



**Solid Waste & Recycling Office, DPW**

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Recycling Enforcement Coord

**Memorandum**

To: JoAnn Keegan, Chair and Board of Health (BOH)

From: Gunther Wellenstein, SW&R Coordinator, DPW

Friday, March 22, 2019

Re: **Comprehensive Waste Hauler Regulation**

The Massachusetts Department of Environmental Protection (DEP) has provided a template of **Comprehensive Hauler Regulations** (CHR) ([link](#)). I have attached a DRAFT Lowell Regulation for your review. A similar measure is incorporated in [House Bill 747](#). The overall goal of a CHR is to “Level the playing field”, meaning that waste haulers who service multiple municipalities will encounter similar rules from community to community; also ‘private’ trash customers will have equal access to recycling collection services. A CHR will ensure that all Private Haulers (and other ‘generators’) operating in Lowell, are in compliance with the [State Waste Ban Regulation](#) (310 CMR 19.000). Perhaps the most important component, of implementing a CHR, is **Sec. VII. Bundled Service Requirement**, Whereby the hauler’s service must **provide Customers with Solid Waste and Recyclables...** Haulers could no longer be ‘just trash’ companies, they would be required to provide BOTH trash AND Recycling collection to their customers in Lowell. Below, I have provided citations to three (3) State laws that support the BOH’s authority to promulgate the proposed regulation. You will note that the draft Reg. allows for a notification and implementation period.

I ask permission to present and discuss the benefits of a Lowell Hauler Regulation, at the next BOH meeting.

Please call or email should you have any questions or comments.

**The State Regulations, cited below, provide local BOHs the authority to adopt Comprehensive Hauler Regs.**

Ch 40 [Sec. 8H](#). **RECYCLING PROGRAM**; A city may establish, by approval of the local legislative body, a recycling program for the purpose of recycling any type of solid waste including but not limited to paper, glass, metal, rubber, plastics, used tires and compostable waste.

Any recycling program established pursuant to this section may require that **all** residents, schools and businesses in a city or town separate from their solid waste those recyclables designated by the local legislative body. In cities which solid waste is collected at the curbside, the recycling program may include curbside collection of such recyclables.

Ch 111 [Sec. 31A](#). **PERMIT FOR REMOVAL OR TRANSPORT OF GARBAGE**; No person shall remove or transport garbage, offal or other offensive substances through the streets of any city or town without first obtaining a permit from the board of health of such city or town...

Ch 111 [Sec. 31B](#). **RULES AND REGULATIONS FOR REMOVAL OF GARBAGE**; Boards of health shall, from time to time, make rules and regulations for the control of the removal, transportation or disposal of garbage, offal or other offensive substances. Whoever violates any provision of section thirty-one A, or of any rule or regulation made thereunder, shall be punished by a fine of not more than one thousand dollars.