

Best Practices for Municipalities Developing Private Hauler Regulations

Municipal Waste Ban Compliance Regulation

Final – Updated April 2026

NOTE TO USER

The following document was developed in response to requests from municipal officials in the Commonwealth of Massachusetts who want to increase recycling by ensuring that all Private Haulers operating in the municipality are in compliance with the Massachusetts Waste Bans (310 CMR 19.017).

This document contains sample language that can be adopted as is or used in conjunction with Town specific language to best address the circumstances in each municipality. In order to promote consistency throughout the Commonwealth, the Massachusetts Department of Environmental Protection (MassDEP) recommends that municipalities adopt the general language in this document.

Optional Language, included as ATTACHMENT 2 with this document, provides additional language that may be important to some municipalities depending on their involvement in Solid Waste management, including: provision of recycling containers, unit-based pricing, food waste collection and other recycling incentives.

This guidance document can be used to adopt a bylaw/ordinance or regulation around three general areas:

1) Mandatory Recycling – If your municipality does not already require generators to separate Recyclables from Solid Waste, it is recommended that Section V in the attached template be adopted in conjunction with Sections 2 or 3 (below) to assure that the Permitted Hauler requirements under Sections 2 and 3 are fairly enforced by the municipality. Mandatory Recycling can help ensure compliance with the Massachusetts Waste Bans and support the efforts of Permitted Haulers to collect Solid Waste and Recyclables separately.

[Read more about Mandatory Recycling and Private Hauler regulations in Massachusetts.](#)

2) Residential Only Private Hauler Regulations - A municipality may choose to only regulate collection of Solid Waste from Residential Customers/Generators. If so, the sections referring to Commercial Customers may be eliminated from this document. Residential Customers/Generators, for purposes of this document, shall mean property owners and occupants of single and multi-family dwellings, condominiums, public housing, and mobile homes.

3) Residential and Commercial Private Hauler Regulations - A municipality may choose to regulate both residential and commercial waste hauling activity, and therefore adopt all the language contained in this document, as modified to meet the specific circumstances of each municipality.

In all cases, the final bylaw/ordinance and/or regulation developed should be reviewed by your Municipal Attorney before adoption.

RULES AND REGULATIONS FOR REMOVAL, TRANSPORT, AND DISPOSAL OF SOLID WASTE OR RECYCLABLES IN THE TOWN/CITY OF _____.

I. Purpose

The goal of these regulations is to protect public health and the environment and ensure that all Private Haulers collecting Solid Waste and Recyclables adhere to the Massachusetts Waste Ban regulations and uniformly comply with permit requirements established by the Town/City of _____. This should ensure that:

- The environmental benefits of recycling are maximized;
- There is joint enforcement of the Waste Ban requirements by the municipality and all Private Haulers operating within the municipality;
- There are fair and equitable rules for all Private Haulers operating in the municipality;
- All residents and businesses have convenient (parallel) access to recycling collection services;
- All Private Haulers licensed to operate in a municipality are in compliance with state regulations (310 CMR 19.017);
- There is greater consistency across municipalities to promote clear operating guidelines for Private Haulers; and,
- Municipalities and Private Haulers work together to support the goals of the Solid Waste Master Plan and the Global Warming Solutions Act.

II. Authority

These regulations establish minimum requirements for the systematic collection of Solid Waste and Recyclables in order to promote waste reduction, comply with State-mandated Waste Bans (310 CMR 19.017), and further the goals of the Town/City of _____. The Board of Health of the Town/City of _____ adopts these regulations under the provisions of Chapter 111 Sections 31, 31A, 31B, 122 and 150A of the Massachusetts General Laws.

Private Haulers shall only collect for disposal those items acceptable for disposal. Materials banned from disposal under 310 CMR 19.017 shall not be included with Solid Waste.

III. Effective Date

These regulations shall take effect on _____.

IV. Definitions

For the purposes of this regulation, the following words and phrases shall have the following meaning unless the content clearly indicates otherwise:

Commercial Customers/Generators shall mean property owners and occupants of any commercial, industrial, institutional, municipal, school, or mixed-use building within the Town/City of _____.

Customer shall mean either Residential Customer/Generator or Commercial Customer/Generator.

Mercury Disposal Prohibition shall mean Disposal Prohibition Provision of the Mercury Management Act (Chapter 190 of the Acts of 2006). Effective May 1, 2008, mercury-added products cannot be disposed of in Solid Waste. The law also prohibits any Solid Waste collector from collecting as Solid Waste the contents of a Solid Waste container that the collector knows (or reasonably should know) includes one or more mercury-added products. [Read more about the Mercury Disposal Prohibition Provision.](#)

Permitted Hauler shall mean any Private Hauler who has obtained a valid Private Hauler permit from the Town/City of _____.

Private Hauler shall mean any person or entity providing collection of Solid Waste and/or Recyclables for hire within the Town/City of _____.

Recyclables shall mean a material that is banned from disposal in the Commonwealth of Massachusetts pursuant to 310 CMR 19.017: Waste Bans. Mixed paper, cardboard, glass, metal, and plastic containers are priority materials of this regulation.

Residential Customers/Generators shall mean property owners and occupants of single and multi-family dwellings, condominiums, public housing, and mobile homes within the Town/City of _____.

Solid Waste shall mean useless, unwanted or discarded non-recyclable solid and liquid wastes, excluding items restricted from disposal in Massachusetts, as defined by Table 310 CMR 19.017(3) of the Massachusetts' Solid Waste regulations (310 CMR 19.017).

Town/City shall mean the _____ *Town/City of* _____

Waste Ban Materials shall mean all materials designated as banned from disposal in the Commonwealth of Massachusetts pursuant to 310 CMR 19.017 (see <https://www.mass.gov/regulations/310-CMR-19000-solid-waste-facility-regulations>).

V. Mandatory Recycling

(NOTE TO USER: If the municipality has already codified Mandatory Recycling for waste generators, insert reference to municipal regulation/bylaw/ordinance here). These regulations are intended to support and align with the Town/City of _____ Mandatory Recycling bylaw/ordinance and/or regulation as follows.

OR

(NOTE TO USER: If the municipality has not yet codified Mandatory Recycling for waste generators, the following language may be utilized): In order to protect the environment, promote recycling and be in compliance with Massachusetts Waste Ban regulations (310CMR 19.017); the Town/City of _____ hereby establishes a requirement for mandatory separation of Recyclables from the Solid Waste stream. This requirement applies to all Residential Customers/Generators and Commercial Customer/Generators in the Town/City of _____.

(NOTE TO USER: Below are options to enact Mandatory Recycling for waste generators:

- **Massachusetts General Law Chapter 40 Section 8H enables the legislative body (Town Meeting, city council) to establish a program for recycling. Any recycling program established pursuant to this section may require that all residents, schools and businesses in a city or town separate from their Solid Waste those Recyclables designated by the municipality.**
- **Local Boards of Health may choose to adopt Mandatory Recycling regulations under the provisions of MGL Chapter 111 Section 31.**
- **Municipalities may choose to enforce the Massachusetts Waste Bans 310 CMR 19.017.)**

The Town/City of _____ will inform all generators (residential and commercial) at least once per year that recycling is mandatory.

VI. Permit Required

All Private Haulers wishing to collect, transfer, or transport Solid Waste or Recyclables generated within _____ shall be required to first obtain or annually renew a permit from the Town/City of _____. No Private Hauler may collect Solid Waste or Recyclables unless they have obtained a valid Private Hauler Permit from the Town/City. Private Haulers that collect only Recyclables must also be permitted.

A. Permit Application

The permit application shall include the formal name of the person or company; a statement that the person or company is registered to do business in Massachusetts and that the person or company is fully insured; and contact name, address, and telephone number. Copies of certificates of insurance for public liability and property insurance also shall be included.

The permit application must include a statement that the Private Hauler understands and is in compliance with the Massachusetts Waste Bans and Mercury Disposal Prohibition. The Private Hauler shall list the Solid Waste disposal facilities and the Recycling processing facilities where Solid Waste and Recyclables are expected to be delivered from Private Hauler's Customers during the permit year. The application shall be signed by a designated representative of the company, permitted to do business within the Commonwealth of Massachusetts.

The application shall include information on the types of services intended to be offered, and the approximate number of collection trucks expected to be used in the municipality during the course of the permit year. The application shall include information on how the Private Hauler intends to ensure that Customers prevent Waste Ban materials from being disposed with Solid Waste, and how the Private Hauler intends to notify Customers of improper Recycling or Solid Waste disposal.

Upon receipt of a complete permit application, the Board of Health shall have _____ days to rule on the granting of a permit to operate within the Town/City of _____. In addition, the applicant shall pay an annual permit fee of _____ (insert fee) as determined by the Town/City of _____.

B. Annual Permit Renewal

Each Permitted Hauler shall annually submit a renewal application of his/her permit no later than the 1st of _____ (insert month) (recommend one month in advance of permit expiration), by paying the annual permit fee.

The annual renewal application must indicate any changes from the original permit, including any change in Solid Waste or Recyclables facilities used, and must be signed by a business owner. The

renewal must be accompanied by the following information or a completed Annual Solid Waste and Recyclables Reporting Form (ATTACHMENT 4):

- Total tons of Solid Waste collected for disposal and total tons of Recyclables collected for processing from Residential Customers/Generators within the Town/City of _____ during the previous calendar year or 12-month period. (In the case where the Permitted Hauler delivers loads for disposal or recycling that are combined with more than one municipality, then the Permitted Hauler must provide their best estimate of tonnage delivered from the Town/City.)
- The average number of Residential and Commercial Customers using each service (Solid Waste, Recycling) during the previous calendar year within the Town/City.
- The names of any Commercial Customers where the Permitted Hauler is providing Solid Waste only service.
- The names of any Commercial Customers where the Permitted Hauler is providing Recycling only service.
- Copies of any Waste Ban violation letters or notices received by the Permitted Hauler during the prior year that refer to loads collected within the Town/City of _____.

Failure to provide a complete and accurate Annual Solid Waste and Recyclables Reporting Form may be grounds for denial of a permit to operate within the Town/City of _____.

Annual permits will be issued by the 1st of _____ each year.

C. General Permit Requirements

All Permitted Haulers must be in compliance with the following general permit requirements:

- All Permitted Haulers must clearly display the name of the company on each vehicle operating in the municipality.
- All Permitted Haulers must be in compliance with applicable federal, state and local laws. Each vehicle must meet all Department of Transportation safety requirements at all times.
- All materials must be securely contained in the vehicle. Littering or leaking shall be considered a violation of the permit.
- Recyclables shall not be commingled with Solid Waste when collected by the Permitted Hauler. Recyclables must be delivered to a processing facility designed to accept Recyclables. The Permitted Hauler shall inform Customers how to prepare acceptable Recyclables consistent with the requirements of the Recyclables processing facility.
- Permitted Haulers shall only collect for disposal Solid Waste which is not banned from disposal. It is the responsibility of the Permitted Hauler to educate the Customer about the Waste Bans and inform them that they will refuse to collect Solid Waste mixed with Waste Ban items that are visible to the driver/collector from any of their Customers (there is no requirement to open bags). Please refer to the list of Waste Ban items (ATTACHMENT 1) which may not be accepted at Massachusetts' disposal facilities.
- In the event that the Permitted Hauler refuses to collect any materials, the Permitted Hauler will notify such Customers in writing of the reason(s) for refusal to collect the Solid Waste or Recyclables. In addition, the Permitted Hauler will advise the Board of Health about Customers who have received rejection notices. The Board of Health will, where possible, assist the

Permitted Hauler with enforcement of the Mandatory Recycling provision and/or Waste Ban requirement.

VII. Bundled Service Requirement

(NOTE TO USER: The goal of this requirement is to ensure that Permitted Haulers provide a bundled service for the collection of both Solid Waste and Recyclables for each Customer. This ensures that all Customers have access to recycling services in order to be in compliance with the Waste Bans.)

A. Service to Residential Customers/Generators

For ***Residential Customers/Generators***, the bundled service must provide Customers with Solid Waste and Recyclables collection at a rate that reflects the cost of providing both services. Solid Waste and Recycling services must be provided by the same Permitted Hauler unless otherwise pre-approved by the Board of Health. The Permitted Hauler may itemize the invoice to clearly show the cost of Recycling collection contained in the bundled service.

All Permitted Haulers serving Residential Customers/Generators must provide appropriately sized, paired Solid Waste and Recyclables containers that are clearly marked and adjacent or in close proximity to each other.

B. Service to Commercial Customers/Generators

For ***Commercial Customers/Generators***, the Permitted Hauler must provide both Solid Waste and Recyclables collection; unless the Customer can provide proof to the Permitted Hauler that separate Recycling services are provided by another Permitted Hauler or via one of the methods listed on the Recycling Service Exemption Form (ATTACHMENT 5). Permitted Haulers may charge separately for the collection of Recyclables. Commercial Customers/Generators may choose to contract for collection of Recyclables by a second Permitted Hauler that only performs Recyclables collection. Permitted Haulers that collect only Recyclables are not required to collect Solid Waste.

Permitted Haulers must provide the names and addresses of their Solid Waste only Commercial Customers to the Town/City so the Town/City can follow up to ensure that those Customers are complying with the Waste Bans.

C. Exceptions

(NOTE TO USER: If the Town/City has a protocol for requesting an exception to any requirement of this regulation, insert here.)

VIII. Inspection

The Board of Health or its designee is authorized to inspect a Permitted Hauler's truck and load at any time. The Board of Health also has the right to require weight slips or confirmation of disposal of Solid Waste or management of Recyclables.

IX. Enforcement

A. Hauler Permit Requirements

The Board of Health shall issue a notice of violation to the Permitted Hauler and provide the Permitted Hauler seven (7) business days to respond to the allegations of non-compliance with any section of this *bylaw/ordinance or regulation*. Failure to respond shall be grounds for revocation of the Permit in accordance with the hearing provisions below. The individuals empowered to enforce the provisions of this *bylaw/ordinance or regulation* shall be the Agent of the Board of Health, any member of the Board of Health, the DPW Solid Waste Coordinator, Inspectional Services, or other Town/City designee, or any police officer of the Town/City.

If the Permitted Hauler does not respond within seven (7) days, the Board of Health shall hold a public hearing, subject to MGL Chapter 111 Section 127B. If the Board of Health determines that the Permitted Hauler is in violation of this Permit, then the Board may either provide the Permitted Hauler with an order to fix the problem and/or suspend the Permit until the Permitted Hauler demonstrates to the Board's satisfaction that the Permitted Hauler will be in compliance with this *bylaw/ordinance or regulation*. In the event that a Permitted Hauler fails to follow this *bylaw/ordinance or regulation*, the Board of Health reserves the right to impose reasonable fines or take other action in accordance with State and local regulations.

B. Mandatory Recycling Requirements for Generators (if established through this regulation)

Enforcement of this regulation shall be by criminal complaint in the district court and/or non-criminal disposition ticket MGL Chapter 40, Section 21D. DPW or Solid Waste Administrators, Inspectional Services, and Agents of the Health Department or their designees shall have the power to enforce the provisions of this *bylaw/ordinance or regulation*. The Town/City shall also have the option of seeking equitable relief to enjoin violations of the rules and regulations of the Health Department.

C. Penalties

In the event that a Permitted Hauler or Generator fails to follow these regulations, the Board of Health reserves the right to impose reasonable fines and/or revoke the permit to operate within the Town/City, subject to the Appeal Provisions described below.

- | | |
|-------------------------|---|
| (a) First offense | warning |
| (b) Second offense | \$ _____ fine |
| (c) Third offense | \$ _____ fine |
| (d) Subsequent offenses | not less than \$ _____ nor more than \$ _____ |

Each day of failure to comply with the regulations shall constitute a separate violation.

D. Appeal Provisions

Any Permitted Hauler cited for a violation of these regulations may appeal such citation by filing a written notice of appeal with the Board of Health within seven (7) days, exclusive of Saturdays, Sundays and legal holidays, from the date of said citation. A hearing will be held within 60 days from the date of the filing of the appeal. Written notice of the hearing date will be delivered to the applicant at least two

(2) weeks prior to the scheduled date. The hearing will be conducted in accordance with the established procedures of the Board of Health.

E. Legal Provisions – Town specific

(NOTE TO USER: If the Town/City has standard language for legal provisions, insert here.)

ATTACHMENTS

1. List of Waste Ban Materials
2. Optional Language
3. Permit Application
4. Annual Solid Waste and Recyclables Reporting Form
5. Recycling Service Exemption Form for Commercial Generators
6. [Link to Waste Ban Fact Sheet Educational Handout](#)
7. [Link to Waste Ban Guidance for Haulers](#)
8. Recycle Smart Checklist

ATTACHMENT 1: Banned Materials

Following is a list of materials which have been banned from landfill or incineration disposal by the Massachusetts Department of Environmental Protection, with the date that material was banned. These materials are banned either because they pose an environmental threat or because there are methods for reusing or recycling those materials.

Optional Table: List of Waste Ban Materials: 310 CMR 19.017

MATERIAL	DATE OF BAN
Lead Batteries	December 31, 1990
Leaves	December 31, 1991
Tires	December 31, 1991
White Goods	December 31, 1991
Other Yard Waste	December 31, 1992
Aluminum Containers	December 31, 1992
Metal / Glass Containers	December 31, 1992
Single Polymer Plastics	December 31, 1994
Recyclable Paper	December 31, 1994
Cathode Ray Tubes (CRT)	April 1, 2000
Asphalt Pavement, Brick and Concrete	July 1, 2006
Metal	July 1, 2006
Wood	July 1, 2006
Clean Gypsum Wallboard	July 1, 2011
Commercial Organic Material (1)	October 1, 2014

(1) Applies to entities that generate more than one ton of those materials for Solid Waste disposal per week.

ATTACHMENT 2: Optional Language

The following language, either in its entirety or on a clause by clause basis, can be used to add or strengthen portions of the bylaw/ordinance and/or regulation, specific to the goals and needs of each municipality.

Partnership between Permitted Haulers and Municipality

This bylaw/ordinance and/or regulation is designed to ensure that the Massachusetts Waste Bans are uniformly adhered to in the Town/City of _____ and relies on a partnership between the Town/City of _____ and all Permitted Haulers to ensure the requirements of Mandatory Recycling and separation of Recyclables from the Solid Waste stream are followed by all Residential Customers/Generators and Commercial Customers/Generators in the Town/City of _____.

The Town/City of _____ will support Permitted Haulers by providing the following:

- Educational information on the municipal website about the Mandatory Recycling requirement for all Residential Customers/Generators and Commercial Customers/Generators;
- Educational materials that Private Haulers can use with new and existing Customers, e.g., Waste Ban Fact Sheet;
- Oops Tags to hang on rejected Solid Waste and Recyclables containers; and,
- Enforcement of the bylaw/ordinance and/or regulation for Residential Customers/Generators and Commercial Customers/Generators who do not comply with the Mandatory Recycling and separation requirements.

Permitted Haulers will support the Town/City of _____ goals by providing the following:

- Instructions on proper management of Solid Waste and Recyclables to new Customers when service commences and to all Customers on an annual basis at a minimum.
- Permitted Haulers shall not dispose of banned Recyclables that are properly prepared and set out for collection.
- No Permitted Hauler shall knowingly collect for disposal Solid Waste that contains visible Waste Ban Materials. Any such Solid Waste must be left behind/rejected by the Permitted Hauler, who shall notify the Customer generating such Solid Waste of the reason for rejection, e.g., via sticker affixed to non-compliant set-out, including Town/City contact information for follow-up regarding the Mandatory Recycling requirement. The Permitted Hauler shall notify the appropriate Town/City contact regarding any Customer whose Solid Waste is so rejected. If notified, the Town/City will follow up to enforce the Mandatory Recycling requirement.

Hours of Collection

Collection of Solid Waste and Recyclables may only occur during the hours of ___ a.m. to ___ p.m. except in the case of bad weather or another emergency that requires collection outside of these hours, with notification to the Board of Health or their designated representative.

Example:

Residential collection: 7:00 a.m. - 5:00 p.m.

Commercial collection: No limitations, except for collection in residential neighborhoods (refer to zoning map)

Minimum Service Level Requirement

A Permitted Hauler shall not collect Solid Waste and Recyclables from Residential Customers/Generators less than every two weeks. Collection of Recyclables from Residential Customers must be on the same day of the week as Solid Waste Collection, but can be less frequent than Solid Waste collection if Solid Waste collection occurs every week. **(NOTE TO USER: "Every other week" might be replaced by "monthly" in municipalities with rural collection routes.)**

Insurance

A Permitted Hauler must furnish and maintain adequate insurance, as specified by the Board of Health. Cancellation of insurance shall automatically be grounds for cancellation of the Private Hauler Permit. The Private Hauler's Permit Application will maintain liability insurance coverage at or above the following levels for the Term of the Permit: \$ _____ per person and \$ _____ per occurrence for personal injury or death, and \$ _____ per occurrence for property damage.

Nuisance

The Board of Health and its agents reserve the right to monitor collection vehicles, loads, litter and/or nuisance conditions and routes at reasonable times to ensure that all Permitted Hauler services comply with all applicable State and local laws, by-laws and regulations. The Board of Health retains the right to define and determine "nuisance" conditions.

Annual Permit Renewal Requirements

Information that must be provided annually prior to renewal of the annual permit shall include, though not limited to, the following:

- List of non-compliant Residential or Commercial Customers for enforcement of the Mandatory Recycling bylaw/ordinance or regulation by the Board of Health. (Note that the Board of Health can request information from Permitted Haulers at any time during the permit year, with reasonable time provided to the Permitted Hauler. This includes the right to review Customer information in a confidential manner if the tonnage of Recyclables reported indicates Customers are not recycling.)
- A copy of recycling educational material provided to your Residential or Commercial Customers.

Amendments to Permits

A Permitted Hauler may request to amend an existing permit. The Town/City Board of Health shall promptly consider any requests for amendments within the time frame for Permit Applications under Section ___ of this bylaw/ordinance or regulation. In order to become effective, any amendments must be approved by the Board of Health.

Permit Fee

(NOTE TO USER: Municipalities may require a permit fee on a “per company” or “per truck” basis. While an annual “per company” permit fee is included in the General Language Template: RULES AND REGULATIONS FOR REMOVAL, TRANSPORT, AND DISPOSAL OF SOLID WASTE OR RECYCLABLES, municipalities may want to charge a permit fee based on the number of trucks/routes that a Permitted Hauler is operating in the municipality in order to raise funds to administer the permit program, outreach, and enforcement required.

If Permitted Haulers are allowed to deliver Solid Waste to the municipal transfer station, the municipality may consider the cost of transfer station access as part of the permit fee.

Municipalities may require Permitted Haulers to utilize stickers and/or placards on their vehicles to allow access to the municipal transfer station.)

Labeling of Collection Vehicles

All trucks operating in the Town/City must be labeled as to their use for collection of Recyclables, Solid Waste, Food Waste or co-collection of any of these materials. A large magnetic sign may be used which is at least X in width and Y in diameter.

Recyclables Containers

A Permitted Hauler may either offer a collection container for Recyclables or clearly visible stickers for the Customer to apply to their existing container for Recyclables. Containers for Recyclables should be of a large enough volume to collect all Recyclables generated by the Customer.

Labeling of Containers

(NOTE TO USER: The Board of Health should consult with Permitted Haulers operating in their Town/City before implementing these requirements to assure that the Permitted Hauler’s containers and colors can reasonably meet these suggested guidelines.)

If containers are provided by the Permitted Hauler, the Town/City recommends/requires that all rolling carts, dumpsters and roll-off containers provided shall be clearly labeled as the property of the Permitted Hauler and shall be in good repair at all times.

In addition, to help Customers easily differentiate between containers utilized for Solid Waste or Recyclables, the following guidelines are recommended:

Recyclables Containers

In the Town/City of _____, blue is commonly used on recycling containers. Recyclables containers provided by Permitted Haulers, or at minimum the lids on Recyclables containers, should be blue OR have a blue universal Recycling symbol (three chasing arrows) label.

Suggested labeling for recycling containers includes:

- a) The standard recycling symbol in white on a blue background, or vice versa
- b) The standard recycling symbol sized large enough for easy identification
- c) The word “RECYCLE”, “RECYCLING”, or “RECYCLABLES” in letters large enough for easy identification



The Town/City may provide the Recycling symbol labels to the Permitted Hauler.

It is also recommended that Recyclables containers provided by Permitted Haulers be clearly labeled with graphics/pictures and/or a list of accepted Recyclables. The Town/City may provide such labels to the Permitted Hauler.

Solid Waste Containers

It is recommended that Permitted Haulers will not provide blue containers for the collection of Solid Waste, except as provided below:

If the Permitted Hauler uses blue containers for the collection of Solid Waste, the containers should be clearly marked with the word “TRASH,” with letters large enough for easy identification, and:

- a) The containers will have **black** lids, OR
- b) Lids of a contrasting color to blue and clearly marked as “TRASH,” OR
- c) Have a clearly visible label on the dumpsters, wheeled carts, or other containers used for trash collection that says “TRASH.”

The Town/City may provide “TRASH” labels to the Permitted Hauler.

Rate Structure for Solid Waste

(NOTE TO USER: If the municipality collects Solid Waste from Residents using a Pay As You Throw financing structure, you may want to incorporate a unit-based pricing requirement for Permitted Haulers of residential Solid Waste to level the playing field with the municipal program. The goal is to make available an option for all Residents who wish to use a small container for Solid Waste.)

Permitted Haulers shall charge Residential Customers/Generators based on the volume or weight of Solid Waste destined for Disposal that is collected at rates that provide a reasonable economic incentive to Customers to reduce the amount of Solid Waste that they generate.

For unit-based pricing programs for Solid Waste collection from Residential Customers/Generators, the bundled service requirement still applies. Additional fees for additional services, such as collection of yard trimmings or food scraps, special pickups for bulky items, or backdoor service, are permitted.

The Town/City reserves the right to request evidence that the Solid Waste rate structure for Residential Customers/Generators meets the requirements for unit-based pricing.

Provision of Recycling to Commercial Customers/Generators

A Permitted Hauler seeking to provide Solid Waste collection to a Commercial Customer must, at a minimum conduct a site visit to the Commercial Customer and prepare a proposal that describes which materials should be separated as Recyclables banned from disposal, and then provide an adequate sized container for the expected quantity of Recyclables, separate from Solid Waste.

If a Commercial Customer chooses Solid Waste-only collection from their Permitted Hauler, exemptions may be provided by the Town/City to Permitted Hauler's Customers who market their Recyclables directly to recycling brokers, processors, or manufacturers or Customers who provide proof of Recycling collection by a different Permitted Hauler who is permitted to operate in the municipality. All Commercial Customers seeking an exemption must file an exemption form. See Attached Sample Exemption Form (ATTACHMENT 5).

This form will be made available on-line as a downloaded document that can be filled and e-mailed, or mailed back to the Board of Health.

Enforcement

Enforcement and Resolution of Hauler Permit Requirements

The Board of Health shall issue a notice of violation to the Permitted Hauler and provide the Permitted Hauler seven (7) business days to respond to the allegations of non-compliance with any section of this *bylaw/ordinance or regulation*. Failure to respond shall be grounds for revocation of the Permit in accordance with the hearing provisions below. The individuals empowered to enforce the provisions of this *bylaw/ordinance or regulation* shall be the Agent of the Board of Health, any member of the Board of Health, the DPW Solid Waste Coordinator, Inspectional Services, or other Town/City designee, or any police officer of the Town/City.

If the Permitted Hauler does not respond within seven (7) days, the Board of Health shall hold a public hearing, subject to MGL Chapter 111 Section 127B. If the Board of Health determines that the Permitted Hauler is in violation of this Permit, then the Board may either provide the Permitted Hauler with an order to fix the problem and/or suspend the Permit until the Permitted Hauler demonstrates to the Board's satisfaction that the Permitted Hauler will be in compliance with this *bylaw/ordinance or regulation*. In the event that a Permitted Hauler fails to follow this *bylaw/ordinance or regulation*, the Board of Health reserves the right to impose reasonable fines or take other action in accordance with State and local regulations.

Enforcement and Resolution of Mandatory Recycling Requirements for Generators

Enforcement of this regulation shall be by criminal complaint in the district court and/or non-criminal disposition ticket MGL Chapter 40, Section 21D. DPW or Solid Waste Administrators, Inspectional Services, and Agents of the Health Department or their designees shall have the power to enforce the provisions of this *bylaw/ordinance or regulation*. The Town/City shall also have the option of seeking equitable relief to enjoin violations of the rules and regulations of the Health Department.

Penalties

Violations of this bylaw/ordinance or regulation shall be punished by fines as follows:

- (a) First offense warning
- (b) Second offense \$ insert fine
- (c) Third offense \$ insert fine
- (d) Subsequent offenses not less than \$ insert nor more than \$ insert

Each day of failure to comply with the regulations shall constitute a separate violation.

Communication with Waste Ban Inspectors

The Town/City of _____ reserves the right to exchange information and coordinate enforcement activity with MassDEP’s waste ban inspectors in order to enforce the provisions of these regulations and State law.

Permitting Haulers Who Collect Food Waste

(NOTE TO USER: Additional definitions may apply if you choose to incorporate language regarding the collection of Food Waste/Organic Waste.)

Acceptable Food Waste Handling Facility shall mean a Food Waste composting facility operating in compliance with General Permit Provisions of 310 CMR 16.04.

Food Waste/Organic Waste shall mean material generated from human or animal food production, preparation and consumption activities and which consists of, but is not limited to, fruits, vegetables, grains, and fish and animal products and byproducts. ***(Note: This definition is drawn from 310 CMR 19.006, Food Material.)***

Minimum Level of Service

In general, if Food Waste is collected separately from Solid Waste, collection must be no less than once per week or as often as necessary to prevent a nuisance. [Read more about best management practices for use by health officials to support and inform local oversight of commercial food waste collection programs.](#)

Containers

Maintenance: Dumpsters, carts or compactors should be closable and cleanable, leak-free, water tight and capable of being locked. All doors/hatches/tight-fitting lids should be closed or in place when not in immediate use to prevent pests from entering the container. Plastic bags and wet strength paper bags may be used to line closed outside receptacles.

Labeling: Suggested labeling for Food Waste collection containers:

- a) The container, or at minimum a container label, should be green and white

- b) The words “Food Waste,” “Organic Waste,” or “Compostables” in letters large enough for easy identification
- c) Include graphics/pictures and/or a list of acceptable Organic Waste materials

The Town/City may provide the Organic Waste labels to the Permitted Hauler.

Residential Rates for Additional Services- Food Waste Collection Service Fees

Separate fees for additional services, such as collection of Food Waste, yard trimmings, special pickups for bulky items, or backdoor service, are permitted.

Food Waste Handling Facility

Permitted Haulers collecting Food Waste/Organic Waste shall annually report to the Town/City the Acceptable Food Waste Handling Facilities where Food Waste/Organic Waste is expected to be delivered from Permitted Hauler’s Customers during the permit year.

Resources:

1. [Commonwealth of Massachusetts 2010- 2020 Solid Waste Master Plan](#)
2. [Grants available for the Community and Resources available for Private Haulers](#)

ATTACHMENT 3: Permit Application

Town/City of _____

Date _____

PERMIT APPLICATION

TO REMOVE, TRANSPORT AND DISPOSE OF SOLID WASTE OR RECYCLABLES IN _____ TOWN/CITY _____

Instructions

All sections of this application must be completed. Incomplete applications will not be considered.

(NOTE TO USER: Language below is based on Board of Health authority to enact and implement this process. If another authority/process is undertaken, consider modifying to reflect appropriate citations throughout.) In accordance with

MGL Chapter 111, Sections 31 A and 31B and in accordance with the Town/City's (bylaw/ordinance or regulation), the undersigned makes application to the Board of Health for permission to collect and transport Solid Waste and/or Recyclables as set forth below:

- Check here if this is your first application.
- Check here if this is a renewal application.

Permit Fee

The application fee is \$insert fee per company (and/or per truck) seeking a permit to operate in the Town/City of _____.

Please select which type(s) of collection you will be providing (check all that apply):

- ___ Solid Waste and Recyclables
- ___ Recyclables Only
- ___ Solid Waste Only (Commercial Customers/Generators)

Permit Date

If approved, this permit will be effective from date to date.

Company Information	
Company Name	
Contact Name	
Location Address	
City, State ZIP Code	

E-Mail Address	
Telephone #	
Mailing Address (if different)	
City, State, ZIP Code	
Emergency 24-hour Contact Name	
Emergency 24-hour Telephone #	

Truck Information

Estimated number of collection trucks to be used in Town/City of _____ during the permit year: # trucks .
(Use separate sheet to list additional trucks)

Truck Registration Number	State	Type and Capacity	Date of Last Inspection

Disposal/ Recycling Information

List facilities where Solid Waste and/or Recyclables will be delivered for disposal or processing during the permit year.
(Note multiple outlets if used during the permit year. Weight slips may be requested to verify end disposal site.)

Solid Waste Disposal Facility	Address	Material(s) Delivered
Recyclables Processing Facility/MRF	Address	Material(s) Delivered

Please check all and make sure all associated attachments are included.

Incomplete applications will not be considered.

- This is a permit renewal: I have attached a copy of the Annual Solid Waste and Recyclables Reporting Form.
If this is your first application, write-in Not Applicable (NA).
- I have attached a copy of my certificate of insurance for public liability and property insurance.
- I certify that the company I represent operates in compliance with the Massachusetts Waste Ban regulations and the Mercury Disposal Prohibition.
- I have attached a copy of my marketing materials indicating the types of services offered, reminding Customers that recycling is mandatory, and describing the Massachusetts Waste Ban Materials.
- I confirm that my company is in compliance with the Bundled Service requirement outlined in Section _____ insert of these regulations.
- I have attached a copy of my notification that will go to Customers who set out visible Waste Ban Materials mixed with Solid Waste, including a reminder that recycling is mandatory,

describing what was seen that violated the Waste Bans, and providing a phone number for the Board of Health.

All employees understand and will help educate all Customers about the Massachusetts Waste Bans.

I am an authorized official of the company applying for this permit.

Pursuant to MGL Ch. 62C Section 49A, I certify under the penalties of perjury that I, to the best of my knowledge and belief, have filed all state tax returns and paid all state taxes required under law.

Signature of Company Official

Printed Name

Title

Date

ATTACHMENT 4: Annual Solid Waste and Recyclables Reporting Form

Town/City of _____

Date _____

ANNUAL SOLID WASTE AND RECYCLABLES REPORTING FORM FOR PERMITTED HAULERS OPERATING IN TOWN/CITY

Instructions

All sections of this form must be completed and submitted to the Board of Health with your Annual Permit Renewal Application. **Private Hauler permits will not be issued until this report is filed.**

Reporting Period

For the period starting _____ through _____
MONTH/DATE/YEAR MONTH/DATE/YEAR

Company Information	
Company Name	
Name of Person Completing Form	
Address	
City, State ZIP Code	
Phone	
E-Mail	

In the table below, please provide the average number of Town/City Customers you served during this 12-month reporting period, by category type.

Category	Customer Count
Residential Customers: Solid Waste and Recyclables	
Commercial Customers: Solid Waste and Recyclables	
Commercial Customers: Recyclables Only	
Commercial Customers: Solid Waste Only	

Tonnage Data

Please provide the total tons of Solid Waste and Recyclables collected from Residential Customers within the Town/City of _____ during this 12-month reporting period. ***(Note: In the case where your company delivers loads for disposal or recycling that are combined with more than one municipality, you must provide your best estimate of tonnage delivered from the Town/City. Weight slips must be provided upon request from the Board of Health.)***

	Solid Waste	Recyclables
Tonnage		
Disposal or Processing Facility		

Please check all and make sure all associated attachments are included. If Not Applicable, enter (NA).
Incomplete applications will not be considered.

TOWN/CITY

Recycling is **mandatory** in the Town/City of _____. The _____ *TOWN/CITY* bylaw/ordinance or regulation is attached here.

All Permitted Haulers must provide both Solid Waste and Recyclables collection to all Commercial Customers unless the Customer can provide proof to the Permitted Hauler that separate services are provided by another Permitted Hauler, or by one or several of the methods listed below. Commercial Customers that decline recycling collection service from their Permitted Solid Waste Hauler must demonstrate to their Permitted Hauler or Town/City of _____ that they are diverting Mandatory Recyclables from disposal.

The Town/City of _____ periodically checks recycling compliance throughout the Town/City of _____ and can offer outreach and assistance. Commercial Customers that do not separate Recyclables from Solid Waste destined for disposal at a landfill or waste combustor are subject to fines. Permitted Haulers that do not offer/provide collection of Recyclables along with Solid Waste are also subject to fines, unless the Town/City of _____ has received this form showing that recycling services were offered.

Please choose one:

- I am a Permitted Hauler/customer service representative submitting this form on behalf of the business/organization listed below. Identify your company name here: _____
- I am a business/organization who has declined recycling service offered by my Solid Waste Hauler.
- I am a Permitted Hauler/customer service representative advising _____ *TOWN/CITY* business/organization who was offered recycling service, but refused. Identify your name here: _____

Business, Organization, or Property Manager Seeking Exemption

Business/Organization Name	
Business/Organization Contact	
Address	
City, State ZIP Code	
Phone	
E-Mail	

Materials Handling Information

Name of Permitted Solid Waste Hauler _____

Please describe the manner in which materials are recycled (check all that apply):

- Option 1 - Ship directly to mill: Identify recycling outlet _____
- Option 2 - Self-haul: Identify recycling outlet _____
- Option 3 - Back-haul to parent company
- Option 4 – Recycling Collection by Permitted Recycling Hauler _____

Name of Permitted Recycling Hauler _____

Signature

By signing below, I certify that I have read and understand the _____ *TOWN/CITY* requirement to comply with Mandatory Recycling as stated in _____ *TOWN/CITY bylaw/ordinance or regulation*.

Signature of Form Contact

Printed Name

E-Mail

Phone

What are Massachusetts Waste Bans?

Why does Massachusetts have waste bans?

Waste bans help to increase recycling and support the recycling economy, which provides thousands of jobs and millions of dollars in economic activity in Massachusetts. By reducing the disposal of banned materials, we also capture valuable resources, reduce greenhouse gas emissions, save energy, and reduce our need for landfills and incinerators.

What is banned?

- **Cathode ray tubes** (older televisions and computer monitors).
- **Construction materials including asphalt pavement, brick, concrete, metal, wood, and clean gypsum wallboard.**
- **Food material** (only from businesses or institutions that dispose of one ½ ton or more per week).
- **Glass, metal, and plastic containers** (bottles, cans, jars, jugs and tubs).
- **Leaves, grass and brush** (less than 1 inch in diameter).
- **Large appliances such as refrigerators, freezers, stoves, washers, and dryers.**
- **Mattresses.**
- **Paper, paperboard, and cardboard.**
- **Textiles.**
- **Tires.**
- **Vehicle batteries.**

What does this mean for residents?

Most waste ban materials are collected through regular municipal collection or drop-off programs. In some cases, particularly with larger items such as cathode ray tubes or appliances, materials are collected through separate collections or drop-off events. In other cases, materials such as vehicle batteries, tires, and cathode ray tubes may be collected by retailers.

For residents who receive private collection services (not through your city or town), ask your service provider for recycling options. You can also check for other recycling options on [MassDEP's web site](#) and at [RecycleSmart Massachusetts](#).

For more information:

Visit the MassDEP [Waste Bans Home Page](#).

Haulers and Waste Ban Compliance

The Massachusetts waste bans (found at 310 CMR 19.017) are prohibitions on the disposal or transfer for disposal of certain recyclable and/or toxic materials. They are intended to spur the reuse and/or recycling of banned waste materials, conserve disposal capacity across the state, and minimize adverse environmental impacts.

People who generate solid waste and people who transport it to disposal facilities are subject to waste ban requirements. The Department of Environmental Protection (MassDEP) conducts ongoing inspections at solid waste facilities to identify waste haulers and generators who improperly dispose of banned materials.

Three key strategies can lower your company's risk of transporting prohibited wastes:

- **Train Your Employees.** Be sure they understand what the waste ban regulations require, and also that MassDEP may take enforcement action against your company when your waste loads are found to contain banned materials.
- **Educate Your Customers.** Let them know which materials are banned from disposal in Massachusetts and help them develop procedures for preventing those items from entering the waste stream.
- **Keep Good Records.** Track and document all procedures and transactions, as well as the steps you have taken to prevent shipping non-conforming waste loads.

These strategies are discussed in more detail below.

Employee Training & Protocols

All employees of your waste hauling business – not only drivers, but also sales and customer service personnel – should be well acquainted with the waste bans. The better they educate your customers about keeping prohibited materials out of the trash, the easier it will be for your company meet its compliance obligations.

MassDEP recommends that your company require all new employees to be trained about the waste bans, and that you offer periodic refresher training for all employees. This training should include waste ban quality assurance/quality control procedures for all facets of your operation.

Your drivers can be a critical component of a successful compliance strategy:

At Pick-Up:

- Check for banned materials when picking up waste loads and after tipping waste loads at the facility, and report violations or potential violations both to the customer and to the company's home office.
- Ask customers to remove banned items, inform them that service fees may be levied to separate and process banned materials, or refuse to pick up non-conforming loads, and notify customer service representatives responsible for managing the affected accounts.
- Provide literature, container stickers and other educational materials for on-site replacement or to provide to customers as needed.

At the Receiving Facility:

- Be knowledgeable about the policies of each waste facility and the materials that each can and cannot accept. (For example, whole tires are banned at landfills but not at combustion facilities.)
- Get out of trucks whenever possible and inspect loads at waste transfer or disposal facilities. Document and take photographs of any failed loads and notify customer service representatives as above.

Sales & Customer Service:

The initial point of sale provides a convenient opportunity to offer recycling services and an ideal starting point for an ongoing dialogue with customers about the waste bans, the specific materials prohibited from disposal, and the fact that as waste generators, they too are subject to MassDEP enforcement action for throwing away banned items. It is a good idea to:

- Provide each customer with "[Your Business and the Waste Bans: What You Need to Know](#)") or a similar educational handout.
- Affix labels or stickers to all containers you distribute to let customers know what materials can and cannot be placed in each receptacle.
- Advise customers of appropriate procedures for handling banned materials.

You can use your business policies and procedures to help educate your customers:

- Incorporate waste ban compliance requirements into all contracts.
- Advise customers that you will not accept prohibited materials, that you may levy service fees or surcharges on non-conforming loads, and that you could discontinue service to them for repeat offenses.
- Show customers photographs of failed loads, facility turn-away letters and details of failed load surcharges, and offer them follow-up waste ban education and additional material management services.
- Notify MassDEP of chronic or serious waste ban violations and ask the agency to send warning letters to offending customers.

Good Records are Valuable:

Keeping good records can help you monitor progress in complying with the waste bans and identify opportunities for improvement. It is important to keep on file:

- All applicable signed documents.
- Copies of emails and faxes, and records of phone calls.
- QA/QC procedures.
- Records of failed load observations, notifications issued by receiving facilities and follow-up actions.

For more information:

Visit the MassDEP [Waste Bans Home Page](#).

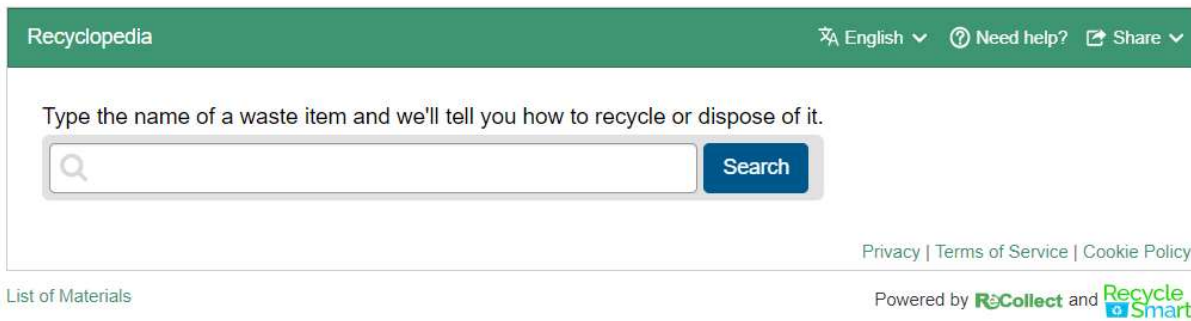
For assistance with finding a recycling service provider, contact the Recycling Works in Massachusetts program at (888)254-5525, via email at info@recyclingworksma.com, or visit the Recycling Works in Massachusetts [web site](#).

Recycle Smart MA Checklist

- Become a Partner.** Join over 300 municipalities, businesses, nonprofits, colleges and more, each working to towards smarter recycling. Partners receive a monthly newsletter, can embed the Recyclopeda search tool on their website, and may be featured in the [Partner Spotlight](#) for innovative use of Recycle Smart material!



- Embed the Recyclopeda on your website.** Your residents, customers, or students can search on 500+ items right from your home page with this handy tool. It's easy as pasting text onto the administrative pages of your website. Interested? [Become a Partner!](#)



- Get Inspired.** Our [Partner Spotlight Gallery](#) showcases creative uses of the Recycle Smart MA materials. Whether it's creating PSAs to educate the community or putting up recycling posters on campus, Partners are working hard to spread the smart recycling message.
- Use FREE Recycle Smart MA downloadable content** such as videos, digital and print resources, social media content, presentations, and more on the [Resources page](#). These materials are fully customizable to be the go-to reference for recycling for your community.



- Use Recycle Smart MA social media posts as original content.** We made the content for you! On Facebook, posting your own messages reaches more people than sharing someone else's post. Use the professionally created graphics and language featured on the [Resources page](#). Or check out our [Facebook](#), [Instagram](#), and [Twitter](#) to share any of the posts.

- Reach a more diverse audience.** The [Smart Recycling Guide](#) is available in seven other languages! Connect with more members of your community with the Spanish, Portuguese, Vietnamese, Simplified Chinese, Arabic, Haitian Creole, and French translations, all available for download.



Vietnamese Translation



Spanish Translation

- Share the [Recycling Quiz!](#) on your website and social media.** Calling all “wish-cyclers” – this 12-question quiz is a great way to test their knowledge and clear up recycling myths. The quiz has been taken over 20,000 times on our website. Even the smartest recyclers will love testing their knowledge!

It's ok to bag my recyclables before putting them in the bin.

True False

- Share the [Recycle Smart MA newsletters!](#)** Every month, we do a deep dive into top recycling topics. From plastics to batteries to organics – we’ve got you covered! Share these newsletters to help explain why certain materials do or do not belong in bin.

- What’s New?** Help your community understand the next step for their recyclables with our newest web page: [“Where Does It Go?”](#)! Search by zip code to learn where recyclables go after they leave the curb or transfer station.

WHERE DO MY RECYCLABLES GO?

Wondering what happens to your cans, bottles and paper after you set them curbside or take them to your local transfer station? You’re not alone! The answer: it depends. Recycling is managed in different ways depending on where you live. And that determines where it goes to be sorted and ultimately sent to market to be transformed into new products and packaging. Click on a town in the map below or enter an address in the search box to learn more about where your recyclables go.

- Additional downloadable artwork for a variety of messages is in our [Recycling IQ catalog](#). Contact [Janice Pare](#) for more information.

