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**Board of Health**  
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**TOWN OF SWAMPSCOTT  
BOARD OF HEALTH  
RULES AND REGULATIONS FOR RUBBISH AND RECYCLING COLLECTION AND DISPOSAL**

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**SECTION 1.0 AUTHORITY**

The Board of Health, Town of Swampscott, Massachusetts, acting under the authority of Chapter 111, Sections 31, 31A and 31B, of the Massachusetts General Laws, has adopted the following Solid Waste and Recycling Regulation, replacing the Board of Health Rubbish Regulation revised and adopted on March 8, 2003.

**SECTION 2.0 RATIONALE**

The Town of Swampscott Board of Health is promulgating rules and regulations that provide requirements for proper placement, collection and disposal of solid waste in order to prevent a public health nuisance that could lead to disease and/or environmental contamination.

This regulation is designed to:

- Establish uniform criteria for those properties being provided solid waste and recycling collection services by the Town's contractor.
- Reduce residential solid waste tonnage and minimize related disposal costs (tipping fees) to the Town.
- Encourage diligent recycling efforts in town so that recyclable materials are captured and beneficially reused versus disposed of at an incinerator or landfill.

Ensure that solid waste disposal is done in accordance with local, state and federal regulations.

### SECTION 3.0 DEFINITIONS

For purposes of this document, unless otherwise apparent from the context, certain words and phrases used are defined as follows:

- A. “Acceptable Waste Disposal Container” is a receptacle for *solid waste* with a capacity of no greater than 35 gallons, constructed of plastic, metal or fiberglass, having handles or construction to provide adequate strength for lifting, and having a tight-fitting lid or closure. A trash bag of no greater than 30 gallon capacity is an acceptable waste disposal container. The weight of the container and its contents shall not exceed 50 pounds.
- B. “Allowed Small Business” means those small businesses approved by the Board of Health to receive curbside *solid waste* removal and recycling collection services by the Town’s contractor.
- C. “Bulky Waste Item” means a single item weighing over 50 pounds and/or too large to place in a trash barrel such as a piece of furniture or a mattress, excluding yard waste and construction debris. (Four rolls of carpet, each cut into 3 foot lengths and tied individually is considered a single bulky item. Wood cut into 3 foot lengths, tied into a manageable bundle, and weighing no more than 50 pounds is considered a single bulky item.)
- D. “Commingled Material” means items that can be recycled, including: plastic containers labeled #1 through #7 and lids, aluminum/tin/steel cans, aluminum pie plates/trays/foil, and glass, but not including paper and cardboard. (See appendix)
- E. “Construction Debris” means waste building material resulting from construction, remodeling, repair and demolition operations.
- F. “Electronics” means TVs, computer monitors and components, fax machines, copiers, DVD, CD, and video tape players, other electronic devices and hand held electronics. (See appendix)
- G. “Hazardous Materials” means gasoline, waste oil, liquid oil-based paints, turpentine, paint thinners, shellac, pesticides, auto batteries, explosives, propane tanks, gas cylinders, PCBs, radioactive materials, medical wastes, items containing mercury and Freon, and any other materials designated hazardous by the United States Environmental Protection Agency, the Massachusetts Department of Environmental Protection, or the Massachusetts Department of Public Health. (See appendix)
- H. “Household” means the single residential unit within a single or 2, 3 or 4 multi-family dwelling.
- I. “Mixed Paper” means all colors and textures of paper that can be ripped. (See appendix)
- J. “Municipal Refuse Receptacle” means any container, dumpster or other receptacle for purposes to collect incidental trash generated in the vicinity of a specific area such as a school, beach, or park.
- K. “Recyclable Materials” means materials that have the potential to be recycled (paper, cardboard, glass containers, plastics #1 through #7, and cans) and is identified, listed, and accepted as such by recycling companies. Recyclable materials must be separated from *solid waste* for collection.
- L. “Solid Waste” means useless, unwanted or discarded solid or liquid material. The term “liquid” refers to the incidental liquids discarded in trash containers or bags. *Solid waste* consists of refuse, garbage and domestic waste. For purposes of this document, solid waste does not include *hazardous materials*, *recyclable materials*, *white goods*, *yard waste*, *electronics*, tires, asphalt, items containing mercury, and any other materials listed in Massachusetts Waste Disposal Ban. A list of materials banned from incineration or disposal at a solid waste facility are listed in the Code of Massachusetts Regulation (310 CMR 19.017).
- M. “White Goods” means major kitchen and laundry appliances, including but not limited to stoves, refrigerators, air conditioners, water coolers, dishwashers, dryers, washers, dehumidifiers, hot water heaters and microwaves.

N. “Yard Waste” means grass clippings, leaves, and branches up to 1” (inch) in diameter.

## **SECTION 4.0 OWNER, OCCUPANT DUTIES**

All *households*, developments with four (4) dwelling units or fewer, and *allowed small businesses* are eligible for Town contracted curbside solid waste and recycling collection.

Buildings that contain three (3) or more residential units are considered commercial properties are required to provide containers for solid waste. The owner of any rooming house and the owner of any commercial business are required to provide containers for solid waste.

Those containers used for *solid waste* and *recyclable materials* shall be stored on the owner’s property so as not to be visible from the sidewalk or street. (The Board of Health or its agent may render a final determination of acceptable stored trash location.)

Material placed curbside for collection by owner, occupant, or *allowed small business* shall be placed in such a manner that it does not block passage of pedestrians along the sidewalk or walkway.

The owner/manager of a commercial business shall keep clean and in good repair, proper and sufficient receptacles for the storage of *solid waste*. The owner/manager shall provide for collection and disposal of the *solid waste* at sufficient intervals and in a manner to prevent a public health nuisance, as determined by the Board of Health or its agent.

## **SECTION 5.0 CONDITIONS FOR COLLECTION**

### **5.1 Curbside Placement Time Restrictions**

Waste disposal containers, *bulky waste item*, and recycle receptacles may be placed curbside for municipal collection no sooner than 7 PM the evening before the scheduled collection.

Trash bags (not contained in barrels) may be placed curbside for municipal collection no sooner than 5 AM the morning of the scheduled collection. The reason for this is to discourage the attraction of nocturnal animals that may tear into the bags and cause a nuisance.

All waste disposal containers, *bulky waste item*, and recycle receptacles must be placed curbside no later than 7 AM on the day of collection and containers must be removed from the sidewalk on the same day as the collection.

### **5.2 Solid Waste Limits**

Beginning October 1, 2011 – Three (3) *acceptable waste disposal containers* (30 gallon bags or barrels up to 35 gallons in size) will be allowed per household per week for collection.

Beginning July 1, 2012 – Two (2) *acceptable waste disposal containers* (30 gallon bags or barrels up to 35 gallons in size) will be allowed per household per week for collection.

The weight of each disposal container and its contents shall not exceed 50 pounds.

One *bulky item* per week will be allowed for curbside collection.

Large barrels (exceeding 35 gallons) are allowed at this time, but are not encouraged. Large barrels may be prohibited from use in the future, so it is advised that new barrels purchased for curbside collection not exceed 35 gallons. Large barrels may be repurposed for recycling and yard waste collection.

Large barrels may not contain loose trash. All *solid waste* in large barrels must be contained in trash bags (30 gallon maximum). Each trash bag placed in a large barrel will be considered one (1) *acceptable waste disposal container*.

The experience of other towns has demonstrated that more than 95% of the time, the limits established by this regulation are adequate for solid waste disposal when recycling efforts are increased. The Board of Health

recognizes, however, that there may be an instance when a household generates more solid waste than allowed. In such cases, a resident may purchase an overflow sticker to be applied to a plastic trash bag (30 gallon maximum), indicating that it may be collected. Stickers may be purchased at the Swampscott Town Hall for \$2.00 (two dollars)\*.

*Allowed small business* owners who need more capacity than the allowed limit may apply for a variance from the Board of Health.

### **5.3 Solid Waste Acceptable Materials**

Only materials included in the *solid waste* definition in this regulation may be placed curbside for collection. *Hazardous materials* and other material banned from regular solid waste collection must be handled in accordance with local, state and federal rules and regulations.

### **5.4 Recycling**

Recycling is mandatory and necessary to reduce solid waste disposal amounts to a responsible and acceptable level.

*Recyclable materials* will be collected every other week, though it is the intention of the Board of Health, with reduced solid waste disposal costs, to implement a weekly recycling program in the near future.

There is no limit on the amount of *recyclable materials* collected curbside. *Recyclable materials* include *commingled material* (cans, glass, plastics #1-7), *mixed paper* and cardboard.

*Recyclable materials* must be placed in town-provided bins or other receptacles that are clearly marked for recycling. Barrels of any size may be used for recycling, as long as the barrel and its contents do not weigh more than 50 pounds, and it is clearly marked for recycling. (Recycle bins and recycle stickers are available for purchase at the Swampscott Health Department.)

*Mixed paper* must be separated from *commingled material*. Cardboard must be flattened into manageable pieces and may be placed under a bin or included with *mixed paper*. *Mixed paper* may be bundled with string, placed in paper bags or placed in recycle bins, and weigh no more than 50 pounds per bundle or bin.

\* pending approval by the Board of Selectmen

## **SECTION 6.0 SPECIAL COLLECTIONS**

### **6.1 Yard Waste**

*Yard waste* will be collected 6 (six) times per year on scheduled dates agreed upon by the Board of Health and the Town's contractor. *Yard waste* may be placed in biodegradable paper leaf bags or uncovered receptacles, but not in plastic bags. *Yard waste* may be placed curbside no earlier than 7 PM the evening before collection and no later than 7 AM the morning of the scheduled collection.

### **6.2 Christmas Trees**

Christmas trees will be collected on a date(s) agreed upon by the Board of Health and the Town's contractor. Christmas trees may be placed curbside no earlier than 7 PM the evening before collection and no later than 7 AM the morning of the scheduled collection. Trees must have all artificial materials removed including, but not limited to, stands, lights and garland.

## **SECTION 7.0 SCAVENGING OF WASTE AND RECYCLABLES PROHIBITED**

No person shall disturb, remove or collect any *solid waste*, *bulky waste*, *recycled material*, or *yard waste* from any premises, sidewalk or way without consent of the owner, except employees or contractors of the Town.

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 town except for removal or collection by the Town, its contractor, or private contractor in accordance with time restrictions.

## **SECTION 8.0 ILLEGAL DUMPING PROHIBITED**

No person, business or corporation shall dispose of household *solid waste, bulky waste items*, or commercial *solid waste* at any *municipal refuse receptacle* (i.e. school, beach, park). Persons doing so will be subject to a fine.

No person, business or corporation shall dispose of household *solid waste, bulky waste items*, or commercial *solid waste* at any private trash receptacle or dumpster in the town unless granted permission by the owner.

No person, business, or corporation shall dispose of household recycling at any municipal recycle containers (i.e. school, beach, park).

No person shall deposit *solid waste, bulky items, yard waste*, street sweepings, debris, or any other waste material upon any private or public premises or any other place in the Town, other than by the owner of the property and in accordance with federal, state and local rules and regulations.

## **SECTION 9.0 PENALTIES**

Whosoever violates any provisions of these rules and regulations may be fined no less than fifty dollars (\$50.00) and no more than three hundred dollars (\$300) per violation by the Board of Health and its agent. Each day these violations exist may constitute a separate offense. In accordance with MGL c.40 s.21D, non-criminal disposition and the issuance of a ticket may be used as a penalty for the violation.

## **SECTION 10.0 CITIZEN INFORMATION**

The Board of Health shall publicize the provisions of this regulation through the media, town website, announcements, mailings and other appropriate means, so that all citizens will have the opportunity to become informed about the legal duties of the property owners and occupants. Updates and outreach will be provided regarding solid waste collection, recycling and special collections.

## **SECTION 11.0 SEVERABILITY**

If any section, subsection, sentence, clause, phrase, or portion of these regulations are for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provisions and such holdings shall not affect the validity of the remaining portions thereof.

Swampscott Board of Health

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Martha Dansdill, Chairman

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Lawrence Block, M.D.

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Nelson Kessler

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July 27, 2011

Date

## **A P P E N D I X**

The purpose of this Appendix is meant to provide additional information and resources to supplement the Swampscott Solid Waste and Recycle regulation. The information in this Appendix is subject to change and will be updated periodically.

### **WHAT CAN BE RECYCLED CURBSIDE**

**Paper** – All paper of all colors that can be torn.

Brochures, catalogs, copy paper, envelopes, tissue rolls, file folders, junk mail, magazines, newspaper, paper bags, phone books, soft cover books, writing tablets, egg crates.

Cereal, pasta, toothpaste, shoe boxes, aseptic juice boxes and milk cartons.

Staples, paper clips, labels, and envelopes with plastic windows are OK.

**Glass** – Glass containers of any color. No auto glass, window glass, mirror or Pyrex.

**Metal** – Aluminum/tin/steel cans and aluminum, including aluminum foil, tins, empty aerosol cans, and pie plates. No bike/auto parts, hangers, paint cans, shelving or other metal items.

**Plastic** – All plastic containers and lids labeled #1 through #7. No plastic bags, Styrofoam, or containers with hazardous contents.

**Corrugated cardboard** – All unsoiled cardboard.

### **HAZARDOUS WASTE DROP-OFF**

Hazardous materials, such as those banned from regular solid waste disposal in accordance with Code of Massachusetts Regulations (310 CMR 19.017), must be handled according to local, state and federal rules and regulations.

The Swampscott Board of Health schedules Household Hazardous Waste drop-off collections bi-annually with the Town of Marblehead. A list of accepted hazardous materials is available on the Swampscott Health Department website, as well as scheduled dates and location. A per-pound fee is charged for the waste.

### **ELECTRONICS DROP-OFF**

The Swampscott Board of Health will schedule electronics drop-offs periodically. Residents will be notified of the date, time and location through postings in the newspaper and reverse 911 calls. Electronics including, but not limited to, TVs, monitors, computer components, fax machines, game boxes, DVD, CD and tape players, other electronics and hand-held devices will be accepted. A fee may apply to certain items.

### **WHITE GOODS and METALS DROP-OFF**

White goods and metal drop-off will be scheduled periodically at the Swampscott DPW yard. Non-hazardous white goods, metals and bulk metal items, including but not limited to washers, dryers, stoves, dishwashers, file cabinets, bike parts etc. will be taken.

Curbside collection of appliances/white goods is available through Hiltz Waste Disposal. Call for an appointment 1-877-998-7274.

### **MERCURY RECOVERY PROGRAM**

Small fluorescent bulbs, rechargeable batteries, thermometers, thermostats, switches containing mercury may be brought to the Swampscott Health Department for recycling.

### **HOME MEDICAL WASTE**

Effective July 1, 2012, home sharps, as well as unopened packages of hypodermic needles and lancets, shall not be disposed of in solid municipal waste, including household waste, and shall be collected and disposed of in accordance with the requirements outlined in Regulation 105 CMR 480.000 Minimum Requirements for the Management of Medical or Biological Waste (State Sanitary Code, Chapter VIII).