



TOWN OF ROCKLAND  
Board of Health  
Town Hall  
242 Union Street  
Rockland, Massachusetts 02370

*Chairman:*  
Stephen Nelson  
*Vice Chairman:*  
Victoria Deibel  
*Member:*  
Scott Margolis

## REGULATIONS FOR PRIVATE GENERATORS AND HAULERS COLLECTION OF SOLID WASTE AND RECYCLABLES

### PURPOSE:

These regulations are intended to protect the public health, safety and the environment in the Town of Rockland by regulating the storage, transferring, recycling and disposal of solid waste, as defined in 310 CMR 18.00-21.00 of the State Environmental Code, and to ensure compliance with the provision of Chapter 111, Section 150A of the Commonwealth of Massachusetts and the Rules and Regulations stated in 310 CMR 18.00-21.00 of the State Environmental Code.

These regulations apply to all contractors, firms and/or persons operating as a Solid Waste Disposal Company or Private Hauler collecting solid waste and recyclables from residential properties in the Town of Rockland **and all generators of solid waste and recyclables must abide by the mandatory recycling requirement of this regulation.**

### AUTHORITY:

These regulations are adopted by the Rockland Board of Health as authorized by Massachusetts General Law, Chapter 111, Section 31.

### DEFINITIONS:

**Applicant:** Contractor, firm and/or person named on an application to provide solid waste and recycling collection and hauling services to residential customers throughout the Town of Rockland.

**Approved Facility:** An established site or works, and other appurtenances thereto, that will be used for the handling, storage, transfer, processing, treatment, and/or disposal of solid waste. An established site or works, and other appurtenances thereto, that will be used for the handling, storage, transfer, processing and/or treatment of recyclable material. Such facility must be permitted and approved by the appropriate municipal and/or state agency.

**Enforcement Agent:** Any member of the Board of Health, the Health Agent or designee thereof.

**Generator: Residents and/or businesses under private contract with a waste hauler/private hauler.**

**Permittee:** Any contractor, firm and/or person which has applied for and obtained the appropriate permit to collect and haul solid waste and recycling within the Town of Rockland.

**Recyclable Material:** See Appendix A

**Solid Waste:** Rubbish, trash, garbage, refuse or waste generated from a residential household.

**Solid Waste/Recycling Collection Vehicle:** Any vehicle used for the collection and hauling of solid waste and recyclables.

**Waste Banned Materials:** See Appendix B

**Waste Hauler/Private Hauler:** Any contractor, firm and/or person who is duly permitted by the Rockland Board of Health to collect or haul solid waste and recyclables within the Town of Rockland off-site to an approved solid waste or recycling treatment, processing or disposal facility.

### **MANDATORY RECYCLING**

*It shall be mandatory for all generators, both residential and commercial, in Rockland to separate from solid waste all recyclable materials designated by the Board of Health in these regulations. Recyclable materials collected at the curb shall be placed in clearly marked recycling containers.*

### **PERMITTING AND OPERATIONAL PROCEDURES**

1. No contractor, firm or person shall provide collection of solid waste or recyclables in the Town of Rockland without first obtaining a permit from the Rockland Board of Health.
2. No contractor, firm or person shall provide collection of solid waste in the Town of Rockland without providing collection of recyclable material in conjunction with collection of solid waste as a bundled *pricing/integrated* service to allow compliance with the Commonwealth of Massachusetts Department of Environmental Protection Waste Bans, 310 CMR 19.017. For the purposes of this regulation, incineration of waste is not considered recycling.
3. Each applicant/permittee shall submit the following information to the Board of Health with their permit application:
  - a. Information detailing how compliance with the terms of these regulations will be met. Such information shall include, at a minimum, a list of residential customers served and frequency (weekly, bi-weekly), of collections and the names and locations of the approved facilities to which all refuse and recyclables are brought.
  - b. The means for ensuring that customers exclude all items banned from disposal at solid waste facilities as described in 310 CMR 19.017(3), including, but not limited to, *annually* providing each customer with a list of waste banned items and a description of proper packaging or bundling methods with a clear explanation that recyclables must be separated from solid waste in a separate container.
  - c. Detail how non-recyclables will be excluded from loads of recyclables.
  - d. How customers will be notified of improper recycling or trash disposal methods.
4. Each applicant/permittee shall submit the following information to the Rockland Board of Health to maintain a valid permit:
  - a. Each permittee will be required to submit reports to the Rockland Board of Health listing the tonnages of solid waste and recyclables that have been collected. Copies of weight slips supporting this data must be provided along with the names and locations of the approved facilities to which said materials are brought. Reports shall summarize the totals collected *through September 30 and shall be submitted no later than November 1*. Failure to provide these reports in a timely manner may be cause for revocation, suspension *or nonrenewal* of permit.

5. A description of the collection vehicle(s) to be used, including the company name, make, model, year, type, registration number and the capacity of the vehicle(s) is a requirement of the permit application.
6. All permits shall expire at the end of the calendar year in which they are issued but may be renewed annually on application to the Rockland Board of Health. Permits are non-transferable.
7. Any application which fails to include all information in the Board of Health Regulations shall be deemed incomplete and shall be denied.

## **FEES**

A non-refundable permit fee is required with permit application. Please see the Rockland Board of Health fee schedule.

## **INSURANCE:**

Each applicant shall furnish to the Health Department a certificate from an insurance company licensed to do business in the Commonwealth of Massachusetts showing the applicant carries Public Liability Insurance in an amount not less than Five Hundred Thousand Dollars (\$500,000.00) up to One Million Dollars (\$1,000,000.00) for injury or death of one or more persons, and Two Hundred Fifty Thousand Dollars (\$250,000.00) for damage to property, Workers' Compensation Insurance and Automobile Insurance. Certificates of Insurance 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 Health Department. This notification shall be not less than thirty (30) days prior to such cancellation.

## **SUBMITTAL REQUIREMENTS:**

1. Completed Application
2. Confirmation of Compliance with Sections 3.a, 3.b, 3.c, 3.d, 4.a, and 5 by the Rockland Board of Health
3. Appropriate Fee
4. All required Certificates of Insurance

## **ENFORCEMENT:**

1. The individuals empowered as Enforcement Agent(s) may enforce the provisions of these regulations.
2. Enforcement Agent(s) may inspect collection vehicles and loads at reasonable times to ensure that they comply with all applicable state laws or local regulations. Failure to comply with any of these regulations or conditions of any permit(s) issued by the Rockland Board of Health may be cause for suspending or revoking a permit.
3. Enforcement of this regulation shall be by either criminal complaint in court of jurisdiction or non-criminal procedures as set forth in MGL Chapter 111 Sections 31, 31A, 31B and 150A.
4. Improper disposal of waste may be cause for immediate revocation of permit and prosecution to the fullest extent of the law. "Improper disposal" shall include disposal of recyclable materials with trash.

**PENALTIES:**

Any contractor, firm and/or person who violate these regulations may be subject to revocation of permit and a fine of:

1. \$100.00 for a first violation;
2. \$200.00 for the second violation;
3. \$500.00 for the third violation.

Any subsequent violations shall be determined by the Board of Health at a show cause hearing at which time additional fines may be imposed and the license to operate will be suspended or revoked.

**APPEAL:**

Any person aggrieved by the decision of the Rockland Board of Health and/or Agent may appeal to the Board of Health within ten (10) days of grievance. Furthermore, if the decision of the Rockland Board of Health and/or Enforcement Agent is upheld by the Rockland Board of Health, the aggrieved party may appeal the decision in any court of competent jurisdiction, as provided in the laws of the Commonwealth.

**SEVERABILITY:**

Each section of these regulations shall be constructed as separate to the end that if any portion of this regulation is deemed invalid, the remainder of these regulations shall continue in full force.

**EFFECTIVE DATE:**

These regulations were adopted by the Rockland Board of Health at a meeting held on May 23, 2018. A summary of regulations adopted shall be published once in the Rockland Mariner as required by MGL Chapter 111, Section 31 of the General Laws of the Commonwealth.

Effective date of these Regulations shall be July 1, 2018.