

**Town of Halifax Board of Health**  
**Regulations for Private Haulers Collection of Solid Waste and Recyclables**

**1. PURPOSE**

This regulation is intended to protect the public health, safety, and the environment in the Town of Halifax 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 C 111, sec 150A of the Commonwealth of Massachusetts; the Rules and Regulations stated in 310 CMR 18.0 -21.00 of the State Environmental Code; 527 CMR 34.0 of the Board of Fire Prevention Regulations; and the Zoning Bylaws of the Town of Halifax.

This regulation applies to all contractors, firms and/or persons operating as a Solid Waste Disposal Company or Private Hauler collecting solid waste and recyclables from residential and/or commercial properties in the Town of Halifax.

In order to protect the environment, promote recycling and be in compliance with Massachusetts mandated waste bans (310CMR 19.017) and the existing Ch. 232 of the Code of Halifax; the Town of Halifax hereby establishes a requirement for mandatory separation of recyclables and compostable yard waste from the solid waste stream. This requirement applies to all owners, tenants, occupants, and property managers of residential, multifamily, commercial, municipal, and institutional structures and properties in the Town of Halifax.

Massachusetts General Laws Chapter 40 Section 8H authorizes this program. Boards of Health may choose to adopt Mandatory Recycling regulations under the provisions of Chapter 111 Sections 31. The Town of Halifax will inform all generators (residential and commercial) at least once per year that recycling is mandatory.

**2. AUTHORITY**

This regulation is adopted by the Halifax Board Health as authorized by Massachusetts General Law, Chapter 111, Section 31 which states "Boards of health may make reasonable health regulations".

**3. DEFINITIONS**

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

**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 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:** Any member of the Board of Health, the Health Agent, the Highway Surveyor 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 Halifax.

**Recyclable Material:** A material that has the potential to be recycled by either pre-sorting, or in a “single stream”, depending on the method used by the Town or Rubbish Hauler. 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 it has been 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:
- b. Sludge or septage which is land applied in compliance with 310 CMR 32.00: Land Application of Sludge and Septage.
- c. 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;
- d. 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;
- e. Ash produced from the combustion of coal when reused as prescribed pursuant to M.G.L. c. 111S 150A;
- f. Solid or dissolved materials in irrigation return flows;
- g. Source, special nuclear or by- product material as defined by the Atomic Energy Act of 1954;
- h. Those materials and by-products generated from and reused within an original manufacturing process;
- i. 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
- j. 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.

**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 Polymer Plastics
- k. Whole Tires
- l. White Goods (Large Appliances)

**Waste Hauler/Private Hauler:** Any contractor, firm and/or person who is duly permitted by the Halifax Board of Health to collect or haul solid waste and recyclables within the Town of Halifax 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 Halifax without first obtaining a permit from the Halifax Board of Health.
- b. No contractor, firm or person shall provide collection of solid waste in the Town of Halifax 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 and the Town of Halifax Recycling and Solid Waste Department. For the purposes of this regulation incineration of waste is not considered recycling.
- c. Each applicant/permittee shall submit the following information to the Board of Health with their permit application:
  - i. Information detailing how compliance with the terms of these regulations will be met. Such information shall include, at minimum, the number of households served and frequency (weekly, bi-weekly), of collections, the average tonnages collected and the names and locations of the approved facilities to which all refuse and recyclables are brought.
  - ii. Each applicant 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), including but not limited to providing each customer with a list of waste banned items and a description of proper packaging or bundling methods with a clear explanation that recyclables must be separated from solid waste in a separate container. Applicant shall detail how non-recyclables will be excluded from loads of recyclables. The applicant must also indicate how customers will be notified of improper recycling or trash disposal methods.
  - iii. Each permittee will be required to submit an annual report to the Halifax Board of 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 and shall be submitted with their application, by December 31. Failure to provide these reports with the application will result in the application being considered incomplete. The permit will not be issued until the application is complete.
  - iv. A description of the collection vehicle(s) to be used, including the company name, make, model, year, type, registration number and the capacity of the vehicle(s) is a requirement of the permit application.
- f. All permits shall expire December 31 of each calendar year, but may be renewed annually by application to the Halifax Board of Health. Permits are non-transferable without the prior approval of the Board of Health.

- g. 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 \$200.00 dollars per company is required with permit application.

## **6. INSURANCE**

- a. Each applicant shall furnish to the Board of Health 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 Board of Health. 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 Sections 4.c.i, 4.c.ii, 4.c.iii, and 4.c iv by Halifax Board of Health.
- 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 Halifax Board of Health 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 150A and MGL Ch 40 Section 21D.
- 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. \$ 100.00 for the first violation
- b. \$200.00 for the second violation
- c. \$500.00 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 Halifax Board of Health and/or Agent may appeal, in writing, to the Board of Health within ten (10) business days of grievance. Furthermore, if the decision of the Board Health Agent is upheld by the Board of Health, the aggrieved party may appeal the Board's decision in any court of competent jurisdiction, as provided in the laws of the Commonwealth.

## **11. 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.

## **12. WAIVERS/VARIANCES**

(1) When full compliance with the Halifax Regulations for Private Haulers and Collection of Solid Waste and Recyclables is not feasible, and when, in its opinion, the strict enforcement would do manifest injustice and does not jeopardize public health or the environment, the Halifax Board of Health can issue variances.

(2) Process for Seeking a Variance from Halifax Regulations for Private Haulers and Collection of Solid Waste and Recyclables:

(a) Every request for a variance shall be in writing, shall make reference to the specific provision of the Halifax Regulations for Private Haulers and Collection of Solid Waste and Recyclables, for which a variance is sought.

## **12. EFFECTIVE DATE**

This regulation was adopted by the Halifax Board of Health at the April 5, 2017 meeting. A summary of this adopted regulation shall be published once in the Plympton/Halifax Express as required by MGL Chapter 111, Section 31, of the General Laws of the Commonwealth.

**Effective date of these Regulations shall be June 05, 2017.**

**Amended May 17, 2017**

### **Signed By:**

John DeLano – Chairman

John Weber – Co-Chairman

Alan Dias – Clerk

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