



Programs & Services Committee Agenda

City of Newton **In City Council**

Wednesday, October 23, 2019

7:00 PM
Room 211

Item(s) Scheduled for Discussion:

- #328-19 Appointment of Kathleen McCarthy as a member of the Licensing Board**
HER HONOR THE MAYOR appointing KATHLEEN MCCARTHY, 524 California Street, Newtonville, as a member of the LICENSING BOARD for a term to expire June 3, 2025. (60 days: November 15, 2019)
- #503-18 Discussion of handling of trash and recyclables by private haulers**
COUNCILORS LEARY, CROSSLEY, GREENBERG AND DOWNS requesting discussion and adoption of best practices, including a mandate to separate recyclables from trash and include recycling pick up to meet Massachusetts Waste Ban regulations, 310CMR 19.017, for private haulers doing business in the City of Newton.
Programs & Services Held 5-0 on 10/17/18, Councilor Baker not voting
- #208-19(D) Referred to Programs & Services and Finance Committees**
Request for ordinance amendment to increase School Committee salary
PRESIDENT LAREDO requesting an amendment to City Ordinance **Chapter 2, Sec 9. Salary and benefits of school committee members** to read: "Each school committee member, with the exception of the mayor, shall receive annual compensation of seven thousand seven hundred fifty dollars (\$7,750), payable monthly; and each such member shall be eligible to participate in the group insurance program available to other city officials and employees." This change to take effect January 1, 2020.

The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the City of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: jfairley@newtonma.gov or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

- #167-19 Amendment to the noise ordinance related to rock saws and similar devices**
COUNCILORS BAKER, GROSSMAN, & LAREDO recommending amendment to Chapter 20, Article II. Noise to clarify the appropriate sound and other limit for rock saws and similar devices used in construction work in residential areas.

Respectfully Submitted,

John B. Rice, Chair



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Office of the Mayor

328-19

Telephone
(617) 796-1100
Fax
(617) 796-1113
TDD/TTY
(617) 796-1089
Email
rfuller@newtonma.gov

August 26, 2019

Honorable City Council
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

To the Honorable City Councilors:

I am pleased to reappoint Kathleen McCarthy of 524 California Street, Newton as a member of the Licensing Board. Her term of office shall expire on June 3, 2025 and her appointment is subject to your confirmation.

Thank you for your attention to this matter.

Warmly,

Ruthanne Fuller

Ruthanne Fuller
Mayor

2019 AUG 28 PM 3:44
RECEIVED
CITY OF NEWTON
MA

Application Form

Profile

Kathleen

First Name

Middle Initial

McCarthy

Last Name

[REDACTED]

Email Address

524 California St.

Home Address

Suite or Apt

Newton

City

MA

State

02460

Postal Code

What Ward do you live in?

☒ Ward 1

[REDACTED]

Primary Phone

Alternate Phone

McCarthy Legal Group LLC

Employer

Attorney

Job Title

Which Boards would you like to apply for?

Licensing Board: Appointed

Interests & Experiences

Please tell us about yourself and why you want to serve.

Why are you interested in serving on a board or commission?

I am interested in continuing to serve on this Board.

[Licensing Board_Kathleen_McCarthy.pdf](#)

Upload a Resume

Kathleen M. McCarthy

Senior Attorney

Admitted to practice in Florida,
Massachusetts, New
Hampshire, United States District
Court for the District of
Massachusetts, and the United
States Court of Appeals

Education

Dartmouth College
B.A. – University of New
Hampshire
Juris Doctor – Vermont Law
School, 1981



Professional Affiliations

Massachusetts Bar Association
Boston Bar Association
Women's Bar Association
Massachusetts Conveyancers Association
Florida Bar Association
New Hampshire Bar Association
Collier County Women's Bar Association
Plymouth County Bar Association

Ms. McCarthy also actively participates in the community as Chairperson of the Newton Liquor Licensing Board.

Practice Areas

Wills, Trusts and Estates, Probate and Trust Administration, Family Law,
Residential and Commercial Real Estate, and Contract Matters.

Personal Interests

In her spare time, Ms. McCarthy enjoys photography and golfing. Examples of her photography can be seen on this website.

Shawna Sullivan

From: David A. Olson
Sent: Monday, September 24, 2018 10:44 AM
To: Shawna Sullivan
Subject: Fwd: Docket Item

Get [Outlook for iOS](#)

From: Alison M. Leary <aleary@newtonma.gov>
Sent: Sunday, September 23, 2018 5:17 PM
To: David A. Olson
Cc: Deborah J. Crossley
Subject: Docket Item

Hi David,

Please docket the following item:

Councilors Leary, Crossley, Greenberg and Downs requesting discussion and adoption of best practices, including a mandate to separate recyclables from trash and include recycling pick up to meet Massachusetts Waste Ban regulations (310CMR 19.017), for private haulers doing business anywhere within the City Of Newton.

Thank you.

Alison M. Leary
Newton City Council
Ward 1
617-821-5619

RECEIVED
Newton City
2018 SEP 24 AM 10:49
David A. Olson
Newton, MA 02459

City of Newton Licensed Haulers 2014

Contact Information/RecyclingServices Provided

Business Name	Phone	Website Address	Paper and Cardboard		Commingled (bottles and cans)		Single Stream/Zero-sort recycling		Construction and Demolition Materials (recycling)		Electronics		Food Waste		Waste Vegetable Oil
			Total	Dumpster	Total	Dumpster	Total	Dumpster	Total	Dumpster	Yes	Total	Dumpster	Compactor	
Casella Waste Systems	978-817-3305	www.casella.com	x	x	x	x	x	x	x	x	Yes	x	x	x	
Clean Way Waste Services, Inc.	617-361-5200	www.cleanwaywaste.com	x	x	x	x	x					x	x		
CRT Recycling	508-427-7740	www.recyclingelectronics.com									Yes				
ECMS Recycling, Inc	508-587-9696	www.eonsrecycling.net	x	x	x	x	x	x				x	x	x	Yes
Graham Waste Services	781-383-7000	www.grahamwaste.com										x	x		
H.A. Sanoomb Trucking Co., Inc.	508-620-0155					x	x	x	Yes	x	Yes	x	x	x	
JRM Hauling & Recycling	978-536-2500			x		x	x			x					
Republic Waste Services	781-560-1378	www.republicservices.com	x	x	x	x	x	x			Yes		x	x	
Refuse Disposal Services, Inc.	508-877-1710	www.refusedisposalservices.com	x		x		x								
Waste Management	617-438-6980	www.wm.com	x	x	x	x	x	x				x	x		
Waste Solutions, Inc.	781-834-7007	www.wastesolutions.ws		x			x			x					
Wellesley Trucking Service, Inc.	508-820-1662	www.wellesleytrucking.com	x	x	x	x	x	x	Yes	x	Yes	Yes	x	x	

PRIVATE HAULERS FOR RECYCLING AND TRASH

All haulers licensed in the City of Newton are required to provide recycling services to their customer (Section 11-5 of the Newton Municipal Code).

Businesses and Large Apartment buildings can arrange for curbside service for recycling and trash with one of the licensed haulers in Newton. (Residents may contact a hauler as well, for items not accepted at curbside.) Make sure you understand how your trash collection contract is structured. Separating recyclables from the trash can control costs by reducing dumpster size, weight and /or collection frequency. Depending on what materials you generate, haulers can provide collection of paper, cardboard, bottles/cans, single stream recycling, electronics, food waste, construction & demolition debris and trash.

In 1990, the Massachusetts Department of Environmental Protection (MassDEP) introduced its first bans on landfilling and combustion of easy-to-recycle and toxic materials. The waste bans (310 CMR 19.017) are prohibitions on the disposal or transfer for disposal of certain recyclable and/or toxic materials. People who generate solid waste and people who transport it to disposal facilities are subject to waste ban requirements. MassDEP conducts ongoing inspections at solid waste facilities to identify waste haulers and generators who improperly dispose of banned materials. <http://www.mass.gov/dep/recycle/solid/wastebans.htm>

OTHER SERVICES

Restaurant Grease Traps

Business Name	Phone	Website Address
John's Sewer and Drain Cleaning	781-569-6695	www.johnsewer.com
Patriot Services, Inc	508-697-9565	

Portable Toilet Services

Business Name	Phone	Website Address
Sanmass Inc	401-431-0411	sani-kan.com

Waste Vegetable Oil

Business Name	Phone	Website Address
American By Products, Inc.	781-593-3580	
Baker Commodities	978-454-8811	www.bakercommodities.com
Cape Cod Biofuels	508-833-8666	
Fuel Good	803-802-6252	www.usfoods.com/fuelgood
Independence Biodiesel	718-860-6600 x214	tristatebiodiesel.com
Maine Biofuels, Inc	207-423-1333	www.mainestandardbiofuels.com
Restaurant Technologies	978-729-9166	
Smart Fuel America	603-474-5055	smartfuelamerica.com

processes all waste vegetable oil into a biofuel called B100

Best Practices for Municipalities Developing Private Hauler Regulations

Best Practices for Municipalities Developing Private Hauler Regulations

FINAL – March 2017

Municipal Waste Ban Compliance Regulation

NOTE TO USER

The following document was developed in response to requests from municipal officials in the Commonwealth of Massachusetts who want to increase recycling by ensuring that all Private Haulers operating in the municipality are in compliance with the Massachusetts Waste Bans (310 CMR 19.017).

This document contains sample language that can be adopted as is, edited, or used in conjunction with Town specific language to best address the circumstances in each municipality. *Optional Language*, included as ATTACHMENT 2 with this document, provides additional language that may be important to some municipalities depending on their involvement in Solid Waste management, including: provision of recycling containers, unit-based pricing, food waste collection and other recycling incentives.

This guidance document can be used to adopt a bylaw/ordinance or regulation around three general areas:

1) Mandatory Recycling – If your municipality does not already require generators to separate Recyclables from Solid Waste, it is recommended that Section V in the attached template be adopted in conjunction with Sections 2 or 3 (below) to assure that the Permitted Hauler requirements under Sections 2 and 3 are fairly enforced by the municipality. Mandatory Recycling can help ensure compliance with the Massachusetts Waste Bans and support the efforts of Permitted Haulers to collect Solid Waste and Recyclables separately.

Information on Mandatory Recycling and Private Hauler regulations can be found on the MassDEP website: <http://www.mass.gov/eea/agencies/massdep/recycle/reduce/mandatory-recycling.html>

2) Residential Only Private Hauler Regulations - A municipality may choose to only regulate collection of Solid Waste from Residential Customers/Generators. If so, the sections referring to Commercial Customers should be eliminated from this document. Residential Customers/Generators, for purposes of this document, shall mean property owners and occupants of single and multi-family dwellings, condominiums, public housing, and mobile homes.

3) Residential and Commercial Private Hauler Regulations - A municipality may choose to regulate both residential and commercial waste hauling activity, and therefore adopt all the language contained in this document, as modified to meet the specific circumstances of each municipality.

In all cases, the final bylaw/ordinance and/or regulation developed should be reviewed by your Municipal Attorney before adoption.

Best Practices for Municipalities Developing Private Hauler Regulations

Page Intentionally Left Blank

GENERAL LANGUAGE TEMPLATE

RULES AND REGULATIONS FOR REMOVAL, TRANSPORT, AND DISPOSAL

OF SOLID WASTE OR RECYCLABLES

IN THE TOWN/CITY OF _____

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 and uniformly comply with permit requirements established by the Town/City of _____. 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 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/City of _____. The Board of Health of the Town/City of _____ 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 for disposal those items acceptable for disposal. Materials banned from disposal under 310 CMR 19.017 shall not be included with Solid Waste.

III. Effective Date

These regulations shall take effect on _____.

Best Practices for Municipalities Developing Private Hauler Regulations

IV. Definitions

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

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

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:

<http://www.mass.gov/eea/docs/dep/toxics/laws/hgbanfaq.pdf>

Permitted Hauler shall mean any Private Hauler who has obtained a valid Private Hauler permit from the Town/City of _____.

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

Recyclables shall mean a material that is banned from disposal in the Commonwealth of Massachusetts pursuant to 310 CMR 19.017: Waste Bans. 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/City of _____.

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/City shall mean the _____ *Town/City of* _____

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, including: asphalt pavement, brick & concrete, cathode ray tubes, clean gypsum wallboard, commercial food waste, ferrous and non-ferrous metals, glass & metal containers, lead acid batteries, leaves and yard waste, recyclable paper, cardboard and paperboard, single resin narrow-necked plastics, treated and untreated wood and wood waste (banned from landfills only), white goods (large appliances), and whole tires (banned from landfills only).

Best Practices for Municipalities Developing Private Hauler Regulations

V. Mandatory Recycling

(NOTE TO USER: If the municipality has already codified Mandatory Recycling for waste generators, insert reference to municipal regulation/bylaw/ordinance here). These regulations are intended to support and align with the Town/City of _____ Mandatory Recycling bylaw/ordinance and/or regulation as follows.

OR

(NOTE TO USER: If the municipality has not yet codified Mandatory Recycling for waste generators, the following language may be utilized): In order to protect the environment, promote recycling and be in compliance with Massachusetts Waste Ban regulations (310CMR 19.017); the Town/City of _____ 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/City of _____.

(NOTE TO USER: Below are options to enact Mandatory Recycling for waste generators:

- *Massachusetts General Law Chapter 40 Section 8H enables the legislative body (Town Meeting, city council) to establish a program for recycling. Any recycling program established pursuant to this section may require that all residents, schools and businesses in a city or town separate from their Solid Waste those Recyclables designated by the municipality.*
- *Local Boards of Health may choose to adopt Mandatory Recycling regulations under the provisions of MGL Chapter 111 Section 31.*
- *Municipalities may choose to enforce the Massachusetts Waste Bans 310 CMR 19.017.)*

The Town/City of _____ 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 _____ shall be required to first obtain or annually renew a permit from the Town/City of _____. No Private Hauler may collect Solid Waste or Recyclables unless they have obtained a valid Private Hauler Permit from the Town/City. Private Haulers that collect only Recyclables must also be permitted.

A. Permit Application

The permit application shall include the formal 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 a contact name, address, and telephone number. Copies of certificates of insurance for public liability and property insurance also shall be included.

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

Best Practices for Municipalities Developing Private Hauler Regulations

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.

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

Upon receipt of a complete permit application, the Board of Health shall have _____ days to rule on the granting of a permit to operate within the Town/City of _____. In addition, the applicant shall pay an annual permit fee of _____ *(insert fee)* as determined by the Town/City of _____.

B. Annual Permit Renewal

Each Permitted Hauler shall annually submit a renewal application of his/her permit no later than the 1st of _____ *(insert month)* *(recommend one month in advance of permit expiration)*, 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 (ATTACHMENT 4):

- Total tons of Solid Waste collected for disposal and total tons of Recyclables collected for processing from Residential Customers/Generators within the Town/City of _____ 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/City.)
- The average number of Residential and Commercial Customers using each service (Solid Waste, Recycling) during the previous calendar year within the Town/City.
- 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/City of _____.

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/City of _____.

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

Best Practices for Municipalities Developing Private Hauler Regulations

C. General Permit Requirements

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

- All Permitted Haulers must clearly display the name of the company on each vehicle operating in the municipality.
- 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.
- All materials must be securely contained in the vehicle. Littering or leaking shall be considered a violation of the permit.
- 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.
- 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 (ATTACHMENT 1) which may not be accepted at Massachusetts’ disposal facilities.
- 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

(NOTE TO USER: The goal of this requirement is to ensure that Permitted Haulers provide a bundled service for the collection of both Solid Waste and Recyclables for each Customer. This ensures that all Customers have access to recycling services in order to be in compliance with the Waste Bans.)

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.

Best Practices for Municipalities Developing Private Hauler Regulations

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 (ATTACHMENT 5). 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.

C. Exceptions

(NOTE TO USER: If the Town/City has a protocol for requesting an exception to any requirement of this regulation, insert here.)

VIII. 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.

IX. 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. 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/City, subject to the Appeal Provisions described below.

- (a) First offense warning
- (b) Second offense \$ _____ fine
- (c) Third offense \$ _____ fine
- (d) Subsequent offenses not less than \$ _____ nor more than \$ _____

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

Best Practices for Municipalities Developing Private Hauler Regulations

B. 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.

C. Legal Provisions – Town specific

(NOTE TO USER: If the Town/City has standard language for legal provisions, insert here.)

Best Practices for Municipalities Developing Private Hauler Regulations

ATTACHMENTS

1. **List of Waste Ban Materials**
2. **Optional Language**
3. **Permit Application**
4. **Annual Solid Waste and Recyclables Reporting Form**
5. **Recycling Service Exemption Form for Commercial Generators**
6. **Waste Ban Educational Handout:**
<http://www.mass.gov/eea/docs/dep/recycle/laws/wbfact.pdf>

310 CMR: DEPARTMENT OF ENVIRONMENTAL PROTECTION

19.014: Prohibition on Open Dumps and Dumping Grounds and Illegal Disposal of Solid Waste

- (1) No person shall establish, construct, operate or maintain a dumping ground or operate or maintain a landfill in Massachusetts in such manner as to constitute an open dump. For the purpose of 310 CMR 19.014, the phrase "establish, construct, operate or maintain" shall include without limitation, disposing or contracting for the disposal of refuse in a dumping ground or open dump.
- (2) No person shall dispose or contract for the disposal of solid waste at any place in Massachusetts which has not been approved by the Department pursuant to M.G.L. c.111, § 150A, 310 CMR 16.00: *Site Assignment Regulations for Solid Waste Facilities* or 310 CMR 19.000.
- (3) No person shall dispose or contract for the disposal of solid waste at any facility in Massachusetts that is not approved to manage the particular type of solid waste being disposed.

19.015: Compliance

No person shall construct, modify, operate or maintain a facility except in compliance with a site assignment, permit or plan approved by the board of health or the Department, as applicable, and any authorizations issued by the Department and all conditions included in a permit, approval or authorization for said facility.

19.016: Post-closure Use

No person shall use a solid waste management facility site for any purpose after closure without:

- (a) obtaining a written approval from the Department for any post-closure use on a landfill's final cover or affecting an appurtenance to said landfill, including but not limited to, appurtenances required for the management of leachate, landfill gas and stormwater; or
- (b) submitting a valid certification in accordance with 310 CMR 19.035 for a post-closure use at a transfer station which is not a C&D transfer station; or
- (c) obtaining a presumptive approval in accordance with 310 CMR 19.034 for any other type of post-closure use at a solid waste facility not subject to 310 CMR 19.016(1)(a) or (b).

19.017: Waste Bans

- (1) Purpose. The Department may restrict or prohibit the disposal, or transfer for disposal, of certain components of the solid waste stream when it determines that:
 - (a) disposal of the material presents a potential adverse impact to public health, safety or the environment; or
 - (b) a restriction or prohibition will result in the extension of the useful life or capacity of a facility or class of facilities or reduce its environmental impact; or
 - (c) a restriction or prohibition will promote reuse, waste reduction, or recycling.
- (2) General and Specific Restrictions. Where the Department makes a determination to restrict or prohibit the disposal, or transfer for disposal, of a particular material it may:
 - (a) require as a condition of issuance of a permit that a facility prohibit or limit the disposal, or transfer for disposal, of particular types of material.
 - (b) require as a condition of continued operation under an existing plan approval or permit that a facility or a class of facilities prohibit or limit the disposal, or transfer for disposal, of particular types of material; or
 - (c) determine that a specific facility or class of facilities are not approved for the disposal of particular types of material and may not contract for the disposal of particular types of

310 CMR: DEPARTMENT OF ENVIRONMENTAL PROTECTION

19.017: continued

(3) Compliance with Waste Restrictions.

(a) Effective on the dates specified in 310 CMR 19.017(3): *Table* restrictions on the disposal or transfer for disposal of the materials listed therein shall apply as specified. No person shall dispose, transfer for disposal, or contract for disposal or transport of the restricted material, except in accordance with the restriction established in 310 CMR 19.017(3): *Table*. Any person who disposes, transfers for disposal or contracts for disposal or transport of restricted material may be subject to enforcement by the Department pursuant to 310 CMR 19.081.

(b) No landfill, transfer facility or combustion facility shall accept the restricted material except to handle, recycle or compost the material in accordance with a plan submitted pursuant to 310 CMR 19.017(6) and approved by the Department.

(c) On the effective date of the restrictions on Cathode Ray Tubes (CRTs), specified in 310 CMR 19.017(3): *Table*, all persons shall segregate CRTs from the solid waste stream.

Table 310 CMR 19.017(3)

Restricted Material	Effective Date of Restriction for Landfills or Combustion Facilities	Effective Date of Restriction for Transfer Facilities	Restriction
Lead Batteries	December 31, 1990	April 1, 2000	Ban on disposal or incineration or transfer for disposal at a solid waste disposal facility
Leaves	December 31, 1991	April 1, 2000	Ban on disposal or incineration or transfer for disposal at a solid waste disposal facility
Tires	December 31, 1991	April 1, 2000	Ban on disposal or transfer for disposal of whole tires only at landfills. Tires must be shredded prior to disposal in landfills.
White Goods	December 31, 1991	April 1, 2000	Ban on disposal or incineration or transfer for disposal at a solid waste disposal facility
Other Yard Waste	December 31, 1992	April 1, 2000	Ban on disposal or incineration or transfer for disposal at a solid waste disposal facility
Aluminum Containers	December 31, 1992	April 1, 2000	Ban on disposal or incineration or transfer for disposal at a solid waste disposal facility
Metal or Glass Containers	December 31, 1992	April 1, 2000	Ban on disposal or incineration or transfer for disposal at a solid waste disposal facility
Single Polymer Plastics	December 31, 1994	April 1, 2000	Ban on disposal or incineration or transfer for disposal at a solid waste disposal facility

310 CMR: DEPARTMENT OF ENVIRONMENTAL PROTECTION

19.017: continued

Table 310 CMR 19.017(3) (continued)

Restricted Material	Effective Date of Restriction for Landfills or Com- bustion Facilities	Effective Date of Restriction for Transfer Facilities	Restriction
Asphalt Pavement, Brick and Concrete	July 1, 2006	July 1, 2006	Ban on disposal or incineration or transfer for disposal at a solid waste disposal facility
Metal	July 1, 2006	July 1, 2006	Ban on disposal or incineration or transfer for disposal at a solid waste disposal facility
Wood	July 1, 2006	July 1, 2006	Ban on disposal or transfer for disposal at landfills
Clean Gypsum Wallboard	July 1, 2011	July 1, 2011	Ban on disposal or incineration or transfer for disposal at a solid waste disposal facility
Commercial Organic Material	October 1, 2014	October 1, 2014	Ban on disposal or incineration or transfer for disposal at a solid waste disposal facility

(4) Criteria for Determinations of Waste Restrictions on Other Materials. In determining whether to restrict or prohibit the disposal of other materials the Department may consider:

- (a) the nature and degree of potential adverse impacts;
- (b) the quantities of restricted materials generated;
- (c) the availability of non-disposal management options for the restricted materials;
- (d) the economic impact on the facility, class of facilities or generators subject to the restriction;
- (e) such other factors as the Department deems relevant to such a determination.

(5) Exceptions. The Department may allow a facility or person to temporarily dispose or temporarily contract for the disposal of restricted materials, with prior notification and approval of the Department, under the following circumstances:

- (a) the material is contaminated or is otherwise not acceptable for recycling or composting, provided that the person who contaminated or rendered the material unfit for recycling or composting takes any action necessary to prevent a recurrence of the conditions which contaminated or rendered the material unfit; or
- (b) the recycling or composting operation or end user to which the restricted material is normally sent declines to accept the material or is prohibited from accepting the material as a result of an administrative or judicial order, provided that an alternative recycling or composting operation or storage facility which will accept the material cannot be found within a reasonable time.

(6) Waste Ban Plan Submissions.

- (a) The permittee or operator shall submit a plan, or modify an existing approved plan to include newly banned materials, which describes the actions to be taken to comply with the restrictions imposed at 310 CMR 19.017(3). The plan shall be submitted to the appropriate regional office of the Department.

310 CMR: DEPARTMENT OF ENVIRONMENTAL PROTECTION

19.017: continued

3. Facility response to failed loads, including:
 - a. communication; and
 - b. failed load disposition.
 4. Other compliance plan elements, including:
 - a. training;
 - b. signage; and
 - c. annual waste ban report.
- (c) In determining the adequacy of a plan the Department may consider, without limitation: the anticipated quantities and sources of restricted materials; the contractual terms which affect the delivery of said materials; the expected maximum and minimum percentages of diversion of said materials prior to delivery to the facility and capture of said materials at the facility; the design, operational, educational, informational, financial and marketing mechanisms to be employed to achieve compliance with the restriction; and the weighing and record keeping systems by which the Department can verify compliance with the restriction.
- (d) Facilities shall submit such plans at least 90 days prior to the effective date of the ban. The schedule shall not limit the Department from requiring submission of a plan as part of an application for a new or existing facility permit or modification of a permit or plan approval.

(7) Compliance with Waste Ban Plan. Failure to comply with approved plans submitted pursuant to 310 CMR 19.017(6) or applicable permit conditions shall constitute a violation of 310 CMR 19.000. The Department may allow *de minimis* quantities of restricted materials, as determined by the Department, to be disposed by the facility. The Department may require, in lieu of an enforcement action described in 310 CMR 19.081, a modified plan to be submitted when restricted materials are being disposed of in excess of approved amounts.

19.018: Third-party Inspections

- (1) Purpose. 310 CMR 19.018 sets forth third-party inspection requirements for specific types of facilities.
- (2) Applicability.
 - (a) The third-party inspection requirements at 310 CMR 19.018 shall apply to the following types of facilities and to individuals who conduct third-party inspections at such facilities:
 1. active landfills;
 2. closed landfills;
 3. handling facilities;
 4. combustion facilities; and
 5. other solid waste activities or facilities, as determined by the Department.
 - (b) Effective Date. The third-party inspection requirements of 310 CMR 19.018 shall be effective 180 days from February 14, 2014.
 - (c) Existing Third party Inspection Requirements. Where a facility has an existing third-party inspection requirement established in a permit or enforcement document issued prior to February 14, 2014 the facility shall use that inspection frequency (in the existing permit or enforcement document) if it is more frequent than the frequency specified in 310 CMR 19.018. All other requirements of 310 CMR 19.018 shall apply to such third-party inspections.
 - (d) Nothing in 310 CMR 19.000 shall be construed to limit the Department from determining that more frequent third-party inspections or more stringent requirements for third-party inspections are required for a facility. When deemed necessary by the Department,

Sec. 11-5. Trash, Garbage—Permit required to transport; recycling services required.

All persons transporting trash or garbage through the public ways of the city from places within or to destinations within the city shall first obtain from the health department a permit therefor. All persons offering these services are required to offer full recycling services to all places where such collection of trash or garbage occurs within the city. All persons shall show evidence of such recycling plan of services, which plan must be approved by the commissioner of public works or his/her designee and recommended to the commissioner of health and human services at the time of the annual permit request. All such permits shall expire at the end of the calendar year in which they are issued. No permit may be transferred without approval of the health and human services department. (Rev. Ords. 1973, § 8-38(a); Ord. No. 59, 2-20-75; Ord. No. S-1, 7-11-83; Ord. No. X-175, 05-26-05; Ord. No. Z-68, 06-21-10; Ord. No. A-14, 03-18-13)

Cross reference—Licensing and permits generally, Ch. 17; G.L. c. 111 sec. 31A.