



# Request for Waiver of Northampton’s Plastic Reduction & Sustainability Ordinance

In accordance with the City of Northampton Ordinances, Chapter 272-18, retail establishments subject to the Plastic Reduction & Sustainability Ordinance may apply for a temporary, **one-year exemption from its requirements.**

## APPLICATION INSTRUCTIONS

Any blank sections may result in a delayed response or denial of your application.

1) Complete all three sections.

Section 1: Applicant Details

Section 2: Exemption Categories – Note: Complete only the portions of this section which match the exemption you are requesting.

- 2.1 Exemption # 1 – No Reasonable Alternative
- 2.2 Exemption # 2 – Violation of a Legally Protected Right
- 2.3 Exemption # 3 – Excess Inventory to Draw Down
- 2.4 Exemption # 4 – Additional Considerations

Section 3: Action Plan for Establishing Compliance

2) Sign and date the application, and assemble supporting documentation.

3) Submit your application along with supporting documents via email or the postal service.

- Email a scanned copy of your exemption application to:  
dpwinfo@northamptonma.gov
- Mail your exemption application to:
- DEPARTMENT OF PUBLIC WORKS  
PLASTIC ORDINANCE EXEMPTION  
125 LOCUST STREET  
NORTHAMPTON, MA 01060

### FOR INTERNAL USE ONLY

APPROVAL

CONDITIONAL APPROVAL

DENIAL

\_\_\_\_\_  
**Donna LaScaleia**  
Director of Public Works

\_\_\_\_\_  
Date

**SECTION 1: APPLICANT DETAILS**

Complete all three (3) parts of this section. Do not leave any parts blank.

**1.1 Retail Establishment Information**

Name	
Physical Location	
Mailing address	

**1.2 Primary Point of Contact**

Name	
Title	
Telephone	
Email	

**1.3 Exemption Requested** (please check one) Descriptions for each Exemption are on pages 3 & 4.

- Exemption #1: No reasonable alternatives: operations or financial
- Exemption #2: Violation of a legally protected right
- Exemption #3: Excess inventory to draw down
- Exemption #4: Additional considerations \_\_\_\_\_

**1.4 Previous Exemption Requested** (please check one, if applicable)

Have you previously requested a temporary exemption for City of Northampton 272-18

- Yes (No Reasonable Alternative)
- Yes (Violation of Protected Right)
- Yes (Excess Inventory)
- No

*Continue to Section 2: Exemption Considerations*

**SECTION 2: EXEMPTION CATEGORIES**

Review the categories below (No Reasonable Alternative, Violation of a Legally Protected Right, Excess Inventory, and Additional Considerations) and complete the one (1) part (2.1, 2.2, 2.3, or 2.4) which matches your response to “1.3 Exemption Requested”. Do not fill out all three (3) parts. If no category applies to your request, complete the “Additional Considerations” section.

**2.1 Exemption # 1 – No Reasonable Alternative**

Complete the area(s) relevant to your request. You may complete more than one area.

### **Operations**

Describe in detail the operational factors that make compliance with the ordinance unreasonable, thereby requiring an exemption. Please provide any additional documentation to support your request. Be sure to include the following information:

- A. Outline the retail establishment operations which are impacted by the ordinance.
- B. Demonstrate why the plastic products/materials currently used are unique and the only options suitable for the food sold or provided.

### **Financial**

Describe in detail the financial factors that make compliance with the ordinance unreasonable, thereby requiring an exemption. Please provide any additional documentation to support your request. Be sure to include the following information:

- A. If your retail establishment faces the financial burden:
  - a. Outline what factors create the financial burden. In particular, does the unreasonable financial burden arise from a transition necessary to comply or from ongoing compliance?
- B. If your retail establishment's patrons and clients face the financial burden:
  - a. Identify the population served and describe the factors that create a financial burden. What percentage of your establishment's entire clientele is represented by the burdened population?
- C. Provide a cost comparison of the material you want exempted to at least two (2) compliant options which are lowest in price and also meet your establishment's needs.

### **2.2 Exemption No. 2 – Violation of a Legally Protected Right**

Describe in detail the legal or regulatory factors that make compliance with the ordinance unreasonable, thereby requiring an exemption. Please provide any additional documentation to support your request. Be sure to include the following specifications:

- A. Name and summarize the law or regulation
- B. Provide a copy of the law or regulation
- C. Explain why that the law or regulation prevents you from complying with City of Northampton 272-18.

Describe how compliance with the ordinance violates your legally protected right(s) or the rights of others.

### **2.3 Exemption No. 3 – Excess Inventory to Draw Down**

Provide details about the item(s) in question, your existing inventory, and the rate of use. Please provide any additional documentation to support your request. Be sure to include the following information:

- A. What is the current quantity of non-compliant plastic materials?
- B. On average, how many items per month are used?
- C. What date do you expect to completely draw down your existing stock?

**2.4 Exemption No. 4 – Additional Considerations**

Describe additional factors that make compliance with the ordinance unreasonable, thereby requiring an exemption. Please provide any additional documentation to support your request.

*Continue to Section 3: Action Plan for Establishing Compliance*

**SECTION 3: ACTION PLAN FOR ESTABLISHING COMPLIANCE**

Describe your action plan for establishing compliance with the ordinance. Be sure to include the following:

- A. The steps you need to take to establish compliance.
- B. The vendor and type of compliant material you intend to begin supplying.
- C. The date by which you will be able to establish compliance.

*Review Application for Completion, Sign, and Submit*

**SIGNATURE**

I hereby certify that the statements in this application are true and correct to the best of my knowledge. By signing below, I represent that I am authorized to submit this application on behalf of the applicant.

Print Name \_\_\_\_\_ Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_



