



Town of Clinton

Board of Health
Clinton Town Hall
242 Church Street

Clinton, Massachusetts 01510

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Solid Waste Disposal Regulations

The Board of Health of the Town of Clinton, MA, 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, in the interest of and for the protection of public health and environment, established and adopted the following revised Regulations concerning the management and disposal of solid waste in the Town of Clinton. These revised regulations shall be effective upon and after publication of notice in the local newspaper, pursuant to a vote of the Board of Health at a public meeting on April 7th, 2015, following a public hearing held on the same day, and so remain until modified or amended by the Board.

1. Definitions

When used in these 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, included, but not limited to, animal manure, bedding material, 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 Clinton, Massachusetts.

Composting means a process of accelerating 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 the deciduous and coniferous seasonal deposition, grass clippings, garden material 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 has been treated and/or disposed at a site regulated pursuant to M.G.L. c. 83 ss 6&7 and /or ss. 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 to 314CMR5.00:Ground Water Discharge Permit Program, and regulated pursuant to either M.G.L. c. 21 ss. 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 of Septage, provided that 310CMR19.00 does not 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 S 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 the reuse within an original manufacturing process; and
9. Compostable or recyclable material when composted or 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 Clinton, Massachusetts

Transfer Station means the handling facility where solid waste is brought, stored and transferred from one vehicle to another or contained 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 CMR19.000: SOLID WASTE MANAGEMENT REGULATIONS.

3. Recyclable Material and Curbside Pickup

All recyclable material 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 curbside recycling, on at least a monthly basis. The Town has set a **minimum recycling rate of 25%** for haulers collecting curbside rubbish and recyclables. Quarterly Reports with separate weight slips for Rubbish and Recycled materials must be submitted to the Board. Failure to meet the minimum recycling rate may result in Permit revocation.

4. Licensing of Commercial Haulers of Solid Waste

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.

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.

Any Commercial hauler whose business is located in the town of Clinton shall be responsible for the maintenance of dumpsters not in use. Any dumpster not in use shall not be permitted to be stored in any residential neighborhoods.

Each Commercial Solid Waste Hauler Permit issued under these regulations shall run from January 1st to December 31st of each year.

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.

The Board may impose additional restrictions on any Commercial Solid Waste Hauler Permit when it deems necessary.

5. Licensing of Permanent Dumpsters

No Permanent Dumpster shall be used or kept in the Town after June 30, 2015 unless a Dumpster Permit has been issued by the Board to the owner of the property where the dumpster is located.

Each Permanent Dumpster Permit issued under these regulations shall run from January 1st to December 31st of each year.

The fees for Permanent Dumpster Permits issued under these regulations shall be established by the Board and is subject to change periodically.

The property owner of each dumpster that is issued a permit under these regulations 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 is in compliance with Massachusetts Board of Fire Prevention Regulations. Dumpsters shall not be placed within ten feet of the Right of Way without prior approval of the Board of Health.

Permanent Dumpsters will not be allowed for properties with three or less residential units unless approved by The Board of Health. Residential properties with four or more units are required to have at least one permanent dumpster.

All dumpsters shall have tight filling 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.

Each dumpster shall be of sufficient size and capacity to contain all accumulated material without overflowing, and shall be emptied regularly or when full. The property owner of each dumpster that is issued a permit under these regulations shall be responsible for maintaining the dumpster area to be free of odors, scattered debris, overflow and all other nuisances, and any condition that may be considered an attraction for rodents and/or other pests.

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 Clinton Zoning Bylaws.

All dumpsters located within Zone A and Zone II areas shall be placed on an impervious surface.

Chronic violators (3 violations) of these provisions shall be required to fence in dumpster area as directed by the Board of Health.

6. Insurance

Permittees under these Regulations shall provide a certificate of proof that workers' compensation insurance meeting statutory requirements has been provided for all employees engaged in work under the permit.

Permittees under these Regulations shall provide a certificate of insurance as evidence of having comprehensive general liability. The comprehensive general liability policy shall be in an amount not less than \$1,000,000 combined single limit for bodily injury and property damage.

Permittees under these Regulations shall provide a certificate of insurance as evidence of having automobile insurance. The automobile liability policy will be in the amount not less than \$1,000,000 combined single limit for bodily injury and property damage.

7. Penalties

(a) Criminal Penalties:

Any person, firm or corporation violating any of the provisions of this section shall be fined up to a maximum of one thousand dollars (\$1,000) for each offense, and a separate offense shall be deemed committed on each day on which a violation occurs or continues.

(b) Non-criminal Penalties

As an alternative to criminal prosecution in some cases, the Board of Health may elect to utilize the non-criminal disposition procedure set forth in M.G.L. c. 40, Sec. 21D. For the purpose of this provision, the penalty to apply in the event of a violation shall be as follows: \$50.00 for the first offense, \$100.00 for the second offense and \$300.00 for each subsequent offense. Each day on which a violation exists shall be deemed a separate offense.

The maximum \$1,000 fine for violations of these types of regulations is set by M.G.L. c. 111, Section 31B, Non-criminal disposition per M.G.L. c.40, Sec. 21D is available for violations of local Regulations.

Also, any person, firm, business or corporation found to be using the services of an unlicensed trash hauler in the Town of Clinton shall be subject to having their permits and licenses revoked.

8. Severability

If any section, paragraph, sentence, clause or phrase of these Regulation 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 these 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 in a court of competent jurisdiction.

10. Effective Date

These revised Regulations shall take effect on July 1, 2015, upon publication of summary in the local newspaper and deposit in the Town Clerk's Office, Town Hall, 242 Church St., Clinton in conformance with a unanimous vote of the Board of Health on April 7th, 2015.

By Order of The Board of Health

Steve Lipka, Chairman

Shawn Moran

Peter Notaro