TRI-TOWN HEALTH DEPARTMENT
Lee - Lenox – Stockbridge

Lee, Lenox, and Stockbridge Boars of Health Regulations for Refuse and Recycling Collection

PURPOSE:

These regulations provide for the systematic collection of refuse, recyclables and commercial food waste (if applicable) to promote waste reduction, recycling, and comply with Commonwealth mandated waste bans. by removing those items from the waste stream which can be managed more effectively in other ways. The Tri-Town Board of Health comprised of the Lee, Lenox, and Stockbridge Boards of Health adopts these regulations under the provisions of Chapter 111 Sections 31, 31A, 31B, 122 and 150A of the Massachusetts General Laws.

I. General Rules for Regulations:

A. All haulers shall apply annually for a hauler permit from the Tri-Town Board of Health Board through the Tri-Town Health Department by completing an application for permitting. A completed application form including any information requested by the Town, and payment of related fees is required before a permit will be processed. Any application which fails to include all information requested in the Board of Health regulations shall be deemed incomplete and shall be denied. The permit shall be valid for one calendar year and shall be renewable on the first day of January each year.

B. All collection vehicles must be identified on the application that are used for hauling.

C. Haulers must provide refuse and recycling services bundled together, i.e., hauler may not provide refuse services independently. Commercial Food Waste collection does not have to be bundled, but if entity generates more than one ton of food waste per week. or whatever current MADEP regulation states.

D. Haulers shall only collect for disposal those items that are not banned. Waste Ban items, which include recyclables and commercial food waste (if applicable), should not be included with trash. It is the responsibility of the hauler to refuse to accept a container with mixed trash and recyclables. Improper collection of waste may be cause for immediate and permanent revocation of the hauler's permit. Please refer to the attached list of waste banned items, which may not be accepted at Massachusetts' disposal facilities.

45 Railroad Street-Lee, MA 01238
Tel: 413-243-5540- Fax: 413-243-5542
Email: info@tritownhealth.org

II. Rules of Recycling and Food Waste:

A. Recycling services must be provided to all customers as a part of the hauler's provision of integrated waste management services. This includes the collection of both solid waste, recyclable materials and commercial food waste (if applicable), and the delivery of these materials to an appropriate disposal facility (in the case of solid waste) and recycling processing facility (in the case of recycling materials) and permitted composting or anaerobic digester (in the case of food waste).

B. The following information must be provided annually prior to renewal of the annual permit.
   1. A completed Solid Waste and Recycling Annual Report. Annual report information including, but not limited, to annual tonnage, annual end market locations where recyclables/composable are transferred to, and any other information required by the permitting authority.
   2. A copy of your "sorry note" or other means of notifying customers of improper recycling or trash disposal.
   3. A copy of recycling educational material(s) you provide to your customers.
   4. Copies of certificates of insurance for public liability and property insurance.

C. Haulers shall request their customers to put refuse in secured containers to prevent littering by animals. All storage bins/dumpsters provided to customers for storage or refuse shall be covered.

D. If the hauler refuses to collect any materials, the hauler will notify such customers in writing of the reason(s) for refusal to collect the waste. The Board of Health will, where possible, assist the hauler in helping customers come into compliance with these regulations.

E. The Board of Health and its agents, the Tri-Town Health Department, as defined in section III A, reserve the right to monitor collection vehicles, loads, litter and/or nuisance conditions and routes at reasonable times to ensure that all hauler services comply with all applicable State and local laws, by-laws and regulations. The Board of Health and its designated agent, Tri-Town Health Department retains the right to define and determine "nuisance" conditions.

III. Enforcement and Penalties:

A. The individuals empowered to enforce the provision of these regulations shall be a designated agent of the Tri-Town Board of Health.

B. 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.

C. No vehicle shall be driven or moved on any street or highway within the Town unless such vehicle is so constructed and so loaded as to prevent its contents from spilling, dropping, shifting, leaking or otherwise escaping. Vehicles loaded with any material which may be blown about by the wind shall be suitably covered to prevent the contents

from being blown upon the streets or highways. All vehicles must comply with the Town's traffic regulations or local by-laws, if applicable.

D. If a hauler fails to follow these regulations, the Tri-Town Boards of Health reserves the right to impose reasonable fines or take other action in accordance with State and local regulations. Failure to comply with the requirements of these regulations could result in the loss of the hauler's permit.

IV. Appeal

Any party cited for a violation of these regulations may appeal such citation by filing a written notice of appeal with the Tri-Town Boards of Health Board 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 Tri-Town Boards of Health.

V. Severability

If any provision, clause, sentence or paragraph of this regulation or the application thereof to any person or circumstances shall be held invalid or unenforceable, the other provisions shall not be affected thereby, but shall continue in full force and effect.

VI: Effective Date: April 1, 2019

Lee Board of Health	Lenox Board of Health	Stockbridge Board of Health

Date of Notice of Public Hearing: January 22, 2019

Date of Ratification: February 11, 2019

Date of Summary Notice: February 18, 2019

Date of DEP Notice of Registry: March 8, 2019

A true copy:
Attest: Kerry L Sullivan
Town Clerk

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