

## **City of Northampton**

### **Regulations for Refuse and Recycling Collection**

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

These regulations shall take effect on January 1, 2011. All other local Board of Health regulations inconsistent with these regulations are repealed as of the date of public notification.

#### **Section 1: Purpose**

These regulations provide for the systematic collection of refuse and recyclables in order to promote recycling, to comply with state-and locally mandated waste disposal bans and for the protection of public health and the environment.

#### **Section 2: Definitions and Applicability**

For definitions of general terms in these regulations, refer to Northampton's Code of Ordinances, Chapter 272, Article 1 (§ 272-1, Garbage Rubbish and Refuse).

For the purposes of this regulation, the "Permittee" shall refer to any person or business that collects, transports, or delivers municipal solid waste generated within Northampton for a fee or other compensation, and the "Permit" shall refer to the commercial waste hauling license required by the Northampton Board of Health and issued by the Northampton Department of Public Works. The Permit authorizes the Permittee to engage in the business of commercial solid waste hauling.

#### **Section 3: Permitting Procedures and Administration**

- 3.1 A commercial waste hauler engaged in collecting, transporting or delivering municipal solid waste generated within the City of Northampton (hereinafter referred to as the "Permittee") shall obtain an annual Permit from the Northampton Board of Health through the Department of Public Works prior to commencing collection services. Permits shall be valid for one calendar year and shall be renewable annually on the first day of January subject to review and approval by the Board of Health. Any Permit application that fails to include all information specified in the Board of Health regulations shall be deemed incomplete and shall be denied. Permits are not transferable without prior approval from the Board of Health.
- 3.2 Each applicant shall agree to abide by all rules and regulations set forth by the Board of Health and the Massachusetts Department of Environmental Protection (DEP), pay the required fee, and submit the following information:

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## 3.2.1 Reports:

- a. As outlined in the Annual Permit Agreement for Waste Haulers under Reports 1.a., the Permittee must submit tonnage reports to the Department of Public Works in a timely manner (within two weeks), using the forms provided or their equivalent for all residential, commercial, and/or institutional refuse and recyclables collected within Northampton for a specified period of time. Copies of weight slips or vendor receipts to document these reports must be available for review upon request.
- b. As outlined in the Annual Permit Agreement for Waste Haulers under Reports 1.b., the Permittee must submit a customer listing to the Department of Public Works in a timely manner (within two weeks), including the name and service address of all customers in Northampton who do not have diversion programs in place for waste-ban materials for a specified period of time. The purpose of this requirement is to obtain information about customers who may qualify for an exemption to these regulations.
- c. Failure to provide these reports in a timely fashion may be cause for revocation or suspension of the hauling Permit(s).

## 3.2.2 Notifications:

- a. The Permittee shall indicate the means that will be employed to ensure that their customers recycle all items banned from disposal at solid waste facilities as described in 310 CMR 19.017 (3), and how non-recyclable materials will be excluded from recyclable materials. The Permittee must also indicate how customers will be notified of improper disposal methods, which includes (but is not limited to) the disposal of recyclable materials as trash.
- b. Upon request from the Permittee, the Department of Public Works will provide technical assistance and/or outreach materials to support the Permittee's efforts to comply with the City's mandatory recycling requirements.

## 3.2.3 Services:

- a. All waste collection services shall be provided at a single price to customers as part of an Integrated Waste Management Service (that includes the collection of both refuse and recyclables) to comply with the DEP's solid waste disposal bans (310 CMR 19.000), as well as the City's Solid Waste Ordinance (Chapter 272) which prohibits the disposal of recyclable materials, the definition of which may expand at any time.
- b. "Recyclable materials" that are banned from disposal include materials that are accepted at the Springfield Materials Recycling Facility (SMRF) and/or materials that are subject to a ban on landfill disposal imposed by the Massachusetts DEP and/or the

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Northampton Board of Health. Materials currently accepted by the SMRF include recyclable paper and corrugated cardboard, metal/glass/aseptic containers, and all plastic bottles, jars, jugs and tubs. Materials currently restricted by the DEP under 310 CMR 19.017 include glass and metal containers, single-resin plastics, recyclable paper and corrugated cardboard, leaves and yard waste, vehicle batteries, white goods/appliances, whole tires, cathode ray tubes, asphalt/brick/concrete, wood and Universal Wastes (products containing mercury). In addition, materials currently restricted by the Northampton Board of Health include scrap metal and mattresses.

- c. For the purposes of this regulation incineration of waste is not considered recycling. Composting of certain biodegradable elements of the waste stream may be accepted as recycling.

3.3 Permit applications shall include payment of \$150.00 per vehicle and proof of property and liability insurance at the time of submittal.

3.4 Waste collection vehicles shall prominently display the Permit sticker on the front of the vehicle on the driver's side.

3.5 If the Permittee expects to deliver recyclables to the Springfield Materials Recycling Facility (MRF) under Northampton's contract, a "Designated Permittee Agreement" form must be signed and attached as a part of the Permit application.

### **Section 4: Enforcement**

4.1 Agents empowered to enforce the provisions of these regulations shall be any member of the Northampton Board of Health or their designee, including but not necessarily limited to any police officer, the Department of Public Works' Director and Waste Management Supervisor.

4.2 Enforcement agent(s) may inspect the Permittee's recycling/refuse containers and/or vehicles at any location in the City to ensure that the materials being collected are in compliance with all applicable state laws, local regulations and/or ordinances.

4.3 The first offense will result in a written warning to the Permittee, providing details about the infraction(s) and specific requirements that will have to be met to comply with the City's mandatory recycling ordinance (Code of Ordinances § 272-15). Notwithstanding this procedure, enforcement of DEP's Waste Disposal Ban Regulations (310 CMR 19.017) may also result in rejected loads or surcharges at any disposal facility within Massachusetts.

4.4 The second offense will be documented with a photo and a written record, delivered with a final warning notice to the Permittee by certified mail, including:

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- Date and identification of the inspection location;
- Description of violation(s) in sufficient detail to allow the responsible party to identify and correct the problem;
- Date of the next inspection (usually two weeks);
- Penalties for third and any subsequent violations; and
- Contact information (address and phone number) of the City's representative.

4.5 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, 31A, 31B and 150A.

4.6 Following a public hearing called for such cause, subject to MGL Chapter 111 Section 127B, a Permit may be suspended, modified or revoked by the Board of Public Works (as a designee of the Board of Health) upon receipt of satisfactory evidence that the Permittee has not conformed to the requirements of these regulations. The Board of Public Works may also issue an order to resolve the stated problem within a specific time frame. Appeals of such suspensions, modifications or revocations may be made pursuant to MGL Chapter 30A, Section 14.

### **Section 5: Penalties**

5.1 After receiving two written warning notices (as described on Sections 4.3 and 4.4), any Permittee who further violates any provision of these regulations in the same calendar year may be subject to a maximum fine of up to \$250.00 per day for each such violation:

- a. \$50.00 for the first violation
- b. \$100.00 for the second violation
- c. \$250.00 for the third and subsequent violation(s)

5.2 Notification of fines will be delivered by certified mail, and will include information for appealing the violation.

### **Section 6: Appeal**

Any party cited for a violation of these regulations may appeal such citation by filing a written notice of appeal to the Board of Public Works (as a designee of the Board of Health) within seven (7) days from the date of said citation, exclusive of Saturdays, Sundays and legal holidays. 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 weeks prior to the scheduled date. The hearing will be conducted in accordance with the established procedures of the Board of Public Works.

### **Section 7: Severability**

If any provision, clause, sentence or paragraph of this regulation or the application thereof to any person or circumstances shall be held invalid or unenforceable, the other provisions shall not be affected thereby, but shall continue in full force and effect.