

Chapter 307

Solid Waste

Amended May 15, 2023

[**HISTORY: Adopted by the Board of Health of the Town of Groton 9-20-1999, amended 5-15-2023. Amendments noted where applicable.**]

GENERAL REFERENCES

Licenses and permits — See Ch. 161.

Sanitary landfill — See Ch. 251.

Hazardous materials — See Ch. 286.

§ 307-1 Purpose.

The purpose of this chapter is to:

- A. Promote increased recycling and responsible refuse disposal.
- B. Advance the goal of the Commonwealth of Massachusetts that 46% of municipal solid waste should be recycled by the year 2000.
- C. Qualify for the Massachusetts Recycling Incentive Program (MRIP) grant.

§ 307-2 Permit required; application; permits nontransferable.

- A. The following requirements will be imposed upon all agencies permitted by the Town to collect, haul and dispose of solid waste and recyclable material:
 - (1) All persons collecting acceptable wastes and recyclables in the Town of Groton shall obtain a permit from the Board of Health prior to commencing with the collection.
 - (2) This permit will be valid for a period of not more than one year; renewable annually on the first day of January, subject to the review and approval by the Board of Health.
- B. At the time of the application, the refuse collection company shall submit to the Board of Health the following:
 - (1) A permit fee of \$300 is required (nonrefundable).
 - (2) A proposed schedule of the day and area of the Town in which collection will take place.
 - (3) A map of the Town indicating the proposed routes of collection and delivery.
 - (4) Informational materials (see § 307-11) for Board of Health review.
 - (5) A description of the collection vehicle(s) to be used, including the make, model, year, type and size of compactor, and the company name appearing on the vehicle(s).
 - (6) Insurance certificates as described in the regulations.
- C. Permits will be nontransferable except with the approval of the Board of Health.

§ 307-3 **Statutory authority.**

In accordance with the authority vested in the Town of Groton's Board of Health by MGL C. 111, §§ 31A and 31B and 310 CMR 19.00 et seq, regulations are promulgated.

§ 307-4 **Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

BOARD OF HEALTH

The Town of Groton's Board of Health Department.

BULKY WASTE

Individual items too large or too heavy for a thirty-gallon trash bag or barrel, but not classified as white goods. Examples of bulky wastes include furniture, mattresses and rugs.

BUSINESSES

Retail stores, professional buildings, contractors, industries, churches, private schools and all other buildings other than residential dwellings and municipal buildings are considered businesses.

HAZARDOUS WASTE

Waste, in any amount, which is defined, characterized or designated as hazardous by the United States Environmental Protection Agency or appropriate state agency by or pursuant to federal or state law, or waste in any amount which is regulated under federal or state law. For purposes of these regulations, the term "hazardous waste" also includes gasoline, waste oil, other automotive fluids, oil-based paint and related solvents/thinners/pesticides and their storage cans; and lead/acid batteries (such as automobile batteries).

INELIGIBLE WASTE

All hazardous waste (except for waste motor oil, lead/acid batteries such as automobile batteries accepted by the Town of Groton Transfer Station personnel), commercial garbage, construction debris from contracted or commercial work, ashes from heating plants and coal stoves, stones, rocks, automobile parts, pesticides, leaves, yard waste, recyclable materials and sewage wastes.

PERMITTEE

Any person(s) or company which has applied for and obtained the appropriate permit to collect solid waste and recyclable materials within the limits of Groton, Massachusetts.

RECYCLABLE COLLECTION

The curbside collection of recyclable materials generated by the households, municipal facilities, business and public and private schools of Groton.

RECYCLABLE MATERIAL

Material that has the potential to be recycled and which is not commingled with solid waste or contaminated by significant amounts of toxic substances as per 310 CMR 19.0006.

SERVICE AREA

The permittee shall drive by and provide collection service to those residences, businesses and municipal facilities in Groton which have contracted with the permittee to provide collection services. Promotional materials will be distributed, informing residents as to when and how the materials will be collected.**SOLID**

WASTE

Consists of all rubbish, garbage or refuse normally generated, but excluding explosives and ordnance materials, sludge, highly flammable substances, cesspool or other human waste, human or animal

remains and hazardous refuse of any kind, such as cleaning fluids, crankcase oils, cutting oils, paints, acids, caustics, poisons, drugs, radioactive materials, fine powdery earth used for filter cleaning fluid and refuse of similar nature. Any recyclable materials are specifically excluded from solid waste.

TOWN

The Town of Groton, a body corporate and politic of the Commonwealth of Massachusetts, including all streets and ways and all buildings and improvements within the municipal boundaries, as set forth on the official map.

WHITE GOODS

Refrigerators, stoves, dishwashers, freezers, washers, dryers, air conditioners, etc.

§ 307-5 Collection schedule.

The permittee shall adhere to the collection schedules and routes approved by the Board of Health. Any modification of collection schedules and/or routes shall be submitted to the Board of Health for approval prior to implementation. The Board of Health shall reserve the right to require the permittee to modify the collection schedule and/or routes for the convenience of the Board of Health and the public.

§ 307-6 Point of collection.

Point of collection shall be at curbside, which shall mean within five feet of the sidewalk, side of the curb or edge of the street.

§ 307-7 Collection of material.

- A. Separation of recyclables from solid waste will take place at the source; i.e., individual homeowners will perform separation. Each household will receive a container from the permittee into which recyclable material will be deposited. Green glass, brown glass, clear glass, aluminum cans, tin coated ferrous cans, plastic soda bottles, plastic milk jugs and all other colored No. 1 and No. 2 plastic containers will all be deposited into the container designated for recyclables. Newspaper, cardboard, boxboard and other paper items will be bundled or bagged and placed on top of or beside the container.
- B. The permittee shall pick up the recyclable materials set out for collection in accordance with processing standards outlined below:
- (1) Glass. Rinse empty bottles and jars, free from food debris. There shall be no cookware, plate glass, safety glass, light bulbs, ceramics and nonglass materials mixed in with recyclables. Caps, lids and neck rings should be removed from bottles.
 - (2) Cans. Steel and tin-coated steel cans and lids will be empty, rinsed and dry. Labels may remain and lids may be attached or placed inside the can.
 - (3) Aluminum. Aluminum cans and containers will be empty, rinsed, clean and dry.
 - (4) Plastic containers: All No. 1 and No. 2 type plastic, including HDPE milk jug type, PET soft drink type bottles and colored HDPE containers. Caps, lids and neck rings should be removed from bottles. All bottles shall be empty and rinsed.
 - (5) Paper and cardboard: Tied in bundles with string or placed in brown paper bags. All paper, including magazines, catalogs, junk mail, chipboard/boxboard, corrugated cardboard, telephone books and other clean paper will also be permitted. All plastic window inserts are to be removed from junk mail. Unacceptable paper is that with wax, foil or plastic coating or food contamination, as well as tissues, paper towels, Christmas and/or gift-wrapping paper.

- C. Should the Board of Health and/or the state determine any of the above items to be nonrecyclable or determine new recyclable materials during the term of the permit, the Board of Health and the permittee will negotiate a method for terminating and/or adding collection of those items.

§ 307-8 Improperly prepared recyclable materials or ineligible solid waste.

- A. When the permittee crews encounter improperly prepared recyclable material or ineligible items, they must follow this procedure: The collector shall pick up recyclable materials from the container. Improperly sorted materials, contaminated or ineligible materials will be left in the container. The collector shall leave a Board of Health approved sticker on the item(s) or in the container. The sticker will notify the resident that material has not been properly prepared or is ineligible. It will also inform the resident how to rectify the problem or how to properly dispose of ineligible items. Information on how to contact the permittee or the Board of Health for further information will also be included.
- B. When the permittee's crew encounter ineligible solid waste items, they must follow this procedure: The collector shall pick up all eligible solid waste. Improper materials will be left at the curbside. The collector shall leave a Board of Health approved fluorescent orange sticker on the items or on the container/bag. The sticker will notify the resident that the material is ineligible and provide information on how to contact the permittee or the Board of Health for further information.
- C. The permittee shall supply a record of violations to the Board of Health on a monthly basis or as requested.

§ 307-9 Collection of bulky waste.

At the request of a resident, the permittee shall agree to pick up bulky wastes at a fee to the resident.

§ 307-10 Frequency of collection of recyclables.

Collection of all recyclable items will have a frequency of once a week (or other schedule as determined by the Board of Health) on the same day as solid waste collection.

§ 307-11 Informational materials.

The permittee shall distribute a quarterly notice of service availability to each eligible household. This notice will detail what is acceptable waste and specify how, what and when to recycle. The permittee shall also provide notices of collection schedule changes and any other pertinent information to residents as required. The permittee is responsible, with Board of Health approval, for the development of this material.

§ 307-12 Ownership of recyclable materials and solid waste.

All recyclable materials and solid waste placed for collection shall be owned by and be the responsibility of the permittee immediately upon placement at curbside. Should any ineligible or contaminated materials be collected into the permittee's vehicle, the permittee shall be responsible for any and all costs associated with the disposal of said material.

§ 307-13 Disposal of recyclables.

The permittee shall guarantee in writing that at no time during the term of the permit will recyclable materials be disposed of by landfilling or incineration or dumped at the Transfer Station without the written permission of the Board of Health or Transfer Station staff. The permittee shall be totally responsible for the disposal of recyclables and solid waste.

§ 307-14 Cleanup on route/transfer station.

The permittee shall pick up all blown, littered and broken material resulting from collection, hauling, dumping and disposal operations. Each vehicle shall be equipped for cleaning up materials.

§ 307-15 Nonparticipation to be reported.

The permittee is responsible for identifying residents who are consistently failing to separate waste and place recyclable materials at the curb. The permittee may require these residents to use plastic bags for acceptable wastes. These residents will be contacted by the permittee and reported to the Board of Health.

§ 307-16 Employee training.

The permittee shall train all collection crews, office staff and Transfer Station and storage employees before initiating collection and before a permittee allows an employee to begin work. Training shall include permit compliance and contamination issues as well as data gathering methods where required.

§ 307-17 Compliance with applicable ordinances and laws; enforcement.

The permittee shall comply with all applicable federal, state and local laws, ordinances, rules and regulations. The individuals empowered to enforce the provisions of these regulations shall be the agent of the Board of Health, Town of Groton Transfer Station staff and/or any police officer of the Town/state.

§ 307-18 Unauthorized disposal.

The permittee shall not at any time use or allow to be used its vehicle and personnel to dispose of any unauthorized material not eligible for collection. The permittee is fully and completely responsible for the actions of any and all personnel employed to carry out the collection service.

§ 307-19 Insurance.

- A. The permittee 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.
- B. The permittee shall provide a certificate of insurance as evidence of having comprehensive general liability naming the Town of Groton as an additional insured. 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.
- C. The permittee shall provide a certificate of insurance as evidence of having automobile insurance naming the Town of Groton as an additional insured. The automobile liability policy will be in the amount not less than \$1,000,000 combined single limit for bodily injury and property damage.

§ 307-20 Indemnity.

The permittee shall indemnify and save harmless the Town of Groton and all of its officers, agents and employees against all suits, claims or liabilities of every name, nature and description arising out of or in consequence of the acts of the permittee in performance of the work covered by the permit and/or its failure to comply with the terms and conditions thereof and will, at its own expense, defend any and all such suits and actions.

§ 307-21 Permittee performance; interpretation of provisions.

The performance of the permittee shall be under the general supervision of the Board of Health. The Board of Health shall interpret the intent and meaning of its provisions, and its interpretation shall be final and conclusive.

§ 307-22 Weight records for recyclable materials/solid waste.

The permittee shall report to the Board of Health on a monthly basis by the fifth workday of the following month the weight, name and location of the processing facility or end-use market to which the recyclable material/solid waste was delivered. Recyclables should be reported and separated to the maximum degree possible. All weight slips/records must be certified and kept by the permittee. This requirements will not apply to any recyclables/solid waste dropped off at the Town of Groton Transfer Station.

§ 307-23 **Cancellation of permit.**

If the Board of Health is of the opinion that the permittee has failed to collect recyclables and solid waste as set forth above or otherwise failed to fulfill the provisions of these regulations, the Board of Health shall give a thirty-day notice to correct the deficiencies. If such deficiencies are not corrected, the Board of Health may give a ten-day written notice to the permittee stating that the permit has been cancelled, in which case, the permittee shall desist in all refuse removal activities within the Town limits.

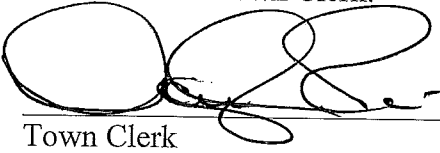
§ 307-24 **Severability.**

Each of these regulations shall be construed as separate to the end that, if any regulations, clause or phrase thereof should be held invalid for any reason, the remainder of the regulation and all other regulations shall continue to be in force.

§ 307-25 **When effective; meeting date.**

This regulation shall take effect 60 days after publication of a summary of this regulation in a newspaper in the Town of Groton. A public meeting regarding this regulation was conducted on May 1, 2023 and May 15, 2023. This regulation was voted unanimously by the Board of Health on May 15, 2023.

Filed with the Town Clerk:



Town Clerk

5.22.2023.

Date