

**Town of Sheffield Board of Health
Regulations for the Collection of Solid Waste and Recyclables
Revised Regulations Adopted June 16, 2020**

THE SHEFFIELD BOARD OF HEALTH HAS ADOPTED REGULATIONS REQUIRING ALL RESIDENTIAL, COMMERCIAL, INSTITUTIONAL, MUNICIPAL, INDUSTRIAL AND MULTI-DWELLING UNIT ESTABLISHMENTS TO PROPERLY DISPOSE OF SOLID WASTE AND RECYCLABLES AS HEREINAFTER DEFINED.

ALL RESIDENTIAL CUSTOMERS AND COMMERCIAL HAULERS MUST COMPLY WITH THE FOLLOWING SHEFFIELD BOARD OF HEALTH REGULATIONS GOVERNING THE DISPOSITION OF SOLID WASTE AND RECYCLABLES.

1. Authority

The Sheffield Board of Health has adopted these Regulations pursuant to authorization granted under Massachusetts General Laws (M.G.L.) Chapter 111, Sections 31A and 31B.

2. Definitions

- A. **Commercial Hauler:** For the purposes of these Regulations, the disposition of all Solid Waste and Recyclables generated by Establishment Customers must be undertaken by a Commercial Hauler that (i) is licensed to properly dispose of such Solid Waste and/or Recyclables and (ii) has obtained an annual permit from the Sheffield Board of Health to so dispose of Solid Waste and Recyclables. A Commercial Hauler may also dispose of Solid Waste and Recyclables for Residential Customers.
- B. **Establishment Customers:** For the purposes of these Regulations, Establishment Customers include all generators of Solid Waste and Recyclables that are commercial, institutional, municipal and industrial entities and includes multi-dwelling unit establishments containing three or more dwelling units.
- C. **Recyclables:** For the purposes of these Regulations, Recyclables means materials that have the potential to be recycled as defined by the Massachusetts Department of Environmental Protection (DEP) and that are required to properly recycled pursuant these Regulations.
- D. **Residential Customers:** For the purposes of these Regulations, Residential Customers are generators of Solid Waste and Recyclables that are residential in nature (i.e., not Establishment Customers) and that must be residents of the Town of Sheffield and must (i) annually obtain a Sheffield Transfer Station permit or permits from Sheffield Town Hall enabling such residents to properly dispose of Solid Waste and Recyclables at the Sheffield Transfer Station; or (ii) arrange with a Commercial Hauler to have such Solid Waste and Recyclables picked up from their associated residences on a regular basis.

- E. **Restricted Materials:** For the purposes of these Regulations, Restricted Materials means any and all materials included in any federal or Massachusetts DEP waste ban lists that are subject to a waste restriction at a solid waste management facility, including those materials identified in 310 CMR 19.017(3) and pursuant to the regulations therein as may be amended from time to time and as identified in 310 CMR 30.130-136 (Lists of Hazardous Wastes) and pursuant to the regulations therein as may be amended from time to time.
- F. **Solid Waste:** For the purposes of these Regulations, Solid Waste means trash, rubbish and garbage from Residential Customers and/or Establishment Customers free of Restricted Materials and Recyclables and that are required to be properly disposed of pursuant to these Regulations.

3. Regulations – General

- A. Recycling is mandatory for all Residential Customers and Establishment Customers in the Town of Sheffield. Each Residential Customer and each Establishment Customer shall annually complete the Town’s Transfer Station Questionnaire identifying whether such customer (i) shall be using a Commercial Hauler (in the case of all Establishment Customers and in the case where Residential Customers have arranged to use a Commercial Hauler); or (ii) whether a Residential Customer will be using the Sheffield Transfer Station, in both cases for the proper disposition of Solid Waste and Recyclables for the coming year.
- B. Each Commercial Hauler shall submit as part of its annual Town of Sheffield Commercial Hauler permit application (due by July 1 of each year) the following information: (i) a written plan detailing how the Commercial Hauler will comply with these Regulations for the collection of Solid Waste and Recyclables (including how the Commercial Hauler will ensure customer compliance with these Regulations); (ii) a description of how customers will be notified of proper Solid Waste and Recyclables disposal, including copies of educational materials to be distributed to all customers; (iii) a list of all Sheffield customers using the Commercial Hauler’s services for Solid Waste and/or Recyclables, updated at least quarterly if new Sheffield customers are added or removed by the Commercial Hauler during the coming year; and (iv) details on the Commercial Hauler’s arrangements with disposal facilities taking the Commercial Hauler’s Solid Waste and/or Recyclables indicating compliance with 310 CMR 19.017(3) and 310 CMR 30.130-136.
- C. Each Commercial Hauler permitted to operate in the Town of Sheffield is required to offer a bundled service (for the collection of both Solid Waste and of Recyclables) for its Establishment Customers and its Residential Customers at rates that reflect the costs of each service for each customer. Unless an Establishment Customer can provide proof to one Commercial Hauler that separate Solid Waste services (or Recyclables services, as the case may be) will be provided by another Commercial Hauler providing Recyclables

services (or Solid Waste services, as the case may be), both Solid Waste and Recyclables services must be provided by the same Commercial Hauler.

- D. Commercial Haulers shall only collect those Solid Waste and Recyclables materials acceptable for disposal as provided for under DEP regulations and in conformance with 310 CMR 19.017(3) and 310 CMR 30.130-136. Each Commercial Hauler is responsible for keeping informed of, and of adhering to, DEP regulations.
- E. All collection vehicles used by a Commercial Hauler shall carry a copy of the Town of Sheffield Commercial Hauler permit at all times.
- F. All Sheffield Residential Customers and Establishment Customers are required to recycle all Recyclables and to separate Recyclables from Solid Waste prior to having these materials picked up by a Commercial Hauler or, in the case of Residential Customers not using a Commercial Hauler, to properly separate and dispose of Solid Waste and Recyclables at the Sheffield Transfer Station.

4. Responsibilities and Duties of the Sheffield Board of Health

- A. The Sheffield Board of Health (including any member of the Board of Health, an Agent acting for the Board of Health, or the Board of Health's designee) is empowered to enforce the provisions of these Regulations.
- B. The Sheffield Board of Health reserves the right to impose reasonable fees for Residential Customers and Commercial Haulers pursuant to these Regulations and all applicable Massachusetts and federal regulations.
- C. The Sheffield Board of Health reserves the right, through its individual members, Agent(s), or its designee(s), to monitor Commercial Hauler vehicles, loads, and routes at reasonable times, with or without prior notice, in order to ensure compliance with these Regulations and all applicable federal, state and local laws.
- D. In the event a Commercial Hauler refuses to collect Solid Waste and/or Recyclables from a customer, the Commercial Hauler shall notify the customer and the Sheffield Board of Health of the reason(s) for refusal to so collect Solid Waste and/or Recyclables. The Board of Health or its designee will assist the Commercial Hauler in bringing the customer into compliance with these Regulations.

5. Revocation of Commercial Hauler Permit

- A. Improper disposal of Solid Waste and/or Recyclables, and/or the inclusion of any item on DEP's Waste Ban list, may be cause for immediate and permanent revocation of a Commercial Hauler's permit and for prosecution to the fullest extent of the law.
- B. Upon receipt by the Sheffield Board of Health of information that a Commercial Hauler is not complying with or has not complied with one or more of these Regulations or with any state or federal regulation regarding collection, transportation and/or disposal of Solid Waste and/or Recyclables, the Board of Health shall hold a public hearing to review such information and pursuant to the Board's deliberation thereon may determine to issue

an order to the Commercial Hauler to correct such non-compliance within a stated time frame; to suspend, modify, or revoke the Commercial Hauler's permit to address such non-compliance; or to file suit in a court having jurisdiction over such matters.

- C. No vehicle operated by a Commercial Hauler shall be operated on any street or way in Sheffield unless such vehicle is constructed, maintained and loaded so as comply with all applicable vehicle safety regulations and to prevent any materials from spilling, dropping, shifting, leaking or otherwise escaping from such vehicle.
- D. Vehicle safety violations may, at the sole discretion of the Sheffield Board of Health, be cause for immediate revocation of a Commercial Hauler's permit. If so revoked, the Board of Health will consider reinstatement of such permit after review of such safety violation corrections made by the Commercial Hauler.

6. Non-Criminal Disposition and Penalties

Notwithstanding any other provision of law, any person who violates any provision of these Regulations may be penalized by order of the Sheffield Board of Health by non-criminal disposition as provided in M.G.L. Chapter 40, Section 21D as follows:

- A. First Offense: written warning from and mandatory meeting with Sheffield Board of Health;
- B. Second Offense: \$150 per each violation; and
- C. Third and Subsequent Offenses: \$300 per each violation.

Each day of failure to comply with these Regulations shall constitute a separate violation.

7. Anti-Scavenging Provision

No person(s) not duly authorized in writing by the Sheffield Board of Health shall collect, remove, or cause to be removed any Solid Waste and/or Recyclables materials that have been set out for collection by a Commercial Hauler or have been deposited at the Sheffield Transfer Station.

The Sheffield Transfer Station's "Swap Shop" enables Residential Customers to leave household items that are in cleaned, good condition for other Residential Customers to use. Such household items are not to be collected or used for any resale purposes.

8. Severability

In the event that any provision of these Regulations shall be deemed invalid or unenforceable by any court of competent jurisdiction, the remaining provisions of these Regulations shall continue in full force.