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

I. Purpose

The goal of these regulations is to protect public health and the environment, and ensure that all Private Haulers collecting Solid Waste and Recyclables adhere to the Massachusetts Waste Ban regulations (310 CMR 19.000) and uniformly comply with permit requirements established by the Town of Dover. This should ensure that:

- The environmental benefits of recycling are maximized;
- There is joint enforcement of the Waste Ban requirements by the municipality and all Private Haulers operating within the municipality;
- There are fair and equitable rules for all Private Haulers operating in the municipality;
- All residents and businesses have convenient (parallel) access to recycling collection services;
- All Private Haulers licensed to operate in a municipality are in compliance with state regulations (310 CMR 19.017);
- There is greater consistency across municipalities to promote clear operating guidelines for Private Haulers; and
- Municipalities and Private Haulers work together to support the goals of the Solid Waste Master Plan and the Global Warming Solutions Act.

II. Authority

These regulations establish minimum requirements for the 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 Dover. The Board of Health of the Town of Dover adopts these regulations under the provisions of Chapter 111, Sections 31, 31A, 31B, 122 and 150A of the Massachusetts General Laws.

Private Haulers shall only collect those items acceptable for disposal. Materials banned from disposal under 310 CMR 19.017 shall not be included with Solid Waste collected by Private Haulers.

III. Effective Date

These regulations shall take effect on January 1, 2024.

IV. Definitions

For the purposes of this regulation, the following words and phrases shall have the following meanings:

Commercial Customers/Generators shall mean property owners and occupants of any commercial, industrial, institutional, municipal, school, or mixed-use building within the Town of Dover.

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

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 Private Hauler who has obtained a valid Private Hauler permit from the Town of Dover.

Private Hauler shall mean any person or entity providing collection of Solid Waste and/or Recyclables for hire within the Town of Dover.

Recyclables shall mean a material that is banned from disposal in the Commonwealth of Massachusetts pursuant to 310 CMR 19.017: Waste Bans. Textiles, mixed paper, cardboard, glass, metal, and plastic containers are priority materials of this regulation.

Residential Customers/Generators shall mean property owners and occupants of single and multi-family dwellings, condominiums, public housing, and mobile homes within the Town of Dover

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 Dover.

The Board shall mean the Board of Health for the Town of Dover

Waste Ban Materials shall mean all materials designated as banned from disposal in the Commonwealth of Massachusetts pursuant to 310 CMR 19.017 (see <https://www.mass.gov/regulations/310-CMR-19000-solid-waste-facility-regulations>).

V. Mandatory Recycling

In order to protect the environment, promote recycling and be in compliance with Massachusetts Waste Ban regulations (310 CMR 19.017); the Town 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.

The Town will inform all generators (residential and commercial) at least once per year that recycling is mandatory.

VI. Permit Required

All Private Haulers wishing to collect, transfer, or transport Solid Waste or Recyclables generated within the Town shall be required to first obtain or annually renew a permit from the Town. No Private Hauler may collect Solid Waste, offal, or any other offensive substances or Recyclables through the streets of Dover unless they have obtained a valid Private Hauler Permit from the Town. Private Haulers that collect

only Recyclables must also be permitted. Private haulers for temporary containers used for construction and/or demolition material only are excluded.

A. Permit Application

(i) The permit application shall include the official name of the person or company; a statement that the person or company is registered to do business in Massachusetts and that the person or company is fully insured; and contact name, address, and telephone number. Copies of certificates of insurance for public liability and property insurance also shall be included.

1. 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 and Recyclables 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.
2. The Board reserves the right to reject applications or revoke permits based on inaccurate information, failure to comply with the regulations, or for any reason that would indicate that the Town's interests would not be served by the issuance of a permit.
3. The Board reserves the right to impose restrictions and conditions upon the permit.

(ii) The application shall include information on 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. The application shall include information on how the Private Hauler intends 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.

1. Upon receipt of a complete permit application, the Board shall consider and act upon applications for a Trash Hauler's Permit at the next regularly scheduled meeting.
2. The permit fee will be submitted with the completed application form. A schedule of customer collection fees shall be provided to the Board of Health. The Board of Health shall be notified of fee changes within two (2) weeks of effective date of change.
3. There will be no refunds issued for denied or rejected applications. All permits are issued on a calendar year basis and must be renewed annually.

B. Annual Permit Renewal

Each Permitted Hauler shall annually submit a renewal application of his/her permit no later than the

1st of December, by paying the annual permit fee.

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:

- Total tons of Solid Waste collected for disposal and total tons of Recyclables collected for processing from Residential Customers/Generators within the Town of Dover 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.
- The average number of Residential and Commercial Customers using each service (Solid Waste, Recycling) during the previous calendar year within the Town.
- The names of any Commercial Customers where the Permitted Hauler is providing Solid Waste only service.
- The names of any Commercial Customers where the Permitted Hauler is providing Recycling only service.
- 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 Dover

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 Dover

Annual permits will be issued by the 1st of January each year.

C. General Permit Requirements

All Permitted Haulers must be in compliance with the following general permit requirements:

1. Permits will be automatically revoked if a vehicle owned or operated by the hauler is found to be discharging any material that it is hauling.
2. Waste which is spilled shall be immediately picked up and removed by the trash hauler. Trash Haulers shall require their customers to put solid waste in covered containers to prevent littering by animals. The Board of Health reserves the right to require waste containers to be removed and cleaned if they are deemed to constitute a health hazard or nuisance.
3. Trash Haulers must report tonnage and location, with receipts, annually to the Board of Health. Failure to submit these reports is cause for suspension of the Trash Hauler's Permit. In addition to the tonnage requirements outlined above, haulers must report any tonnage associated with special pickups as well as the number of mattresses and box springs picked up.
4. A copy of the registration and a Certificate of Insurance for liability coverage with a minimum value of \$1,000,000.00 must be provided each year upon renewal and/or

application for a Trash Hauler's Permit.

5. A list of all registration numbers must be provided to the Board of Health.
6. The individuals empowered to enforce the provisions of these regulations are: The Board of Selectmen, The Board of Health, the Health Agent/Director, or any Police Officer of the Town.
7. All Permitted Haulers must clearly display the name of the company on each vehicle operating in the municipality.
8. 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.
9. All materials must be securely contained in the vehicle. Littering or leaking shall be considered a violation of the permit.
10. 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.
11. Permitted Haulers shall only collect for disposal 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.
12. 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 the 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.

VII. Bundled Service Requirement

A. Service to Residential Customers/Generators

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 Recyclables containers that are clearly marked and adjacent or in close proximity to each other.

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 Town/City so the Town/City can follow up to ensure that those Customers are complying with the Waste Bans.

VIII. Inspection

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

IX. Enforcement

A. Hauler Permit Requirements

The Board 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 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 bylaw/ordinance or regulation shall be the Agent of the Board, any member of the Board, the DPW Solid Waste Coordinator, Inspectional Services, or other Town/City designee, or any police officer of the Town/City.

If the Permitted Hauler does not respond within seven (7) days, the Board shall hold a public hearing, subject to MGL Chapter 111 Section 127B. If the Board 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 reserves the right to impose reasonable fines or take other action in accordance with State and local regulations.

B. Mandatory Recycling Requirements for Generators

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 shall also have the option of seeking equitable relief to enjoin violations of the rules and regulations of the Health Department.

C. Penalties

In the event that a Permitted Hauler or Generator 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.

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| (a) First offense | Warning |
| (b) Second offense | \$ 100.00_fine |
| (c) Third offense | \$ 300.00 fine |
| (d) Subsequent offenses | not less than \$500.00 nor more than \$1,000.00 |

Each day of failure to comply with the regulations shall constitute a separate violation.

D. 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.