

# **TOWN OF SHARON**



## **RULES AND REGULATIONS FOR REMOVAL, TRANSPORT, AND DISPOSAL OF SOLID WASTE OR RECYCLABLES**

# Table of Contents

I. Purpose	3
III. Effective Date	4
IV. Definitions	4
V. Mandatory Recycling	6
VI. Permit Requirements	6
A. Permit Application	8
B. Annual Permit Renewal	8
VII. Bundled Service Requirement	9
A. Service to Residential Customers/Generators	9
B. Service to Commercial Customers/Generators	10
C. Exceptions	10
VIII. Inspection	10
IX. Partnership between Permitted Haulers and Municipality	11
X. Hours of Collection	12
XI. Minimum Service Level Requirement	12
XII. Insurance	12
XIII. Nuisance	13
XIV. Enforcement	13
A. Penalties	14
B. Appeal Provisions	14

# **RULES AND REGULATIONS FOR REMOVAL, TRANSPORT, AND DISPOSAL OF SOLID WASTE OR RECYCLABLES IN THE TOWN OF SHARON**

## **§300A- 3.1 Purpose**

- A. The purpose of these rules and regulations is to describe the requirements for Mandatory Recycling and to establish Rules and Regulations for the Permitting and Operation of Municipal and Commercial Solid Waste / Recycling for the Town of Sharon.
- B. The goal of these regulations is to protect public health and the environment and ensure that all Permitted Haulers collecting Solid Waste and Recyclables adhere to the Commonwealth of Massachusetts Department of Environmental Protection (MassDEP) Waste Bans and uniformly comply with waste hauling **and** permit requirements established by the Town of Sharon and the Commonwealth of Massachusetts.
- C. This regulation should ensure that:
  - (1) The environmental benefits of recycling are maximized;
  - (2) There is joint enforcement of the Waste Ban requirements by the municipality and all permitted Private Haulers operating within the municipality;
  - (3) There are fair and equitable rules for all permitted Private Haulers operating in the municipality;
  - (4) All residents and businesses have convenient (parallel) access to recycling collection services;
  - (5) All Private Haulers permitted to operate in a municipality are in compliance with state regulations (310 CMR 19.017);
  - (6) There is greater consistency across municipalities to promote clear operating guidelines for Private Haulers;
  - (7) Municipalities and Private Haulers work together to support the goals of the Solid Waste Master Plan and the Global Warming Solutions Act.

### §300A- 3.2 Authority

- A. 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 of Sharon. The Board of Health of the Town of Sharon adopts these regulations under the provisions of Chapter 111 Sections 31, 31A, 31B, 122 and 150A of the Massachusetts General Laws.
- B. Private Haulers shall only collect for disposal those items acceptable for disposal. Materials banned from disposal under 310 CMR 19.017 shall not be included with Solid Waste.

### §300A- 3.3 Effective Date

These regulations shall take effect on March 22, 2023 and all Permitted Haulers must be in compliance with these regulations by January 1, 2024.

### §300A- 3.4 Definitions

For the purposes of this regulation, the following words and phrases shall have the following meaning unless the content clearly indicates otherwise:

**Containers:** Containers shall mean any barrels, bins, rolling carts, dumpsters and roll-off containers that are used for the storage or collection of Solid Waste and/or Recyclables.

**Commercial Waste:** Non-hazardous solid waste generated by businesses, such as office buildings, retail and wholesale establishments, and restaurants. It does not include solid waste generated by single or multi-family homes or waste generated by large industries.

**Compostables / Compost:** Compostables are organic materials such as food scraps, yard waste, and leaves, that can be converted to compost, a mixture of ingredients used to fertilize and improve the soil.

**Customer** shall mean either Residential Customer/Generator or Commercial Customer/Generator.

**Disposal:** Disposal shall refer to dispensing of solid waste by way of landfill or incinerator.

**Generator:** Includes both residential and commercial generators of solid waste and/or recycling.

**a. Residential Generator** shall mean property owners, renters, tenants, lessees, permittees, event organizers, and occupants of single and multi-family dwellings, condominiums, public housing, and temporary housing within the Town of Sharon.

**b. Commercial Generator** shall mean property owners, renters, tenants, lessees permittees, event organizers, and occupants of any commercial, industrial, institutional, nonprofit, municipal, school, mixed-use building, time-shares, or any other non-residential generators within the Town of Sharon.

**Mercury Disposal Prohibition** shall mean Disposal Prohibition Provision of the Mercury Management Act (Chapter 190 of the Acts of 2006). Effective May 1, 2008, mercury-added products cannot be disposed of in Solid Waste. 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.

Details may be found at this link: <https://www.mass.gov/doc/faq-on-mercury-containing-product-disposal-ban/download>

**Permitted Hauler** shall mean any person, company, or entity which has obtained the appropriate permit to collect Solid Waste and/or Recyclables within the Town of Sharon.

**Private Hauler** shall mean any person, company, or entity wishing to provide the collection of Solid Waste and/or Recyclables within the Town of Sharon.

**Recycling, Recyclables or Recyclable Materials** shall mean those items listed in the MassDEP Waste Bans and that are banned from disposal in the Commonwealth of Massachusetts pursuant to 310 CMR 19.017 which are recyclable through Sharon's municipal recycling program. Waste Bans include but are not limited to: Mixed paper, cardboard, glass, metal, and plastic containers.

**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).

**Town** shall mean the Town of Sharon.

**Board of Health** shall mean the Sharon Board of Health.

**Waste Ban Materials** shall mean all materials designated as banned from disposal in the Commonwealth of Massachusetts pursuant to 310 CMR 19.017: Waste Bans in Massachusetts include: Asphalt pavement, brick & concrete; Cathode ray tubes; Clean gypsum wallboard; Commercial food material (lower threshold effective November 1, 2022); Ferrous and non-ferrous metals; Glass & metal containers; Lead acid batteries; Leaves and yard waste; Mattresses (effective November 1, 2022); Recyclable paper, cardboard and paperboard; Single resin narrow-necked plastics; Textiles (effective November 1, 2022); Treated and untreated wood and wood waste (banned from landfills only); White goods (large appliances); and Whole tires (banned from landfills only; shredded tires acceptable).

### **§300A- 3.5 Mandatory Recycling**

- A. Under the provisions of M.G.L. Chapter 111, Section 31, the Sharon Board of Health adopts Mandatory Recycling in order to protect the environment, promote recycling and be in compliance with Massachusetts Waste Ban regulations (310CMR 19.017). The Town of Sharon hereby establishes a requirement for mandatory separation of Recyclables from the Solid Waste stream. This requirement applies to all Residential Customers/Generators and Commercial Customer/Generators in the Town of Sharon. This requirement does not extend to separation of recyclable materials from solid waste generated by the public and disposed of in public receptacles.
- B. The Town of Sharon will inform all generators (residential and commercial) at least once per year that recycling is mandatory.

### **§300A- 3.6 Permit Requirements**

- A. Solid Waste Hauler Permits run on a calendar year, January 1 through December 31.
- B. All Private Haulers wishing to collect, transfer, or transport Solid Waste or Recyclables generated within the Town of Sharon shall be required to first obtain or annually renew a permit from the Town of Sharon. No Private Hauler may collect Solid Waste and/or Recyclables unless they have obtained a valid Private Hauler Permit from the Town of Sharon. Private Haulers that collect only Recyclables must also be permitted.
- C. The Private Hauler shall note the types of services intended to be offered, and the approximate number of collection trucks expected to be used in the municipality during the course of the permit year.
- D. The Private Hauler shall provide information on how they intend to ensure that Customers prevent Waste Ban materials from being disposed of with Solid Waste, and

how the Private Hauler intends to notify Customers of improper Recycling or Solid Waste disposal.

- E. The Private Hauler shall provide Proof of insurance, as defined in section §300A- 12, to the Board of Health and is required prior to the issuance of any permit.
  
- F. The permit application must include a statement that the Private Hauler understands and is in compliance with the Massachusetts Waste Bans and Mercury Disposal Prohibition. The Private Hauler shall list the Solid Waste disposal facilities and the Recycling processing facilities where Solid Waste are expected to be delivered from Private Hauler's Customers during the permit year. The application shall be signed by a designated representative of the company, permitted to do business within the Commonwealth of Massachusetts.
  
- G. All Permitted Haulers must be in compliance with the following general permit requirements:
  - (1) All Permitted Haulers must clearly display the name of the company on each vehicle operating in the Town of Sharon.
  
  - (2) All Permitted Haulers must be in compliance with applicable federal, state and local laws. Each vehicle must meet all Department of Transportation safety requirements at all times.
  
  - (3) All materials must be securely contained in the vehicle. Littering or leaking shall be considered a violation of the permit.
  
  - (4) Recyclables shall not be commingled with Solid Waste when collected by the Permitted Hauler. Recyclables must be delivered to a processing facility designed to accept Recyclables. The Permitted Hauler shall inform Customers how to prepare acceptable Recyclables consistent with the requirements of the Recyclables processing facility.
  
  - (5) Permitted Haulers shall only collect for disposal of Solid Waste which is not banned from disposal. It is the responsibility of the Permitted Hauler to educate the Customer about the Waste Bans and inform them that they will refuse to collect Solid Waste mixed with Waste Ban items that are visible to the driver/collector from any of their customers (there is no requirement to open bags). Please refer to

the list of Waste Ban items which may not be accepted at Massachusetts' disposal facilities.

- (6) In the event that the Permitted Hauler refuses to collect any materials, the Permitted Hauler will notify such Customers in writing of the reason(s) for refusal to collect Solid Waste or Recyclables. In addition, the Permitted Hauler will advise the Board of Health about Customers who have received rejection notices. The Board of Health will, where possible, assist the Permitted Hauler with enforcement of the Mandatory Recycling provision and/or Waste Ban requirement.
- H. Upon receipt of a complete permit application, the Board of Health shall have thirty (30) days to rule on the granting of a permit to operate within the Town of Sharon. In addition, the applicant shall pay an annual permit fee as determined by the Board of Health and noted on the Schedule of Fees.
- I. Applicants have the right to appear before the Board of Health at a hearing to discuss their application by filing a hearing request in writing with the Board of Health.

#### **§300A- 3.6A Permit Application and Renewal Process**

- A. Each Permitted Hauler shall annually submit a renewal application of their permit no later than the 1st of December.
- B. At the time of application or as otherwise specified, the applicant shall submit to the Board of Health the following:
- C. A description of the collection vehicle(s) to be used, including the company name, make, model, year, type, registration number, capacity of the vehicle(s), and methods employed for keeping refuse and recycling properly contained during transit.

#### **§300A- 3.6B Annual Permit Renewal**

- A. The annual renewal application must indicate any changes from the original permit, including any change in Solid Waste or Recyclables facilities used, and must be signed by a business owner. The renewal must be accompanied by the following information or a completed Annual Solid Waste and Recyclables Reporting Form (Attachment 4):



- (1) Total tons of Solid Waste collected for disposal and total tons of Recyclables collected for processing from Residential Customers/Generators within the Town of Sharon during the previous calendar year or 12-month period. (In the case where the Permitted Hauler delivers loads for disposal or recycling that are combined with more than one municipality, then the Permitted Hauler must provide their best estimate of tonnage delivered from the Town of Sharon.)
- (2) A list of all Commercial Customers using each service (Solid Waste and/or Recycling) during the previous calendar year within the Town of Sharon.
- (3) The names of any Commercial Customers where the Permitted Hauler is providing Solid Waste only service.
- (4) The names of any Commercial Customers where the Permitted Hauler provides a Recycling only service.
- (5) Copies of any Waste Ban violation letters or notices received by the Permitted Hauler during the prior year that refer to loads collected within the Town of Sharon.

B. Failure to provide a complete and accurate Annual Solid Waste and Recyclables Reporting Form may be grounds for denial of a permit to operate within the Town of Sharon.

### **§300A- 3.7 Bundled Service Requirement**

#### **A. Service to Residential Customers/Generators**

**\*\*Also refer to Town of Sharon Bylaw: Chapter 226; Solid Waste**

For Residential Customers/Generators, the bundled service must provide Customers with Solid Waste and Recyclables collection at a rate that reflects the cost of providing both services. Solid Waste and Recycling services must be provided by the same Permitted Hauler unless otherwise pre-approved by the Board of Health. The Permitted Hauler may itemize the invoice to clearly show the cost of Recycling collection contained in the bundled service.

All permitted Haulers serving Residential Customers/Generators must provide appropriately sized, paired Solid Waste and Recyclable containers that are clearly marked and adjacent or in close proximity to each other. Existing containers provided by the Town of Sharon may be used if capacity requirements have been met.

## **B. Service to Commercial Customers/Generators**

For Commercial Customers/Generators, the Permitted Hauler must provide both Solid Waste and Recyclables collection; unless the Customer can provide proof to the Permitted Hauler that separate Recycling services are provided by another Permitted Hauler or via one of the methods listed on the Recycling Service Exemption Form. Permitted Haulers may charge separately for the collection of Recyclables. Commercial Customers/Generators may choose to contract for collection of Recyclables by a second Permitted Hauler that only performs Recyclables collection. Permitted Haulers that collect only Recyclables are not required to collect Solid Waste.

Permitted Haulers must provide the names and addresses of their Solid Waste only Commercial Customers to the Sharon Board of Health so the Town can follow up to ensure that those Customers are complying with the Waste Bans.

## **C. Exceptions**

Solid Waste and Recycling services must be provided by the same Permitted Hauler unless otherwise preapproved by the Board of Health. A commercial generator must fill out the Recycling Service Exemption Form for Commercial Generators.

### **§300A- 3.8 Inspection**

The Board of Health or its designee is authorized to inspect a Permitted Hauler's truck and load at any time. The Board of Health also has the right to require weight slips or confirmation of disposal of Solid Waste or management of Recyclables.

## **§300A- 9 Partnership between Permitted Haulers and Municipality**

- A. This regulation is designed to ensure that the Massachusetts Waste Bans are uniformly adhered to in the Town of Sharon and relies on a partnership between the Town and all Permitted Haulers to ensure the requirements of Mandatory Recycling and separation of Recyclables from the Solid Waste stream are followed by all Residential Customers/Generators and Commercial Customers/Generators in the Town of Sharon.
  
- B. The Town of Sharon will support Permitted Haulers by providing the following:
  - (1) Educational information on the municipal website about the Mandatory Recycling requirement for all Residential Customers/Generators and Commercial Customers/Generators
  
  - (2) Educational materials that Private Haulers can use with new and existing Customers, e.g., Waste Ban Fact Sheet; OOPS Tags to hang on rejected Solid Waste and Recyclables container.
  
  - (3) Enforcement of the bylaw/ordinance and/or regulation for Residential Customers/Generators and Commercial Customers/Generators who do not comply with the Mandatory Recycling and separation requirements
  
- C. Permitted Haulers will support the Town of Sharon's goals by providing the following:
  - (1) Instructions on proper management of Solid Waste and Recyclables to new Customers when service commences and to all Customers on an annual basis at a minimum.
  
  - (2) Permitted Haulers shall not dispose of banned Recyclables that are properly prepared and set out for collection.
  
  - (3) No Permitted Hauler shall knowingly collect for disposal Solid Waste that contains visible Waste Ban Materials. Any such Solid Waste must be left behind/rejected by the Permitted Hauler, who shall notify the Customer generating such Solid Waste of the reason for rejection, e.g., via sticker affixed to non-compliant set-out, including Town of Sharon contact information for follow-up regarding the Mandatory Recycling requirement.

- D. The Permitted Hauler shall notify the appropriate Town of Sharon contact regarding any Customer whose Solid Waste is so rejected. If notified, the Town will follow up to enforce the Mandatory Recycling requirement.

### **§300A- 10 Hours of Collection**

Collection of Solid Waste and Recyclables may only occur during the hours of 7 a.m. to 7 p.m. 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 collection: 7:00 a.m. - 7:00 p.m. Commercial collection: No limitations, except for collection in residential neighborhoods (refer to zoning map)

### **§300A- 11 Minimum Service Level Requirement**

A Permitted Hauler shall not collect Solid Waste and Recyclables from Residential Customers/ Generators less than every two weeks. Collection of Recyclables from Residential Customers 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.

### **§300A- 12 Insurance**

- A. The Permitted Hauler shall provide a certificate of proof that workers' compensation insurance meeting statutory requirements has been provided for all employees engaged in work under the permit.
- B. A Permitted Hauler must maintain adequate insurance and shall furnish the Board of Health with certificates from an insurance company, licensed to do business in the Commonwealth of Massachusetts showing the applicant carries public liability and property insurance.
- C. Cancellation of insurance shall automatically be grounds for cancellation of the Private Hauler Permit. Certificates of Insurance shall be furnished each year upon renewal of the permit.

- D. The Permitted Hauler shall make certain that the above insurance policy is not canceled prior to notification of the Sharon Board of Health. This notification shall be not less than thirty (30) days prior to such cancellation.

### **§300A- 13 Nuisance**

The Board of Health and its agents reserve the right to monitor collection vehicles, loads, litter and/or nuisance conditions and routes at reasonable times to ensure that all Permitted 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.

### **§300A- 14 Enforcement**

#### **A. Hauler Permit Requirements**

- (1) 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 non-compliance with any section of this bylaw/ordinance or regulation. Failure to respond shall be grounds for revocation of the Permit in accordance with the hearing provisions below. The individuals empowered to enforce the provisions of this regulation shall be the Agent of the Board of Health, any member of the Board of Health, the DPW Solid Waste Coordinator, Inspectional Services, or other Town designee, or any police officer of the Town.
- (2) If the Permitted Hauler does not respond within seven (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 Permitted Hauler is in violation of this Permit, then the Board may either provide the Permitted Hauler with an order to fix the problem and/or suspend the Permit until the Permitted Hauler demonstrates to the Board’s satisfaction that the Permitted Hauler will be in compliance with this regulation. In the event that a Permitted Hauler fails to follow this regulation, the Board of Health reserves the right to impose reasonable fines or take other action in accordance with State and local regulations.

**B. Mandatory Recycling Requirements for Generators (if established through this regulation)**  
Enforcement of this regulation shall be by criminal complaint in the district court and/or non-criminal disposition ticket MGL Chapter 40, Section 21D. DPW or Solid Waste Administrators, Inspectional Services, and Agents of the Health Department or their

designees shall have the power to enforce the provisions of this regulation. The Town of Sharon shall also have the option of seeking equitable relief to enjoin violations of the rules and regulations of the Board of Health.

### **§300A- 15 Penalties**

In the event that a Permitted Hauler fails to follow these regulations, the Board of Health reserves the right to impose reasonable fines and/or revoke the permit to operate within the Town, subject to the Appeal Provisions described below. (a) First offense warning (b) Second offense \$ 100.00 fine (c) Third offense \$ 200.00 fine (d) Subsequent offenses \$ 300.00 fine Each day of failure to comply with the regulations shall constitute a separate violation.

### **§300A- 16 Appeal Provisions**

Any Permitted 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.