

MEDFORD BOARD OF HEALTH

Regulation 16: Portable Sanitation Units (Portable toilets/Temporary Septic)

6.1 AUTHORITY

These regulations are shall be effective on and after the publication date and shall remain so until modified or amended by the City of Medford Board of Health. They are enacted under authority which includes, but is not limited to, Massachusetts General Laws, Chapter 111, Section 31, and 31B, 310 CMR (Code of Massachusetts Regulations) 11.02, and 310 CMR 19.00 et seq.. Boards of Health regulations are an exercise of power under which the various levels of government are responsible for protection of the public health, safety, welfare, and the environment.

6.2 PURPOSE

These regulations of the Board of Health have been enacted for the purpose of the protection of the citizens of the City of Medford and also the protection of the public health and the environment.

6.3 DEFINITIONS

ABUTTER means the owner of land sharing a common boundary or corner with the site of the proposed activity in any direction, including, but not limited to, land located directly across a street, way, creek, river, stream, brook or canal.

ADJACENT AREA means a parcel of land contiguous to a site or in close enough proximity to be directly impacted by water, air or soil borne pollutants, not exceeding a ½ mile radius from the site.

ADVERSE IMPACT means an injurious impact which is significant in relation to the public health, safety, or environmental interest being protected.

BOARD OF HEALTH means the legally designated health authority of the city, town or other legally constituted governmental unit within the Commonwealth having the usual powers and duties of the board of health of a city or town, or its authorized agent or representative; provided, that in any case in which a waste disposal facility extends into the geographic areas of two or more boards of health, said boards may coordinate activities in effecting compliance with 310 CMR 19.000 for the management of solid wastes.

CONSTRUCTION AND DEMOLITION WASTE means the waste building materials and rubble resulting from the construction, remodeling, repair or demolition of buildings, pavements, roads or other structures. Construction and demolition waste includes but is not limited to, concrete, bricks, lumber, masonry, road paving materials, rebar and plaster. They may not have paint or be impregnated with with any substance. The rubble shall not be mixed with or contaminated by any other wastes or debris.

DUMPSTER means containers designed for receiving, transporting, and dumping waste materials.

FACILITY means an established site or works, and other appurtenances thereto, which is, has been or will be used for the handling, storage, transfer, processing, treatment or disposal of solid waste including all land, structures and improvements which are directly related to solid waste activities.

FOOD MATERIAL means source separated material produced from human food preparation and consumption activities at homes, restaurants, cafeterias, or dining halls which consists of fruits, vegetables and grains, fish and animal products and byproducts, and soiled paper unsuitable for recycling.

HAZARDOUS WASTE shall mean any waste that is defined and regulated under 310 CMR 30.00.

INFECTIOUS WASTE MEANS "Infectious Waste or Physically Dangerous Medical or Biological Waste" as defined in 105 CMR 480.000, Department of Public Health, State Sanitary Code and includes: blood and blood products; pathological waste; cultures and stocks of infectious agents and associated biologicals; contaminated animal carcasses, body parts and bedding; sharps; and biotechnological by-product effluents.

PERMIT HOLDER shall mean any person(s) or company, which has applied for and obtained the appropriate permit to collect and transport solid waste within the limits of the City of Medford.

PERSON(S) means any individual, partnership, association, firm, company, corporation, department, agency, group, public body (including a city, town, district, county, authority, state, federal, or other governmental unit) or any other entity responsible in any way for an activity subject to 310 CMR 16.00, but not including an agency of the Commonwealth.

SOLID WASTE OR WASTE means useless, unwanted or discarded solid, liquid or contained gaseous material resulting from industrial, commercial, mining, agricultural, municipal or household activities that is abandoned by being disposed or incinerated or is stored, treated or transferred pending such disposal, incineration or other treatment, but does not include:

- (a) hazardous wastes as defined and regulated pursuant to 310 CMR 30.000;
- (b) sludge or septage which is land applied in compliance with 310 CMR 32.00;
- (c) waste-water treatment facility residuals and sludge ash from either publicly or privately owned waste-water treatment facilities that treat only sewage, which is treated and/or disposed at a site regulated pursuant to M.G.L. c. 83, §§ 6 & 7 and/or M.G.L. c. 21, §§ 26 through 53 and the regulations promulgated thereunder, unless the waste-water treatment residuals and/or sludge ash are co-disposed with solid waste;
- (d) septage and sewage as defined and regulated pursuant to 314 CMR 5.00, as may be amended, and regulated pursuant to either M.G.L. c. 21, §§ 26 through 53 or 310 CMR 15.00, as may be amended, provided that 310 CMR 16.00 does apply to solid waste management facilities which co-dispose septage and sewage with solid waste;
- (e) ash produced from the combustion of coal when reused as prescribed pursuant to M.G.L. c. 111, § 150A;
- (f) solid or dissolved materials in irrigation return flows;
- (g) source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended;
- (h) those materials and by-products generated from and reused within an original manufacturing process; and

(i) compostable or recyclable materials when composted or recycled in an operation not required to be assigned pursuant to 310 CMR 16.05(2) through (6).

STORAGE means the temporary containment of solid waste or compostable or recyclable materials in a manner which does not constitute disposal.

TEMPORARY PORTABLE SANITATION UNITS means that they are to be used only in construction sites, outdoor festivals and events, etc. for a period not to exceed 90 days in any 365 day period.

TRANSFER STATION means a handling facility where solid waste is brought, stored and transferred from one vehicle or container to another vehicle or container for transport off-site to a solid waste treatment, processing or disposal facility.

6.4 GENERAL

All Portable Sanitation Units must be permitted by the Medford Board of Health. The Board has the right and authority to ensure that Portable Sanitation Units placement and management is neither a nuisance to abutters or a danger to public health. Any persons or firms engaged in the collection and transportation of solid waste/septic/offal/medical waste/grease rendering shall be a permitted from the Medford Board of Health. The waste shall be removed to an approved location or facility in accordance with these rules and regulations, as well as all other applicable rules and regulations.

6.5 PERMITTING PROCEDURE

a). All persons in the possession of a Portable Sanitation Units shall obtain a permit from the Board of Health prior to placement of the Portable Sanitation Units.

b). At the time of application or as otherwise specified, the permit holder shall submit to the Board of Health the following information:

1. A completed application form.

2. A non-refundable application fee of \$15.00 for a permit of 7 days or less or \$25.00 for each 30 day period for a permit must accompany the application.

c). The Permit Holder is allowed the right to appear before the City of Medford Board of Health at a hearing to discuss its application by filing such hearing request in writing with the Board.

d). Permits are not transferable.

6.7 FEES

The Medford Board of Health sets the permit fee at their discretion. The non-refundable permit fee must accompany the application. The fee is \$15.00 for a permit of 7 days or less or \$25.00 for each 30 day period.

6.8 OPERATIONAL PROCEDURES/PORTABLE SANITATION UNIT MANAGEMENT

- a) Units are to be temporary (i.e. construction sites, at outdoor festivals and events, etc) for no longer than 90 days in a 365 day period.
- b) Units must be placed in a location that does not cause a nuisance (including but not limited to odors and insects/pests) to the general public and/or abutters. They may not be placed on or within a City right of way (roadway).
- c) Units intended to service a large numbers (i.e. carnivals, festivals) must be cleaned and serviced daily. All other units must be serviced as needed, but not less than once per week. Units must be cleaned and serviced and/or removed upon the direction of the Medford Board of Health, based on receipt and inspection of a complaint to the Board of Health.
- d) Units must be clearly marked with company name and telephone number for servicing.
- e) Haulers must be permitted by the Medford Board of Health to supply Temporary Potable sanitation units within the City of Medford.
- f). The Board of Health reserves the right to inspect collection vehicles and loads at reasonable times in order to ensure that they comply with all applicable state and local laws, by-laws and regulations.
- g). Any violation of these regulations or any other applicable laws or regulations by the Permit Holder will be grounds for suspension, modification or revocation of said permit.
- h). The individuals empowered to enforce the provision of these regulations shall be the Agent of the Board of Health, any member of the Board of Health.

6.10 SUSPENSION, MODIFICATION OR REVOCATION OF PERMITS

- a). Any permit may be suspended, modified or revoked by the Board of Health upon receipt of evidence satisfactory to the Board that the Permit Holder has not conformed to the requirements of these regulations, or to any applicable state or federal statute, regulation, rule or order regarding the collection, transportation or disposal of waste. In the event the Board of Health, agents, servants, or employees deem that the health, safety or welfare of the occupants or residents of the City of Medford is jeopardized and that any emergency exists, it may order all the portable sanitation unit removed, pending hearing. The Permit Holder will receive three days written notice, sent by certified, registered mail or constable service, to the last known address of the alleged violator, notifying them of permit suspension, revocation, or modification by the Board of Health, its agents, servants or employees for the failure of the dumpster contractor, owner, tenant, occupant or agent to comply with the conditions and requirements of these regulations; and the portable sanitation unit may be ordered to be removed.

b). Appeals of such suspensions, modification or revocations may be directed in writing to the Board of Health within ten (10) business days of said suspensions, modification or revocations.

6.11 FINES and PENALTIES

a) Any person whether contractor, owner, tenant, occupant or agent being serviced or other person or company who shall violate any provisions of these regulations, and upon written notification by the Board of Health does not comply with the order or causes or allows repeated violations shall be punished by a fine.

These regulations may be enforced by the Medford Board of Health through Ticket Enforcement under M.G.L. c. 40 s 21D:

Fine Schedule:

First offense, fifty dollars (\$50.00);

Second offense, one hundred dollars (\$100.00);

Third and subsequent offenses, two hundred dollars (\$200.00) but not more than One thousand dollars (\$1000.00), with each day constituting a separate violation

b) Each day's failure to comply with an order shall constitute a separate violation.

6.12 SEVERABILITY

a) Each of these regulations shall be construed as separate to the end that, if any regulations, clause or phrase thereof, should be held invalid for any reason, the remainder of the regulations and all other regulations shall continue to be in force.

Adopted : May 21, 2009

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