

Town of Hingham Public Health Regulations

“RECYCLING and DUMPSTER REQUIREMENTS within the TOWN of HINGHAM”

Section I: Authority

The Hingham Board of Health adopts the following regulations pursuant to statutory and regulatory authorization which includes but is not limited to M.G.L. chapter 111, section 31, 31A and 31B, and Massachusetts Department of Environmental Protection regulations 310 CMR 11.02 and 19.000.

Section II: Statement of Purpose

These regulations are intended to protect and preserve the health and welfare of our Hingham citizens, visitors and local environment by keeping recyclable materials and hazardous items out of the solid waste stream and by regulating the use of residential, commercial, and construction disposal dumpsters used to store or transport waste or recyclable materials. These regulations also include restrictions on the disposal, transfer for disposal, and contracting for disposal of recyclable and hazardous items at the Hingham Transfer Station.

Section III: Applicability

These regulations shall apply to all applicable town-owned municipal buildings/facilities, residents, houses of worship, charitable organizations and businesses, existing and new, within the Town of Hingham. Facilities and property owned and operated by the Commonwealth of Massachusetts or the United States Federal Government are exempt from these regulations.

Section IV: Definitions

Board: means the Town of Hingham Board of Health or its authorized agent.

Dumpster: means any container, receptacle, collection box, compactor unit, trailer, roll-off, or other similar unit with or without wheels of four (4) cubic yards or more that is used for the storage, containment or transport of recyclables, refuse, garbage or other materials of household, commercial or industrial rubbish.

Person: means a Hingham resident, business owner/agent or employee, house of worship official, or charitable organization owner/agent or employee.

Recyclables: means material that can be collected and treated which has potential value for resale, savings or reuse, and typically designated in the Commonwealth of Massachusetts as a ‘Waste Ban’ item that must be removed from the waste stream. For the purpose of these regulations, the following words and phrases are examples of recyclable material and shall not be construed as limiting or expanding upon this definition.

- (1) **Batteries:** lead acid batteries used in motor vehicles or stationary applications, rechargeable batteries and household batteries excluding common non-rechargeable consumer batteries deemed ‘disposable’.

- (2) Brush – Commercial Haulers/Landscapers: wood, tree and landscape material that has been processed through a wood chipper.
- (3) Brush – Residential: wood, tree and landscape material no more than thirty (30) inches in length or five (5) inches in diameter.
- (4) Cast Iron: heavy items containing cast iron such as sinks, bathtubs, pipes, and radiators.
- (5) Cathode Ray Tubes: any intact, broken, or processed glass or cathode ray tube used to provide visual display in older style televisions or computer monitors, and certain scientific instruments such as oscilloscopes.
- (6) Clothing: all clean fabrics, clothing, textiles, shoes, belts, purses, stuffed animals, sheets, towels and drapes, regardless of condition.
- (7) Deposit/Redeemable Cans and Plastic Bottles: all deposit or redeemable plastic bottles and aluminum cans.
- (8) Electronics and Computers: any device containing electronic circuit boards such as flat-screen style televisions or computer monitors, computers, and computer-related peripherals.
- (9) Fluorescent Fixtures: fluorescent tubes, compact fluorescent lights (CFL's), ballasts, as well as other mercury containing items such as thermometers & thermostats.
- (10) Glass Containers: clear or colored glass bottles or containers but specifically excluding incandescent light bulbs, Pyrex cookware, plate glass, drinking glasses, windows, windshields, and ceramics.
- (11) Leaves and Grass Clippings: leaves and grass clippings with any plastic bags removed.
- (12) Metal Containers: any aluminum, steel or bi-metal beverage and food container except those carrying toxic materials such as paint, petroleum products or other substances prohibited within these regulations.
- (13) Metals: items containing a significant quantity of copper, aluminum, iron (other than Cast Iron) and steel excluding mufflers, tailpipes or drums/tanks having contained petroleum products.
- (14) Oil – Residential: motor oil from vehicle and mechanical equipment oil changes.
- (15) Paper: all types of paper, newspaper, magazines, cardboard and paperboard products excluding tissue paper, toweling, paper plates and cups, wax-coated cardboard, paper used to wrap food products, or paper contaminated by paint, oil or other substances.
- (16) Plastic Containers: plastic containers and packaging type #1 through #7.
- (17) Propane Gas Containers: metal containers used to store compressed propane gas.
- (18) Tires – Residential: automotive, motorcycle, tractor or other similar vulcanized tire.
- (19) White Goods: appliances employing electricity, oil or natural gas or liquefied petroleum gas to preserve or cook food, to wash or dry clothing, or to cool or heat air or water, such as refrigerators, freezers, dishwashers, residential trash compactors, clothes washers, clothes dryers, gas or electric ovens and ranges, and hot water heaters.
- (20) Wood: lumber, plywood, wooden boards, or other treated or untreated wood or wood waste.

Restricted Materials: means material that has the potential to cause environmental or physical harm or personal injury. For the purpose of these regulations, the following words and phrases are examples of restricted material:

- (1) Asbestos: any asbestos containing material (ACM) of any kind or percentage of asbestos content, including asbestos-containing floor tiles, automotive brake linings, building siding, boilers, pipe insulation, roofing shingles, and plaster asbestos products.
- (2) Biohazards: any animal guts, tissues, entrails, offal, blood, or other types of pathological wastes.
- (3) Concrete: any bricks, mortar, paving materials, and concrete of any size.
- (4) Excavation Bulk: any tree stumps, fill, boulders, paving materials, concrete, bricks, mortar, and masonry.
- (5) Flammables: any quantities of gasoline, kerosene, flammable or explosive gas or vapor, including any material or substance which may generate or form a flammable, explosive or combustible substance, fluid, gas, vapor or mixture when combined with air, water or other substances.
- (6) Identified Hazards: any substance deemed hazardous or toxic specifically identified by the Massachusetts General Laws, the Code of Massachusetts Regulations or any federal law or regulation, including the Comprehensive Environmental Response Compensation and Liability Act of 1980 (CERCLA).
- (7) Poisons: any substance likely to generate toxins that may interfere with or constitute a hazard to humans, wildlife or the environment.
- (8) Radioactive: any substance containing radioactive material or labeled as radioactive.
- (9) Super Heated: any substance at a temperature above one hundred (100) degrees Fahrenheit, or at its burning point or substance which upon contact with water, refuse or air will generate steam, vapor, fire, smoke or toxic fumes.
- (10) Trees: any logs, wood, solid wood, or tree material greater than five (5) inches in diameter or thirty (30) inches in length.

Rubbish: means any trash, solid waste or discarded refuse generated through the normal course of domestic or business activities.

Section V: Recycling Requirements

- (A) Rubbish disposed of at the Hingham Transfer Station shall not contain any Recyclables or Restricted Materials. Each Person using the Hingham Transfer Station shall separate from their Rubbish all Recyclables and dispose of Rubbish and Recyclables in the appropriate collection areas.
- (B) Rubbish collected within the Town of Hingham by a commercial rubbish/recycling hauler shall not contain Recyclables or Restricted Materials. Each Person shall separate all Recyclables from their Rubbish for separate collection and disposal of these items by their rubbish/recycling hauler or via self-disposal at an appropriate collection facility.
- (C) Each Person shall be responsible for the safe and proper collection and disposal of any Restricted Material.
- (D) Each Person shall be responsible for ensuring that they do not contract for the indiscriminate disposal of Recyclables or Restricted Materials with their Rubbish and for ensuring that they do not retain or utilize the services of a commercial

rubbish/recycling hauler that fails to properly separate Recyclables and Restricted Materials from Rubbish that is collected and/or disposed.

- (E) Each Person shall be responsible for the prompt removal of any Rubbish and/or Recyclables placed on or near the side of a public way or public area for collection by their commercial rubbish/recycling hauler. Failure to remove Rubbish, Recyclables from said location within a reasonable period could result in the assessment of a fine or penalty.
- (F) No Restricted Materials shall be placed on or near the side of a public way or public area for collection without the express written approval of the Hingham Executive Health Officer or by special disposal permit issued by the Board
- (G) No individual or Person shall willfully or maliciously disturb, tip over, damage, or upset any container placed for the collection of Rubbish or Recyclables within the Town of Hingham.
- (H) All Hingham food establishments and businesses accessible to the public that have a Rubbish receptacle for direct patron or customer use must also offer their patrons and customers a recycling receptacle for the disposal of Recyclables. The recycling receptacle should be clearly marked and freely accessible to patrons and customers.

Section VI: Rubbish Haulers

- (A) All commercial rubbish/recycling haulers conducting business within the Town of Hingham shall have valid Rubbish, Trash Disposal Permit (RTDP) issued by the Board.
- (B) A commercial rubbish/recycling hauler shall employ reasonable care in collecting or transporting Rubbish and/or Recyclables within the Town of Hingham. Accordingly, any Person or hauler is responsible to promptly pick up, remove, and remedy any spilled Rubbish and/or Recyclables relating to their activities or actions.
- (C) All commercial rubbish/recycling haulers shall keep an itemized report of all Recyclables collected in the Town of Hingham. This report shall be submitted to the Board on a quarterly basis and summarize the totals of Recyclables collected during the quarters ending March 31, June 30, September 30 and December 31st. Reports are due within 30 days of the end of the quarter. Said reports should be itemized by tonnage per month, according to each category of Recyclables collected. Copies of weight slips documenting quarterly tonnage data should be included with the report.

Section VII: Dumpster Standards

- (A) A Dumpster is for the exclusive use of the owner or agent whose property or business is being serviced. The discarding of material that does not originate from or is related to the property or business that a Dumpster is assigned or services is prohibited.
- (B) It shall be the responsibility of the owner or agent whose property or business is being serviced to maintain the area around a Dumpster free of odors, scattered debris, overflow, and other nuisances.

- (C) Each Dumpster shall be of sufficient size and capacity to avoid overflow. It shall be the responsibility of the owner or agent whose property or business is being serviced to have the contents of a Dumpster nearing capacity emptied within a reasonable period and on a regular basis.
- (D) It shall be the responsibility of the owner or agent whose property or business is being serviced to keep the Dumpster's cover closed and properly secured at all times except when the Dumpster is being filled or emptied.
- (E) A Dumpster shall not be collected, emptied or moved between the hours of 8:00PM and 7:00AM Monday through Saturday. Sunday collections may only be made under specific approval of the Board.
- (F) A Dumpster shall display a visible decal or stencil showing the name and phone number in clear and conspicuous font of the individual or company that owns and maintains it.
- (G) A Dumpster used to collect Recyclables shall be appropriately identified by the 'triangle' recycling symbol and customary blue color or other identifying characteristics acceptable to the Board.
- (H) Placement of a Dumpster on a property shall not be in a location to obstruct the safe line of vision of vehicular traffic or impede upon a sidewalk or public egress or interfere with the safety, convenience or health of abutters or others.
- (I) Placement of a Dumpster on a property should not be less than thirty (30) feet from a lot line and never less than five (5) feet vertically and horizontally below any window or other opening.
- (J) No Dumpster may be placed on a public way without the express approval of the Hingham Police Department, Hingham Fire Department and Hingham Department of Public Works.
- (K) The disposing of any hazardous substance or Restricted Materials into a Dumpster is strictly prohibited. However, disposing of a hazardous substance or Restricted Material may be allowed by special disposal permit issued by the Board and payment of the appropriate fee. The disposal of any hazardous substance or Restricted Material must adhere to all appropriate safeguards as well as all applicable local, state and federal regulatory requirements.

Section VIII: Dumpster Permits

- (A) No Person shall place or allow to be placed a Dumpster on their property without having obtained a Dumpster Permit from the Hingham Health Department and paid the appropriate fee.
- (B) No individual, Person, contractor or company shall supply a Dumpster to a location within the Town of Hingham for the purpose of storage, removal or transporting of Recyclables, Rubbish, garbage, demolition and/or construction materials, offal or other offensive substances without a valid Dumpster Permit from the Hingham Health Department.

- (C) A Dumpster Permit application shall request information about the applicant; the Dumpster's owner; the Dumpster's intended purpose; its size; location; the expected duration and anticipated collection frequency; and proposed visual screening.
- (D) All Dumpster Permit applications shall include a review and the approval of the Hingham Fire Department, per state regulation 527 CMR 34.00.
- (E) A Dumpster permit is required for any outdoor dumpster or collection box, regardless of size, if said dumpster or collection box is meant to have direct public access for the collection of clothing, books, or other recyclable items from the community at large. The application for such a permit requires a variance from Section VII (A).
- (F) A Dumpster permit is required if the aggregate volume from all dumpsters located on a single property exceeds four (4) cubic yards, regardless of the size or number of individual dumpsters.
- (G) A Dumpster permit is not required if a Dumpster is delivered to a location and removed in the course of a single business day. However, a property owner and their agent where said Dumpster is located must still comply with all of the requirements and standards of these regulations, and shall be liable for any fines or penalties duly assessed.
- (H) A Dumpster permit may be coupled with a valid Food Establishment Permit or Temporary Food Service Permit issued by the Board and the fee for the Dumpster permit waived. A Food Establishment Permit or Temporary Food Service Permit applicant or holder, seeking a Dumpster to service this business, must complete all applicable applications and obtain all required authorizations. The Dumpster permit coupled allowance would end upon the expiration, suspension or revocation of the Food Establishment Permit or Temporary Food Service Permit.
- (I) A Dumpster permit may be coupled with a valid Demolition Permit or Building Permit issued by the Hingham Building Department and the fee for the Dumpster permit waived. A Demolition Permit or Building Permit applicant or holder, seeking a Dumpster to service this location, must complete all applicable applications and obtain all required authorizations. The Dumpster permit coupled allowance would end upon the expiration, suspension or revocation of the Demolition Permit or Building Permit, or within ten (10) days of the issuance of a certificate of occupancy.
- (J) The Board may require a Dumpster permit for any proposed or existing dumpster or container, including those less than four (4) cubic yards, whether onsite for one (1) day or portion thereof, or the Board may rescind the allowance to couple a Dumpster permit with a Food Establishment Permit, Temporary Food Service Permit, Demolition Permit or Construction Permit, if, in the opinion of the Board, the proposed or existing dumpster or container constitutes a potential health hazard, public nuisance or other undesirable circumstance.

Section IX. Businesses, Houses of Worship and Charitable Organizations

- (A) All Hingham businesses, houses of worship or charitable organizations that contract with a permitted commercial hauler to remove Rubbish or Recyclables must apply for an annual Dumpster permit by December 31st for the ensuing year. A copy of the

commercial hauler's contract or invoice must be included with the annual Dumpster permit application or renewal. The annual Dumpster permit fee will be waived if the aggregate volume of all Dumpsters located on the property is less than four (4) cubic yards regardless of the size or number of individual dumpsters.

- (A) Any Hingham business, house of worship or charitable organization that uses the Hingham Transfer Station for disposal of their Rubbish or Recyclables must request a waiver from the annual Dumpster permit requirement by December 31st for the ensuing year. An applicant for waiver must attest to this practice self-disposal and include a copy of a valid Hingham Transfer Station Vehicular Permit issued by the Hingham Department of Public Works to the owner/agent or official of the business, house of worship or charitable organization. No separate fee is associated with this annual waiver request.
- (B) Any Hingham business, house of worship or charitable organization that uses a municipal transfer station other than the Hingham Transfer Station for disposal of their Rubbish or Recyclables must obtain a waiver from the annual Dumpster permit requirement by December 31st for the ensuing year. An applicant for waiver must demonstrate to the satisfaction of the Board that the business, house of worship or charitable organization meets or exceeds the requirements and standards of these regulations. No separate fee is associated with this annual waiver request.

Section X. Hingham Transfer Station

- (A) All individuals, Persons, businesses and commercial rubbish/recycling haulers using the Hingham Transfer Station shall have a valid vehicular permit issued by the Hingham Department of Public Works. Vehicular permits shall be conspicuously displayed while visiting the Transfer Station.
- (B) All individuals, Persons, businesses and commercial rubbish/recycling haulers using the Hingham Transfer Station shall abide by the Town of Hingham "Rules and Regulations for the Operation of the Hingham Trash Transfer and Recycling Facility" established by the Hingham Board of Selectmen.
- (C) The disposal of certain Restricted Materials may be allowed by special permit issued by the Hingham Department of Public Works or on specified collection dates that have been authorized by the Department of Public Works or the Board.
- (D) Any individual or Person who brings or is found to have brought hazardous or Restricted Materials to the Hingham Transfer Station shall be held responsible for all fines, fees and costs, legal and otherwise, for the removal and proper disposal of such materials including any necessary cleansing of the Transfer Station of all such materials and for all fines, fees and costs, legal and otherwise, associated with such clean-up activities. This shall apply to any residential or commercial permit holder regardless of their stated knowledge or ignorance of having conveyed or brought such hazardous or Restricted Materials to the Hingham Transfer Station.

- (E) Dumpsters owned and operated by the Town of Hingham located within the Hingham Transfer Station or at other town-sponsored special events are exempt from these regulations.

Section XI. Enforcement

Enforcement of these regulations may be by criminal complaint in Massachusetts District Court and/or non-criminal disposition ticket M.G.L. Chapter 40, Section 21D. The issuance of a fine or penalty shall not preclude the Town of Hingham from seeking or obtaining any or all other legal and equitable remedies to prevent or remove a violation of this section. The Hingham Department of Public Works, Hingham Police Department, Hingham Fire Department or Hingham Health Department shall have the power to enforce the provisions of these regulations.

Section XII. Penalties

- (A) Violations of these regulations shall be punished by fines and penalties as follows:

- i) First offense: Warning
- ii) Second offense: \$50.00
- iii) Third offense: \$200.00
- iv) Subsequent offenses: Up to \$500.00

Each day of failure to comply with these regulations may constitute a separate violation.

- (B) Violations involving hazardous substances or Restricted Materials may result in the doubling of the applicable fines in addition to any clean-up costs described elsewhere in these regulations.
- (C) The Board may deny, suspend, revoke, or refuse to renew a rubbish/recycling haulers (RTDP) permit for failure to comply with any provision of these regulations.
- (D) The Board may deny, suspend, revoke, or refuse to renew a Dumpster permit for failure to comply with any provision of these regulations.
- (E) The Hingham Department of Public Works may deny, suspend, revoke, or refuse to renew a residential or commercial hauler vehicle permit for failure to comply with any provision of these regulations.
- (F) The Town may remove any dumpster or container from any property in Hingham if a dumpster or container is found to be without proper permit or allowance by the Board. The property owner/agent will be assessed all fines, fees and cost, legal and otherwise, associated with the removal and storage of said dumpster or container along with the appropriate dispensation of its potential contents.

Section XIII. Right to a Hearing

Any person or persons aggrieved by an order that has been served pursuant to any section of these regulations may request a hearing before the Board by filing a written petition to the Hingham Executive Health Officer within seven (7) days of receipt of said order.

Section XIV. Variance

The Board may grant a variance from any provision of these regulations when, in its opinion, said variance would not compromise public health or the environment, or conflict with the stated purpose of these regulations, or violate any pertinent state or federal statute or regulation. The Board may delegate authority to the Hingham Executive Health Officer to grant certain waivers and variances from these dumpster standards.

Section XV. Severability

Each provision of these regulations shall be considered as separate to the extent that if any section, item, sentence, clause, or phrase is determined to be invalid for any reason, the remainder of these regulations shall continue in full force and effect.

Section XVI. Adoption and Effect

These regulations were adopted by a unanimous vote of the Hingham Board of Health on March 10, 2015 and are to be in full force and effect on and after June 1, 2015. A summary explanation of these regulations shall be published in a newspaper of this town and a copy thereof shall be deposited in the office of the Hingham Town Clerk and the Massachusetts Department of Environmental Protection's central registry.

HINGHAM BOARD OF HEALTH

Peter Bickford, Chairman
Kirk Shilts,
Stephan White

(Revised draft 3/10/15)