Hauler to refuse to collect banned Recyclables from any of their customers. Improper collection of Solid Waste containing Recyclables may be cause for immediate and permanent revocation of the Hauler's permit. Please refer to the attached list of waste banned items which may not be accepted at Massachusetts' disposal facilities.
6. In the event that the Hauler refuses to collect any materials, Hauler will notify such customers in writing of the reason(s) for refusal to collect the Solid Waste. The Board of Health will, where possible, assist Hauler in helping customers come into compliance with these regulations.

### **III. Bundled Pricing Requirement**

A Permitted Hauler (that is collecting Solid Waste) must provide a bundled service for the provision of both Solid Waste and Recyclables collection for each customer. While Haulers only collecting Recyclables must also be permitted, they are not required to collect Solid Waste.

For Residential Customers and Commercial-Residential Customers, the bundled service must be charged as a single charge so that each customer receives Recyclables collection at no extra charge from Solid Waste collection.

For Commercial-Industrial Customers, the Hauler must provide Solid Waste and Recyclables collection, but may charge separately for the collection of Recyclables.

Conversely, commercial-industrial entities may independently contract for separate collections.

Any exceptions (which can be requested by e-mail) need to receive approval of the Board of Health in advance. Haulers providing Solid Waste collection can subcontract the Recyclables collection services offered but still must provide this as a bundled service (for Residential and Commercial-Residential Customers) and must show proof of recycling service by another provider, who must also be permitted to operate in the City/Town of \_\_\_\_\_.

### **IV. Commercial-Residential Collection of Solid Waste and Recyclables from Multi-Family Buildings or Complexes**

All Permitted Haulers collecting solid waste from condominium or mobile home complexes or from multi-family buildings must provide appropriately-sized, paired Solid Waste and Recyclables containers that are clearly marked. Recyclables may not be commingled with Solid Waste when collected by the Hauler, but instead the Recyclables must be delivered to a processing facility designed to accept Recyclables. The Hauler shall establish rules concerning the acceptable preparation of the Recyclables consistent with the requirements of the Recyclables processing facility where the material is to be delivered.

## **V. Commercial-Industrial Collection of Solid Waste and Recyclables**

All Permitted Haulers collecting solid waste from any commercial, industrial, or institutional enterprise must provide appropriately-sized, paired Solid Waste and Recyclables containers that are clearly marked. Recyclables may not be commingled with Solid Waste when collected by the Hauler, but instead the Recyclables must be delivered to a processing facility designed to accept Recyclables. The Hauler shall establish rules concerning the acceptable preparation of the Recyclables consistent with the requirements of the Recyclables processing facility where the material is to be delivered.

## **VI. Inspection**

The Board of Health or their designate is authorized to inspect a Permitted Hauler's truck and load at any time.

## **VII. Enforcement**

No Solid Waste or Recyclables collection vehicle shall be driven on the streets of \_\_\_\_\_ without a valid permit.

Commingling of Solid Waste and Recyclables shall be considered a violation of these regulations subject to the loss of the Hauler Permit.

In the event that a Hauler fails to follow these regulations, the Board of Health reserves the right to impose reasonable fines or take other action in accordance with State and local regulations. Failure to comply with the requirements of these regulations could result in the loss of the Hauler's permit.

### **A. Appeal provisions**

Any 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.

## **Legal Provisions**

Severability: Town standard language

## Attachments

1. Permit Application Form – TO BE FINALIZED BASED ON FINAL REGULATIONS
2. List of banned recyclables – OPTION SHOWN BELOW
3. Minimum insurance requirements – TOWN SPECIFIC
4. Annual Reporting Form – TO BE FINALIZED BASED ON FINAL REGULATIONS
5. Exemption Form for Commercial Businesses
6. Education provided to customers

### **Banned Materials**

Following is a list of materials which have been banned from landfill or incineration disposal by the Massachusetts Department of Environmental Protection, with the date that material was banned. These materials are banned either because they pose an environmental threat or because there are methods for reusing or recycling those materials.

Please be aware that a Solid Waste Hauler is not allowed to collect any of these materials commingled with Solid Waste.

Optional Table for Banned Materials

Banned Material	Ban Date
Lead Batteries	December 31, 1990
Leaves	December 31, 1991
Tires	December 31, 1991
White Goods	December 31, 1991
Other Yard Waste	December 31, 1992
Aluminum Containers	December 31, 1992
Metal / Glass Containers	December 31, 1992
Single Polymer Plastics	December 31, 1994
Recyclable Paper	December 31, 1994
Cathode Ray Tubes (CRT)	April 1, 2000
Asphalt, Brick, and Concrete	July 1, 2006
Metal	July 1, 2006
Wood	July 1, 2006
Commercial Food Waste	October 1, 2014

*\*Applies to Businesses and Institutions that dispose of **one ton or more** per week.*

### **Mercury Added Products: Disposal Prohibition**

Effective May 1, 2008, mercury-added products cannot be disposed of in trash. 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.

**\*Mercury Management Act** (Chapter 190 of the Acts of 2006)

See: <http://www.mass.gov/eea/docs/dep/toxics/laws/hgbanfaq.pdf>

# Optional Language

## Hours of Collection

Collection of Solid Waste and Recyclables may only occur during the hours of XX am to XX pm except in the case of bad weather or another emergency that requires collection outside of these hours, with notification to the Board of Health or their designated representative.

### Example:

Residential: 7:00 a.m. - 3:00 p.m., Commercial-Residential: 7:00 a.m. - 3:00 p.m.,  
Commercial-Institutional: 6:00 a.m.-2:00 a.m.

## Minimum Service Level Requirement

A Permitted Hauler shall not collect Residential Solid Waste and Recyclables less than every two weeks. Collection of Recyclables must be on the same day of the week as Solid Waste Collection, but can be less frequent than Solid Waste collection if Solid Waste collection occurs every week.

## Insurance

A Permitted Hauler must furnish and maintain adequate insurance, as specified by the Board of Health. Cancellation of insurance shall automatically be grounds for cancellation of the Hauler Permit. The Applicant for a Hauler's Permit will maintain liability insurance coverage at or above the following levels for the Term of the Permit: \$ \_\_\_\_\_ per person and \$ \_\_\_\_\_ per occurrence for personal injury or death, and \$ \_\_\_\_\_ per occurrence for property damage.

## Nuisance

The Board of Health and its agents, as defined in III A, reserve the right to monitor collection vehicles, loads, litter and/or nuisance conditions and routes at reasonable times in order to ensure that all hauler services comply with all applicable State and local laws, by-laws and regulations. The Board of Health retains the right to define and determine "nuisance" conditions.

## Annual Permit Renewal Requirements

The following information must be provided annually prior to renewal of annual permit:

- List of non-compliant customers for follow-up by the Town/City (Note that the Town/City can request information at any time in order to perform enforcement in regards to the Waste Ban and other State solid waste regulations. This includes the right to review customer information in a confidential manner if the tonnage of recyclables reported indicates customers are not recycling.)
- List of any Commercial-Industrial Customer that accepts only the collection of Solid Waste.



- A copy of your “sorry note” or other means of notifying customers of improper recycling or trash disposal.
- A copy of recycling educational material you provide to your customers.

### **Permit Application**

If a Permit to Operate is granted then the Applicant shall pay a permit fee of \_\_\_\_\_ allowing for the operation in the Town/City of \_\_\_\_\_.

### **Labeling of Collection Vehicles**

All trucks operating in the Town/City must be labeled as to their use for collection of recycling, refuse, food scraps or co-collection of any of these materials. A large magnetic sign may be used at least x in width and y in diameter.

### **Recyclables Containers**

A Permitted Hauler may either offer a collection container for Recyclables or clearly visible stickers for the customer to apply to their existing recycling container. Recyclables containers offered should be of a large enough volume to collect all recyclables generated by the customer.

### **Provision of Containers**

Hauler must provide a container for recycling along with a container for refuse. The Recycling containers must be equal to or greater than the volume of the standard refuse container provided.

### **Labeling of Containers**

If containers are provided by the hauler, the Town/City of \_\_\_\_\_ recommends/requires the following specifications:

- 1) All rolling carts, dumpsters and roll-off containers provided shall be clearly labeled as the property of the Hauler and shall be in good repair at all times.
- 2) **Recycling Containers**, or at minimum the lids on Recycling Containers, provided by Haulers must be colored royal or medium blue OR have a royal or medium blue universal Recycling symbol (three chasing arrows) label on the front and both sides of dumpsters, and on the front or top of wheeled carts or other containers used for Recyclables collection. The Recycling symbol label shall have:

- a) royal or medium **blue printing** on a white background,
- b) the standard Recycling symbol at least five and one-half inches in width and



five and one-half inches in height, and

c) the word “RECYCLE”, “RECYCLING”, or “RECYCLABLES” in letters at least three-quarters of an inch in height.

The Town/City will provide the Recycling symbol labels to the Hauler if requested.

3) Recycling Containers provided by Haulers must also be clearly labeled with a list of accepted Recyclables. The Town/City will provide such labels to the Hauler if requested.

4) The Hauler will not provide royal or medium blue containers for the collection of Solid Waste other than Recyclables, or if the Hauler provides blue containers that are not royal or medium blue for the collection of Solid Waste destined for Disposal, the containers will have **black** lids, or lids of a contrasting color to blue and clearly marked for Solid Waste

5) All containers provided by Haulers for the collection of Solid Waste destined for Disposal will have labels or printing that say “TRASH” on the front and both sides of dumpsters and on the front or top of wheeled carts or other containers. The word “TRASH” must be in letters at least three-quarters of an inch in height.

The City/Town will provide “TRASH” labels to the Hauler if requested.

6) Organics or food scraps collection containers provided by Haulers must be clearly labeled with a list of the food scraps and other organic materials that are accepted. The container, or at minimum a container label, shall be **medium green** and white. Labels shall be placed on the front and both sides of dumpsters used for food scraps/organics collection and on the front or top of wheeled carts or other similar food scraps/organics collection containers. Food scraps/organics collection containers already labeled with a non-green food scraps/organics list are exempt from this provision until the label is degraded.

### **Unit-Based Rates**

A Permitted Hauler shall charge all Residential Customers on the basis of the volume capacity of the container(s) of solid waste placed for collection by each customer.

The amount to be charged shall be based on a charge for a 32 gallon container or bag, with each additional 32 gallon container or bag charged at the same (or higher) rate as the first 32 gallon container, with no discount for greater volumes. A base rate may also be charged to cover the cost of the refuse and recycling collection services.

Haulers shall charge residential, institutional, and commercial customers based on the volume or weight of Solid Waste destined for Disposal that is collected at rates that provide a reasonable economic incentive to customers to reduce the amount of Solid Waste destined for Disposal that they generate.

#### **A. Residential Rates for Curbside Service**

The fees for collection of residential Recyclables shall be combined on invoices with fees for Solid Waste destined for Disposal and not itemized. Additional fees for additional services, such as collection of yard trimmings or food scraps, special pickups for bulky items, or backdoor service, are permitted.

## **B. Filing of Pricing System**

Commencing \_\_\_\_ and on or before \_\_\_\_\_ of each year thereafter, as a condition of a Hauler's Permit, Haulers shall submit evidence that their residential unit-based pricing schedule meets the requirements for unit-based pricing.

## **Provision of Recycling to Business Accounts**

A Hauler seeking to provide solid waste collection to a Commercial customer must, at a minimum conduct a site visit to the Commercial customer and prepare a proposal that describes which materials should be separated as Recyclables banned from disposal, and then provide an adequate sized container for the expected quantity of Recyclables, separate from Solid Waste.

Exemptions may be provided by the Town/City to Hauler's customers who market their Recyclables directly to recycling brokers, processors, or manufacturers or who self-haul their Recyclables to Recycling Facilities. All businesses must file an exemption form. See:

<http://cswd.net/recycling-service-exemption-form/>

## **Enforcement and Resolution**

The Board of Health shall issue a notice of violation to the Permitted Hauler and provide the Permitted Hauler seven (7) business days to respond to the allegations of commingling of Solid Waste and Recyclables. Failure to respond shall be grounds for revocation of the Permit in accordance with the hearing provisions below. 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, the DPW Solid Waste Coordinator, other DPW personnel designated by the Superintendent or any police officer of the Town.

If the Permitted Hauler does not respond within 7 days, the Board of Health shall hold a public hearing, subject to MGL Chapter 111 Section 127B. If the Board of Health determines that the Hauler is in violation of his Permit, then the Board may either provide the Hauler with an order to fix the problem and/or suspend the Permit until the Hauler demonstrates to the Board's satisfaction that the Hauler will be in compliance with this regulation. In the event that a hauler fails to follow these regulations, the Board of Health reserves the right to impose reasonable fines or take other action in accordance with State and local regulations.

## **Communication with Waste Ban Inspectors**

The City/Town of \_\_\_\_\_ reserves the right to exchange information and coordinate enforcement activity with State of Massachusetts Department of Environmental Protection's waste ban inspectors in order to enforce the provisions of these regulations and State law.

## **For Licensing Haulers Who Collect Food Scraps**

**Food Waste/Organic Waste:** Food Waste means material generated from human or animal food production, preparation and consumption activities and which consists of, but is not limited to, fruits, vegetables, grains, and fish and animal products and byproducts.

### **Minimum Level of Service**

If food scraps are collected separately from Solid Waste, collection must be no less than once per week.

### **Containers**

Food Scraps collection containers provided by Haulers must be clearly labeled with a list of the food scraps and other materials that are acceptable. The label shall be medium green and white. Labels shall be placed on the front and both sides of any dumpsters used for Food Scrap collection and on the front or top of wheeled carts or other similar Food Scrap collection containers. The Town/City of \_\_\_\_\_ will provide the labels to the Hauler if requested. Food Scrap collection containers already labeled with a non-green list are exempt from this provision until the label is degraded.

### **Residential Rates for Curbside Service**

The fees for collection of Recyclables shall be combined on invoices with fees for Solid Waste destined for Disposal and not itemized. Additional fees for additional services, such as collection of yard trimmings or food scraps, special pickups for bulky items, or backdoor service, are permitted.

### **Resources: (IC)**

Commonwealth of Massachusetts 2010- 2020 solid waste plan:

<http://www.mass.gov/eea/agencies/massdep/recycle/reports/solid-waste-master-plan.html>

Grants available for the Community and Resources available for the haulers

<http://www.mass.gov/eea/agencies/massdep/recycle/grants/>