

Town of Cummington
Board of Health
Regulations for Refuse and Recycling Collection and Hauling

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 deposition 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 Cummington adopts these regulations under the provisions of 111 Sections 31, 31A, 31B, 122 and 150A of the Massachusetts General Laws.

Cummington 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 Cummington 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. A Permitted hauler (that is collecting Residential Solid Waste) must provide a bundled service for the provision of both Solid Waste and Recyclables collection to each customer.
 - i. For Residential Customers, the bundled service must be charged as a single charge so that each customer receives Recyclables collection at a blended rate for Solid Waste and Recyclables collection; however, the Permitted Hauler may itemize the invoice to clearly show the cost of recycling collection contained in the bundled price.
 - ii. For Commercial Customers, the Hauler must offer to provide Solid Waste and Recyclables collection, but may charge separately for the collection of Recyclables. Conversely, commercial entities may independently contract for separate collections, and if they do so, the commercial customer must provide proof of recycling service to the Town of Cummington.
 - iii. Any exceptions (which can be requested by e-mail) need to receive approval of the Board of Health in advance. Haulers providing Solid Waste collection can subcontract the Recyclables collection

services offered but still must provide this as a bundled service (for Residential Customers) and must show proof of recycling service by another provider, who must also be permitted to operate in the Town of Cummington.

- c. Haulers 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 the annual permit:
 - i. A completed Solid Waste and Recycling Report
 - ii. A copy of your "sorry note" or other means of notifying customers of improper recycling or trash disposal.
 - iii. A copy of recycling education materials that you provide to your customers.
 - iv. Copies of certificates of insurance for public liability and property insurance.
 - v. List of locations/customers you serve.
- c. Hauler shall request their customers put refuse in secured containers to prevent littering by animals. All storage bins/dumpsters provided to customers for storage or effuse 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 IIIA below, 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 Highway Department Superintendent, other Highway Department 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 Town 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. Fees for fines will be reviewed at regular Board of Health fee update discussions and will be included in the Board of Health fee schedule. 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 Cummington Board of Health within seven (7) business 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 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.

V. Severability

If any one provision, clause, term, sentence or conditions of this regulation or the application thereof to any person or circumstances shall be held unenforceable, invalid, void or voidable, each and all other remaining clauses, terms, sentences or conditions shall not be affected thereby, and shall be valid and continue in full force and effect.