



**Hull Board of Health
Hull, MA**

**RULES AND REGULATIONS
FOR
PERMITTING AND OPERATION
OF
COMMERCIAL, RESIDENTIAL AND MUNICIPAL
SOLID WASTE/RECYCLING COLLECTION**

AUTHORITY

In accordance with the authority vested in the Town of Hull Board of Health by M.G.L. Chapter 111, Section 31A and 31B and every other power thereto enabling, the regulations set forth hereinafter are promulgated.

1. DEFINITIONS

- a. **FACILITY** shall mean a licensed solid-waste disposal or handling facility approved or licensed by Department of Environmental Protection (DEP).
- b. **PERMITTEE** shall mean any person(s) or company, which has applied for and obtained the appropriate permit to collect refuse within the corporate limits of Hull, Massachusetts.
- c. **RECYCLABLES** shall mean those recyclable items listed in DEP Waste Ban List, 310 CMR 19.017. (See attached DEP Waste Ban List).
- d. **REFUSE COLLECTION VEHICLE** shall mean any vehicle used for the transport of **SOLID WASTE**.
- e. **SOLID WASTE** shall mean useless, unwanted or discarded solid, liquid or contained gaseous material resulting from commercial, industrial, municipal or household activities that is abandoned by being disposed of, incinerated or is stored, treated or transferred pending such disposal, incineration or other treatment, but does not include:
 - (1) Hazardous wastes or regulated recyclable materials as defined and regulated pursuant to 310 CMR 30.000;
 - (2) Sludge or septage which is land applied in compliance with 310 CMR 32.00;
 - (3) Wastewater treatment plant residuals or sludge ash from publicly or privately owned wastewater treatment plants which is treated and disposed at a site regulated pursuant to 314 CMR 12.00;
 - (4) Septage, as defined and regulated pursuant to M.G.L. c.111, s. 31D;
 - (5) Sewage;
 - (6) Ash produced from the combustion of coal when reused as prescribed pursuant to M.G.L. c. 111, s. 150A;
 - (7) Solid or dissolved materials in irrigation return flows;
 - (8) Solid or dissolved materials in domestic sewage;
 - (9) Source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended;

(10) Those materials and by-products generated from and commonly reused within an original manufacturing process; and,

(11) Compostable or recyclable materials when composted or recycled in a facility or operation not required to be assigned pursuant to 310 CMR 16.05(2)-(4).

f. **COMMERCIAL WASTE** means 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 multifamily homes or waste generated by large industry.

2. GENERAL

a. Any persons engaged in the collection of SOLID WASTE in the Town of Hull shall remove the same to an approved location or FACILITY in accordance with these rules and regulations, as well as all other applicable rules and regulations.

b. The PERMITTEE shall provide recycling service inclusive with solid waste collection service, to all residential and commercial customers in the Town of Hull to allow compliance with the Commonwealth of Massachusetts Department of Environmental Protection (DEP) Solid Waste Bans, 310 CMR 19.017, and any other item deemed feasible by the Board of Health. Items required by the DEP to be recycled are set forth in the attached DEP Waste Ban List. This Waste Ban List is subject to amendment and revision by the Board of Health and the Commonwealth as additional rules and regulations may be promulgated.

c. All residential and commercial generators of solid waste in the Town of Hull shall separate from their rubbish all recyclables for separate collection and disposal by their rubbish/recycling hauler. All residents and businesses shall be responsible for ensuring that they do not contract for the indiscriminate disposal of recyclables or restricted materials with their rubbish.

3. PERMITTING PROCEDURE

a. All persons collecting SOLID WASTE in the Town of Hull shall obtain a permit from the Board of Health prior to commencing with collection.

b. At the time of application or as otherwise specified, the applicant shall submit to the Board of Health, the following:

(1) A non-refundable permit fee of One Hundred (\$100.00) dollars per vehicle together with proof of property/liability insurance as required in Section 4;

(2) A description of the REFUSE COLLECTION VEHICLE(s) to be used, including the company name, make, model, year, type, registration number and the capacity of the vehicle(s);

c. The Board of Health will review applications for permits and will respond to applicants within thirty (30) days.

- d. Applicants have the right to appear before the Hull Board of Health at a hearing to discuss their application by filing such hearing request in writing with the Board.

4. INSURANCE

- a. Each applicant shall furnish to the Board of Health certificates from an insurance company licensed to do business in the Commonwealth of Massachusetts showing the applicant carries Public Liability Insurance in an amount not less than Five Hundred Thousand (\$500,000.00) up to One Million (\$1,000,000.00) dollars for the injury or death of one or more persons, and Two Hundred Fifty Thousand (\$250,000.00) dollars for damage to property. Certificates of Insurance shall be furnished each year upon renewal of permit.
- b. The applicant shall make certain that the above insurance policy is not canceled prior to notification of the Board of Health. This notification shall be not less than thirty (30) days prior to such cancellation.

5. OPERATIONAL PROCEDURES

- a. The permit will be valid for a period of not more than one (1) year, renewable annually on the first day of January, subject to review and approval by the Board of Health.
- b. No permit shall be transferable except with the written approval of the Board of Health.
- c. The PERMITTEE shall provide recycling service to allow compliance with the Commonwealth of Massachusetts Department of Environmental Protection Solid Waste Bans, 310 CMR 19.017, see attached. Recycling service, using separate and adequate containers and no less often than biweekly, shall be included with solid waste service to all residential and commercial customers, at bundled pricing.
- d. The PERMITTEE shall provide tonnage of refuse and recyclables or a reasonable estimation on a yearly basis to include location of disposal facilities and recycling facilities.
- e. The PERMITTEE shall take all reasonable care in SOLID WASTE collection. SOLID WASTE shall not be scattered about the streets or onto private property. SOLID WASTE, which is spilled, shall be immediately picked up by the PERMITTEE and removed with other wastes.
- f. The Board of Health reserves the right to inspect collection vehicles and loads at reasonable times in order to ensure that they comply with all applicable state and local laws, by-laws and regulations.
- g. Any violation of these regulations or any other applicable laws or regulations by the PERMITTEE will be grounds for issuance of fines, suspension, modification or revocation of said permit.
- h. The PERMITTEE shall provide, as needed by the customer, for the collection of bulk items

such as, but not limited to, couches, chairs, mattresses, etc. Customers will be charged at specified rates provided by the hauler customer contract.

- i. The individuals empowered to enforce the provision of these regulations are any authorized Agent of the Board of Health, any member of the Board of Health or any Police Officer of the Town of Hull.
- j. PERMITTEES shall provide their customer with a list of acceptable waste types and recyclables according to section 2 of these regulations, the DEP Waste Ban List, and with a list or description of proper packaging or bundling methods of same. This will ensure fewer incidents of refusal by PERMITTEE to collect wastes, and will provide for a more efficient and economic system of waste collection/disposal and recycling.
- k. The PERMITTEE may offer collection of compostable yard waste. Customers will be charged specified rates provided in the customer contract.

6. INDEMNIFICATION

- a. PERMITTEES shall enter into arrangements for the collection of refuse and recyclables with individual residents, the municipality and commercial/industrial customers of the Town, in which the PERMITTEE will be paid directly by the customer.
- b. The PERMITTEE agrees to indemnify the Town from any loss that may arise from the improper treatment, storage or disposal of hazardous wastes collected within the Town.

7. ENFORCEMENT

Enforcement of this regulation shall be by criminal complaint in the district court and/or non-criminal disposition ticket per MGL Chapter 40, Section 21D. Agents of the Board of Health or its designee shall have the power to enforce the provisions of this regulation.

- a. In the event that a PERMITTEE fails to follow these regulations, the Board of Health shall impose reasonable fines:

- 1st Offense- written warning
- 2nd Offense - \$100
- 3rd Offense- \$300
- 4th Offense -\$500
- 5th Offense – revocation of permit

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

- b. Any SOLID WASTE/RECYCLABLES collection permit may be suspended, modified or revoked by the Board of Health upon receipt of evidence satisfactory to the Board that the PERMITTEE has not conformed to the requirements of these regulations or such further regulations as may be adopted or to any applicable state or federal statute, regulation, rule or order regarding transportation or disposal of solid waste concerning the collection and disposal of rubbish. Appeals of such suspensions, modification or revocations may be directed to the

Board of Health within ten (10) business days of said suspensions, modification or revocation.

8. SEVERABILITY

- a. Each of these regulations shall be construed as separate to the end that if any regulations, clause or phase thereof, should be held invalid for any reason, the remainder of the regulation and all other regulations shall continue to be in force.

9. PHASE – IN OF REGULATIONS

All Permittees shall provide recycling service in accordance with these regulations, for Recyclable items outlined in the DEP Waste Ban List, beginning on the following date(s):

All PERMITTEES shall include recycling service with solid waste collection service at a bundled price in accordance with these regulations beginning on April 15, 2018.

Donald Gillis, Chairperson
Virginia MacDonald, Member
Jennifer Butler-Rickard, Member

Optional Table: List of Waste Ban Materials: 310 CMR 19.017

MATERIAL	DATE OF BAN
Lead Batteries	December 31, 1990
Leaves	December 31, 1991
Tires	December 31, 1991
White Goods	December 31, 1991
Other Yard Waste	December 31, 1992
Aluminum Containers	December 31, 1992
Metal / Glass Containers	December 31, 1992
Single Polymer Plastics	December 31, 1994
Recyclable Paper	December 31, 1994
Cathode Ray Tubes (CRT)	April 1, 2000
Asphalt Pavement, Brick and Concrete	July 1, 2006
Metal	July 1, 2006
Wood	July 1, 2006
Clean Gypsum Wallboard	July 1, 2011
Commercial Organic Material (1)	October 1, 2014

(1) Applies to entities that generate more than one ton of those materials for Solid Waste disposal per week.