

**TOWN OF WELLESLEY
DEPARTMENT OF PUBLIC WORKS
RECYCLING AND DISPOSAL DIVISION
RECYCLING AND DISPOSAL FACILITY
RULES AND REGULATIONS**

ARTICLE 3400

As authorized by the Town of Wellesley Town Bylaws, Article 29.3.a., the Board of Public Works establishes these rules and regulations governing the use of the Recycling and Disposal Facility (RDF).

3401. DEFINITIONS

- a) Refuse – All materials for which the RDF is permitted to accept pursuant to its Facility Permit Authorization to Operate NESW-TS-026.
- b) Solid Waste* - Any unwanted or discarded solid material. This does not include materials, which are recycled, composted, regulated waste, or hazardous waste.
- c) Household Waste – Solid Waste derived from the normal operation of households, that are not recycled in the facility, of a usual nature and which by themselves can be contained within a standard 32-gallon waste container.
- d) Bulky Waste – Solid Waste derived from the normal operation of households, that are not recycled in the facility, of a usual nature and which by themselves cannot be contained within a standard 32-gallon waste container.
- e) Recyclable* – Material that has the ability to be recycled.
- f) Yard Waste* - Debris, residue, trimmings or cuttings from lawns, trees, shrubs, bushes or scrub not greater than four (4) feet in length and three (3) inches in diameter thickness.
- g) Food Waste* – Material produced 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.
- h) Regulated Waste* –Material that requires special handling and disposing techniques to protect public health and/or the environment, including but not limited to demolition/construction material, paint; waste oil, tires, televisions, white goods, batteries, pressurized tanks, and mercury containing materials.
- i) Hazardous Waste** - Material which because of its quantity, concentration, or physical, chemical or infectious characteristics may pose a substantial present or potential hazard to human health, safety, or welfare or to the environment.
- j) Reusable Item - An item with intrinsic value that may be reused by others. Reusable Items are in working order, or of such condition that they can be returned to working order with small repair. This does not include certain items that, even if in working order, have been deemed as unacceptable including but not limited to hazardous and regulated wastes, appliances, televisions, and mattresses.

- k) Commercial Waste – Any material delivered to the facility that is not derived from the driver's primary Wellesley residence.
- l) Out-of-town Refuse - Refuse picked up for disposal outside the Town of Wellesley and delivered to the RDF.
- m) Permitted Use – All activities related to the use of the RDF for which the user permit grants the permit holder.
- * Materials defined by the Commonwealth of Massachusetts, Department of Environmental Protection (DEP) Regulations 310 CMR 19.000 or successor regulations as amended.
- ** Materials defined by the Commonwealth of Massachusetts, Department of Environmental Protection (DEP) Regulations 310 CMR 30.000 or successor regulations as amended.

3402. OPERATION

- 1) In general, the operation of the Recycling and Disposal Facility will be in accordance with these Rules and Regulations and by such additional rules, regulations, procedures and policies as may be adopted by the Board of Public Works.
- 2) Unless authorized by the Director of Public Works or their designee, only solid wastes originating in the Town of Wellesley shall be placed at the Recycling and Disposal Facility and such placement shall be in accordance with the regulations and directions for the disposal of designated materials in designated areas.
- 3) The operation and supervision of the Recycling and Disposal Facility is under the Director of Public Works or their designee, including, but not limited to, exclusive right to assess and collect fees for the issuance of permits, tickets, tokens, or licenses for the use of the facility.
- 4) As a condition of use, the owner, operator or other person in charge of a vehicle transporting solid wastes to be deposited in the Recycling and Disposal Facility shall present evidence and/or answer any reasonable questions concerning the nature of the material and the place of origin of that material as the person in authority at the Recycling and Disposal Facility may request. Failure to comply with these rules and regulations, or to furnish credible evidence of residency or vehicle registration when requested, shall be sufficient cause for the Board of Public Works, or its authorized representative, to revoke, suspend or modify a license, permit, or privilege for the use of the Recycling and Disposal Facility and/or to enforce or impose other penalties or fees as provided by these regulations and by the Town of Wellesley Town Bylaws Articles 29.3.a. and 53.
- 5) The Board of Public Works shall establish the hours of operation for use by the general public. Unauthorized use of the facility for the public, except during the designated hours of operation, is strictly prohibited.

3403. UTILIZATION

- A. Refuse

- 1) Refuse derived from the normal operation of households or businesses within the Town or otherwise deemed acceptable by the Director of Public Works or their designee, may be deposited in the Recycling and Disposal Facility. All refuse brought to the Recycling and Disposal Facility, shall be deposited at such locations as designated.
- 2) Town Departments, operating Town owned equipment, may deposit refuse generated by the Town Department at the Recycling and Disposal Facility without charge. Contractors will be permitted to deposit refuse at the Recycling and Disposal Facility, in accordance with these Rules and Regulations for the assessed fee.
- 3) Waste material from residential remodeling will be accepted for disposal. No materials from the demolition of buildings will be accepted.

B. Inspection

- 1) All vehicles entering the Recycling and Disposal Facility, regardless of size, may be required to be identified, including the name of the driver, vehicle registration, and the name and address of the origin(s) of the refuse. Any failure on the part of the driver or passengers to comply with these rules and regulations or the instructions and directives of operating personnel will be reported, to the Director of Public Works or their designee.
- 2) All vehicles engaged in the collection of refuse, regardless of the number of customers, are required to have a current permit from the Wellesley Board of Health.
- 3) All open vehicles and trailers must be equipped with the required tarpaulin, and the load must be fully covered.
- 4) Vehicles entering the Recycling and Disposal Facility may be checked for out-of-town refuse by a Town employee or authorized agent. The unauthorized dumping of out-of-town or unauthorized refuse at the Recycling and Disposal Facility is strictly prohibited.

C. Permits

- 1) Only vehicles with a valid permit shall be allowed to use the non-commercial areas of the Recycling and Disposal Facility. Admission may be denied to any vehicle not displaying a valid permit.
- 2) Permits shall be issued to Wellesley residents only. To be eligible for a permit, applicants must prove by appropriate documentation that they have primary residency in the Town, that the vehicle is registered to that primary residency and under their name or the name of a member of their immediate household and that the vehicle is principally garaged in Wellesley.
- 3) Waiver permits may be issued to residents who do not meet the criteria for a

Permit and whom have proved by reasonable documentation that they are residents of the Town. Waivers may also be issued to non-residents who are assisting in the transportation of refuse generated by a resident providing that reasonable documentation can be furnished.

- 4) Permit applications shall be made available at the Recycling and Disposal Facility during its normal office hours of operation and on the Town's website.
- 5) Permits and waivers are valid for as long as determined by the Director of Public Works or their designee. The Department of Public Works will keep a record of the permit and waiver information in its file.
- 6) If additional vehicles are to be provided with permits or waivers, a separate application shall be required for each vehicle.
- 7) If the permit or waiver is lost or damaged, a new replacement must be obtained.
- 8) Permits shall not be valid unless attached to the lower left front windshield on the driver's side of the vehicle.
- 9) Waivers shall not be valid unless displayed in plain view on the vehicle's dashboard.
- 10) Permits and Waivers become invalid and must be removed upon sale of the vehicle, upon any change in the vehicle's registration number, and when the permit holder is no longer a Wellesley resident.
- 11) Permits and Waivers are non-transferable. If they are transferred from one vehicle to another in violation of this provision, in addition to any other penalties, all permits and stickers for the entire household may be subject to forfeiture.

D. Reusables Area

- 1) The Reusables Area is provided for the use of residents of the Town only. Contractors and commercial haulers are excluded from the Reusable Area.
- 2) In fairness to all who use the Reusables Area, destroying, damaging or dismantling of any Reusables Item is prohibited.
- 3) The time limit for individual access to the Reusable Area is thirty (30) minutes per person, per day.
- 4) Courteous behavior is required of all Recycling and Disposal Facility users. Grabbing items from others, pushing, shoving, foul language and rude or offensive conduct will not be tolerated.
- 5) All items deposited in the Reusables Area must be Reusable Items as defined in Section 3401 of these Rules and Regulations.

- 6) Persons who fail to comply with these rules and regulations shall be subject to the penalties as described in Section 3410 - Violation of Regulations.

3404. BRUSH AND STUMP DISPOSAL

- 1) The unauthorized disposal of stumps from any source, in the Recycling and Disposal Facility, is strictly prohibited.
- 2) Logs or brush larger than 3 inches in diameter shall be considered logs and will not be accepted for disposal unless acceptable to the Department of Public Works.
- 3) Any person bringing diseased trees or brush to the Recycling and Disposal Facility must obtain a special permit for the disposal of such.

3405. PROHIBITED MATERIALS

The Department of Public Works may reject and prohibit the placement of materials which it considers to be detrimental to the operation of the Recycling and Disposal Facility. Materials prohibited shall include, but are not limited to the following:

- 1) Any substance or object likely to damage, injure, destroy, or obstruct the usefulness or operation of the Recycling and Disposal Facility.
- 2) Any substance which may attack, damage or alter by any means the equipment, employees, or citizens engaged in the use and operation of the Recycling and Disposal Facility.
- 3) Any quantities of gasoline, kerosene, alcohol, oil, tar, flammable or explosive gas or vapor, or 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 commonly found in the Recycling and Disposal Facility.
- 4) Any substance at a temperature above 100 F, or its burning point, or substance which upon coming into contact with water, refuse or air will generate steam, vapor, fire, smoke or toxic fumes.
- 5) Poisons or any other substance likely to generate poisonous substances that may interfere with, constitute a hazard to, or be dangerous to humans, wild life animals, or the environment.
- 6) Any solid waste containing animal guts, tissues, entrails, offal, blood or types of pathological wastes.
- 7) Any substance containing or labeled as, radioactive wastes or explosive material.
- 8) Any solid waste likely to cause damage, injury or loss to other persons or to the property of other persons who use the Recycling and Disposal Facility or to any person or equipment engaged in the treatment or disposal of such solid wastes, for the Town of Wellesley.

- 9) Any substance or material defined as hazardous waste. (From time to time, the Department will accept certain hazardous waste material from Wellesley households during designated Hazardous Waste Collection Days.)
- 10) Syringes, needles and lancets (sharps).
- 11) Prescription medications, patches, or ointments.
- 12) Any asbestos materials of any kind or percentage of asbestos content, including floor tiles, automotive brake linings, building siding, boilers and roofing shingles which are suspected of containing asbestos.

3406. MATERIALS REQUIRING SPECIAL HANDLING

- 1) Materials or substances may be designated as requiring a special permit, by the Board of Public Works or its authorized representative, if the placement of such materials or substances in the Recycling and Disposal Facility requires special handling.
- 2) Appliances and electrical fixtures, including but not limited to refrigerators, stoves, air conditioners, washers and dryers, microwave ovens, and electric fixtures shall be deposited only in locations at the Recycling and Disposal Facility specially designated by the Director of Public Works. In addition, disposal of such appliances and fixtures shall be subject to a disposal fee as indicated in Section 3409 – Fees.

3407. MULCHING MATERIALS

All hedge clippings, lawn clippings, leaves and other like materials, suitable for mulching, shall be placed in the designated areas free from all foreign matter or material including plastic bags.

3408. REVOCATION OF PERMITS

The Board of Public Works or its authorized representative may at any time cancel, suspend, revoke, or modify permits or privileges issued hereunder for cause. The suspension, revocation or modification of an existing permit or privilege shall not entitle the person holding such a permit to a refund of all or a portion of the fee collected for the issuance of such permit or privilege.

3409. FEES

The Board of Public Works or their designee shall establish fees for use of the Recycling and Disposal Facility.

- 1) A town resident personally delivering solid wastes in accordance with the Rules and Regulations and which originate from the one Wellesley residence only the occupant and his or her immediate family occupy, will not be charged a fee. The wastes must be delivered in a vehicle with a valid RDF permit and personally operated by the resident. Wastes must be properly separated and deposited at the correct locations.

All other vehicles disposing refuse shall be charged in accordance with the fee schedule. The Director of Public Works or their designee will determine the fee to be charged. The fee schedule will be available in the RDF Customer Service Office, on the Town's website, and in the office of the Director of Public Works. Tonnage measurements will be based on the Town scale weight. These fees will be waived if item 3) applies.

- 2) Vehicles disposing of certain materials as approved by the Director of Public Works or their designee, that are properly separated and deposited at the correct recycling locations, shall not be charged by weight or fee for such recycled materials. If the materials are not properly separated and deposited at the correct recycling location, the vehicle may be charged a fee commensurate with the costs of its proper disposal.
- 3) The unauthorized disposal of out-of-town refuse is prohibited. The person(s) responsible for dumping such waste shall pay a disposal cost of twice the current per ton fee for the entire load, but in no case less than \$100, and will be subject to penalties in the current regulations. If the identity of the person(s) responsible for dumping such waste cannot be determined (e.g., when they refuse to present identification, or leave the site while an RDF employee is trying to determine their identity), the person(s) to whom the vehicle, from which the waste was dumped, is registered shall pay the disposal costs.
- 4) The disposing of hazardous material, including oil based or lead paint and paint-related materials, is prohibited unless expressly accepted during Town authorized hazardous waste collection, or surplus paint collection events. The person(s) responsible for unauthorized disposal of hazardous material shall pay to the Town the full and entire cost of properly cleaning up and disposing of the entire load containing such material, and other materials that may have been contaminated, and including, but not be limited to, the cost of complete site restoration work, and the cost of hazardous waste disposal services used. The person(s) responsible are also subject to applicable Federal and State statutes, rules and regulations.
- 5) That an interest charge of one and 1/2 percent (1.5%) per month, on any portion of a month, be added to billings when all or any part of the bill remains unpaid for more than 30 days after the date of the bill. Interest shall be computed starting with the 31st calendar day after the date of said bill. Accounts over sixty (60) days in arrears may be suspended from using the RDF until outstanding balances are paid in full.

3410. VIOLATION OF REGULATIONS

Town Bylaw Article 29.3.a. empowers the Board of Public Works to establish such fines and other penalties for infractions of Recycling and Disposal Facility regulations as the Board of Public Works shall deem appropriate. These rules and regulations have been designed to provide an orderly process for using the Recycling and Disposal Facility subject to reasonable restrictions on conduct, control and access. Courteous behavior is required at all times. Rude and offensive conduct toward other users of the Recycling and Disposal Facility, or toward Recycling and Disposal Facility employees, will not be tolerated. The following schedule shall apply to violation of the rules and regulations governing the permitted use of the Recycling and Disposal Facility. Unpermitted use of the Facility may result in fines and penalties as determined by the Director of Public Works or their designee on a case-by-case basis.

1st Violation	Written warning from the Director of Public Works or their designee, except that engaging in a prohibited activity on a Household Hazardous Waste Collection Day shall result in a fine of up to \$200 and suspension of use of the Recycling and Disposal Facility for six months.
2nd Violation	Suspension of use of the Recycling and Disposal Facility for one month plus a disposal cost of twice the regular fee, but in no case less than \$100. For violation of the rules and regulations pertaining only to the Reusable Area (Section 3403.D), the Board of Public Works may reduce suspension of use of the Recycling and Disposal Facility to suspension of use of the Reusables Area only. For a second violation of engaging in a prohibited activity during a Household Hazardous Waste Collection Day, a fine of \$200 and permanent suspension of use of the Recycling and Disposal Facility.
3rd Violation	Suspension of use of the Recycling and Disposal Facility for six months, plus a disposal cost of twice the regular fee, but in no case less than \$100. For violation of the rules and regulations pertaining only to the Reusable Area (Section 3403.D), the Board of Public Works may reduce suspension of use of the Recycling and Disposal Facility to suspension of use of the Reusables Area only.

The fines and penalties for violations committed subsequent to the 3rd violation shall be determined by the Board of Public Works on a case-by-case basis.

3411. RIGHT TO HEARING

Any person accused of violating these rules or regulations may have opportunity to be heard by the Board of Public Works should the matter not be resolvable to their satisfaction by the Director of Public Works or their designee. The request for a hearing must be submitted in writing to the Director of Public Works and contain the following information:

1. A statement of the complaint and the section(s) of the Rules and Regulations which allow the activity.
2. A statement of remedial action or relief sought.
3. Evidence (documentary, if available) to support the argument.
4. A statement of reasons why the aggrieved believes the remedy should be granted.

A notice will be sent via certified mail, return receipt requested of the date and time at which a hearing will be held before the Board of Public Works in order to afford the person an opportunity to be heard in regard to the alleged violation, with or without counsel, as the person shall choose.

3412. GENERAL

The following general regulations shall apply to all persons or parties using the Recycling and Disposal Facility:

- 1) They must provide their name, address and origin of refuse upon request.
- 2) The Town reserves the right to reject any materials which it considers to be detrimental to the operation of the Recycling and Disposal Facility.
- 3) All materials must be deposited in the appropriate designated area and in accordance with the Recycling and Disposal Facility operators' instructions.
- 4) There shall be no dumping except during the scheduled hours of operation.
- 5) Scavenging is prohibited. The Board of Public Works or its authorized representative may designate items or materials that are available for the general reuse of the public.
- 6) Courteous behavior is required of all Recycling and Disposal Facility users. Grabbing, pushing, shoving, foul language and rude or offensive conduct will not be tolerated.
- 7) The speed limit in all areas of the Transfer Station shall not exceed ten (10) MPH.

3413. PARTIAL INVALIDITY

If any provision of these rules and regulations are for any reason declared to be unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions or sections of these rules and regulations or amendments thereto.

Adopted by vote of the Board of Public Works on September 9, 1985 to be effective on and after September 9, 1985.

BOARD OF PUBLIC WORKS
TOWN OF WELLESLEY

Walter Woods, Chairman
Richard J. Gleason
William Cullinane

BPW Vote of October 16, 1989:

Amendments adding paragraph 3) to Section 3406 and paragraph 6) to Appendix A, adopted by vote of the Board of Public Works on October 16, 1989, to be effective on and after December 1, 1989.

John H. Noble, Chairman
Richard L. Seegel
Richard J. Gleason

BPW Vote of January 31, 1995:

Amendments adding paragraph e) to Section 3401 Definitions, and revisions to paragraph 3) of

Section 3404, Brush and Stump Disposal, and paragraph 2) of Appendix A - Fee Schedule, adopted by vote of the Board of Public Works on January 31, 1995, to be effective on and after February 1, 1995.

Sidney W. Farnsworth, Chairman
David A. T. Donohue
Richard K. tenEyck

BPW Vote of September 26, 1995:

Amendment to paragraph C.8) of Section 3403 Stickers.

Sidney W. Farnsworth, Chairman
David A. T. Donohue
Richard K. tenEyck

BPW Vote of September 24, 1996:

Amendments adding paragraph f) to Section 3401 - Definitions, Section 3403.D. - Reusable Area, and Section 3410 - Violation of Regulations, adopted by vote of the Board of Public Works on September 24, 1996, to be effective on and after this date.

Richard K. tenEyck, Chairman
David A.T. Donohue
Sidney W. Farnsworth

BPW Vote of November 23, 1998:

Amendments adding Appendix C – Use of the Recycling and Disposal Facility on Household Hazardous Waste Collection Days, and Appendix A - Recycling and Disposal Program Fee Schedule, and Article 3410 – Violation of Regulations, adopted by vote of the Board of Public Works on November 23, 1998 to be effective on and after this date.

David A.T. Donohue, Chairman
Owen H. Dugan
Sidney W. Farnsworth

BPW Vote of June 18, 2019:

Amendments to Section 3401 – Definitions, 3402 – Operation, 3403 – Utilization, 3404 – Brush and Stump Disposal, 3405 – Prohibited Materials, 3406 – Materials Requiring Special Handling, 3409 – Fees now including fees formerly shown in Appendix A, 3410 – Violation of Regulations, 3411 – Right to Hearing, 3412 – General; Removal of Appendix B – Use of Recycling Facility on Saturdays, Removal of Appendix C – Use of the Facility on Household Hazardous Waste Collection Days, and renamed Appendix D – Community Use of the Recycling and Disposal Facility to Appendix A.

Jeffrey Wechsler, Chairman
David A.T. Donohue
Ellen Korpi

Appendix A

Department of Public Works Policy for Community Use of the Recycling and Disposal Facility

The primary purpose of the Recycling and Disposal Facility (RDF) is to provide Wellesley residents with a facility to recycle and/or dispose of household waste. The Facility is extremely busy and the first and foremost responsibility of the Department is to the residents of the Town of Wellesley, to make their experience of visiting the RDF safe and as convenient as possible. With this in mind, the Facility is available to be used by non-profit civic, cultural and educational groups and organizations whose missions benefit the purposes of the RDF or Town-related activities.

Use of the site is subject to the following terms and conditions:

1. Requests to use the RDF must be made in writing to the Director of Public Works or their designee. Requests will be granted in the order in which they are received, with the goal of making the Facility available to as many different groups as possible.
2. The request must be signed by an adult (18 years or older) who is a resident of Wellesley, and who assumes full responsibility for the conduct of the event and its participants.
3. If the request is approved, a Release and Waiver form will be sent to the user group. This must be signed by all participants and returned to the Director or their designee prior to the event.
4. Use of the Facility is only available during regular RDF hours of operation.
5. Activities must not conflict with RDF operations. The Director of Public Works or their designee shall determine the location(s) within the Facility that are available for use; these locations are subject to change at any time as RDF operations may require. All vehicles associated with the user group must be able to be moved by the user group at any time upon request of RDF staff. No vehicle may be left at the RDF without its driver on site.
6. The User Group MUST check in with the RDF Supervisor and show the written approval from the Director of Public Works or their designee prior to undertaking any activity at the RDF. The written approval shall remain onsite in the possession of the User Group at all times.
7. All events held at the RDF must be open to all Wellesley residents and no admission fee may be charged.
8. Alcoholic beverages are not permitted anywhere at the RDF; smoking is not permitted in any RDF building.
9. The Department of Public Works reserves the right to cancel the use of the Facility by the User Group at any time if RDF operations or the safety of the public so require. The Department will give as much notice as possible.
10. Failure by the User Group to adhere to this policy will be cause for cancellation of future use of the RDF and/or suspension of current use of the RDF.

The Board of Public Works has the sole authority to interpret these rules and regulations, and the Board reserves the right to revise these regulations at any time.

Adopted by vote of the Board of Public Works on October 28, 2009.