

CITY OF SALEM PUBLIC HEALTH REGULATION #7
Requirements for Placement, Collection and Disposal of Solid Waste by Residents,
Mandatory Recycling for Residents and Businesses within the City of Salem and
Solid Waste Disposal/Recycling Haulers Licensing and Operations

Section I. Scope of Authority

The Salem Board of Health adopts the following regulation pursuant to authorization granted by M.G.L. c 111 s. 31 and 31B, 310 CMR 11.02 and 310 CMR 19.0 et seq. The regulation shall apply, as specified herein, to all residents, institutions and businesses, existing and new, within the City of Salem. This regulation was adopted on June 12, 2018 and shall be effective January 1, 2019.

Section II. Purpose of the Regulation

These regulations are intended to preserve the public and environmental health and are designed to 1) keep banned recyclable materials and certain toxic materials out of the solid waste stream, 2) regulate and license haulers of solid waste and recyclables and 3) establish requirements for the proper placement, collection and disposal of solid waste by residents and allowed small businesses in order to prevent public health nuisances that could lead to disease and/or environmental contamination.

Section III. Definitions

For the purpose of this regulation, the following words and phrases shall have the following meanings:

- A. Allowed Small Business: Those small businesses as listed in the "City of Salem, Massachusetts, Contract for Solid Waste and Recyclable Materials, Collection and Transportation, dated July 1, 2015."
- B. Bag-Official Overflow Bag: 35 Gallon Plastic bag for excess solid waste that does not fit in the City carts. Volume shall not exceed 35 gallons and total weight of a bag and its contents shall not exceed 50 lbs. The overflow bags are for overflow from municipal issued trash bins and for municipal collection only.
- C. Bulky Waste: Included, but is not limited to, items weighing over 50 pounds or too large to place in a solid waste barrel such as furniture or a mattress/box spring, but excludes yard waste and construction debris and other waste ban items per 105CMR310
- D. Construction Debris: Waste building materials resulting from construction, remodeling, repair and demolition operations and as set forth in the Department's Regulations relative to waste bans.
- E. Containers: A receptacle for solid waste or recycling. For the purposes of curbside collection of solid waste, a Contractor designated and supplied 64-gallon cart. For purposes of recycling, a Contractor designated and supplied 96-gallon cart. The term

“cart” shall mean a 64-gallon (solid waste) or 96-gallon (recyclables) commercially manufactured plastic container with wheels and attached lid provided by the City’s Solid Waste Collection Contractor (Contractor) for the storage and setout of solid waste and recyclables. An acceptable container may also include smaller containers, approved by the Contractor on a case by case basis.

- F. Facility: A licensed solid waste resource recovery or recycling plant, transfer station or approved sanitary landfill or assigned or permitted composting site.
- G. Hazardous Waste or Material: Any waste that is defined and regulated under 310 CMR 30.00.
- H. Household: The single residential unit within a single or multi-family complex.
- I. Leaf and Yard Waste: Any deciduous and coniferous seasonal deposition, grass clippings, weeds, hedge clippings, garden materials and brush.
- J. Licensee: Any person(s) or company, which has applied for and obtained the appropriate license to collect solid waste within the limits of the City of Salem.
- K. Recyclables: As established set forth in 310 CMR 19.00 including, but not limited to glass containers, plastic containers, aluminum, metal containers and newspapers. Glass containers as defined shall be made of clear, brown or green glass, and shall exclude blue and flat glass (commonly known as window glass), dishes, pottery and crockery. Plastic containers shall be household plastic containers #s 1, 2, 3, 4, 5, and 7, excluding plastic film (plastic bags, for example). Aluminum as defined shall include cans but exclude foil and containers or trays used in the packaging of food. Metal containers as defined shall be made entirely of ferrous metal (iron or steel) and may exclude all pressurized cans and cans which have contained hazardous materials. Paper, cardboard and paperboard products including newspaper as defined shall mean unsoiled newsprint, including newspaper advertisements, supplements, comics, enclosures, magazines, catalogues and telephone books.
- L. Restricted Materials: As set forth in 310 CMR 19.00 including, but not limited to lead batteries, leaves, tires, white goods, other yard waste, aluminum containers, metal or glass containers, single polymer plastics, recyclable paper, cathode ray tubes, asphalt pavement, brick and concrete, metal and wood.
- M. Solid Waste collection vehicle: Any vehicle used for the delivery of solid waste and/or recyclable material. Said vehicle shall be in a safe, clean condition and in good repair, and appropriately marked identifying the haulers name, working phone number and place of business.
- N. Solid Waste: Useless, unwanted or discarded solid material, resulting from municipal or household activities that is abandoned by being disposed or incinerated or is stored, treated or transferred pending such disposal, not including any hazardous waste, special wastes.
- O. Special Waste: A solid waste that requires special handling (i.e. demolition/ construction material) or disposal techniques or methodologies to protect the public health or safety or the environment.
- P. White Goods: Stoves, refrigerators, water coolers, bubblers, dishwashers, clothes dryers, washing machines, freezers, air conditioners, and dehumidifiers. White Goods shall be classified as either Freon/refrigerant containing or non-Freon/refrigerant containing types.

Section IV. Requirements for Placement, Collection and Disposal of Solid Waste

- A. Time of Placement: City issued carts may be placed curbside for municipal collection no sooner than 6 PM the evening before the scheduled collection. All carts and overflow bags must be placed curbside no later than 7 AM on the day of collection and must be removed from the sidewalk on the same day as the collection.
- B. Solid Waste Acceptable Materials: Only items included in the solid waste definition in this regulation may be placed curbside in carts or overflow bags for collection.
- C. Bulky waste: Two bulky waste items per household per recycling week may be placed for collection per household and allowed small businesses.
- D. Hazardous Materials: Hazardous materials, such as those banned from regular solid waste disposal in accordance with 310 CMR 19.00, must be handled according to local, state and federal rules and regulations.
- E. Recyclable Materials: Recyclable materials may be placed curbside in City or Contractor issued carts for collection on the same day as regular solid waste collection on a bi-weekly schedule, see city website for schedule. Material placed in the cart must have the potential to be recycled and is identified, listed and accepted as such and which is not commingled with non-recyclable solid waste or contaminated by toxic substances as per 310 CMR 19.00. Up-to-date information regarding handling recyclable materials is located at www.salem.com/recycling-and-trash or by calling the City Engineer's office.
- F. E-Waste: May be disposed of privately. The City provides quarterly e-waste collection. See city website for details.
- G. Yard Waste: Yard waste may not be included in regular municipal collection. It will be collected on a schedule agreed upon by the city and the city's contractor or brought to a permitted municipal collection site. Yard waste must be placed in yard waste paper bags or open containers clearly marked as "yard waste." Trimmings may be bundled in lengths no more than three feet long. Branches may not have a diameter greater than 3 inches long and weigh no more than 50 pounds.
- H. Miscellaneous:
 - 1. No person shall disturb, remove or collect any solid waste, bulky waste, recyclable material, white goods, or yard waste from any premises without consent of the owner, nor any waste placed out for collection upon any sidewalk or way except employees or contractors of the City.
 - 2. No person, firm, business, or corporation shall place or keep any container, bag, box, crate, or any other receptacle containing solid waste or recyclable materials on any sidewalk in the City except for removal or collection by the City, its Contractor or a private collector. Waste or recyclable material may be placed curbside adjacent to the place such person, firm, business, or corporation resides or has a place of business.

I. Commercial collection:

The owner of every business, other than the small businesses which have been provided bins by the City and who follow the rules established for municipal curbside collection, shall provide, keep clean and in good repair proper and sufficient solid waste receptacles for the storage of solid waste and recycling. Such owner shall provide for the collection and removal of the solid waste and recycling by him/herself or by a private collector, at sufficient intervals, and in a manner to prevent a nuisance as may be determined by the Board of Health. Tightly covered containers may be placed curbside for private collection no sooner than 6PM the evening before the scheduled collection and must be removed from the sidewalk on the same day as the collection. In the event bags are utilized for private collection, bags may be placed curbside for collection no sooner than 6 AM the morning of the scheduled collection and must be removed from the sidewalk on the same day as the collection.

Section V. Mandatory Recycling Regulation

A. Solid waste collected by the City of Salem or any licensed rubbish hauler shall not contain recyclables or restricted materials. Each generator of waste and/or property owner/manager shall separate from non-recyclable rubbish all recyclables, as defined.

B. Waste generators are responsible for ensuring that they do not contract for the disposal of recyclables or restricted materials with their solid waste.

C. Owner/Manager of a property shall be responsible for immediate removal of all solid waste and/or recyclables placed on or near the side of a street for collection which does not comply with the rules and regulations of the Salem Board of Health. Failure to remove within 24 hours shall result in a fine being issued.

D. No person shall willfully or maliciously disturb or handle the contents of or tip over or upset any container placed for the collection of solid waste or recycling.

Section VI. Solid Waste Disposal/Recycling Haulers Licensing and Operations

A. General:

1. Any person or company engaged in the collection of solid waste and recyclables shall obtain a license from the City of Salem. Solid waste and recyclables collected shall be brought to a Department of Environmental Protection (DEP) approved solid waste disposal facility.
2. The *licensee* shall provide Integrated Solid Waste Services, defined as providing bundled service for the collection of both Solid Waste and Recyclables for each Customer to allow compliance with the DEP solid waste bans found at 310 CMR 19.
3. All licensed solid waste disposal/recycling companies serving residential, municipal and commercial/industrial/institutional customers in the City of Salem shall provide customers with bundled service for the collection of both solid waste and

recyclables at a rate that reflects the cost of both services. An approved recycling service consist of a recycling collection, minimum bi-monthly (twice a month).

4. Individuals engaging in yard waste collection and/or removal of bio-degradable waste shall obtain a permit from the Health Department and shall indicate the site of final disposal and maintain records on an annual basis for examination.

B. Licensing procedure:

1. All persons collecting solid wastes in the City of Salem shall obtain a license from the Board of Health prior to commencing with its collection.
2. At the time of application or as otherwise specified, the *licensee* shall submit to the Board of Health the following information:
 - a. A completed application form.
 - b. A non-refundable \$100 application fee for each vehicle.
 - c. A list of the residential, municipal and commercial/industrial customers serviced by the collection. Supplied yearly.
 - d. A description of the collection vehicle(s) to be used, including the make, model, registration, year, type and size of compactor, and the company name appearing on the vehicle(s).
3. An exact figure of the tonnage of solid waste and recyclables that have been collected from residential/commercial sites shall be submitted to the Board of Health monthly on company letterhead and signed by company representative.
4. The Board of Health reserves the right to require all vehicles collecting solid waste in Salem to have a marking thereon indicating they are licensed in Salem.
5. A *licensee* has the right to be heard by the Board of Health to discuss its application by making written request to the Department.

C. Insurance:

1. Each applicant shall furnish the Board of Health with 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 shall be furnished each year upon the renewal of the license.
2. 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 (30) days prior to the cancellation.

D. Operation Procedures:

1. The *license* shall expire on December 31st following the date of issue unless sooner revoked and shall be renewable annually on the first day of January subject to review and approval by the Board of Health
2. No license shall be transferable except with the approval of the Board of Health.
3. The *licensee* shall deliver all solid waste collected within the corporate limits of Salem to a licensed solid waste resource recovery plant, transfer station or approved sanitary landfill.
4. The *licensee* shall provide recycling service to allow compliance with the DEP solid waste bans and the Board of Health bans by the effective dates of those bans.

5. All recyclables must be collected at a minimum bi-monthly (twice a month). *Licensees* are required to collect both paper products and co-mingled (glass/plastic/metal) at each pickup.
6. The *licensee* shall take all reasonable care in the collection of solid waste and recyclables. Solid waste and recyclables shall not be scattered about the streets or onto private property. Solid waste and recyclables which are spilled, shall be immediately picked up by the *licensee* and removed with other wastes. Failure to comply may result in fines up to \$100.00 per incident.
7. 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.
8. Any violation of these regulations or any other applicable laws or regulations by the *licensee* will be grounds for suspension, modification or revocation of said license.
9. The individuals empowered to enforce the provisions of these regulations shall be the Agent of the Board of Health and any member of the Department, Recycling Coordinator or any Police Officer of the City.
10. *Licensees* are required to provide their customers with a list of acceptable waste types and recyclables according to Department regulation and with a list or description of proper packaging or bundling methods.
11. The *licensee* shall pick up from residential, commercial, institutional and industrial service recipients within the city limits between the hours of 7:00am and 8:00pm.
12. The *licensee* shall provide adequately sized receptacles for solid waste and recycling if necessary and maintain in a clean insect resistant manner free from odors, leaks, rodents and insects.
13. *Licensees* shall not store recyclables or solid waste in the vehicle on public ways overnight without permission of the Board of Health.

E. Indemnification:

1. *Licensees* may enter into arrangements for the collection of solid waste and recyclables with condominium units, residential apartment complexes in excess of six (6) units and commercial/industrial/institutional customers of the City. The *licensee* will be paid directly by the customer. The City shall have no liability for payment to the *licensee* for any residential or commercial/industrial/institutional collection and disposal work that is not included in the City's contract.
2. The *licensee* shall take all responsibility for the work and take all reasonable precautions for preventing injuries to persons or damage to property; shall bear all losses resulting to the collection company on account of the quantity or character of the work; shall indemnify and hold harmless the City of Salem, its officers, agents and servants from all claims relating to labor and materials furnished to do the work, and for all injuries to any person or corporation received or sustained by or from the *licensee* and its employees doing the work, in consequence of any improper materials, implements or labor used therein; and to any act, omission or neglect of the *licensee* and its employees.
3. The *licensee* agrees to indemnify the City for any liability that may arise from the improper treatment, storage or disposal of hazardous wastes collected within the City.

F. Suspension, Modification or Revocation of licenses:

Any solid waste/recycling collection *license* may be suspended, modified or revoked by the Board of Health upon receipt of evidence satisfactory that the *licensee* has not conformed to the requirements of these regulations or to any applicable state or federal statute, regulation, rule or order regarding the transportation or disposal of solid waste or the collection and disposal of solid waste or recycling. Appeals of any such suspension, modification or revocation may be directed to the Board of Health within ten (10) business days of said suspension, modification or revocation.

Section VII. Enforcement

Enforcement of this regulation shall be by criminal complaint in the district court and/or non-criminal disposition ticket M.G.L. Chapter 40, § 21D. Agents of the Board of Health shall have the power to enforce the provisions of this regulation. The City shall also have the option of seeking equitable relief to enjoin violations of the rules and regulations of the Board of Health.

Section VIII. Penalties

A violation of these regulations may be punished by a fine set forth in City Ordinance Chapter 1-10. Each day of failure to comply with the regulations shall constitute a separate violation.

Section IX. Severability

In case any section, paragraph or part of this regulation is for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

City of Salem Board of Health
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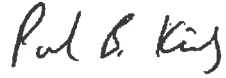
Paul Kirby, Chair
Kerry Murphy
Dr. Jeremy Schiller, MD
Geraldine Yuhas

Larry Ramdin, Health Agent Maureen Davis, Clerk of the Board

After a vote of the Board of Health on June 12, 2018: 3-0 (one member absent).

The Following Signature is authorized

Signed,

A handwritten signature in black ink, appearing to read "Paul Kirby". The signature is written in a cursive, flowing style.

Paul Kirby
Chairperson, Salem Board of Health