

Rules & Regulations
For
Residential Refuse & Recycling Collection
Permitting and Operation

Oxford, Massachusetts

Authority

The Board of Health of the Town of Oxford, MA, acting under the authority of M.G.L. c. 111, Sections 31, 31A, 31B, 122, 143, and 150A and 310 CMR Section 19.000 et. seq., establishes and adopts the following revised regulations concerning the management and disposal of residential solid waste in the Town of Oxford (the "Regulations"). The Regulations are hereby approved and adopted by the Oxford Board of Health at its meeting of December 4, 2017 and so remain until modified or amended by the Board.

The Regulations supersede the "Rules & Regulations for Residential Refuse Collection Licensing and Operation" of the Board of Health dated as received by the Town Clerk's office on November 17, 1987 as amended.

Purpose

The purpose of the Regulations is to protect the public health and the environment by uniformly establishing minimum requirements for the systematic collection of Refuse and Recyclables to promote waste reduction, promote recycling, and comply with State mandated waste bans (310 CMR 19.017).

1. Definitions

In addition to the definitions included in 310 CMR 19.006 ("Solid Waste Management"), as may be amended from time to time, the following definitions shall apply to the Regulations. When used in the Regulations or in communications, notices, orders, or other references relative thereto, the following words and phrases shall have the meanings ascribed to them below and shall apply in the interpretation and enforcement of the Regulations.

Board means the Board of Health of the Town of Oxford, Massachusetts.

Dumpster means a large exterior solid waste receptacle made of steel or other sturdy materials designed to hold at least 100 gallons of solid waste and be emptied into garbage trucks or carried away by other vehicles.

Temporary Dumpster means a dumpster used for temporary collection of solid wastes such as those used for construction or demolition wastes for up to 30 consecutive days.

Permanent Dumpster means a dumpster that is not considered a temporary dumpster as defined under these regulations.

One to Three Family Properties means all inhabited one family residences up to and including all three family residences under a common roof which are not part of a residential complex or currently served with solid waste collection through a homeowner's association, condominium association, or the like.

Infectious Waste means "Infectious Waste or Physically Dangerous Medical or Biological Waste" as defined in 105 CMR 480.000.

Leaf and Yard Waste means the deciduous and coniferous seasonal deposition, grass clippings, garden material and brush, including unwanted house plants and Christmas trees.

Multifamily Properties means four or more dwelling units under one common roof.

Residential Complex means a purposely built group of residences which receive some services through a means of organization or governance typically in the form of homeowner's associations or condominium associations.

Solid Waste Hauler or Hauler means all companies who have applied and obtained appropriate permit(s) to collect refuse and recyclables within the Town of Oxford.

Town means the Town of Oxford, Massachusetts

Transfer Station means the handling facility where solid waste is brought, stored and transferred from one vehicle to another or contained for transport off-site to a solid waste treatment, processing or disposal facility.

2. Solid Waste Collection

For property owner's choosing to have curbside collection, all refuse shall be collected curbside from One to Three Family Properties on either a weekly or bi-weekly basis (every other week), at the property owner's election, by Solid Waste Haulers utilizing wheeled residential Solid Waste containers with a capacity up to 96-gallons that include lids. Instances of overflow, odor, and other nuisance problems or complaints shall be reviewed by the Board or its designee on a case by case basis.

All refuse shall be collected from Multifamily Properties and Residential Complexes on a frequent basis to prevent overflow, odor, and other nuisance problems or complaints but the service interval shall not exceed two weeks.

Quarterly summary reports for all collected refuse materials shall be submitted by the Solid Waste Hauler to the Board or its designee and shall be sorted into two reports: One to Three Family Properties report and a combined Multifamily Property / Residential Complex report. From time to time the Board may require individual weight slips for verification of summary reports. Weight slips shall also be categorized as listed above.

All solid waste in the Town shall be disposed of in accordance with 310 CMR19.000: SOLID WASTE MANAGEMENT REGULATIONS.

3. Recyclable Material Collection

As of the effective date of this Regulation any One to Three Family Property, Multifamily Property, or Residential Complex starting up new solid waste service or changing Solid Waste Haulers shall be provided with recycling collection and disposal service as a bundled package with refuse collection and disposal service as identified in this section of the Regulations. For property owners not wishing to accept recycling service, Solid Waste Haulers shall submit a "Recycling Opt-Out" form to the Board from each property owner not wishing to participate in recycling. The form shall be furnished by the Board.

If recycling collection is accepted by the property owner, all Recyclable Material shall be collected curbside from One to Three Family Properties on either a weekly or bi-weekly basis (every-other week), at the property owner's election, by Solid Waste Haulers utilizing wheeled recycling containers of up to 96-gallons in size that include lids. Recyclables shall be collected in the recycling container known as commingled, mixed recycling, single stream recycling. The pickup day shall coincide with the day refuse is collected. Instances of overflow, odor, and other nuisance problems or complaints shall be reviewed by the Board or its designee on a case by case basis.

Recycling collection service shall be provided to all Multifamily Properties and Residential Complexes in the Town by Solid Waste Haulers utilizing dumpsters or other containers approved by the Board. All recyclable material shall be collected on a frequent basis to prevent overflow, odor, and other nuisance problems or complaints but the service interval shall not exceed two weeks.

Quarterly summary reports for all collected recycled materials shall be submitted by the Solid Waste Hauler to the Board or its designee and shall be sorted into two reports: One to Three Family Properties report and a combined Multifamily Property / Residential Complex report. From time to time the Board may require individual weight slips for verification of summary reports. Weight slips shall also be categorized as listed above.

The Town has set a **minimum recycling rate of 25% by weight by 2022***. Recycling rate goals by year are as follows:

2019	-	10%
2020	-	15%
2021	-	20%
2022	-	25%

*As of the effective date of this Regulation the existing recycling rate is unknown. The Board reserves the right to adjust the yearly recycling rate goals after the 2018 recycling rate is determined.

4. Permitting of Solid Waste Haulers

Any Solid Waste Hauler doing business within the Town shall first obtain an annual permit issued by the Board before collection services can begin. Upon submission of a completed application form and application fee to the Board, a Solid Waste Hauler Permit may be issued. Permits shall be issued for a period of not more than one year and shall be renewed annually. Permits are issued on first day of January. Applications shall be received no later than December 1 of the preceding year.

At the time of application, the Hauler shall submit to the Board the following information:

- a. a proposed schedule of those areas to be collected.
- b. a map of the proposed routes.
- c. a list of customers serviced by route, including whether each customer is on a weekly or bi-weekly schedule and whether the customer uses recycling service.
- d. a description of the collection vehicle(s) to be used including year, make, model, and license plate number.
- e. a list of hauler at-fault accidents involving trucks registered to the hauler.
- f. an OSHA recordable incident log.
- g. a copy of company safety program.
- h. a certificate of insurance from an insurance company permitted to do business in the Commonwealth of Massachusetts, in an amount not less than the amounts set forth below, or such other amounts as the Board may establish from time to time:
 - i. General Liability: Bodily injury liability, including death, \$2,000,000 per occurrence, \$2,000,000 on account of one accident, and \$2,000,000 general aggregate general liability
 - ii. Property Damage Liability: \$2,000,000 on account of any one accident, and \$2,000,000 in the aggregate.
 - iii. Contingent coverage for subcontractors on the above two items.
 - iv. Automobiles and Trucks including Hired Vehicles: Bodily injury liability, including death; \$2,000,000 on account of one person; and \$2,000,000 on account of any one accident
 - v. Property Damage Liability: \$2,000,000.
 - vi. Excess Umbrella Liability Coverage: \$2,000,000
- i. evidence of workers compensation insurance shall be provided in accordance with Massachusetts General Laws.

Each Hauler permitted under these regulations shall affix a sticker provided by the Town on the lower portion of the windshield on the driver's side for each vehicle used for solid waste collection, transportation, or Disposal within the Town.

The annual fee for each permit issued under these regulations shall be established by the Board and is subject to change periodically.

The Board may impose additional restrictions on any Hauler permit when it deems necessary.

5. Responsibility of Haulers

Hauler/Haulers may enter into arrangements for the collection of refuse and recyclables with individual residents, the municipality, and/or commercial/industrial customers of the Town, in which the Hauler will be paid directly by the customer.

By issuing said permit, neither the Board of Health nor the Town or its officers, employees, department and the like assume any responsibility or liability for the actions or inactions of the Hauler and the Town shall have no liability for payment to the Hauler for any residential or commercial/industrial collection and disposal work that is not included in a contract duly executed with the Town in accordance with the laws of the Commonwealth.

As a condition of holding a Solid Waste Hauler Permit, the Hauler shall take all responsibility for the work and take all reasonable precautions for preventing injuries to persons or damage to property; shall bear all losses resulting to the Solid Waste hauling company on account of the quantity or character of the work; shall assume the defense of and indemnify and hold harmless the Town, its officers, agents and servants from all claims relating to labor and materials furnished for the work, and for all injuries to any person or corporation received or sustained by or from the Hauler and employees doing the work, in consequence or any improper materials, implements or labor used therein; and to any act, omission or neglect by the Hauler and its employees, contractors or agents to the extent permitted by the laws of the Commonwealth.

The Hauler agrees, as a condition of said permit, to indemnify the Town for any liability that may arise from the improper treatment, storage or disposal of any Solid Waste, Recyclable Materials or hazardous wastes collected within the Town.

6. Permitting of Permanent Residential Dumpsters

Solid Waste Haulers shall comply with all applicable sections of the Board's Dumpster Regulations for the Removal and Transportation of Garbage, Rubbish Offal and Other Offensive Substances, effective as of January 8, 2002.

Permanent Dumpsters will not be allowed for properties with three or fewer residential units unless approved by the Board.

7. Operations

The Hauler shall be required to deliver all Refuse collected within the Town of Oxford to either a properly licensed Transfer Station, a properly licensed waste to energy incinerator, or other properly licensed facility .

The Hauler shall be required to deliver all Recyclables collected within the Town of Oxford to a licensed Recyclables processing facility.

- A. Each load shall be weighed by an authorized weighing facility capable of producing electronic weight tickets.
- B. Haulers shall operate on routes approved by the Board.
- C. Haulers shall collect solid waste from eligible households provided that the solid waste is contained in accordance with Sections 2 and 3 of these regulations. The Solid Waste Hauler may refuse to collect solid waste if it is not properly contained. The Solid Waste Hauler shall notify its customer for the reason(s) for refusal of collecting the waste.
- D. The Solid Waste Hauler shall take reasonable care in collecting solid waste. Solid Waste and containers shall not be scattered about the streets or onto private property. Solid Waste which is accidentally spilled shall be cleaned up by the Solid Waste Hauler within 24 hours of reporting.
- E. The Solid Waste Hauler shall allow agents from the Town to inspect his/her vehicle(s) and any load if there is due cause of suspicion of any violations of any applicable law or regulation.
- F. All trucks operating under this permitting procedure shall display the permit sticker provided by the Town of Oxford at all times.

8. Special Wastes

In the course of collecting Solid Waste, Haulers may choose to collect Special Waste, as defined in 310 CMR 19.06. Haulers shall follow all Massachusetts General Laws and any regulations or codes promulgated thereunder, including but not limited to 310 CMR 19.061, in the collection and Disposal of such Special Waste. Haulers are required to submit to the Board of Health records of any Special Waste collected within the Town and the facility where such waste was taken.

9. Penalties

- A. The Regulations may be enforced by any agent or designee of the Town's Board of Health. Whoever violates any provision of the Regulation may be penalized by a noncriminal disposition process as provided in G.L. c.40, §21D and the Town's non-criminal disposition by-law. If noncriminal disposition is elected, then any person who violates any provision of the Regulations shall be subject to a penalty in the amount of three hundred dollars (\$300.00) per day for each day of violation, commencing ten days following the day of

receipt of written notice from the Board of Health. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

B. Whoever violates any provision of the Regulations may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation or offense shall be one thousand dollars (\$1,000). Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

C. The Board of Health may enforce the Regulations or enjoin violations thereof through any lawful process, and the election of one remedy by the Board of Health shall not preclude enforcement through any other lawful means.

10. Severability

If any section, paragraph, sentence, clause or phrase of the Regulations is held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate and distinct provision and such decision shall not affect the validity of the remaining portions of these regulations which shall remain in force and effect; and to this end, the provisions of the Regulations are hereby declared severable.

11. Suspension or Revocation of Permit

Any Solid Waste Hauler permit may be suspended or revoked by the Board upon receipt of evidence satisfactory to the Board that the Hauler has not conformed with the requirements of the Regulations or such further regulations as may be adopted by the Board.

12. Appeals

Any person to whom an order has been served pursuant to the Regulations may request a hearing before the Board of Health by filing a written petition within 7 days. Upon receipt of such petition, the Board of Health shall conduct a public hearing and may affirm, rescind or modify such order.. Anyone aggrieved by the decision of the Board of Health may seek relief therefrom within a court of competent jurisdiction.

13. Effective Date

These revised Regulations shall take effect on January 1, 2018, upon deposit in the Town Clerk's Office, Town Hall, 325 Main Street, Oxford, MA 01540 in conformance with approval of the Board of Health on December 4, 2017.

By Order of The Oxford Board of Health


Kerrie Singer, Chairman


David Escobar, Vice Chairman


Dina Costa