

## TOWN OF SOUTH HADLEY

### Board of Health Regulations for a Refuse and Recycling Collection

#### PURPOSE:

These regulations provide for the systematic collection of refuse and recyclables in order to promote recycling, to comply with State-mandated waste bans and to assist in cost reduction for residential waste disposal by removing those items from the waste stream which can be managed more effectively in other ways. The Board of Health of the Town of South Hadley adopts these regulations under the provisions of Chapter 111 Sections 31, 31A, 31B, 122 and 150A of the Massachusetts General Laws.

**SOUTH HADLEY HAS A MANDATORY RECYCLING BYLAW THAT REQUIRES ALL RESIDENTS AND BUSINESSES TO RECYCLE. ALL COMMERCIAL HAULERS COLLECTING, REMOVING, AND/OR TRANSPORTING SOLID WASTE AND/OR RECYCLABLES ON BEHALF OF TOWN RESIDENTS OR BUSINESSES MUST OBTAIN AN ANNUAL PERMIT FROM THE BOARD OF HEALTH AND MUST COMPLY WITH THE FOLLOWING BOARD OF HEALTH REGULATIONS.**

#### I. General Rules for Regulations:

- A. All haulers shall apply annually for a hauler permit from the South Hadley Board of Health by submitting an application form provided by the Board. A completed application form including any information requested by the Town, and payment of related fees is required before a permit will be processed. Any application which fails to include all information requested in the Board of Health regulations shall be deemed incomplete and shall be denied. The permit shall be valid for one calendar year and shall be renewable on the first day of January each year.
- B. All collection vehicles shall display a Town of South Hadley Refuse Hauler Permit Sticker at all times.
- C. Haulers must provide refuse and recycling services bundled together, i.e. haulers may not provide refuse services alone.
- D. Hauler shall only collect for disposal those items acceptable for disposal. Waste Ban items, which include recyclables, should not be included with trash. It is the responsibility of the hauler to refuse to accept a container with mixed trash and recyclables. Improper collection of waste 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.

#### II. Rules of Recycling:

- A. Recycling services must be provided to all customers as a part of the hauler's provision of integrated waste management services. This includes the collection of both solid waste and recyclable materials, and the delivery of these materials to an appropriate disposal facility (in the case of solid waste) and recycling processing facility (in the case of recycling materials).
- B. The following information must be provided annually prior to renewal of annual permit.
  1. A completed Solid Waste and Recycling Report.
  2. A copy of your "sorry note" or other means of notifying residents of improper recycling or trash disposal.
  3. A copy of recycling educational material you provide to your customers.
  4. Copies of certificates of insurance for public liability and property insurance.
- C. Haulers shall request their customers to put refuse in secured containers to prevent littering by animals. All storage bins/dumpsters provided to customers for storage of refuse shall be covered.

D. 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 waste. The Board of Health will, where possible, assist hauler in helping customers come into compliance with these regulations.

E. 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.

### **III. Enforcement and Penalties**

A. 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.

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.

C. No vehicle shall be driven or moved on any street or highway within the Town unless such vehicle is so constructed and so loaded as to prevent its contents from spilling, dropping, shifting, leaking or otherwise escaping. Vehicles loaded with any material which may be blown about by the wind shall be suitably covered to prevent the contents from being blown upon the streets or highways. All vehicles must comply with the Town's traffic regulations.

D. 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 refuse hauler's permit.

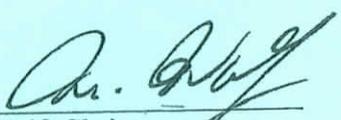
### **IV. Appeal**

Any party cited for a violation of these regulations may appeal such citation by filing a written notice of appeal with the South Hadley 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 weeks prior to the scheduled date. The hearing will be conducted in accordance with the established procedures of the Board of Health.

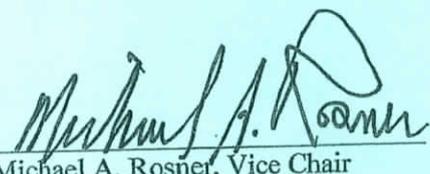
### **V. Severability**

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.

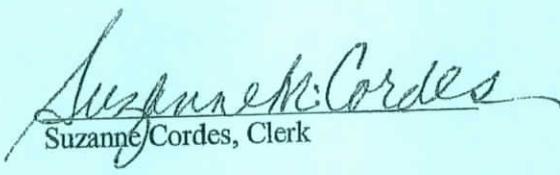
These Regulations effective May 1, 2013



Walter R. Wolf, Chair



Michael A. Rosner, Vice Chair



Suzanne Cordes, Clerk