

TOWN OF NORFOLK MA

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Solid Waste Hauler Regulations

1. AUTHORITY

These regulations shall be effective on and after July 1, 1999 and shall remain so until modified or amended by the Norfolk Board of Health. They are enacted under authority which includes, but is not limited to, Massachusetts General Laws, Chapter 111, Section 31, 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 citizens of Norfolk and also the protection of the public health and the environment.

3. DEFINITIONS

SOLID WASTE shall mean useless, unwanted or discarded solid, liquid or contained gaseous material, resulting from municipal or household activities that is abandoned by being disposed or incinerated or is stored, treated or transferred pending such disposal, not including any hazardous waste, special wastes or leaf and yard wastes.

SPECIAL WASTE shall mean a solid waste that requires special handling (i.e. demolition/construction material) or disposal techniques or methodologies to protect public health or safety or the environment.

HAZARDOUS WASTE shall mean any waste that is defined and regulated under 310 CMR 30.00;

LEAF and YARD WASTE shall mean any deciduous and coniferous seasonal deposition, grass clippings, weeds, hedge clippings, garden materials and brush.

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

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 Norfolk.

REFUSE COLLECTION VEHICLE shall mean any vehicle used for the delivery of SOLID WASTES. Said vehicle shall be in a safe, clean condition and in good repair.

4. GENERAL

Any persons or firms engaged in the collection of solid waste shall obtain a permit from the Board of Health and shall collect only household rubbish, non-recyclable paper, garbage and other permitted solid waste materials from residential households, municipal establishments, or commercial/industrial customers in the Town of Norfolk, and shall remove same to an approved location or facility in accordance with these rules and regulations, as well as all other applicable rules and regulations.

The PERMITTEE shall provide recycling service to allow compliance with the State 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, which include but are not limited to the following items:

| Material | Effective Date of Ban |
|-----------------------------|-----------------------|
| Lead acid batteries | 12/31/90 |
| Leaves, tires & white goods | 12/31/91 |

| | |
|--------------------------|----------------------------------|
| Other yard waste | 12/31/92 (extended to 4/1/93) |
| Metal & glass containers | 12/31/92 (extended to 4/1/93) |
| Single polymer plastics | 12/31/94 |
| Recyclable paper | 12/31/94 |
| Flattened cardboard | 12/31/94 |
| # 4 – 7 Plastics | 04/01/97 |
| Cathode Ray Tubes (CRTS) | 07/1/99 |

In order to encourage recycling, all permitted solid waste disposal/recycling permittees serving residential, municipal and commercial/industrial customers in the Town of Norfolk shall provide customers with the option of recycling. The service for the collection and disposal of both solid waste and recyclables shall be charged at a single flat fee.

5. PERMITTING PROCEDURE

All persons collecting SOLID WASTES in the Town of Norfolk shall obtain a permit from the Board of Health prior to commencing with the collection of solid waste.

At the time of application or as otherwise specified, the permittee shall submit to the Board of Health the following information:

A completed application form.

A non-refundable application fee in an amount to be set by the Board of Health from time to time for each vehicle.

A list of the residential, municipal and commercial/industrial customers serviced by the collection.

A description of the collection vehicles(s) to be used, including the make, model, registration, year, type and size of compactor, and the company name appearing on the vehicle(s).

An exact figure of the tonnage of refuse and recyclables that the permittee has collected submitted to the Highway Department at 33 Medway Branch monthly by the 10th of the month. The submitted information will include:

The quantity of refuse and recyclables in tons;

Copies of weight slips or vendor receipts documenting the tons

A description of the recyclables by material type (i.e. co-mingle or paper)

A summary of pick up date(s) covered and the acceptance by the entity accepting the recyclables;

The date and signature of that entity's representative; and

The origin of the recyclables (i.e. Town of Norfolk)

Failure to provide this required information within the time period may result in revocation, suspension, or modification of this permit.

The PERMITTEE shall include a permit fee of, with the application and proof of property/liability insurance.

The Board of Health reserves the right to require all collection vehicles which are to be used in Norfolk, to have affixed on them any markings concerning authorization to conduct refuse collection transportation of solid waste.

A PERMITTEE is allowed the right to appear before the Norfolk Board of Health at a hearing to discuss its application by filing such hearing request in writing with the Board.

6. INSURANCE

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. Certificates of Insurance's shall be furnished each year upon renewal of permit.

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

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.

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

The PERMITTEE shall deliver all solid wastes collected within the corporate limits of Norfolk to a licensed solid waste resource recovery plant or approved sanitary landfill.

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.

All recyclables must be collected bi-weekly. PERMITTEES are required to collect both paper products and co-mingles (glass/plastic/metal) at each pickup.

It is the responsibility of the customer, (commercial/industrial, municipal and residential) not the town, to dispose of recyclables materials currently not accepted as part of the town's recycling program in a proper fashion.

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.

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.

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.

The PERMITTEE shall provide at least two days, annually, for the collection of "bulk" items such as but not limited to couches, chairs, mattresses. Etc.

The PERMITTEE may enter into contractual agreements with commercial/industrial or municipal customers within the Town of Norfolk, provided that these customers are responsible for all fees (pickup, transportation and disposal) and that they follow the recycling guidelines outlined in these regulations.

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.

PERMITTEES are required to provide their customer with a list of acceptable waste types and recyclables according to sections 3 and 4 of these regulations and with a list or description of proper packaging or bundling methods of same.

8. INDEMNIFICATION:

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. The Town shall have no liability for payment to the PERMITTEE for any residential or commercial/industrial collection and disposal work that is not included in the TOWN'S contract

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 Norfolk, 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 or any improper materials, implements or labor used therein; and to any act, omission or neglect of the PERMITTEE and its employees.

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 refuse/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. 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.