



**TOWN OF WESTPORT**  
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OFFICE OF BOARD OF HEALTH  
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## **SOLID WASTE & RECYCLING HAULER'S REGULATION**

### **1. AUTHORITY**

These regulations shall be effective on and after **July 1, 2014** and shall remain so until modified or amended by the Westport Board of Health. They are enacted under authority which includes, but is not limited to, Massachusetts General Laws, Chapter 111, Section 31, 31A and 31B, and 310 CMR (Code of Massachusetts Regulations) 11.02, and 310 CMR 19.00 et seq. Board of Health regulations are an exercise of power under which the various levels of government are responsible for protection of the public health, safety, welfare, and the environment.

### **2. PURPOSE**

These regulations of the Board of Health have been enacted for the purpose of the protection of the health of the citizens of Westport, the public health and the environment.

### **3. DEFINITIONS**

*DISPOSAL FACILITY* - shall mean a licensed solid-waste resource recovery plant or approved sanitary landfill.

*HAZARDOUS WASTE* - shall mean any waste that is defined and regulated under 310 CMR 30.00.

*LEAF and YARD WASTE* - shall mean any deciduous (shedding leaves) and coniferous (evergreen cone bearing trees) seasonal deposition, grass clippings, weeds, hedge clippings, garden materials and brush.

*PERMITTEE* - shall mean any person(s) or company, which has applied for and obtained the appropriate permit to collect solid waste within the limits of the Town of Westport.

*SOLID WASTE* - shall mean useless, unwanted or discarded solid, contained liquid or gaseous material, resulting from commercial, municipal, or household activities that is abandoned by being disposed of or is stored, treated or transferred pending such disposal, not including any hazardous waste, special wastes. This shall not include items defined under 310CMR19.006 Agricultural Material and excluding household recyclable materials.

*SOLID WASTE COLLECTION VEHICLE* - shall mean any vehicle used for the collection and delivery of solid waste. Said vehicle shall be in a safe, clean condition, in good repair, registered and insured.

***SOLID WASTE CONTAINER*** - any dumpster, compactor, can, barrel, bin, box, bag or other vessel used for collection of solid waste.

***SOLID WASTE GENERATOR*** - any person, corporation, or other entity producing solid waste. This shall not include generators of agricultural materials as defined in 310 CMR 19.006.

#### 4. **GENERAL/RECYCLE**

1. Any persons or firms engaged in the collection of SOLID WASTE shall obtain a permit from the Board of Health to collect household and business rubbish, construction and demolition material, non-recyclable paper, garbage and other permitted solid waste materials from residential households, municipal establishments, or commercial/industrial customers in the Town of Westport, and shall remove same to an approved DISPOSAL FACILITY in accordance with these rules and regulations, as well as all other applicable rules and regulations.
2. The PERMITTEE shall provide recycling service to allow compliance with the Commonwealth of Massachusetts Department of Environmental Protection Solid Waste Bans by the effective date of those bans and any other item deemed feasible by the Board of Health.
3. In order to encourage recycling, all permitted solid waste disposal/recycling PERMITTEES serving residential, municipal, and commercial/industrial customers in the Town of Westport shall provide customers with recyclables collection of plastics, glass, and metal containers and recyclable paper at least monthly (or as may be set by the Board of Health from time to time). The service for the collection and disposal of both solid waste and recyclables shall be charged at a single flat fee.

#### 5. **PERMITTING PROCEDURE**

1. All persons collecting SOLID WASTE in the Town of Westport shall obtain a permit from the Board of Health prior to commencing with the collection of solid waste.
2. Each vehicle shall be properly identified with the company name and telephone in large enough print to have average visibility lettered in accordance with Department of Transportation (DOT).
3. At the time of application or as otherwise specified, the applicant shall submit to the Board of Health the following information:
  - a) A completed application form.
  - b) A non-refundable permit fee in an amount to be set by the Board of Health from time to time.
  - c) Proof of property/liability insurance.
  - d) A completed Workers' Compensation Insurance Affidavit and Insurance Certificate.
  - e) The total number of current residential, municipal, and commercial/industrial customers serviced and the collection day by the applicant, at time of application.

- f) A description of the collection vehicles(s) to be used, including the make, model, registration, year, type and size of vehicle, and the company name appearing on the vehicle(s).
  - g) A copy of the education material/notification provided to the customers to clarify recyclables collection procedures.
4. The PERMITTEE shall submit to the Board of Health, on or before June 9<sup>th</sup> and December 9<sup>th</sup>, of each year the exact figure of the tonnage of certain types of refuse and recyclables that the PERMITTEE has collected during the previous six months from residents in Westport. The submitted information shall include:
    - a) The actual or estimated quantity of solid waste and recyclables in tons, excluding demolition, construction materials and bulky items.
    - b) A description of the recyclables by material type (i.e. co-mingled containers or paper).
    - c) A summary of reporting date(s) covered - i.e. December 1- May 30.
    - d) Name and address of the DISPOSAL FACILITY(IES) with name and phone number of the contact persons.
  5. The PERMITTEE shall maintain records of weight slips and/or vendor reports documenting the recyclables and solid waste tonnage for a period of one (1) year after reporting. Said records shall be available for inspection upon request by the Board of Health.
  6. Failure to provide the required information within the time period may result in revocation, suspension or modification of the permit.
  7. The Board of Health reserves the rights to require all collection vehicles and solid waste containers supplied by the PERMITTEE that are to be used in Westport, to have affixed on them markings concerning authorization to conduct refuse collection/transportation of SOLID WASTE in the town. The Board may establish fees necessary to cover the administration of this section from time to time.
  8. A PERMITTEE is allowed the right to appear before the Westport Board of Health at a hearing to discuss its application by filing such hearing request in writing with the Board.

## 6. **INSURANCE**

1. Each applicant shall furnish the Board of Health certificates from an insurance company; licensed to do business in the Commonwealth of Massachusetts showing the applicant carries Public Liability and Property Insurance in accordance with minimum limits as established by the Town of Westport from time to time. Certificates of Insurance shall be furnished each year at least twenty-one (21) days prior to renewal of permit.
2. The applicant shall make certain that the above insurance policy is not cancelled prior to notification of the Board of Health. This notification shall be not less than thirty (30) days prior to such cancellation.

## **7. OPERATIONAL PROCEDURES**

1. Any solid waste container must be within the limits of the generator's property except for the day of pickup when containers can be placed along the street property line for collection. All waste containers must be located and maintained to prevent odor or other nuisance impacts to neighbors. Any solid waste container placed outside of the generator's property, other than the day of collection, must have prior written approval of the, Westport Police Department, Building Department, Fire Department and the Westport Board of Health.
2. 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. Applications must be completed and submitted with the fee (as established by the Board of Health from time to time) at least 21 days prior to the renewal date. Administrative late fees will be applied to late applications.
3. No permit shall be transferable except with the prior written approval of the Board of Health.
4. The PERMITTEE shall deliver all solid wastes collected within the corporate limits of Westport to a licensed DISPOSAL FACILITY, other than the Westport municipal transfer station.
5. The PERMITTEE shall provide recycling service to allow compliance with the State of Massachusetts Department of Environmental Protection Solid Waste Bans by the effective dates of those bans.
6. All residential trash must be collected monthly, at a minimum. All recyclables must be collected, at a minimum, monthly. PERMITTEES are required to collect both paper products and co-mingled (glass/plastic/metal) containers at each recyclables pickup.
7. The PERMITTEE shall take all reasonable care in the collection of refuse. Refuse shall not be scattered about the streets or onto private property. Refuse, which is spilled, shall be immediately picked up by the PERMITTEE and removed with other wastes.
8. All vehicles and containers used for collection of solid waste must be properly marked identifying the PERMITTEE and contact phone number, designed, constructed, and maintained to contain collected waste until proper disposal.
9. The Board of Health reserves the right to inspect SOLID WASTE COLLECTION VEHICLES, SOLID WASTE CONTAINERS provided by the PERMITTEE, and loads at reasonable times in order to ensure that they comply with all applicable state and local laws, by-laws and regulations.
10. The PERMITTEE may enter into contractual agreements with residential, commercial/industrial or municipal customers within the Town of Westport, provided that these customers are responsible for all fees (pickup, transportation and disposal) and that they follow the recycling requirements of these regulations.

11. The individuals empowered to enforce the provision of these regulations shall be the Agent of the Board of Health, any member of the Board of Health or any Police Officer of the Town.
12. PERMITTEES are required to provide their customer with a list of acceptable waste types and mandatory recyclables according to sections 3, 4 and 5 of these regulations and with a list or description of proper packaging or bundling methods for same. Also PERMITTEES must notify customers if haulers see egregious violations of non-recycling.

## 8. **INDEMNIFICATION**

1. PERMITTEES may 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.
2. The PERMITTEE 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 collection company on account of the quantity or character of the work; shall assume the defense of and indemnify and hold harmless, the Town of Westport, its officers, agents and servants from all claims relating to labor and materials furnished to the work, and for all injuries to any person or corporation received or sustained by or from the PERMITTEE and employees doing the work, in consequence of any improper materials, implements or labor used therein; and to any act, omission or neglect of the PERMITTEE and its employees.
3. The PERMITTEE agrees to indemnify the Town for any liability that may arise from the improper treatment, storage or disposal of hazardous wastes collected within the Town.

## 9. **SUSPENSION, MODIFICATION OR REVOCATION OF PERMITS**

Any solid waste/recycling 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 the 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 revocations.

## 10. **FINES AND PENALTIES**

1. Whoever violates any provision of this Solid Waste Disposal Regulations may be penalized by the non-criminal method of disposition as provided in M.G.L., c. 40, §21D or by criminal complaint in accordance with M.G.L., c. 111, §31B. Violation of these regulations may result in fines of up to \$1,000 with each day's continued violation a separate offense.

2. 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.

11. **SEVERABILITY**

Each of these regulations shall be construed as separate. To the end that, if any regulations, 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.

12. **Effective Date**

These rules and regulations shall be effective as of July 1, 2014.