

BOARD OF HEALTH
78 Main Street
Hudson, MA 01749

Solid Waste Disposal – Regulations (Regulation No. 10-1)

The Board of Health of the Town of Hudson, Commonwealth of Massachusetts, acting under the authority of M.G.L. c. 111, Sections 31, 31A, 31B, 122, and 143, hereby supplements the provisions of 105 CMR 410.000: The State Sanitary Code, Chapter II: MINIMUM STANDARDS OF FITNESS FOR HUMAN HABITATION, and 310 CMR 19.000: SOLID WASTE MANAGEMENT REGULATIONS, in the interest of and for the protection of public health and environment, established and adopted the following revised rules and regulations concerning the management and disposal of solid waste in the Town of Hudson. These revised regulations shall be effective upon and after publication of notice in a local newspaper, pursuant to a unanimous vote of the Board of Health at a public meeting on November 30, 2010, following a public hearing held on the same day, and so remain until modified or amended by the Board.

1. Definitions

When used in this regulation 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 this regulation.

Agricultural Waste means discarded materials produced from the raising of plants and animals as part of agronomic, horticultural or silvicultural operations, including, but not limited to, animal manure, bedding materials, plant stalks, leaves, other vegetative matter and discarded by-products from the on-farm processing of fruits and vegetables.

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

Composting means a process of accelerated biodegradation and stabilization of organic material under controlled conditions yielding a product which can safely be used.

Disposal means the final dumping, land filling or placement of solid waste into or on any land or water or the incineration of solid waste.

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.

Garbage means animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

Hazardous Waste means any waste that is defined and regulated under 310 CMR 30.000: THE HAZARDOUS WASTE REGULATIONS, as may be amended.

Infectious Waste means “Infectious Waste or Physically Dangerous Medical or Biological Waste” as defined in 105CMR480.000.

Interim Wellhead Protection Area means an area defined by 310 CMR 22.02, Drinking Water Regulations, as may be amended.

Landfill means a facility or part of a facility established in accordance with a valid site assignment for the disposal of solid waste into or on land.

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

Recyclable Materials means materials that have the potential to be recycled and which are re-sorted and are not contaminated by significant amounts of toxic substances.

Recycle means to recover materials or by-products which are:

1. reused; or
2. used as an ingredient or a feedstock in an industrial or manufacturing process to make a marketable product; or
3. used in a particular function or application as an effective substitute for a commercial product or commodity.

“Recycle” does not mean to recover energy from the combustion of a material.

Solid Waste means useless, unwanted or discarded solid, liquid, or contained gaseous material resulting from industrial, commercial, mining, agricultural, municipal or household activities that is abandoned by being disposed or incinerated or is stored, treated, or transferred pending such disposal, incineration or other treatment, but does not include:

1. hazardous wastes as defined and regulated pursuant to 310CMR30.000;
2. sludge or septage which is land applied in compliance with 310CMR32.00;

3. waste water treatment facility residuals and sludge ash from either publicly or privately owned waste water treatment facilities that treat only sewage, which is treated and/or disposed at a site regulated pursuant to M.G.L. c. 83, §§ 6 & 7 and/or M.G.L. c. 21, §§ 26 through 53 and the regulations promulgated thereunder, unless the waste water treatment residuals and/or sludge ash are co-disposed with solid waste;
4. septage and sewage as defined and regulated pursuant 314CMR5.00: Ground Water Discharge Permit Program, and regulated pursuant to either M.G.L. c. 21, §§ 26 through 53 or 310CMR15.00: The State Environmental Code, Title 5: Standard Requirements for the Siting, Construction, Inspection, Upgrade and Expansion of On-site Sewage Treatment and Disposal Systems and for the Transport and Disposal of Septage, provided that 310CMR19.00 does apply to solid waste management facilities which co-dispose septage and sewage with solid waste;
5. ash produced from the combustion of coal when reused as prescribed pursuant to M.G.L. c. 111, § 150A;
6. solid or dissolved materials in irrigation return flows;
7. source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended;
8. those materials and by-products generated from and reused within an original manufacturing process; and
9. compostable or recyclable materials when composted re recycled in an operation not required to be assigned pursuant to 310CMR16.05(2) through (5).

Special Waste means a solid waste that is determined not to be a hazardous waste pursuant to 310CMR30.000 and that exists in such quantity or in such chemical or physical state, or any combination thereof, so that particular management controls are required to prevent an adverse impact from the collection, transport, transfer, storage, processing, treatment or disposal of the solid waste.

Tires means continuous solid or pneumatic rubber coverings encircling the wheel of a motor vehicle.

Town means the Town of Hudson, Massachusetts.

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

White Goods means appliances employing electricity, oil, natural gas or liquefied petroleum gas to supply heat or motive power to preserve or cook food; wash or dry clothing, cooking or kitchen utensils or related items; or cool or heat air or water.

Zone A means an area defined by 310 CMR 22.02, Drinking Water Regulations, as may be amended.

Zone II means an area defined by 310 CMR 22.02, Drinking Water Regulations, as may be amended.

2. **Solid Waste**

All solid waste in the Town shall be disposed of in accordance with 310 CMR 19.000: SOLID WASTE MANAGEMENT REGULATIONS.

3. **Recyclable Materials and Curbside Pickup**

All recyclable materials shall be cleaned prior to placing in designated receptacles. In order to encourage recycling, all curbside solid waste commercial haulers serving residences within the Town must provide customers with the option of recycling, on at least a monthly basis, at no additional cost to their customers.

4. **Other Solid Waste Disposal and Management Requirements**

- a. No person or company shall operate a landfill or accept solid waste to be disposed of on land without first obtaining a license from the Board.
- b. Entry to any transfer station will be permitted only to those vehicles displaying a current Transfer Station Use Residential decal issued by the Board.
- c. Fees charged by any transfer station within the Town shall be set by agreement with the Board.
- d. Access to any transfer station shall be limited to those times when an attendant is on duty and shall be restricted to only those authorized to use the site for purposes of solid waste disposal or recycling.
- e. Open body trucks must have covers to enter any transfer station.
- f. No person shall deposit or leave refuse or rubbish upon any area of any transfer station except those areas designated by the person in charge thereof.
- g. All transfer stations shall be closed on Sundays and legal holidays; operating hours and days shall be conspicuously posted at the entrance of the facility.

- h. Automobile parts, motor equipment, bales, drums, refrigerators, stoves, bed springs, furniture, and appliances and other metals shall be placed in an approved location established by the operator of any transfer station. All such items must be free of any oil, gas, refrigerant or other solvents or hazardous material. All refrigerator and freezer doors must be removed prior to deposit.
- i. All vehicles admitted to any transfer station or solid waste disposal facility must be equipped to prevent any material from blowing or dropping onto public or private paved or unpaved roadways. A speed limit of 15 miles per hour will be posted and enforced by the operator in order to protect possible pedestrian traffic and to prevent hazardous conditions.
- j. No smoking or open fires of any type will be permitted at any transfer station or solid waste disposal facility within Town. Signs indicating such must be conspicuously displayed at the site and enforced by the operator.
- k. The operator of any transfer station or solid waste disposal facility within the Town shall provide hazardous materials collection days for residents of the town. The frequency, terms and limits of materials collected during that day shall be set by agreement with the Board.
- l. The operator of any transfer station or solid waste disposal facility within the Town shall abide by any and all relevant rules, regulations, and permits of the Town, the Commonwealth of Massachusetts and the United States Government.
- m. All permit applications and plans for approval of, changes to, or for ongoing operations of any transfer station or other solid waste disposal facilities, required by other governing or regulating bodies at Federal, State, and local levels, must be submitted to the Board at least concurrent with such submission to such other authorities. Explicit approval of such plans or permits must be obtained from the Board prior to their entry in force.

5. Licensing of Commercial Haulers of Solid Waste

- a. Any commercial hauler of solid waste doing business within the Town shall obtain an annual permit issued by the Board. Upon submission of a completed application form and permit application fee to the Board, a Commercial Solid Waste Hauler Permit may be issued.
- b. Each Commercial Solid Waste Hauler licensed under these regulations shall carry a copy of the Commercial Solid Waste Hauler Permit in each vehicle used for solid waste collection, transportation, or disposal within the Town.

- c. Each Commercial Solid Waste Hauler Permit issued under these regulations shall run July 1st to June 30th of the following year.
 - d. The annual fee for each Commercial Solid Waste Hauler Permit issued under these regulations shall be established by the Board and is subject to change periodically.
 - e. The Board may impose additional restrictions on any Commercial Solid Waste Hauler Permit when it deems necessary.
 - f. The Commercial Solid Waste Hauler Permit fee for current contract holder of solid waste collection with the Town shall be waived during the contracted period.
6. **Licensing of Dumpsters: Permanent and Temporary**
- a. No dumpster shall be used or kept in the Town after June 30, 2011 unless a Dumpster Permit has been issued by the Board to the owner of the property where the dumpster is located.
 - b. Each Permanent Dumpster Permit issued under these regulations shall run July 1st to June 30th of the following year.
 - c. Each Temporary Dumpster Permit issued under these regulations will be valid for up to 30 days, and may be renewed by the Board.
 - d. The fees for Dumpster Permits issued under these regulations shall be established by the Board and is subject to change periodically.
 - e. The property owner of each dumpster where it is located shall be responsible for the placement and maintenance of the dumpster. Each dumpster shall be positioned in a location that does not affect vehicular traffic and in compliance with Massachusetts Board of Fire Prevention Regulations.
 - f. All dumpsters shall have tight-fitting lids and be properly covered at all times except when being filled, cleaned or emptied, with the exception that temporary dumpsters may be required to be covered as the Board or its agent deems necessary.
 - g. Each dumpster shall be of sufficient size and capacity to contain all accumulated material without overflowing, and shall be emptied regularly or when full.
 - h. The property owner of each dumpster where it is located shall be responsible for maintaining the dumpster area to be free to odors, scattered

debris, overflow and all other nuisances, and any condition that may be considered an attraction for rodents and/or other pests.

- i. When deemed necessary, the Board may require that the area around a dumpster be enclosed or screened by the property owner where the dumpster is located. The enclosure, if required by the Board under these regulations, shall comply with relevant State Building Code and Town of Hudson Zoning Bylaws.
- j. All dumpsters located within Zone A and Zone II areas shall be placed on an impervious surface.

7. **Penalties**

Any person who disposes or contract for the disposal of solid waste at any place in Town which has not been approved by the Board or the Massachusetts Department of Environmental Protection shall be fined \$50 for the first offense, \$100 each for the second, third, and fourth offense, and \$300 for the fifth and subsequent offenses per calendar year. Each separate violation shall constitute a separate offense. Each day the violation remains uncorrected shall constitute a separate offense.

Any person who violates any provision of this Regulation for which penalty is not otherwise provided shall, upon conviction, be fined not less than \$10.00 nor more than \$500.00 per violation. Each separate incident failing to comply with this regulation shall constitute a separate violation. Failure by any operator of a solid waste disposal facility to conform to these rules and regulations shall also be cause for consideration by the Board of Health to consider rescinding, modifying, or suspending the site assignment. Such consideration shall be conducted according to the requirements of G.L.c. 111, Section 150A½.

8. **Severability**

If any section, paragraph, sentence clause, or phrase of these rules and 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 these rules and regulations are hereby declared severable.

9. **Appeals**

Any person to whom an order has been served pursuant to this regulation 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 schedule a hearing

within 30 days. Anyone aggrieved by the decision of the Board of Health may seek relief therefrom within 30 days in a court of competent jurisdiction.

10. Effective Date

This revised regulation shall take effect on July 1, 2011, upon publication of notice in a local newspaper and deposit in the Town Clerk's Office, Town Hall, Main Street, Hudson, in conformance with a unanimous vote of the Board on November 30, 2010.

By order of the Board of Health

Patricia Emmons, Chair
James Saart, Vice-Chair
Dale Nadeau, Clerk

Published:

Adopted: