

PUBLIC NOTICE

Notice is hereby given that the Town of Greenwich, through action of its Representative Town Meeting, has revised Chapter 9 of the Town Code dealing with Waste Collection and Disposal. More specifically, Town Code Section 9-5 has been amended to implement fees for the disposal of solid waste at the Town transfer station. The amendment to Town Code Section 9-5 is set to expire on October 31, 2021 unless extended by action of the Representative Town Meeting. The details of the amendment can be found below.

ARTICLE 1. - WASTE COLLECTION AND DISPOSAL.

Sec. 9-1. - Definitions.

(a) As used in this article:

- (1) *Acceptable solid waste* shall mean unwanted or discarded materials, garbage and refuse that the Town is permitted by the State to collect, store and transport from the Town disposal area to resource recovery combustion facilities or landfills that are licensed to accept municipal solid waste but shall not include recyclable materials, bulky waste or hazardous waste.
- (2) *Approved containers* shall mean covered, watertight containers.
- (3) *Approved vehicles* shall mean a conveyance equipped with fully enclosed metal bodies of the type designed and maintained to promote the absence of leakage or spillage and approved by the Superintendent.
- (4) *Bulky waste* shall mean land clearing, demolition and construction debris, discarded machinery and equipment, and other unwanted materials that cannot be feasibly disposed of at resource recovery combustion facilities and landfills as acceptable solid waste because of size or noncombustibility but which can be disposed of at specially permitted and available landfills as determined by the Superintendent.
- (5) *Commissioner* shall mean the Commissioner of Public Works or, by the designation of the Commissioner, the Deputy Commissioner of Public Works.
- (6) *Garbage* shall mean every accumulation of animal, vegetable or other putrescible matter including that attending the preparation, consumption, decay, dealing in or storage of meats, fish, fowl, birds, fruit, vegetables, beverages or other edibles, including the nonrecyclable materials of containers or wrappers disposed of along with such materials.
- (7) *Hazardous waste* shall mean pathological and biomedical discarded items, sewage sludge, gunpowder, dynamite, cartridges, shells, gasoline, naphtha, benzene, ether and other refuse materials that have flammable, explosive, corrosive, toxic, infectious or reactive characteristics that, when present in significant quantities, require special handling for collection, transport and disposal in accordance with applicable State or Federal law.
- (8) *Recyclable materials* shall mean the materials defined in Sections 8A-2 and 8A-3 of the Code.
- (9) *Superintendent* shall mean the Superintendent of the Department of Public Works Recycling, Waste Collection and Disposal Division.

(RTM, 9/21/2009; RTM, 9/20/2010.)

Sec. 9-2. - Accumulation prohibited.

The accumulation of acceptable solid waste or waste material of any kind not otherwise provided for in this chapter except in approved containers is prohibited.

(RTM, 9/21/2009.)

Sec. 9-3. - Storage containers.

Acceptable solid waste shall be stored in approved containers. All garbage shall be drained and wrapped before it is placed in the containers. The containers shall be kept in a clean and sanitary condition.

(RTM, 9/21/2009.)

Sec. 9-4. - Collection.

All acceptable solid waste shall be removed in approved containers or approved vehicles at least once a week unless more frequently required by the Superintendent or Director of Health.

(RTM, 9/21/2009.)

Sec. 9-5. - Transportation and disposal required; fees.

All acceptable solid waste shall be transported to the Town disposal area. All bulky waste shall be loaded and transported to any place as directed and designated by the Superintendent.

Each licensed waste collector transporting acceptable solid waste to the Town disposal area shall pay a tipping fee on each ton of acceptable solid waste delivered by such licensed waste collector to the Town disposal area. The amount of such tipping fee and the method of payment shall be established by the Commissioner after consultation with and approval by the Board of Selectmen.

Any town residents who wish to deliver acceptable solid waste generated at their residence directly to the Town disposal area without the use of a licensed waste collector shall be subject to an annual fee as established by the Commissioner after consultation with and approval by the Board of Selectmen, not to exceed \$25.00 per household.

The second and third paragraphs of this section shall cease to be effective on October 31, 2021 unless sooner extended by action of the Representative Town Meeting. It is further recommended that the First Selectman form an advisory committee with varying points of view to review the Town's waste management options.

(RTM, 9/21/2009; RTM, 5/11/20.)

Sec. 9-6. - Delivery from outside Town.

No acceptable solid waste, bulky waste or hazardous waste shall be transported for disposal into the Town from any place beyond the limits of the Town unless otherwise approved in writing by the Commissioner as part of a reciprocal municipal cooperative aid agreement.

(RTM, 9/21/2009.)

Sec. 9-7. - License to transport; application.

- (a) No person shall engage in the business of transporting acceptable solid waste to the Town disposal area without having a valid license from the Superintendent and without using an approved vehicle.
- (b) The application for a license valid for one (1) year shall be on a form furnished by the Superintendent.

(RTM, 9/21/2009.)

Sec. 9-8. - License revocation; hearing.

- (a) The Commissioner shall have the power to revoke the license of any waste collector found not to be operating in compliance with the provisions of this Code.
- (b) No order of revocation shall be made except after a hearing. When a license has been revoked another license shall not be issued except with the approval of the Commissioner.

(RTM, 9/21/2009; RTM, 9/20/2010.)

Sec. 9-9. - Approved vehicles; numbers; maintenance.

- (a) Every approved vehicle of a licensed waste collector under these regulations shall have conspicuously displayed on each side a number issued by the Superintendent.
- (b) Every approved vehicle used in the transportation of waste shall be kept in a sanitary condition.

(RTM, 9/21/2009.)

Sec. 9-10. - Delivery of acceptable solid waste.

All acceptable solid waste shall be promptly delivered at the Town disposal area on the same day that it is placed into the approved vehicle.

(RTM, 9/21/2009.)

Sec. 9-11. - Prohibited substances.

No hazardous waste shall be cast into any approved container or transported as acceptable solid waste to the Town disposal area. The Superintendent may adopt procedures for the acceptance of specific items of hazardous waste at specific areas of the Town disposal area or direct their delivery to designated facilities to be handled and disposed of in accordance with State and Federal law.

(RTM, 9/21/2009; RTM, 9/20/2010.)

Sec. 9-11.1. - Penalty; appeal; hearing.

- (a) Violation of the provisions of this article affecting the delivery of waste to the Town disposal area or such other place as directed by the Superintendent shall be subject to civil penalty fines of up to one hundred dollars (\$100.00) for a first violation, two hundred fifty dollars (\$250.00) for a second violation and one thousand dollars (\$1,000.00) for each subsequent violation. The Superintendent may impose such fines on the transporter if the waste in violation is more than one (1) cubic foot in volume and it exceeds five percent (5%) of the load transported. Fines for the first two (2)

discoveries of violation may be avoided in the first instance by the transporter remedying the violation by delivering the waste to the disposal place designated by the Superintendent and in the second instance by the transporter paying the disposal fee or charge incurred by the Town and providing a written report satisfactory to the Superintendent of the cause of the violation including, if pertinent, the source of the generation of the waste and what corrective measures are being followed. Upon completion of such corrective measures, the Superintendent shall clear the record of violations of the transporter. If the transporter is not the generator of such waste and the violation is determined by the Superintendent to be the fault of the generator, the Superintendent may impose such fines on the generator.

- (b) Civil penalty fines under part (a) of this section shall be payable to the Town and may be appealed within ten (10) days of the Commissioner who shall conduct a hearing and render a decision thereon. Any fine determined by the Commissioner in excess of one thousand dollars (\$1,000.00) may be appealed within ten (10) days to the Board of Selectmen which shall designate a hearing officer, not employed by the Department of Public Works, to conduct a hearing and make a recommendation to the Board which shall make a decision on such recommendation.
- (c) Any other violation of the provisions of this article shall be subject to a fine of up to two hundred fifty dollars (\$250.00).

(RTM, 9/21/2009; RTM, 9/20/2010.)

A copy of this amendment is on file at the offices of the Town Clerk and Commissioner of Public Works, Town Hall, 101 Field Point Road and is posted or otherwise available at the Town Transfer Station Holly Hill Lane. To the extent the offices of the Town Clerk and Commissioner of Public works remain closed to the public, the amended ordinance is also posted on the Town's website.

Amy Siebert, Commissioner
Department of Public Works
Town of Greenwich