

Section 10 - SOLID WASTE

DEEP RIVER SOLID WASTE FACILITIES

BE IT RESOLVED that the Board of Selectmen of the Town of Deep River are hereby delegated authority and empowered to promulgate and enforce rules and regulations governing the operation and use of all Deep River Solid Waste Facilities.

February 7, 1985
Vol. 7, Page 85

RESOLUTION DESIGNATING ESSEX TRANSFER STATION

BE IT RESOLVED THAT THE LEGISLATIVE BODY OF THE Town of Deep River hereby designates the Essex Transfer Station as the area where solid waste generated within its boundaries, except hazardous waste, bulky waste and liquid sanitary system waste, shall be disposed. The legislative body hereby gives notice of its intent to designate said Essex Transfer Station to all collectors hauling refuse of and within the municipality. Such designation shall become effective on June 21, 1988, after notice of the designation has appeared in a newspaper of general circulation in the Town of Deep River not less than sixty days after the adoption of this resolution and after a public hearing has been held concerning the designation, all as required by Section 22a-220a of the Connecticut General Statutes.

February 9, 1988
Vol. 7, Pg. 129

LITTER ORDINANCE

RESOLVED: No person shall throw, scatter, spill or place or cause to be blown, scattered, spilled, thrown or placed or otherwise dispose of any litter upon the highway, streets or other real property owned by the Town of Deep River, or upon private property in the town not owned by him or in the waters of the Town of Deep River, whether from vehicle or otherwise. Any person, partnership, company, corporation or other legal entity who violates this ordinance or any provision thereof shall be fined not more than \$100.00 for each offense.

May 19, 1980.
Vol. 7 Pg. 31

History: Amended ordinance replaces original dated 8-20-70, Vol. 6 Pg. 179. Amended version includes original in its entirety.

AN ORDINANCE REGULATING THE STORAGE, COLLECTION, TRANSPORT, RECYCLING AND DISPOSAL OF SOLID WASTES GENERATED IN THE TOWN OF DEEP RIVER

SECTION I: Declaration of Policy

Regulation of the storage, collection, transport, recycling and disposal of solid waste generated in the Town of Deep River is necessary for the protection of the public health, the safety and the welfare of the residents of the town. It is, therefore, found and declared that:

- a. The Town of Deep River is authorized to regulate solid waste generated within its boundaries, and to license refuse collectors; and

- b. The Town of Deep River is authorized to designate an area where solid waste generated within its boundaries shall be disposed; and
- c. The Town of Deep River is committed to preserving air and water quality as well as limited landfill space by separating recyclable material from the waste stream and providing for its delivery to parties who can prepare it for re-use whenever possible; and

SECTION II: Definitions

- a. "Authority" means the Connecticut Resources Recovery Authority established pursuant to Chapter 446e of the General Statutes.
- b. "Bulky Waste" means used furniture and similar bulky material, stumps and wood waste from construction, demolition or land clearing.
- c. "Contractual Standards" for solid waste delivered to the Mid-Connecticut System (the System) are as follows:
 - (1) The waste must emanate from within the boundaries of the Town of Deep River or from other towns with contractual arrangements with the Town of Deep River.
 - (2) The waste must not be of such a quantity, quality or other nature as to materially impair the operation or capacity of the System;
 - (3) The waste must not materially impair the strength or the durability of the structures, equipment or works of the System;
 - (4) The waste must not create flammable or explosive conditions in the System;
 - (5) The waste must not contain chemical or other properties which are deleterious, as determined by the Authority, or capable of damaging the System or personnel; and
 - (6) Such waste must not contain hazardous waste as defined below.
- d. "Designated Disposal Site" means the location or facility designated by the Town for disposal of solid waste, bulky waste and/or recyclables generated within the town, including any other site as may be temporarily substituted or required by the Authority.
- e. "Director" means the First Selectman of the Town of Deep River or his appointee.
- f. "Disposal Charge" means the amount to be charged for each ton of Solid Waste Delivered to the System.
- g. "Essex Transfer Station" means that facility constructed by the Authority as part of the System.
- h. "Generator" means any party who creates solid waste or bulky waste.
- i. "Hazardous Waste" means waste which, according to federal, state or local rules, require special handling in their collection, treatment or disposal.
- j. "Mid-Connecticut System," the System, shall mean the system for processing solid waste and recovery of energy therefrom, constructed by the Authority pursuant to the Municipal Service Agreement.
- k. "Municipal Service Agreement" means the contract between the town and the Authority.
- l. "Recyclables" means discarded materials which may be reclaimed, such as corrugated cardboard, storage batteries, glass, metal food containers, newspapers, office paper, waste oil, scrap metal, leaves and any other material designated as such by regulation adopted by the Commissioner of Environmental Protection or by local regulation or ordinances.
- m. "Refuse Collectors" means any person, firm or corporation engaged in the business of collecting and transporting Solid Waste within the Town of Deep River.
- n. "Regulations" means rules developed by the Director to carry out the terms of this ordinance, which rules shall have the same binding effect on generators and collectors as this ordinance.
- o. "Residential Waste" means waste generated by persons living in residences containing one or more dwelling units but excluding hospitals, nursing homes, motels or hotels.
- p. "Scrap metal" means used or discarded items which consist predominantly of ferrous metals, aluminum, brass, copper, lead, chromium, nickel, or alloys thereof, including white goods.
- q. "Solid Waste" means unwanted or discarded materials more completely defined at Connecticut General Statutes, Sec 22a-260(7), PA 89-386(s), but excluding (1) "Hazardous waste," (2) semi-solid or liquid materials which are collected and treated in a sewerage system and (3) "bulky waste," defined above.
- r. "Waste Stream" means material that has been placed at curbside or at any designated collection or pickup site or designated disposal site.

GENERAL RULES

SECTION 1: Solid Waste Collection

- All solid waste originating within the limits of the Town of Deep River shall be collected, transported and disposed of either by the town or by refuse collectors licensed jointly by the town and the Authority in accordance with the provision of this ordinance. No other person or business entity shall collect, transport or dispose of solid waste, except that individual generators of solid waste or owners of property upon which solid waste has accumulated may collect, transport and/or dispose of such waste in conformity with the provisions of this ordinance or such regulations as the Director may from time to time adopt.
- No solid waste collected from outside the boundaries of the Town of Deep River shall be disposed of under a license or registration issued pursuant to this ordinance, except as may be provided by contract with other towns.
- No person may enter the Deep River Transfer Station unless he is a resident of Deep River, a licensed Refuse Collector, has permission from the Director, or is specifically covered by an inter-town agreement approved at a town meeting.

SECTION 2: Prohibition Against Removing Recyclable Materials from Designated Disposal Site; Ownership of Recyclables; Scavenging Prohibited.

- a. No person shall remove recyclable materials, including but not limited to scrap metal, newspapers, unbroken glass, bottles, cans, tires and other collectibles from the designated disposal site without authorization from the Director.
- b. Once recyclable materials are placed at curbside or other designated areas, it shall be a violation of this ordinance for any person or entity, other than those authorized under this ordinance, to collect or remove recyclable materials from said area.
- c. Each violation of sections 2a or 2b shall constitute a separate and distinct offense, punishable by a fine not to exceed \$500 for each offense.
- d. At the option of the Director, anyone who violates sections 2a or 2b of this ordinance may be required to make restitution to the Town of Deep River for any materials illegally removed.
- e. Nothing in this ordinance shall limit the right of anyone to dispose of his own recyclables in any other lawful manner, provided that such materials have not been set out on the curb or placed in any designated collection or disposal site.

SECTION 3: Refuse Containers and Containers for Recyclables.

- a. The owner of each premise in which solid waste is generated or accumulated shall provide suitable receptacles or containers for storing solid waste until it is removed.
Solid waste containers shall be equipped with securely fitting covers and shall be replaced when no longer in such condition.
- b. The standard container for commercial solid waste shall be a watertight, vermin proof, galvanized or plastic receptacle, with a tight lid of not less than twenty (20) nor more than thirty (30) gallon capacity; except that commercial establishments may provide for a large covered container that is designed to be emptied into a refuse truck. For the purpose of this subparagraph (b), "commercial solid waste" is any solid waste arising from any source other than residential.

SECTION 4: Storage and Handling of Solid Waste and Recyclables.

- a. No person, firm or corporation shall store or accumulate solid waste in any location in the Town of Deep River unless it is stored in a manner which will not constitute a hazard to the public health and safety.
- b. Any accumulation of solid waste that is not stored as set forth above is deemed a nuisance and is prohibited. In such cases the director may notify the owner of such premises, or any other party responsible for the prohibited accumulation. Failure to remove such accumulation within ten (10) days of notification is a violation of this ordinance.
- c. Littering. Solid waste shall not be transported, cast, placed or deposited in such manner that it may be carried or deposited by the elements upon any public place or upon the property of another person.
- d. Hazardous Waste. It is unlawful to place hazardous waste or similar dangerous substance into any solid waste or recyclables container or to deliver such substance to the Transfer Station or the Mid-Connecticut System.
- e. Bulky waste and scrap metal must be separated from solid waste by both residential and commercial generators, and shall be delivered to a specified location, at such time as the director may designate. Scrap metal will be collected at the disposal site in containers and will be recycled in accordance with a plan approved by the director.

RECYCLING

SECTION 1. Recyclable Material

Recyclable material may be deposited at the transfer station without charge so long as the material is separated according to type and is clean and placed in the designated area. The director shall be authorized to determine whether particular materials meet the requirements of this section, whether or not a charge shall be levied, and to prepare a detailed list of recyclables.

SECTION 2. Source Separation for Recycling.

- a. **Duties of the Refuse Collector.** Refuse collectors are required to collect separated recyclables in the manner specified by this ordinance. Refuse collectors are required to notify the director of any customers who do not separate recyclables, and must assist the director by identifying those parties responsible for mixing the recyclables with solid waste that has been placed in the waste stream. Refuse collectors shall provide warnings to residential violators upon request of the director.
- b. **Separation of Materials. Collection.** Recyclable materials shall be separated from solid waste and placed at the curb or other designated location on the days designated by the refuse collector. Refuse collectors shall provide public notice of their schedule for collecting recyclables.
- c. **Separation at Dumpster.** Owners of non-residential property, including multi-family dwellings and other properties that do not use curbside service, shall make provisions for separating recyclables. Owners of property described in this subsection are required to draft a plan indicating the type, location, number, and method of identifying containers for each recyclable, which plan shall be submitted to the director for his approval. Property owners must provide an additional container for each recyclable material in accordance with said plan. Failure to have an approved plan within sixty (60) days of the effective date of this ordinance shall be deemed a violation of this ordinance.
- d. Recyclables shall be separated and prepared for pickup or disposal at the transfer station in accordance with the director's regulations.
- e. All solid waste entering the waste stream is subject to inspection to insure compliance with the terms of this ordinance.
- f. Refuse collectors must separate recyclables during transportation from the source to the disposal site, either by transporting in a separate vehicle or in a separate compartment within a truck. Such compartment must have a separate floor, walls and lid.
- g. Refuse Collectors must deliver recyclable bottles and cans to the Groton Intermediate Processing Center or such other site as may be designated by the director.

REFUSE COLLECTORS

SECTION 1: Licensing. Registration of Vehicles and Containers

- a. **Licensing.** All refuse collectors shall apply to the director for a license to collect solid waste in the Town of Deep River. Such application shall be on a form provided by the director and shall comply with the requirements contained in the "regulations."
- b. Any of the following shall be deemed sufficient ground for denial or nonrenewal of a license:
 - (1) The applicant has been irresponsible in the conduct of solid waste collection, hauling or separation as evidenced by prior suspension and/or separation as evidenced by prior suspension and/or revocation of a license; or
 - (2) The applicant does not have suitable equipment; or
 - (3) The applicant has not complied with licensing requirements and/or has not paid required fees to either the Town of Deep River, or a participating municipality, or the Authority; or
 - (4) The applicant has demonstrated a lack of cooperation or good faith effort to carry out the terms of this ordinance or the regulations.
 - (5) The applicant's license for collecting, hauling or disposing of solid waste has been previously suspended or revoked.

- (6) If the director denies the application for a license, the applicant shall be entitled to a hearing before the Board of Review for a final determination. The Board of Review may reverse the decision of the director and issue a license, or it may uphold the decision of the director.
- c. **Licenses.** Non-transferable licenses shall be issued for the term of one fiscal year, which shall begin on July 1. No refuse collector shall engage in the business of collecting solid waste in the Town of Deep River without a valid license.
- d. **Registration of Vehicles, Containers.** Each licensee shall obtain a separate registration for each vehicle and container he uses to transport solid waste and/or recyclables within this municipality. Vehicles shall be subject to such inspection as the director may require. Registrations may not be transferred from one vehicle to another without permission of the director.
- e. **Registration term; Fee; Renewal.** Registrations are issued for a period not to exceed one year, commencing on the first of July. Registration fees may be prorated in accordance with the regulations if application is made after that date. The registration fee shall be determined in accordance with the regulations.
- f. **Reinspection.** In the event that a registered vehicle or container is sold or transferred to another licensee during the registration year, it shall be reinspected within seven (7) days of the transfer; however, no additional registration fee will be required.
- g. **Display of Registration.** Registration numbers shall be conspicuously displayed on the left front of the body of each vehicle or container or as otherwise required by the director.
- h. **Vehicle Identification.** Each licensee shall prominently display its business name, address and telephone number on the door of each registered vehicle or container in letters at least four (4) inches high.
- i. **Availability of Rate Information.** Upon request, each refuse collector shall furnish a list of rates for the services he provides to either the director or any of his present or prospective customers.

SECTION 2. Revocation or Suspension of License or Registration.

- a. Generally, failure to comply with the provisions of this ordinance or with state regulations regarding the collection, transport and/or disposal of waste shall be ground for revocation, suspension or nonrenewal of any license or registration issued under its provisions.
- b. **Notice of revocation.** Revocation or suspension shall become effective five (5) calendar days after written notice is mailed or delivered by the director unless a lesser time is indicated in the notice.
- c. **Agent for Notice.** Licensees must provide the director with the name and address of a person who will be available at all times, in person or by designee, to receive notice either by mail or in-hand delivery. Lack of availability on the part of such person shall be deemed a waiver of required notice.
- d. **Request for review.** Upon receipt of a notice of nonissuance, nonrenewal, suspension or revocation, the licensee may file a written request for review. Such request must be filed within five days of receipt of the notice. Failure to file within such time shall waive the licensee's right to review, making the nonissuance, nonrenewal, suspension or revocation final and binding upon the refuse collector.
- e. **Timely filing.** If such request is filed within five (5) days of receipt of notice, such request shall stay the revocation or suspension, pending review by the Board of Review as set forth below, excepting such cases where, in the opinion of the director or the Authority, a stay would present substantial risk of harm to the health, safety and welfare of the public.
- f. **Loss of Permission to Use Transfer Station.** The director shall have the authority to deny any refuse collector admission to the transfer station when in his opinion such refuse collector has violated this ordinance or the regulations.

ADMINISTRATION

SECTION I: Director

- a. The director shall administer the licensing and registration of any refuse collector engaged in collecting and transporting solid waste and recyclables within the Town of Deep River.
- b. The director shall not issue a license until the refuse collector provides proof of adequate liability insurance which shall include an obligation on the part of the carrier to notify the Town if coverage is terminated.
- c. In order to carry out the terms of this ordinance the director may from time to time promulgate rules and regulations, which rules shall have the same binding effect as this ordinance.
- d. The director, in conjunction with the Authority, is authorized to establish such procedures as may be appropriate to protect the transfer station, the system, and their operators and employees from injury or damage arising from deliveries of solid waste.

Section II: Licensee's Responsibilities and Obligations.

- a. Each licensee collector shall deliver all solid waste collected within the Town of Deep River to the Essex transfer station and pay the disposal charge to the Authority. All other solid waste shall be delivered to such location as the director may designate and any required charge shall be paid by the licensee. All residential recyclables shall be delivered to such place as the director designates.
- b. **Failure to Pay.** Any licensee who fails to pay any disposal charge to the Town of Deep River or the Authority within thirty (30) days of the date of the bill shall pay, in addition to such bill, interest at the rate of 1.5 percent per month, or fraction thereof, accruing from the date of the bill to the date of payment, together with all costs of collection, including reasonable attorney's fees. Failure to pay shall be grounds for revocation or suspension of the license.
- c. No licensee shall deliver solid waste meeting the contractual standards to any place other than the site designated by the director.
- d. All registered vehicles and containers shall be automatic unloading vehicles of watertight construction and shall be maintained free of noxious odors and accumulations of solid waste. Any vehicle with a capacity greater than ten (10) cubic yards shall be of closed construction. Containers used for non-liquid solid waste need not be watertight, but must be completely enclosed. A vehicle of less than ten (10) cubic yards may have an open top, provided that it is covered when in motion.
- e. Licensees shall report to the director the name and address of any customer to whom collection service has been refused or discontinued and the reason therefore.
- f. Licensees of the Town of Deep River are hereby made jointly responsible for providing collection service to any resident of the Town who is in compliance with this ordinance and contractual obligations for payment of licensee's fee.
- g. **Designation of Licensee to provide service.** In the event that refuse collection is not provided in a geographical area of the Town of Deep River, the director may designate a licensee to provide service to such geographical area. The designee is required to comply with the director's order.
- h. **Licensees shall leave their customer's containers off the highway, in a neat and upright position, with lids replaced.**
- i. Licensees shall clean up any solid waste or recyclables that spill while being collected or hauled.

SECTION III: Board of Review

- a. The Board of Review of the Town of Deep River shall consist of the Town Sanitarian, a member designated annually by the Water Pollution Control Authority and the members of the Board of Selectmen, but shall not include the First Selectman if he is the director.
- b. The Board of Review shall meet when necessary to review the decisions of the director regarding non-issuance, non-renewal, suspension or revocation of licenses. At a hearing called for such purpose, the applicant shall be permitted to respond to each reason given by the director for non-issuance, non-renewal, non-suspension or revocation and to present such other evidence and testimony as the board may deem necessary to their proper determination of the matter. Written notice of the time and place of the hearing shall be given at least five (5) but not more than fourteen (14) days prior to the hearing, to the applicant at the address shown on the application. The Board of Review shall render a decision within fourteen days after the conclusion of the hearing and notice thereof shall be mailed to the applicant.
- c. Three members present of the Board of Review shall constitute a quorum sufficient for the hearing and determination of any matter and a majority of those present must vote to overturn the decision of the director, otherwise the director's decision shall stand.
- d. Any refuse collector who dumps more than one cubic foot in volume of solid waste at one time in an area not designated for such disposal by the Town of Deep River or the director, or who knowingly mixes other solid

waste with recyclables shall for a first violation be liable for a civil penalty of one thousand dollars (\$1,000) for each violation and five thousand dollars (\$5,000) for a subsequent violation. Any refuse collector who violates any other part of this ordinance or any regulations implementing the same shall be fined not more than one hundred dollars (\$100.00) for each offense, in addition to any other penalty that may be imposed by law.

- e. **Residential Violator.** In the event that a residential generator fails to separate recyclables from other solid waste he will receive a written warning for the first offense. After that he may be fined one hundred dollars (\$100.00) for each subsequent offense and may lose the right to use the town disposal facilities until fine is paid.

ENFORCEMENT, PENALTIES

SECTION 1: Penalties

- a. Any commercial generator who fails to separate recyclables from other solid waste shall be fined not more than five hundred (\$500.00) dollars for each offense, in addition to any other penalty that may be imposed by law, provided notice has been timely filed as required in Part III, Section 2d and 2e.
- b. A refuse collector shall be required to pay civil penalties of not less than \$1,000.00 and not more than \$5,000.00 for knowingly mixing recyclables with solid waste.
- c. **Residential Violator.** In the event that a residential generator violates this ordinance, or the regulations he will receive a written warning for the first offense. After that he may be fined \$25.00 for each subsequent offense and may lose the right to use the town disposal facilities until such fine is paid.

SECTION 2: Enforcement

- a. Except as otherwise specified in this ordinance, the director shall enforce all provisions of the ordinance and the regulations as they apply both to solid waste that is transported to the system or designations outside of the municipality, and that which is deposited in town at the Deep River transfer station or bulky waste disposal area.

SECTION 3: Security

The authority and/or the director may require any licensee to post a letter of credit, bond or such other security as may reasonably be required to protect the Town of Deep River or the Authority, as the case may be, from the non-payment of any money owed to either the town or the Authority.

SECTION 4: Damages

- a. By accepting a license issued under this ordinance or the regulations, the licensee agrees to hold the Town of Deep River and the Authority harmless from loss, damage, or injury arising from the delivery of unacceptable or hazardous wastes to the Transfer Station.
- b. Any person entering the town waste disposal facilities shall be construed to be on the premises at his own risk and the town shall not be legally liable for any injuries or damages occurring to such person or his property while on said premises.

SECTION 5: Saving Clause

If any section of the ordinance shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this ordinance nor the context in which such section or part thereof so held invalid may appear, except to the extent that an entire section or part of a section to which such holding shall directly apply. Any provision of any ordinance of the Town adopted prior to this ordinance which is inconsistent with the terms of this ordinance is hereby repealed.

January 24, 1991
Vol. 7, Pg. 199 thru 204

ORDINANCE ESTABLISHING FEES FOR TRANSFER STATION

To allow the Board of Selectmen to establish the following fees for the Transfer Station.

Refrigerator/Air Conditioners	\$10.00/unit
Tires: Automobile	1.50/each
Truck	5.00/each
Propane Tanks	5.00/each
Mattresses	3.00/each
Rugs (over 8' x 10')	3.00/each
Bulky Waste (fill, wood, land-clearing, brush, etc.):	
Rack Body/Mason Dump	
2 cubic yards	\$20.00/load
Up to 6 cubic yards	\$40.00/load

NO ROLL-OFFS ACCEPTED

Fees to take effect July 1, 1993

June 3, 1993
Vol. 7 Pg. 249

REMOVAL OF ANIMAL WASTE

RESOLVED:

1. It shall be unlawful for any person owning, keeping, walking or in control of any dog or other animal to allow or permit that animal to defecate upon any private property owned by another person, condominium common elements, town property, including, but not limited to, parks and school grounds, unless such person shall, before leaving the immediate premises, remove all feces so deposited by such animal and dispose of the feces in a proper manner.
2. The provisions of this section shall not apply to a guide dog accompanying any blind person.
3. Any violation of this section shall be punishable by a fine of Fifty Dollars (\$50).

Adopted 2-9-2010
Vol. 8 Pg. 372-373