

HOLBROOK BOARD OF HEALTH REGULATIONS
(PROPOSED) TRASH, RECYCLING, AND SOLID WASTE

Section 13-13

Permitting and operation of commercial, residential and municipal solid waste and recyclable materials collection for haulers and residents.

A. Authority and purpose.

The Town of Holbrook Board of Health under the authority of MGL c. 111, §§ 31A and 31B, hereby makes the following regulations in an effort to protect the public health and to promote increased recycling and responsible refuse disposal. These regulations are to be inserted into the Town of Holbrook by-law regulations – Section 13, replacing any and all existing regulations previously adopted by the Board of Health regarding the permitting and operation of garbage, rubbish, and refuse collection and disposal, except as to those matters currently pending. If there is a condition that existed prior to the effective date of these regulations, a variance can be requested, see section 13-13. L.

B. Definitions.

COMMERCIAL WASTE - Nonhazardous solid waste generated by businesses, such as office buildings, retail and wholesale establishments, and restaurants.

FACILITY- A licensed solid waste disposal or handling facility approved or licensed by the Department of Environmental Protection (DEP).

PERMITTEE - Any person(s) or company, which has applied for and obtained the appropriate permit to collect refuse within the corporate limits of the Town of Holbrook.

RECYCLABLE MATERIALS - Those items listed in Subsection G of these regulations.

SOLID WASTE - All rubbish, trash, garbage, or refuse normally generated, excluding explosives, oil, sludges, highly flammable substances, cesspool or other human wastes, human or animal remains, construction materials, demolition debris, and hazardous refuse of any kind such as cleaning fluids, crankcase oils, cutting oils, paints, acids, caustics, poisons, drugs, radioactive materials, fine powdery earth used as filter media, cleaning fluid and refuse of similar nature. Recyclable materials, as defined in these regulations, are specifically excluded from solid waste.

C. General.

(1) Any person engaged in the collection of solid waste and/or recyclable materials in the Town of Holbrook 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.

(2) The permittee shall at no time dispose of recyclable materials by landfilling or incineration without written permission from the Board of Health.

(3) The permittee shall provide recycling service to allow compliance with the Commonwealth of Massachusetts Department of Environmental Protection Solid Waste Bans and any other item deemed feasible by the Board of Health. Items required to be recycled are set forth in Subsection G below, and are subject to amendment by the Board of Health.

(4) In servicing establishments generating commercial waste, the permittee may limit recycling service to paper products, as listed in Subsection G.

(5) Separation of recyclable materials from solid waste will take place at the source (i.e., individual homeowners/tenants/business owners will perform separation).

D. Permitting procedure.

(1) All persons collecting solid waste and/or recyclable materials in the Town of Holbrook shall obtain a permit from the Board of Health prior to commencing with collection.

(2) At the time of application or as otherwise specified, the applicant shall submit to the Board of Health the following:

(a) A nonrefundable permit fee (see BOH Fee Schedule)

(b) A schedule of customer fees to be charged for residential, commercial, and industrial pickup of solid waste and recyclable materials.

(c) A description of the collection vehicle(s) to be used, including the make, model, year, type and size of compactor, and registration number.

(d) Certificates of insurance as defined in Subsection F.

(e) Total tonnage of solid waste and recyclable materials collected on a quarterly basis. Statistics for solid waste and recyclable materials must be supported by weight slips and/or vendor receipts. Estimates may be accepted at the discretion of the Board if sufficient justification for subject estimation is presented to the Board and can be verified. Statistics shall be submitted within 30 days of the close of each quarter; quarters shall be defined as January 1 to March 31, April 1 to June 30, July 1 to September 30, and October 1 to December 31.

(f) Name and location of approved facility at which solid waste and recyclable materials were incinerated, deposited, and/or recycled.

(3) The permit shall be valid for a period of not more than one year, renewable annually on the first day of January, subject to review and approval by the Board of Health.

(4) No permit shall be transferable except with the approval of the Board of Health.

E. Operational procedures.

- (1) The permittee shall provide recycling service to allow compliance with the Commonwealth of Massachusetts Department of Environmental Protection Solid Waste Bans and any other item deemed feasible by the Board of Health, as set forth in Subsection G.
- (2) The permittee shall offer collection of solid waste on a weekly basis.
- (3) The permittee shall offer collection of recyclable materials a minimum of once every other week or on a schedule approved by the Board of Health.
- (4) Permittees shall provide their customers with a list of acceptable waste types and recyclable materials, with a list or description of proper packaging or bundling methods of same.
- (5) The permittee shall collect solid waste and recyclable materials from its customers in Holbrook.
- (6) Recyclable materials shall be placed curbside or at another approved location, on specified days, in their own approved reusable containers.
- (7) The permittee may refuse to collect any commercial, industrial, municipal or residential solid waste and/or recyclable materials if there is an indication that the material is not solid waste as defined in these regulations, or if the recyclable materials are not properly packaged or bundled. The permittee shall notify such customers of the reason(s) for refusal to collect. The permittee may notify the Board of Health of any customer who continues with repeated offenses.
- (8) The permittee shall take all reasonable care in the collection of solid waste. 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.
- (9) All vehicles and other equipment used by the permittee shall be kept in good repair, appearance, and in a sanitary condition. All vehicles must have a cover to prevent spillage of solid waste/recycling materials.
- (10) Vehicles shall be appropriately marked to identify the owner's and/or company's name in lettering large enough to be seen from a distance of 100 feet and shall clearly display all local, state, and federal registrations, permits and licenses.
- (11) The Board of Health reserves the right to inspect collection vehicles and loads at reasonable times in order to ensure compliance with applicable state and local laws, bylaws, and regulations.
- (12) The permittee shall provide for the collection of bulk items such as, but not limited to, couches, chairs, mattresses, white goods, etc.
- (13) Any violation of these regulations or any other applicable laws or regulations by the permittee will be grounds for suspension, modification, or revocation of said permit.

F. Insurance.

- (1) The permittee shall provide a certificate of insurance as evidence of having comprehensive general liability insurance naming the Town of Holbrook as an additional insured.

(2) The insurance policies shall be so written that the Board of Health will be notified of cancellation or restriction amendments at least 30 days prior to the effective date of such cancellations or amendments.

G. Recyclable materials.

(1) This section is subject to amendment and revision by the Board of Health and the Commonwealth of Massachusetts as additional rules and regulations may be promulgated. The Board of Health may amend this section upon written notice to all permittees after reasonable notice to all permittees.

(2) Recyclable materials shall be defined as materials that have the potential to be recycled and which are not commingled with solid waste.

(3) The following items shall be deemed recyclable materials:

(a) Paper products (tied in bundles or placed in brown paper bags):

(b) Newspaper and glossy inserts.

(c) Magazines.

(d) Phone books.

(e) Junk (and other) mail.

(f) Cereal boxes, packaging, toy boxes, etc.

(g) White, colored, and computer paper.

(h) Corrugated cardboard.

(i) Glass (empty, rinsed, and dry whole bottles and jars. Labels, caps, and neck rings may remain on bottles.

(j) Clear, brown or green food and beverage containers only.

(k) Metal (empty, rinsed, and dry. Labels may remain and lids may be attached or placed inside the can; webbing must be removed from aluminum furniture; empty aerosol cans will be accepted)

(l) All metal cans, tins, steel, aluminum, etc.

(m) Aluminum foil and food trays.

(n) Plastics (empty, rinsed, and dry. Labels, caps, and neck rings may remain.):

(o) Plastic milk, juice, and water jugs.

(p) Soda bottles.

(q) Detergent bottles.

(r) Plastics #1 through #7.

H. Reserved. (Amended 1-9-2024; Effective 2-1-2024)

I. Indemnification.

(1) Permittees shall enter into arrangements for the collection of solid waste and recyclable materials with individual residents, the municipality, commercial, and industrial customers of the Town, in which the permittee will be paid directly by the customer.

(2) The permittee agrees to indemnify the Town from any loss that may arise from the improper treatments, storage, or disposal of hazardous wastes collected within the Town.

J. Suspension, modification or revocation of permits.

Any solid waste/recyclable 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, regulations, rule or order regarding transportation or disposal of rubbish. Appeals of such suspensions, modification or revocations may be directed to the Board of Health within 10 business days of said suspension, modification, or revocation.

K. Severability.

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

L. Variances.

Any request for variance from these regulations must be submitted in writing to the Board of Health. The Board shall within 21 days of receipt of the request for variance hold a public hearing, at which time the applicant must demonstrate to the Board, by clear and convincing evidence, that there will be no adverse effect on the environment of the public health and safety by the granting of the variance request. All fees associated with the public hearing shall be paid by the applicant. All decisions rendered by the Board shall be made in writing and shall be kept on file in the office of the Board of Health.

M. Noncriminal disposition method of enforcement.

For the purposes of noncriminal disposition under MGL c. 40, § 21D, A, Violation of any of the regulations of the Board of Health may be enforced by non-criminal disposition in the manner provided by General Laws, Chapter 40, Section 21D and Section 1-4A ("Non-Criminal Disposition") of the Town of Holbrook Bylaws. This does not limit the Town in any way from seeking criminal or civil remedies at a

court of competent jurisdiction. The specific non-criminal disposition penalty which shall apply to a violation of these Board of Health regulations shall, unless specifically provided otherwise in these regulations, be as follows: First offense within a twelve-month period \$25.00 Second offense within a twelve-month period \$50.00 Third and subsequent offenses within a twelve-month period \$100. Each day or portion thereof during which a violation continues shall constitute a separate offense, and each provision of the chapter, regulations or permit violated shall constitute a separate offense.

N. Resident Responsibilities

(1) All residents of Holbrook are required to subscribe for solid waste and recycling pickup services with a licensed hauler. There are no town facilities (landfill/transfer station) for the use of residents. Each licensed trash hauler is required to offer curbside pickup of recyclables (subsection G).

(2) Each resident will be required to pay a fine in the event no trash service is selected, up to \$600 per offence, not to be issued more than once in a 6-month period. The resident will be issued a written warning by the Health Department and delivered via USPS mail prior to a fine being issued. Once a warning is issued, resident is subject to fine. Warnings and Fines will be issued by the Board of Health and reported to the Town of Holbrook Department of Public Works (DPW.)

(3) Residents must only leave barrels by the road for collection during the 24-hour pickup time provided by the hauler. All other times the barrels must be pulled back off of sidewalk/road front.

(4) Additional regulations on property litter responsibilities to be found in the Town of Holbrook Litter regulations, effective on June 1st 2021.

(5) Any complaints should be submitted to the Holbrook Board of Health.

O. Effective date.

These regulations shall become effective on February 1, 2024