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# TOWN OF DUXBURY

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## COMMONWEALTH OF MASSACHUSETTS TOWN OF DUXBURY BOARD OF HEALTH

### 3.00 RULES AND REGULATIONS FOR DISPOSAL OF SOLID WASTES

**\*REVISED OCTOBER 18, 2007**                      **EFFECTIVE DATE OCTOBER 18, 2007**  
**PUBLIC MEETING THURSDAY, OCTOBER 18, 2007**  
**PUBLICIZED IN CLIPPER OCTOBER 3, 2007 AND OCTOBER 10, 2007**  
**VOTE OF BOARD ON OCTOBER 18, 2007**  
**EIGHT (8) PAGES IN TOTAL INCLUDING THIS PAGE**

**\*Changed 3.06(a)**

Mandatory recycling as required by DEP regulations shall be established in the Town of Duxbury and implemented under all circumstances, not only at the Transfer Station.

**\*Addition 3.06(e)**

Any contractor, firm or person that picks up garbage, rubbish, offal or other offensive substance is also required to offer full recycling services to their customers along with the private subscription hauling service. The materials to be recycled include but are not limited to aluminum containers, metal containers, glass containers, single polymer plastics, paper and cardboard.

**\*Changed 3.08(k)**

The emptying of dumpster contents by the contractor shall not commence before 8:00 a.m., and shall not continue after 6:00 p.m.

**\*Addition 3.08(p)**

Any contractor, firm or person that supplies a dumpster service in the Town of Duxbury for the purpose of storage, removal or transporting of garbage, rubbish, offal or other offensive substance is also required to offer full recycling services to their customers along with the dumpster service. The materials to be recycled include but are not limited to aluminum containers, metal containers, glass containers, single polymer plastics, paper and cardboard.

### **3.01     PURPOSE**

These rules and regulations are intended to protect the public health, safety, and the environment in the Town of Duxbury by regulating the storage, transferring, recycling and disposal of solid waste, as defined in 310 CMR 18.00 – 21.00 of the State Environmental Code, and to ensure compliance with the provisions of C 111, sec 150A of the Commonwealth of Massachusetts; the Rules and Regulations stated in 310 CMR 18.0 – 21.00 of the State Environmental Code; 527 CMR 34.0 of the Board of Fire Prevention Regulations; and the zoning bylaws of the Town of Duxbury.

### **3.02     AUTHORITY**

These regulations are adopted by the Duxbury Board of Health as authorized by Massachusetts General Law, Chapter 111, Section 31.

These regulations supercede all previous regulations adopted by the Board of Health pursuant to disposal of solid waste, except low level radioactive waste regulation adopted on April 11, 1999, and incorporated in these regulations.

**3.03 PROHIBITED DISPOSAL**

(a) Placing, dumping, burying, burning, or disposing of any trash, bottles or cans, refuse, rubbish, garbage, debris, scraps, demolition or construction materials of any kind, hazardous waste, all wastes of any other material of any kind from any residential, commercial, industrial or municipal use is prohibited on any land or in any waters within the Town of Duxbury, unless specifically permitted under Section 3.04 of these regulations.

No property owner shall permit such placing, dumping, burying, or disposing on his/her land. The property owner shall be responsible for the removal of any materials that are in violation of Chapter 111, 150A of these regulations.

All materials noted above shall be disposed of at a facility approved by the Department of Environmental Protection and holding a valid operating permit issued by the Department of Environmental Protection under Chapter 111, 150A.

**(b) LOW-LEVEL RADIOACTIVE WASTE**

- (1) Acceptance of any low-level radioactive waste, deregulated or otherwise, at any landfill, transfer station or other waste site or facility within the boundaries of the Town of Duxbury is prohibited.
- (2) Disposal of any low-level radioactive waste, deregulated or otherwise, at any landfill, transfer station, waste site or elsewhere within the boundaries of the Town of Duxbury is prohibited.
- (3) As used in this regulation, the term “low-level radioactive waste” means any radioactive material that (i) is by-product material, as defined in the United States Code, Title 42, Section 1024(e) (1), (ii) the United States Nuclear Regulatory Commission classifies as low-level radioactive waste, or (iii) the United States Nuclear Regulatory Commission classified as low-level radioactive waste as of January 1, 1989, whether or not such material was thereafter classified as below regulatory concern or declared exempt from regulatory control by the United States Nuclear Regulatory Commission, the United States Environmental Protection Agency, the United States Department of Energy, or any other agency of the United States Government. The term “low-level radioactive waste” does not include waste which remains a federal responsibility, as designated in section 3(b) of the Low-Level Radioactive Waste Policy Act, as in effect as of the effective date of this regulation or as amended, 42 U.S.C. Section 2021(c).

**3.04      PERMITTED DISPOSAL**

- (a) Composting of grass clippings, leaves, or brush generated by a homeowner or tenant of a single or multi-family or an apartment complex may on the lot of that dwelling place, if conducted in accordance with the Department of Environmental Protection Guidelines available at the Board of Health Office.
- (b) Disposal of stumps and brush at a single family residence or farm where such wood wastes are generated and disposed or composted within the boundaries of such residence or farm and is carried out in accordance with 310 CMR 19.013 (1) (h). Said location shall be shown on a septic system as-built plan submitted to the BOH.

**3.05      DEFINITIONS**

“Definitions” shall be as defined in 310 CMR 19.006 of DEP Sanitary Code. (Included as Appendix to these rules & regulations for easy reference only.)

**3.06      WASTE CONTROL & WASTE SPECIFIC RESTRICTIONS:**

- (a) Mandatory recycling as required by DEP regulations shall be established in the Town of Duxbury and implemented under all circumstances, not only at the Duxbury Transfer Station.
- (b) Listing of all waste specific restrictions in Table 310 CMR 19.202(3) as amended shall be included in the Duxbury Transfer Station Rules and Regulations with a copy given with all sticker/permits issued and a copy posted at the Transfer Station.
- (c) Town of Duxbury shall establish recycling programs as necessary, and possible, in order to comply with the requirements of waste control as stated in 310 CMR 19.017.
- (d) No person shall dispose or contract for disposal of any restricted materials as listed in Table 310 CMR 19.02(3) and as amended by DEP except in accordance with State Environmental Code 310 CMR 19.00.
- (e) Any contractor, firm or person that picks up garbage, rubbish offal or other offensive substance is also required to offer full recycling services to their customers along with the private subscription hauling service. The materials to be recycled include but are not limited to aluminum containers, metal containers, glass containers, single polymer plastics, paper and cardboard.

**3.07      PERMITS/STICKERS REQUIRED**

- (1) Residential Stickers for use of the Duxbury Transfer Station by residents and in accordance with rules and regulations established by Duxbury DPW. (RST)

- (2) Commercial Stickers for use of the Duxbury Transfer Station by commercial companies in accordance with rules and regulations established by Duxbury DPW. (CST)
- (3) Waste Disposal Companies/Contractors Permit under Chapter 111, Sec. 31A to provide services to residence and business in Duxbury with disposal at a DEP approved facility. (WDCP)
- (4) Individual Permanent Dumpster Permit under these rules and regulations for any commercial establishment contracting for a permanent dumpster at its location or any commercial property owner contracting for a permanent dumpster on his/her property for the use of tenants. (IPDP)
- (5) Fire Department Rubbish Permit as required by 527 CMR 34.03 of the Board of Fire Prevention Regulations and issued by the Duxbury Fire Department shall be secured by the owner, lessee or refuse generator of any premises using a metal rubbish container of 6 cubic yards or more in the aggregate of compacted or un-compacted combustible rubbish.
- (6) Holders of permits issued under C 111, Sec. 31A are required to file with the Duxbury Board of Health the place of disposal of all waste; a copy of the terms of use of each type of service being provided; the name and addresses of individual contracting for a permanent dumpster; and, in the case of household waste, the number of residences served.

### **3.08 DUMPSTER REGULATIONS**

These regulations apply to all dumpsters in the Town of Duxbury, whether for residential, commercial, or industrial use.

- (a) No contractor, firm or person shall supply dumpster service in the Town of Duxbury for the purpose of storage, removal or transporting of garbage, rubbish, offal or other offensive substance without first obtaining a permit from the Board of Health. All permits shall expire at the end of the calendar year in which they are issued, but may be renewed annually on application to the Board of Health. Permits are non-transferable without the prior approval of the Board of Health.
- (b) The property owner or authorized agent contracting for year round permanent dumpster service is required to secure a permit from the Board of Health for each dumpster. All permits shall expire at the end of the calendar year in which they are issued, but may be renewed annually on application to the Board of Health.
- (c) The property owner, lessee or refuse generator shall secure a permit from the Fire Department in accordance with 527 CMR 34.03 of the Board of Fire Prevention Regulations.
- (d) The contractor providing dumpster service shall have his/her name and business telephone number conspicuously displayed on each dumpster.

- (e) Each dumpster must be located at a distance from the lot line as not to interfere with the safety or health of abutters or residents and situated so as not to obstruct the line of sight of traffic exiting and entering.
- (f) When deemed necessary by the Board of Health, it may be required that the property owner or authorized agent enclose or screen the dumpster site to ensure proper containment of waste.
- (g) Each dumpster must be of sufficient size and capacity to eliminate overflowing, and the property owner or authorized agent of the premises utilizing the service must take appropriate action immediately to empty contents when full.
- (h) The dumpster contractor shall have the dumpster deodorized when emptied, and washed or sanitized to maintain sanitary conditions.
- (i) It shall be the responsibility of the property owner or person contracting for a dumpster to maintain the dumpster area free of odors, scattered debris, overflowing and all other nuisances.
- (j) Lids must be kept closed when the dumpster is not in use.
- (k) The emptying of dumpster contents by the contractor shall not commence before 8:00 a.m., and shall not continue after 6:00 p.m.
- (l) It is the responsibility of the property owner or the authorized agent contracting for dumpster service to control the use of the dumpster.
- (m) Temporary dumpsters used in connection with construction or demolition as part of a building permit will not require a permit from the Board of Health. The affidavit required by Chapter 40, Section 54, as part of a building permit will be sufficient.

The property owner or authorized agent shall comply with all provisions of these regulations which are applicable to the operation of the dumpster.

- (n) Dumpsters (roll-off or gondola type) for a short period of time in connection with temporary activities such as fairs and carnivals shall comply with all provisions of these regulations, except no individual permit will be required for the property owner or authorized agent contracting for such service.
- (o) Permits may be suspended or revoked by the Board of Health for failure of the dumpster contractor or the property owner or his authorized agent to comply with the requirements of these regulations.
- (p) Any contractor, firm or person that supplies a dumpster service in the Town of Duxbury for the purpose of storage, removal or transporting of garbage, rubbish, offal or other offensive substance is also required to offer full recycling services to their customers along with the

dumpster service. The materials to be recycled include, but are not limited to aluminum containers, metal containers, glass containers, single polymer plastics, paper and cardboard

### **3.09 FEES**

Fees shall be established by the Board of Selectmen in accordance with the requirements of the General Bylaws of the Town of Duxbury.

All fees must be paid before issuing of any permit by the Duxbury Board of Health.

### **3.10 ENFORCEMENT**

Failure to comply with any of these rules and regulations or conditions of any permits issued by the Duxbury Board of Health or the Duxbury DPW may be cause for suspending or revoking a permit.

### **3.11 ORDERS: SERVICE AND CONTENT**

- (a) Written notice of non-compliance and an Order to Comply with Violated Regulation issued by the Board of Health shall be served on all persons responsible for the violation as follows:
  - (1) personally, by any person authorized to serve civil process, or
  - (2) by sending a copy of the Order by Registered or Certified Mail, return receipt requested, or
  - (3) by leaving a copy of the Order at the last and usual place of abode, or
  - (4) if place of abode is unknown or outside the Commonwealth, by placing a copy of the Order in a conspicuous place on the affected premise.
- (b) Any Order issued under these rules and regulations shall:
  - (1) include a statement of the violations, and may suggest action which, if taken, will effect compliance, and
  - (2) allot a responsible time for any action required, and,
  - (3) inform the person to whom Order is served of the right to a hearing and to whom the request for hearing shall be made.

### **3.12 HEARING**

- (a) Procedure for Requesting and Holding Hearing:
  - (1) The person or persons to whom any Order has been served pursuant to these regulations may request a hearing before the Board of Health by filing with the Board of Health within seven (7) days after the Order was served a written petition requesting a hearing on the matter.
  - (2) Upon receipt of such a written petition, the Board of Health shall set a time and place for the hearing and inform the petitioner in writing.

The hearing shall be commenced not later than 45 days after the day on which the Order was served. Board of Health, upon application of the petitioner, may postpone the date of the hearing for a reasonable period of time if in the judgment of the Board of Health the petitioner has submitted a good and sufficient reason for the postponement.

(b) Hearing of the Petitioner

At the hearing, the petitioner shall be given the opportunity to be heard and to show cause why the Order should be modified or withdrawn.

(c) Procedure After Hearing:

- (1) After the hearing, the Board of Health shall sustain, modify or withdraw the Order and shall inform the petitioner in writing of its decision.
- (2) If the Board of Health sustains or modifies the Order, it shall be carried out within the time period allotted in the original Order or in the modification.

(d) Public Record: Every notice, Order, or other record prepared by the Board of Health in connection with the hearing shall be entered as a matter of public record in the office of the Board of Health.

(e) Hearing Petition Not Submitter, Sustaining Order: If a written petition for a hearing has not been filed with the Board of Health within seven (7) days after the day the Order has been served, or if after a hearing the Order has been sustained in any part, each day's failure to comply with the Order as issued or modified shall constitute an additional offense.

**3.13** **APPEAL**

Any person aggrieved by the decision of the Board of Health may seek relief there from within thirty (3) days in any court of competent jurisdiction, as provided in the laws of the Commonwealth.

**3.14** **PENALTIES**

- (a) Any person who shall violate any provisions of these rules and regulations for which no penalty by way of fine or imprisonment, or both, is provided by law, shall be fine or imprisonment, or both, is provided by law, shall be punished by a fine of one thousand dollars in accordance with the provisions of Chapter III, Section 31, and as it may be amended.
- (b) Any person who shall fail to comply with any Order issued pursuant to these rules and regulations, shall, upon conviction, be fined one thousand dollars in accordance with the

provisions of Chapter 111, Section 31. Each day of failure to comply with an Order shall constitute a separate violation.

**3.15      SEVERABILITY**

Each section of these rules and regulations shall be constructed as separate to the end that if any regulation or sentence, or phrase thereof shall be held invalid for any reason, the remainder of these regulations and all other regulations shall continue in full force.

**3.16      EFFECTIVE DATE**

These rules and regulations were adopted by the Duxbury Board of Health at the December 10, 1992, meeting. A summary of regulations adopted shall be published once in the Duxbury Clipper as required by Chapter 111, Section 31, of the General Laws of the Commonwealth. These rules and regulations were revised by the Duxbury Board of Health at the October 18, 2007, meeting. A summary of revised regulations shall be published once in the Duxbury Clipper as required by Chapter 111, Section 31, of the General Laws of the Commonwealth.

Effective date shall be the date of the published summary.