

## City of Medford

### **Regulation 5: Solid Waste Removal/Septic/Offal/Medical Waste/Grease Rendering, Transportation and Dumpster Permitting & Operation Regulations**

#### **5.1 AUTHORITY**

These regulations are shall be effective on and after the publication date and shall remain so until modified or amended by the City of Medford Board of Health. They are enacted under authority which includes, but is not limited to, Massachusetts General Laws, Chapter 111, Section 31, and 31B, 310 CMR (Code of Massachusetts Regulations) 11.02, and 310 CMR 19.00 et seq.. Boards of Health regulations are an exercise of power under which the various levels of government are responsible for protection of the public health, safety, welfare, and the environment.

#### **5.2 PURPOSE**

These regulations of the Board of Health have been enacted for the purpose of the protection of the citizens of the City of Medford and also the protection of the public health and the environment.

#### **5.3 DEFINITIONS**

ABUTTER means the owner of land sharing a common boundary or corner with the site of the proposed activity in any direction, including, but not limited to, land located directly across a street, way, creek, river, stream, brook or canal.

ADJACENT AREA means a parcel of land contiguous to a site or in close enough proximity to be directly impacted by water, air or soil borne pollutants, not exceeding a ½ mile radius from the site.

ADVERSE IMPACT means an injurious impact which is significant in relation to the public health, safety, or environmental interest being protected.

CONSTRUCTION AND DEMOLITION WASTE means the waste building materials and rubble resulting from the construction, remodeling, repair or demolition of buildings, pavements, roads or other structures. Construction and demolition waste includes but is not limited to, concrete, bricks, lumber, masonry, road paving materials, rebar and plaster. They may not have paint or be impregnated with with any substance. The rubble shall not be mixed with or contaminated by any other wastes or debris.

FACILITY means an established site or works, and other appurtenances thereto, which is, has been or will be used for the handling, storage, transfer, processing, treatment or disposal of solid waste including all land, structures and improvements which are directly related to solid waste activities.

FOOD MATERIAL means source separated material produced from human food preparation and consumption activities at homes, restaurants, cafeterias, or dining halls which consists of fruits,

vegetables and grains, fish and animal products and byproducts, and soiled paper unsuitable for recycling.

HANDLING AREA means an area used for the transfer, storage, processing or treatment of solid waste, excluding weigh stations or access roads.

HANDLING FACILITY means any facility that is not a disposal facility, for example transfer stations, storage facilities and other facilities used primarily for the storage, processing or treatment of solid waste. ("Handling facility" includes recycling facilities and composting facilities that are required to obtain a site assignment pursuant to [310 CMR 16.05](#))

HAZARDOUS WASTE shall mean any waste that is defined and regulated under 310 CMR 30.00.

INFECTIOUS WASTE MEANS "Infectious Waste or Physically Dangerous Medical or Biological Waste" as defined in 105 CMR 480.000, Department of Public Health, State Sanitary Code and includes: blood and blood products; pathological waste; cultures and stocks of infectious agents and associated biologicals; contaminated animal carcasses, body parts and bedding; sharps; and biotechnological by-product effluents.

LEAF and YARD WASTE shall mean any deciduous and coniferous seasonal deposition, grass clippings, weeds, hedge clippings, garden materials and brush.

PERMIT HOLDER shall mean any person(s) or company, which has applied for and obtained the appropriate permit to collect and transport solid waste within the limits of the City of Medford.

PERSON(S) means any individual, partnership, association, firm, company, corporation, department, agency, group, public body (including a city, town, district, county, authority, state, federal, or other governmental unit) or any other entity responsible in any way for an activity subject to 310 CMR 16.00, but not including an agency of the Commonwealth.

PRIVATE WATER SUPPLY means a well used as a source of drinking water supplying a non-public water system with any volume of groundwater from any source.

REFUSE COLLECTION VEHICLE shall mean any vehicle used for the delivery and transportation of SOLID WASTES. Said vehicle shall be in a safe, clean condition and in good repair.

SOLID WASTE OR 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:

- (a) hazardous wastes as defined and regulated pursuant to 310 CMR 30.000;
- (b) sludge or septage which is land applied in compliance with 310 CMR 32.00;
- (c) 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;
- (d) septage and sewage as defined and regulated pursuant to 314 CMR 5.00, as may be amended, and regulated pursuant to either M.G.L. c. 21, §§ 26 through 53 or 310 CMR 15.00, as may be amended, provided that 310 CMR 16.00 does apply to solid waste management facilities which co-dispose septage and sewage with solid waste;
- (e) ash produced from the combustion of coal when reused as prescribed pursuant to M.G.L. c.

111, § 150A;

(f) solid or dissolved materials in irrigation return flows;

(g) source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended;

(h) those materials and by-products generated from and reused within an original manufacturing process; and

(i) compostable or recyclable materials when composted or recycled in an operation not required to be assigned pursuant to [310 CMR 16.05](#)(2) through (6).

SOLID WASTE MANAGEMENT FACILITY (see "Facility")

STORAGE means the temporary containment of solid waste or compostable or recyclable materials in a manner which does not constitute disposal.

STORAGE FACILITY means a handling facility where solid waste is temporarily stored in a manner not constituting disposal.

TEMPORARY PORTABLE SANITATION UNITS means that they are to be used only in construction sites, outdoor festivals and events, etc. for a period not to exceed 90 days in any 365 day period.

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.

WATERSHED means that area defined by [310 CMR 22.02](#), *Drinking Water*.

#### **5.4 GENERAL**

a). Any persons or firms engaged in the collection and transportation of Solid waste/ Septic/ Offal/Medical Waste/Grease Rendering shall obtain a permit from the Medford Board of Health. These persons or firms shall collect only household rubbish, non-recyclable paper, garbage and other permitted Solid waste/Septic/Offal/Medical Waste/Grease Rendering materials from residential households, municipal establishments, or commercial/industrial customers in the City of Medford. The Solid waste/Septic/Offal/Medical Waste/Grease Rendering shall be removed to an approved location or facility in accordance with these rules and regulations, as well as all other applicable rules and regulations.

#### **5.5 PERMITTING PROCEDURE**

a). All persons collecting and transporting Solid waste/Septic/Offal/Medical Waste/Grease Renderings in the City of Medford shall obtain a permit from the Board of Health prior to commencing with the collection of Solid waste/Septic/Offal/Medical Waste/Grease Rendering.

b). At the time of application or as otherwise specified, the permit holder shall submit to the Board of Health the following information:

1. A completed application form.

2. A non-refundable application fee in an amount to be set by the Board of Health, must accompany the application.

3. Proof of property/liability insurance.

4. A list of the residential, municipal and commercial/industrial customers serviced by the collection.

5. A description of the collection vehicles(s) to be used, including the make, model, registration, year, type and size of compactor, and the company name appearing on the vehicle(s).

6. The Board of Health reserves the right to require all collection vehicles which are to be used in the City of Medford, to have affixed on them any markings identifying the permit holder.

c). The PERMIT HOLDER is allowed the right to appear before the City of Medford Board of Health at a hearing to discuss its application by filing such hearing request in writing with the Board.

d). Permits are not transferable.

e.) Transfer stations are not allowed in the City of Medford without approval of the Board of Health and permitting from the Commonwealth of Massachusetts.

## **5.6 INSURANCE**

a). Each applicant shall furnish the Board of Health certificates from an insurance company licensed to do business in the Commonwealth of Massachusetts showing the applicant carries Public Liability and Property Insurance. Certificates of Insurance's shall be furnished each year upon renewal of permit.

b). The applicant shall make certain that the above insurance policy is not cancelled prior to notification of the Board of Health. This notification shall be not less than thirty (30) days prior to such cancellation.

## **5.7 FEES**

a). The Medford Board of Health sets the permit fee at their discretion. The non-refundable permit fee must accompany the application. The fee is \$250.00 per establishment.

## **5.8 OPERATIONAL PROCEDURES**

a). The permit will be valid for a period of not more than one (1) year, renewable annually on the first day of April, subject to review and approval by the Board of Health.

b). No permit shall be transferable.

- c). The PERMIT HOLDER shall deliver all Solid waste/Septic/Offal/Medical Waste/Grease Renderings collected within the corporate limits of City of Medford to a licensed Solid waste/Septic/Offal/Medical Waste/Grease Rendering resource recovery plant or approved sanitary landfill.
- d). It is the responsibility of the customer, (commercial/industrial, municipal and residential) not the town, to dispose of recyclables materials currently not accepted as part of the town's recycling program in a proper fashion.
- e). The PERMIT HOLDER shall take all reasonable care in the collection of refuse. Refuse shall not be scattered about the streets or onto private property. Refuse, which is spilled, shall be immediately picked up by the PERMIT HOLDER and removed with other wastes.
- f). The Board of Health reserves the right to inspect collection vehicles and loads at reasonable times in order to ensure that they comply with all applicable state and local laws, by-laws and regulations.
- g). Any violation of these regulations or any other applicable laws or regulations by the PERMIT HOLDER will be grounds for suspension, modification or revocation of said permit.
- h). The individuals empowered to enforce the provision of these regulations shall be the Agent of the Board of Health, any member of the Board of Health.

## **5.9 DUMPSTER MANAGEMENT**

- a) Each dumpster must be located at a distance from the lot line as not to interfere with the safety, convenience or health of abutters or residents. Dumpster locations must be approved by the Board of Health.
- b) Each dumpster must be situated so as not to obstruct the flow of traffic.
- c) When deemed necessary by the Board of Health, it may be required that a dumpster site be enclosed or screened by the property owners or authorized agent.
- d) Dumpster is not to be filled between the hours of 11:00 p.m. and 7:00 a.m. in residentially zoned areas nor after the close of the business day for all types of business properties. All lids are to be closed and locked when dumpster is not in use.
- e) Each dumpster must be of sufficient size and capacity to eliminate overflowing. Routine weekly scheduled pickups shall be mandatory for apartment buildings.
- f) The property owners, tenant, occupant or authorized agent of the premises utilizing the services must notify the contractor at least twenty four (24) hours in advance for an additional call-in for pickup which may be necessary to prevent overflowing.

- g) Whenever and for whatever reasons deemed necessary including repeated violations, the Board of Health may order dumpster capacity size changes and/or additional pickups.
- h) The property owner, tenant, occupant or authorized agent utilizing a dumpster service must make known to the Board of Health the name and telephone number of the person responsible for maintaining the dumpster and dumpster area and notifying contractor to empty contents when full. Any changes in name of person (s) shall be reported to the Board of Health immediately.
- i) It shall be the responsibility of the property owner, tenant, occupant or agent being serviced to maintain the dumpster and dumpster area free of all nuisances including but not limited to flies, insects, scattered debris and overflowing conditions.
- j) The property owner, tenant, occupant or other authorized agent responsible for maintaining the dumpster service is required to have a permit from the Board of Health for each dumpster per City of Medford Board of Health Regulation 6.
- k) Contractor shall have his or its name and telephone number conspicuously displayed on the dumpster.
- l) No Contractor shall remove dumpster contents prior to 7:00 a.m. nor later than 8:00 p.m.
- m) Temporary dumpster permit (roll-off or gondola type) will be issued to a property owner, tenant, occupant or authorized agent for a period of time not to exceed 30 days in connection with construction, demolition, fairs, carnivals or for other similar temporary needs. Said permits may be renewed for an additional 30 day period upon application. The property owner, tenant, occupant or authorized agent shall comply with all the provisions of these regulations which are applicable to the operator of the dumpster. There shall be a fee of \$25.00 payable for each temporary dumpster permit. Permanent or long-term use dumpsters fee is \$50.00, renewed every April 1<sup>st</sup>. No dumpster may be placed on the city streets without first obtaining permission from the Department of Public Works.
- n) The dumpster Contractor shall have the dumpster deodorized when emptied or if necessary, washed, steamed or sanitized as directed by order of the Board of Health.
- o) The Contractor shall not cause nor allow spillage during removal or transportation of any garbage, rubbish or other offensive substance.

#### **5.10 PORTABLE SANITATION UNITS (Portable Toilets/Temporary Septic)**

- a) Units are to be temporary (i.e. construction sites, at outdoor festivals and events, etc) for no longer than 90 days in a 365 day period.
- b) Units must be placed in a location that does not cause a nuisance (including but not limited to odors and insects/pests) to the general public and/or abutters. They may not be placed on or within a City right of way (roadway).

c) Units intended to service a large numbers (i.e. carnivals, festivals) must be cleaned and serviced daily. All other units must be serviced as needed, but not less than once per week. Units must be cleaned and serviced and/or removed upon the direction of the Medford Board of Health, based on receipt and inspection of a complaint to the Board of Health.

d) Units must be clearly marked with company name and telephone number for servicing.

e) Haulers must be permitted by the Medford Board of Health to supply Temporary Potable sanitation units within the City of Medford.

#### **5.11 INDEMNIFICATION:**

a). PERMIT HOLDERS may enter into arrangements for the collection of refuse and recyclables with individual residents, the municipality and commercial/industrial customers of the Town, in which the PERMIT HOLDER will be paid directly by the customer. The Town shall have no liability for payment to the PERMIT HOLDER for any residential or commercial/industrial collection and disposal work that is not included in the TOWN'S contract

b). The PERMIT HOLDER shall take all responsibility for the work and take all reasonable precautions for preventing injuries to persons or damage to property. The PERMIT HOLDER shall bear all losses resulting to the collection company on account of the quantity or character of the work. The PERMIT HOLDER shall assume the defense of and indemnify and hold harmless the City of Medford, its officers, agents and servants from all claims relating to labor and materials furnished to the work, and for all injuries to any person or corporation received or sustained by or from the PERMIT HOLDER and employees doing the work, in consequence or any improper materials, implements or labor used therein; and to any act, omission or neglect of the PERMIT HOLDER and its employees.

c). The PERMIT HOLDER agrees to indemnify the Town for any liability that may arise from the improper treatment, storage or disposal of hazardous wastes collected within the Town.

#### **5.12 SUSPENSION, MODIFICATION OR REVOCATION OF PERMITS**

a). Any Solid waste/Septic/Offal/Medical Waste/Grease Rendering/recycling collection permit may be suspended, modified or revoked by the Board of Health upon receipt of evidence satisfactory to the Board that the PERMIT HOLDER has not conformed to the requirements of these regulations, or to any applicable state or federal statute, regulation, rule or order regarding the collection, transportation or disposal of Solid waste/Septic/Offal/Medical Waste/Grease Rendering. In the event the Board of Health, agents, servants, or employees deem that the health, safety or welfare of the occupants or residents of the City of Medford is jeopardized and that any emergency exists, it may order all dumping terminated, and the dumpster removed, pending hearing. The PERMIT HOLDER will receive three days written notice, sent by certified, registered mail or constable service, to the last known address of the alleged violator, notifying them of permit suspension, revocation, or modification by the Board of Health, its agents, servants or employees for the failure of the dumpster contractor, owner, tenant, occupant or agent

to comply with the conditions and requirements of these regulations; and the dumpster may be ordered to be removed.

b). Appeals of such suspensions, modification or revocations may be directed in writing to the Board of Health within ten (10) business days of said suspensions, modification or revocations.

### **5.13 FINES and PENALTIES**

a) Any person whether contractor, owner, tenant, occupant or agent being serviced or other person or company who shall violate any provisions of these regulations, and upon written notification by the Board of Health does not comply with the order or causes or allows repeated violations shall be punished by a fine.

These regulations may be enforced by the Medford Board of Health through Ticket Enforcement under M.G.L. c. 40 s 21D:

#### **Fine Schedule:**

First offense, fifty dollars (\$50.00);

Second offense, one hundred dollars (\$100.00);

Third and subsequent offenses, two hundred dollars (\$200.00) but not more than One thousand dollars (\$1000.00), with each day constituting a separate violation

b) Each day's failure to comply with an order shall constitute a separate violation.

### **5.14 SEVERABILITY**

a) 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 regulations and all other regulations shall continue to be in force.

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