

# Adopted 8/20/07

## Town of Littleton Selectman Regulations of Town Transfer Station

### 1. Authority

These Regulations were adopted pursuant to §181-1 and §181-2 of the Code of the Town of Littleton.

### 2. Purpose

These regulations are intended to protect the public health and general welfare by ensuring proper disposal of acceptable waste and recyclable materials in a manner consistent with best management practices. The Town Transfer Station is operated and maintained by the Town of Littleton for disposal of acceptable waste and recyclable materials that are generated within the boundaries of the Town of Littleton. All refuse and other wastes originating outside the Town boundaries are prohibited.

### 3. Definitions

As used in this chapter, the following terms shall have the meanings indicated:

**HAZARDOUS WASTE:** Waste which is defined, characterized or designated as hazardous by the United States Environmental Protection Agency; or Massachusetts State Agency by or pursuant to federal or state law. For purposes of these regulations, the term "hazardous waste" also includes gasoline, other automotive fluids, oil-based paint, and related solvents/thinners/pesticides. These items should be saved for paint collection days or hazardous waste day.

**INELIGIBLE WASTE:** Ineligible waste is defined as all hazardous and medical waste (except waste motor oil and lead/acid automotive batteries). Ineligible waste shall also include commercial garbage, construction debris from contracted or commercial work, stones, rocks, pesticides, and sewage wastes.

**RECYCLABLE MATERIAL:** Material that has the potential to be recycled and which is not commingled with solid waste or contaminated by significant amounts of toxic substances as per 310 CMR 19.0006.

**SOLID WASTE:** Solid waste consists of all rubbish, garbage or refuse normally generated, but excluding explosives, and ordnance materials, sludge, highly flammable substances, cesspool or other human waste, human or animal remains, and hazardous refuse of any kind, such as cleaning fluids, crankcase oils, cutting oils, paints, acids, caustics, poisons, drugs, radioactive materials, fine powdery earth used for filter cleaning fluid and refuse of similar nature. Any recyclable materials, hazardous waste and ineligible waste are specifically excluded from solid waste.

### 4. Permitted Use of Transfer Station

- A. Use of the Town Transfer Station is limited to the acceptable solid waste generated from "typical household use" only.
- B. Only Town residents, property owners or the Town of Littleton may deposit Solid Waste in the Town Transfer Station.
- C. No person shall deposit in the Town Transfer Station solid waste that is collected outside the boundaries of the Town.
- D. No person shall pick over or remove any item from the Town Transfer Station except for the designated swap shop area.
- E. No person shall deposit material in the Town Transfer Station except during the hours of operation.
- F. Any legally disposed of item or material becomes the property of the Town Transfer Station.

### 5. Transfer Station Access and Hours of Operation

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- A. The hours of operation of the Town Transfer Station shall be posted at the entrance of the Town Transfer Station and made available at the Board of Selectmen's office.
- B. All persons (vehicles) using the Town Transfer Station must have a valid Transfer Station sticker.
  - 1. Transfer Station stickers shall be displayed in a convenient visible location solidly affixed to the vehicle transporting solid waste, typically the front-lower-left (driver's side) portion of the windshield.
  - 2. A valid vehicle registration must be presented at the time transfer station stickers are purchased. In cases where a Town resident use a vehicle owned by a third party, documentation verifying Town residency shall be presented in addition to a valid vehicle registration.
  - 3. Transfer stickers are available at the Transfer Station and can be purchased up to thirty minutes before closing.
  - 4. The Board of Selectmen shall consult with, and consider any recommendations of, the Town Highway Department prior to setting any Transfer Station sticker rate.
  - 5. Transfer Station stickers shall be made available for senior citizens of the age of 60 or over at a discounted rate.
  - 6. Transfer Station stickers are valid for one year, the first day of October until the last day of September of the succeeding year.
  - 7. Transfer Station stickers are nontransferable and nonrefundable.
  - 8. There shall be a limit of two stickers per household.
  - 9. Any request for using the Transfer Station for purposes of solicitations must notify the attendants at least one week prior to the requested date. Under no circumstances shall solicitations by minors take place without proper adult supervision.

### **6. Operations**

- A. The Town Transfer Station employees shall take all necessary steps to ensure an effective level of facility operation and service.
- B. The Supervisor or his/her designee may, at his/her discretion, close the Town Transfer Station when there is an equipment problem, or any other problem that makes transfer of refuse not feasible, or that may result in a health/safety hazard.
- C. All vehicles must stop at the office prior to unloading fee-able materials.
- D. All materials accepted at the Town Transfer Station shall be placed in only those areas designated by the Supervisor or his/her designee.
- E. In order to determine the acceptability and origin of the same, all materials being disposed of at the Town Transfer Station are subject to inspection by the Town Transfer Station employees.
- F. All owners, operators, or persons in charge of a vehicle shall, upon request, submit evidence or answer questions concerning the origin or nature of the materials being disposed of.
- G. Any unacceptable material found in any load intended for the Town Transfer Station shall result in rejection of the entire load.
- H. The following items are prohibited from disposal into any refuse container:
  - (1) Any acceptable recyclable materials.
  - (2) Yard waste.
  - (3) Construction debris, other than wood products.
  - (4) Hazardous waste.

### **7. Recycling**

- A. Any Town resident or property owner who wishes to utilize the Transfer Station for recycling purposes only shall obtain a recycling permit first.
- B. All users are responsible for separating their own recyclable materials.

### **8. Enforcement, Violations and Penalties**

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- A. The Board of Selectmen or its designee shall enforce these regulations and may take such action as the Board of Selectmen or such designee deems necessary to enforce these regulations.
- B. If any investigation reveals a violation of these regulations, the Board of Selectmen or its designee, shall order the person(s) in violation to cure such violation and to comply with the violated provisions.
- C. These orders shall be in writing and may be delivered in hand or by mail to the last-known address of the person in violation.
- D. Violation of any portion of these regulations may result in loss of privileges for use of the Transfer Station.
- E. The Board of Selectmen or its authorized representative may suspend or revoke permits or privileges issued hereunder for cause. The suspension or revocation of privileges shall not entitle the sticker holder to a refund of any portion of the fee collected for the issuance of such sticker.
- F. Notwithstanding the foregoing, any person who violates any provision of these regulations, or who fails to comply with any order issued hereunder by the Board of Selectmen for which a penalty is not otherwise provided in any of the General Laws shall be subject to a penalty of up to \$300. Each day that a violation exists and each day's failure to comply with an order shall constitute a separate offense.
- G. Any returned checks will be subject to an additional processing fee.

### **9. Hearing**

- A. Any person(s) to whom any order has been served may request a hearing before the Board of Selectmen by filing with the Board of Selectmen, within seven days after the day the order was served, a written petition requesting a hearing on the matter. Upon receipt of such petition, the Board of Selectmen shall set a time and place for such hearing and shall inform the person in writing. The hearing shall be commenced not later than 30 days after the day on which the order was served. The Board of Selectmen upon application of the person requesting a hearing, may postpone the date of the hearing for a reasonable time beyond such thirty-day period if, in the judgment of the Board of Selectmen the person has submitted a good and sufficient reason for such postponement. At the hearing, the petitioner shall be given an opportunity to be heard and show why the order should be modified or withdrawn. After the hearing, the Board of Selectmen shall sustain, modify, or withdraw the order and shall inform the person in writing of its decision. If the Board of Selectmen sustains or modifies the original order, it shall be carried out within the time period allotted in the original order or in the modification.
- B. Every notice, order, or other record prepared by the Board of Selectmen in connection with the hearing shall be entered as a matter of public record in the office of the Town Clerk or in the office of the Board of Selectmen.

### **10. Appeals**

Any person aggrieved by the final decision of the Board of Selectmen may seek relief therefrom within 30 days in any court of competent jurisdiction, as provided by the laws of this Commonwealth.