Regulations for Storage, Transport, Recycling and Disposal of Waste

Acting under the authority of Massachusetts General Laws Chapter 111, Section 31, and the State Sanitary and Environmental Codes, the Orange Board of Health has established the following regulations for the storage, transport, recycling and disposal of waste. The intent of these regulations is to maintain the public health and safety, and to promote the recycling of waste materials. These regulations may be amended by the Board at its discretion.

Definitions – following are definitions of terms used in this regulation:

waste – materials including, but not limited to garbage, household rubbish, commercial and construction debris waste, garden/yard/agricultural waste, appliances and other items which are worn or damaged beyond their usual useful purpose, other materials which may be determined to be waste either by the Board, other agencies which may interpret pertinent waste regulations, or by consideration of the current use, storage or maintenance of the materials in question. This definition specifically excludes antique or other items of historical or collector interest, except when such items are not stored or maintained in a manner typically accepted for items of such purported interest.

Board – the Board of Health of the Town of Orange.

Transfer Station – such facility as provided for the collection of waste, by direction of the Town.

Town - The Town of Orange

recyclables – such materials, whether or not considered waste, as designated by officials of the Town, to be separated for purposes of sale, disposal, or re-use.

transport – loading, moving, or carrying waste over public roadways or Town property

commercial waste haulers – parties performing transport of waste for compensation

residents – persons who own property within the Town, or who have necessary permits or agreements from Town officials to use the Transfer Station.

Separation List – designated listing of those materials to be separated for recycling or disposal as trash

trash - materials not currently listed as recyclable or for other specific handling

trash bags – plastic bags provided by the Town for containment and transport of trash and disposal of trash at the Transfer Station. These bags must be purchased at one of the designated locations.

permit – sticker or certificate issued by the Town which allows holder to transport trash or recyclable materials over public roadways, to the Landfill, or other approved facility. There may be various permits issued, at the discretion of the Board, or Town, of residential or commercial use; fees for any permit will be set periodically, and must be paid in full prior to pursuit of any activity regulated herein.
I. General

1. Only materials, whether trash, recyclables, or other designated materials, which are generated as a result of residential, commercial, or industrial activities taking place at addresses, or on property, located within the bounds of the Town of Orange, are to be brought to the Transfer Station, unless specific separate arrangements have been made with the Town.

2. Upon receipt or collection by the Town, all waste and recyclable materials shall become the property of the Town.

3. Use of the Transfer Station or other designated areas for collection of disposal of waste of recyclables is a privilege which is allowed only upon full compliance with the regulations cited herein, and interpretations thereof by Town officials. This privilege may be suspended by Town officials, or by the Manager of the Transfer Station or their representative, for violations which are sufficient to cause a threat or disturbance of the general public, employee of the Town, or Town official. Abusive behavior of any type, including, but not limited to: use of profanity, threatening behavior or language, or abuse of the equipment or facility at the Transfer Station is forbidden, and to be penalized as outlined below.

4. The Transfer Station Manager shall maintain a posted Separation List, indicating the materials to be separated for recycling, trash, etc., and also indication those materials not allowed to be transported or disposed of at the Transfer Station, or those items for which special arrangements may be made for collection or disposal. The Separation List may be amended as necessary for the safe and effective operation of the Transfer Station, subject to approval by the Town. Changes to the Separation List must be posted in the usual public places at least thirty (30) calendar days prior to the intended effective date, except in such cases in which the safety or effective operation of the Transfer Station would otherwise be compromised.

5. Trash bags will be available at designated locations, for use as defined above. All trash must be contained within these bags, except those materials covered under separate arrangements, or designated procedures. The use of bags or containers other than those specified by Town officials is specifically prohibited.

II. Storage of Waste

1. Procedures are specifically outlined in DPH regulations 105 CMR 410.600 thru 410.60; these regulations must be followed as a minimum standard; the Board, may, at their discretion, increase or enforce additional requirements, as deemed necessary, as a rule, or in individual cases.

2. Waste must be at all times contained in such a way as to prevent access by insects, rodents, pets, or others animals or wildlife.

3. Waste which is bagged, or otherwise in soft containers must be stored in a secure Enclosed area.

4. Waste items which may present risk of entrapment, such as a refrigerator, must
be rendered safe or inaccessible, e.g. removal of doors, etc.

5. Dumpsters, and other containers are not to be filled to a level above the top edge of the container, and must have a lid which is kept in place at all times, creating a barrier to access by animals, and escape of materials by wind, etc.

III. Transport of Waste
1. All transport of waste materials are subject to applicable regulations of the Mass DPH, and other state or federal authorities.
2. All commercial waste haulers providing waste and/or recycling services with the Town shall register with the Board and obtain the necessary permit(s).
3. All commercial haulers shall be responsible for recycling, according to the regulations contained herein.
4. Waste is to be transported in a method which contains the material completely, whether a closed and covered vehicle, bagged, etc. such that spillage is not possible under normal conditions.
5. Reporting requirements shall be posted periodically by the Manager of the Transfer Station. All haulers of refuse and recyclables in the Town of Orange shall comply fully with these requirements.

IV. Disposal of Waste
1. All disposal of waste is subject to applicable regulations of the Mass DPH, and other state or federal authorities.
2. Waste must be unloaded only onto or into locations or containers specifically designated by Town officials or management of landfill; unloading of waste onto non-designated areas of public or private property, including non-designated areas of the Transfer Station.
3. Waste must be separated prior to, or during the act of disposal, as designated by Town officials or management of the landfill, according to the current posted Separation List.
4. Certain items, or materials may be disposed of at the Transfer Station only after a fee is paid. The fees will be set by the Manager of the Transfer Station, based upon reasonable costs associated with handling and disposal of these materials. The fees may be changed without notice, and must be posted at the Transfer Station. The items or materials, for which these fees will apply, will be listed on the Separation List.
5. Clandestine anonymous dumping of waste on public or private property, for example or back roads or in secluded locations, where there is an apparent attempt to evade responsibility, is a violation of these regulations for which the Board will impose the maximum penalty, and will assess the violator for all costs relating to the determination of responsibility, and cleanup. This regulation also specifically includes inappropriate dumping at the Transfer Station.

V. Recycling of Waste
1. Recycling must be performed by all residents and owners of single, multifamily or apartment units, industrial/commercial property owners and tenants, government
units, businesses and other institutions whose waste is to be transported to the Transfer Station for disposal, notwithstanding state or federal regulations.

2. The Transfer Station Manager, the Board, or other responsible Town officials may, at their discretion, authorize the removal of recyclable items or materials from the Transfer Station for purposes of recycling or re-use. Except in cases where a contractual commercial agreement is in place, a signed release must be obtained, relieving the Town of any associated liability, and reporting the intended destination and use of the items and materials in questions.

3. No unauthorized person shall collect, remove, or cause to be removed, any waste or recyclable materials once they have been set out for collection by a commercial hauler, or have been deposited at the Transfer Station.

VI. Penalties – Notwithstanding any other provision of law, any person who violates the provisions of the Regulation may be penalized by non-criminal disposition as provided in Chapter 40, section 21D of the MGL, or shall be punished by a fine not to exceed three hundred dollars ($300) per incident. Nothing in this regulation is intended to impede the prosecution of violators for related criminal charges. Penalties for specific violations are outlined below; other violations shall be provided penalties at the discretion of the Town officials or law enforcement officials.

1. General
   A. Reported violators will have the right to be heard at a hearing before the Board. Hearings will be scheduled for the next regularly scheduled meeting of the Board, but not less than ten (10) business days from the date the Board received notification of the violation. To be heard before the Board, the Violator must deliver a written request to the Board, within seven (7) business days of notification of the violation.
   B. Violations must be reported to the Board within three (3) business days of the reported occurrence, except in cases of extenuating circumstances. Reports must be written, and include, at a minimum, identification of individuals involved, and a brief description of the incident, signed by the person in charge who initiated the action, and the Manager of the Transfer Station, or the designated person in charge.
   C. Violators will be notified in writing by the Board, of reported violations, by regular/certified mail, posted no later than seven (7) business days following receipt of the report from the Transfer Station. The violator will be considered notified as of the date of delivery of the certified mail.
   D. Each action which is in violation of any individual element of this Regulation may be considered a separate violation for purposes of multiple penalties.

2. Suspension of privilege of use of the Transfer Station, or other related facility
   A. Suspension may be made effective immediately in cases of an actual, or impending threat to the safety or health of the general public, employees of the Town, or Town officials. This action may be taken by the
designated employee or official in charge of the Transfer Station at the
time of the incident in question.
B. Within three (3) business days of the effective date of the suspension,
written notification must be provided to the Board as in 1B above.

C. Suspension is to be for a specified time period, but may be made
permanent in cases of repeated violations, or conditions of sufficient
magnitude.

3. Penalties – violators of these regulations will also be subject to the following
penalties; these penalties will be enforced by legal process as necessary; fines are
due to be paid to the Town Collector within thirty days of order by the Board,
Town, or other enforcing authority.

A. In the case of a first violation, the violator must meet with the Board, to
review the regulation, according to the above schedule. Failure to do so
will result in the finding of an additional violation.
B. In the case of a second violation, within 12 months of a first violation, in
addition to (3A) above, the violator shall be required to pay a fine of
one hundred dollars ($100).
C. In the case of a third violation, within 12 months of a second violation, in
addition to (3A) above, the violator shall be required to pay a fine of
two hundred dollars ($200).
D. In the case of a fourth violation, within 12 months of a third violation, in
addition to (3A) above, the violator shall be required to pay a fine of
three hundred dollars ($300).
E. In the case of further violations, within 12 months of the previous
violation, the violator will be required to pay a fine of the greater of three
hundred dollars, or the maximum allowable by current law.
F. At any level of violation, the Board may enforce suspension of privileges
at the Landfill, and revocation of any pertinent permit(s).
G. In the case of illegal dumping, including, but not limited to the examples
in section IV, 5 above, the Board will assess and charge the violator for
all costs associated with the investigation, cleanup and handling required
to remedy the situation. This may include additional charges for
administrative and clerical requirements.