

Town of North Andover Board of Health Regulations Concerning the Hauling and Disposal of Solid Waste

I. AUTHORITY

Pursuant to M.G.L. Chapter 111, Sections 31 and 31A and the authority granted to the Town of North Andover under a Site Assignment issued by the Department of Environmental Quality Engineering dated May 11, 1982, the North Andover Board of Health hereby issues the following regulations governing:

- 1) The transporting of solid waste in or through North Andover for disposal at the Wheelabrator, TBI or the Covanta facilities.
- 2) Trash trucks (whether full or empty), that travel through North Andover to collect solid waste, for disposal at the Wheelabrator, TBI or the Covanta facilities.

II. FINDINGS

The North Andover Board of Health finds that a large number of trucks transporting solid waste to, and leaving, the Wheelabrator and TBI facilities in North Andover and the Covanta resource recovery facility in Haverhill use roadways in North Andover that are not well suited for this purpose.

The North Andover Board of Health finds that this use of unsuitable roadways imposes a substantial burden on North Andover and threatens public health, safety and the environment.

The North Andover Board of Health finds that there is a convenient and suitable route for trash trucks to use, which is referred to in these regulations as “the Designated Route.”

The North Andover Board of Health finds that in 1985, the Board of Selectmen of North Andover voted to require waste haulers to use the Designated Route pursuant to the authority granted to the Board of Selectmen in the Site Assignment for the Wheelabrator facility issued by the Department of Environmental Quality Engineering.

The North Andover Board of Health finds that despite the 1985 designation by the Board of Selectmen, there is widespread use of non-designated roadways.

The North Andover Board of Health finds that it is necessary and desirable to promulgate regulations designed to enforce the use of the Designated Route.

III. DEFINITIONS

The term “the Board” means the North Andover Board of Health.

The term “Designated Route” is the route that non-exempt trash haulers shall use for access to and egress from the Wheelabrator facility, TBI facility and Covanta facility. For access to the Wheelabrator facility, it is Route 495 to the Route 125 connector, and south on Route 125 to Holt Road. For egress from the Wheelabrator facility, it is Holt Road to Route 125 North to the Route 125 Connector, and to Route 495. For travel in North Andover to enter or exit the Covanta facility in Haverhill, the Designated Route for non-exempt communities is Route 495.

The term “exempt communities” currently means North Andover as set forth in section V(D), Boxford, Rowley and Georgetown as set forth in section V(E), and Andover, Lawrence, North Reading, Haverhill, Middleton, Peabody, Hamilton, Wenham, and Manchester-by-the-Sea, as set forth in section V(F).

The term “Wheelabrator facility” means the resource recovery facility, located at 285 Holt Road in North Andover.

The term “Covanta” facility means the resource recovery facility, located at 100 Recovery Way in Haverhill.

The term “TBI facility” means the Commercial and Demolition Waste facility, located at 210 Hold Road, North Andover.

The term “permit” means a permit identifier issued by the North Andover Board of Health to a waste hauling company, for trash trucks, whether full or empty, to transport solid waste over roadways along the designated route located in North Andover for disposal of solid waste at the Wheelabrator, TBI or “Covanta” facilities, and/or to exit the Wheelabrator, TBI or Covanta facilities via roadways along the “designated” route located in North Andover or to collect solid waste to be disposed of at the Wheelabrator facility.

The term “solid waste” is as defined in G.L. c.16, s 18.

The term “trash trucks” means vehicles in the business of transporting solid waste, that transport solid waste in or through North Andover, or travel through North Andover to collect solid waste, for disposal at the Wheelabrator facility, TBI facility or the Covanta facility (whether full or empty). The term also includes trucks that travel through North Andover and transport ash generated from the combustion process at the Wheelabrator facility, TBI facility or Covanta facility. The term "trash truck" does not refer to any specific size or make of vehicle. All commercial vehicles including, but not limited to, roll off's, recycling vehicles, dumps etc. which transport solid waste to and from, whether empty or full, to the Wheelabrator, TBI and Covanta facilities are considered "trash trucks".

The term “waste hauling company” means a person or entity that owns or operates trash trucks.

IV. PERMIT REQUIREMENTS

- A. No trash truck shall access or exit the Wheelabrator, TBI or the Covanta facilities whether full or empty without a permit. A permitted trash truck may only access or exit the Wheelabrator, TBI or Covanta facilities using the “designated” route unless subject to the exemptions under Section V.
- B. Within thirty days after the effective date of these regulations, all waste hauling companies transporting solid waste through North Andover for disposal at the Wheelabrator or TBI facilities, or leaving the Wheelabrator or TBI facilities empty, shall apply for a permit from the Board. The permit application shall be on a form provided by the Board. The permit application shall be accompanied by an application fee based on the current Board fee schedule, which shall be used to defray the costs of administering and enforcing these regulations. The permit entitles the waste hauling company to transport waste through North Andover for disposal at the Wheelabrator, TBI or Covanta facilities via the “designated” route. The permit application fee is per waste hauling company, not per truck.
- C. Each permit issued by the Board shall be granted subject to the following requirements:
 - 1. Each permitted trash truck shall use only the Designated Route in order to access or exit, whether empty or full, the Wheelabrator and Covanta facilities, unless exempted under Section V.
 - 2. Each permitted trash truck shall display a permit identifier as directed by the application approval instructions.
 - 3. The permit shall expire at the end of the calendar year it is issued, but may be renewed annually on application and payment of a fee based on the current fee schedule. No permit shall be transferred except with the approval of the Board.
- D. Each permit shall be issued within twenty-one business days of the submission of the application, and shall not require public notice or a public hearing. However, a permit applicant may request public notice or public hearing prior to the issuance of a permit. If a permit application is denied, prior to utilizing any judicial or other remedies to redress the denial of the permit application, the applicant shall request a hearing before the Board. The Board shall hear the permit applicant within thirty days of the request, and decide the matter within thirty days of the hearing.
- E. The North Andover Police Department is hereby authorized to issue tickets/violation notices for any violations of these regulations and/or permit requirements. The North Andover Police Department shall issue tickets/violation notices to the waste hauling company, with a copy sent to the Board. The violation notice shall be signed by the driver/violator. The first violation notice will require a non-criminal payment of not more than \$300.00 per day as set forth

in G.L. c. 40, s. 21D; \$500.00 per day for the second violation, and a fine of \$1,000 per day for a third and all subsequent violations incurred within a 12-month period pursuant to the procedure set forth in G.L. c. 40, s. 21. All payments for these non-criminal violations shall be made to the North Andover Town Clerk within twenty-one days of the violation. Prior to the expiration of the twenty-one day period, a non-criminal hearing before a Clerk-Magistrate may be requested by the waste hauling company. This request must be in writing. The decision of the Clerk-Magistrate is final. Failure to either pay the fine to the North Andover Town Clerk within twenty-one days or abide by findings of the non-criminal hearing may result in a criminal complaint.

In addition, those who fail either to pay their fine or abide by these regulations will be subject to revocation of their permits and placards and will also be subject to denial of renewal or reissuance of their permits and placards by the Board of Health. The Board of Health will review all requests for reinstatement or reissuance of permits and placards that have been removed or denied and may require an appearance at a BOH meeting before approving the reinstatement or reissuance.

V. EXEMPTIONS FROM DESIGNATED ROUTE AND PLACARD REQUIREMENTS

- A. Notwithstanding any other provisions of these regulations, the Board shall not require trash trucks hauling or collecting solid waste from the exempt communities, as defined in Section III and further defined in the sections below, to use the Designated Route, in which case the purchase of placards is required. Placards cannot be copied or reproduced and can only be used by the issued permit holder. If the issued placards are used in an unauthorized manner pursuant to these regulations, penalties as described in section IV. E. will apply.
- B. If a trash truck is hauling solid waste to the Wheelabrator, TBI or Covanta facilities and such solid waste has been collected from at least one exempt and at least one non-exempt community, the exemption from the Designated Route set forth in V (A) shall only apply if the waste was collected from an exempt community as the last stop prior to using the roadways of North Andover. If a trash truck is exiting the Wheelabrator facility or the Covanta facility to collect trash from at least one exempt and at least one non-exempt community, the exemption from the Designated Route set forth in V(A) shall only apply if the waste will be collected from an exempt community as a first stop after exiting the Wheelabrator facility or the Covanta facility.
- C. Trash trucks exempted from the requirements to use the Designated Route pursuant to Sections V (A) and V (B) shall obtain a permit sticker pursuant to Sections IV as well as a placard as described below.
 1. When a waste hauling company applies for a permit under Section IV and intends to collect trash from exempt communities it must obtain one or

more “placards” to allow trash trucks to drive through North Andover without using the Designated Route.

The permit applicant shall identify on the permit application and supply supporting documentation for the following:

- a) the exempt communities from which it collects trash;
- b) the approximate number of truck trips per week that it anticipates making from or to exempt communities;
- c) the approximate number of trucks per week that will be transporting solid waste collected from exempt communities;
- d) the number of “placards” that are requested.

The applicant shall pay a fee of \$100.00 per requested placard at the time that the permit sticker(s) is issued. The Board shall issue one or more placards bearing the name of the approved route listed on the permit application. The Board shall issue sufficient placards to each placard applicant to ensure that the applicant possesses enough placards to serve exempt communities. To determine the appropriate number, the Board or its agents shall review the information contained in the permit application, as it relates to the requirements within this regulation. Notwithstanding the foregoing provisions, it is the intent of these regulations that the number of placards needed for each exempt community be equal to the number of trucks required to service each community, and that the placards be freely transferable from separate vehicles owned by a waste hauling company. For example, if a waste hauling company needs a maximum of five trash trucks per day to haul trash from an exempt community, that waste hauling company will be deemed to need only five placards for that exempt community, and may use those five placards on any trucks employed by that company that service that exempt community.

2. All trash trucks using North Andover roadways shall post the placard in the windshield in the driver’s side window of the trash truck so that it can easily be observed or as instructed by the Health Department.
3. Any waste hauler may apply to the Board to include other communities within the list of exempt communities. However, the Board shall not issue additional exemptions unless it is shown that:
 - a) requiring the applicant to use the Designated Route for such other communities imposes a substantial hardship on the applicant; and
 - b) this substantial hardship is different in kind or degree from the hardship imposed upon other waste haulers serving other nearby communities. Should the Board grant the request to include other communities as exempt communities, the procedures governing such communities shall be those set forth in Sections VI (A) through VI (C).

- D. Trash trucks servicing the community of North Andover are not required to use

the Designated Route.

- E. Trash trucks servicing the communities of Boxford, Georgetown, Rowley (and other similarly located communities if specifically exempted by the Board pursuant to Section V (C)(3) shall instead use Route 133 to Route 125 to enter/exit the Wheelabrator and TBI facilities, and shall also use Route 133 to Route 125 if they are traveling through North Andover to enter or exit from the Covanta facility.
- F. Trash trucks servicing the communities of Andover, Lawrence, North Reading, Haverhill, Middleton, Peabody, Hamilton, Wenham, and Manchester-by-the-Sea are not required to use the Designated Route. Trash trucks servicing these communities (and other similarly located communities if specifically exempted by the Board pursuant to Section V(C)(3) shall use the Designated Route or Route 114/Route 495/Route 125 Connector to access/exit from the Wheelabrator and TBI facilities, and shall also use either the Designated Route or Route 114/Route 495/Route 125 Connector if they are traveling through North Andover to enter or exit from the Covanta facility.
- G. Only trash trucks that receive a route exemption designating "All Roads" are allowed to utilize the section of road from the intersection of Route 114 and 125 going north to the intersection of Great Pond Road and Route 125 in North Andover. It shall be a violation for a trash truck to travel on this section of Route 125 without displaying a placard with the "all routes" designation.

VI. OTHER EXEMPTIONS

- A. The requirement that trash trucks use the Designated Route shall not apply in cases in which the Designated Route is not usable due to exigencies such as vehicle accidents, construction work, and similar events.
- B. The requirements for obtaining a permit under Section IV shall not apply to a waste hauler that drives through the roadways of North Andover but does not use the Wheelabrator, TBI or Covanta facilities, however, said companies shall register with the Health Department per Chapter 111 Section 31A. If said companies provide dumpster service within North Andover, but do not use the Wheelabrator, TBI or Covanta facilities, they must purchase a permit as required by the Board Dumpster Regulation.
- C. The Board may waive permit and/or placard fees for municipalities that transport their own solid waste in municipality-owned vehicles. A small fee for requested placards to cover annual manufacturing costs may be levied. Fines for violations of these regulations shall remain in place and be applicable to all transporters of solid waste through North Andover, regardless of other waivers.

VII. ASH TRUCK TRANSPORTATION

All vehicles traveling through North Andover and transporting ash from resource

recovery operations shall be drip-proof and covered throughout the entire trip through North Andover. These trucks are considered "trash trucks" by definition of this regulation and are subject to permit fees as trash trucks. The cover of ash trucks shall enclose the entire length and width of the body of the trailer of the vehicle and shall ensure that no dust or ash emanates from under the cover.

VIII. SEVERABILITY

Should any portion of these regulations be deemed invalid by a court of competent jurisdiction, it is the intent of the Board that any lawful portions of the regulations remain in full force and effect to the maximum extent possible.

Adopted: September 28, 2000
Effective date: January 1, 2001

Amended: December 19, 2002
Effective date: January 1, 2003

Amended: January 23, 2003
Effective date: January 23, 2003

Amended: October 26, 2006
Effective date: October 26, 2006

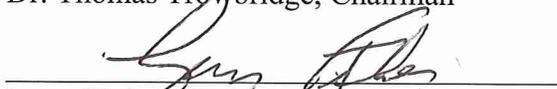
Amended: July 24, 2008 (Section IV.E)
Effective date: July 25, 2008

Amended: October 27, 2015
Effective date: October 27, 2015



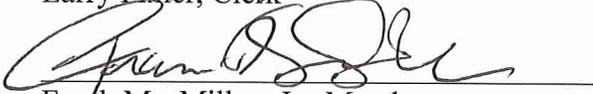
Dr. Thomas Trowbridge, Chairman

Date: 11/19/15



Larry Fixler, Clerk

Date: 11-19-15

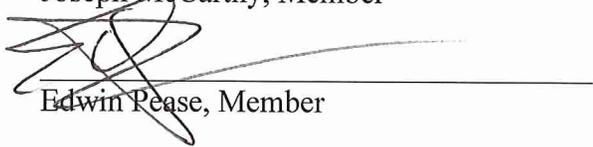


Frank MacMillan, Jr., Member

Date: 11/19/2015

Joseph McCarthy, Member

Date: _____



Edwin Pease, Member

Date: 11/19/2015