

Housatonic Resources Recovery Authority Hauler Municipal Registration, Transfer Station Permit & Enforcement Policy

EFFECTIVE DATE

September 28, 2022

Previously updated: December 3, 2021

SEC.I PURPOSE

The goal of this policy is to protect public health and the environment and ensure that all haulers/collectors (referred to herein as “Haulers”) collecting solid waste adhere to the Connecticut regulations and uniformly comply with registration and permit requirements established by the member municipalities of the HRRRA.

This should ensure that:

- The environmental benefits of recycling are maximized;
- There is joint enforcement of the solid waste and recycling requirements by the member municipalities and all Haulers operating within the municipalities;
- There are fair and equitable rules for all Haulers operating within the HRRRA Region;
- All residents and businesses have convenient (parallel) access to recycling collection services;
- All Haulers registered to operate in a municipality are in compliance with state statutes and regulations (Chapter 446d of the Connecticut General Statutes);
- There is greater consistency across member municipalities in collaboration with HRRRA to promote clear operating guidelines for Haulers; and,
- Municipalities and Haulers work together to support the goals of the Connecticut Solid Waste Management Plan.

Connecticut law requires all Haulers to register with each municipality in which they collect solid waste, including recycling and C&D waste. Municipal registration fees vary and are set by each municipality.

Connecticut law also requires that each year Haulers report the destination of all solid waste and Recyclable Material (as defined by the State of Connecticut) they collect to every municipality in which they work, and the tonnage of that material if it is delivered to a facility that is not permitted by the State of Connecticut, e.g. an out of state transfer station. One report must be done for each municipality in which a Haulers collects and turned in to HRRRA with their permit/registration renewal paperwork.

HRRRA permits (for use of the MSW transfer stations in Danbury, Ridgefield and Newtown), Oak Ridge permits (for use of the regional recycling facility on White Street in Danbury), and municipal registrations for all HRRRA member municipalities can all be renewed at the same time using the same form and paying with one check or credit card through HRRRA.

HRRA permits and municipal registration renewals are due no later than July 31st of each year. When the 31st of July falls on a Saturday or Sunday, the renewal date will move to the following Monday.

SEC.II REGISTRATION REQUIREMENTS

All Haulers wishing to collect, transfer, or transport solid waste or Recyclable Material generated within any HRRA member municipality are required to first obtain or annually renew a registration in every municipality they operate in. No Hauler may collect solid waste or Recyclable Material in a municipality unless they have obtained a valid registration for that municipality from the HRRA. In addition, a transfer station permit must be obtained from the HRRA for each transfer station that a Hauler will use (note that Newtown only accepts waste from Newtown and Brookfield, Ridgefield only accepts waste from Ridgefield and Redding, Weston accepts waste only from Weston, Wilton only accepts waste from Wilton).

As a condition of the issuance of each municipal registration for which the Hauler has applied, the Hauler agrees that it will comply with the solid waste, recycling, and litter control ordinances of every municipality with which Hauler has registered, that the Hauler has registered with all municipalities in which it will provide collection services, and that the Hauler will comply with the solid waste, recycling and litter control laws and regulations of the State of Connecticut and the United States.

The Hauler's failure to comply with any ordinances, laws, rules or regulations may result in the revocation or suspension of the Hauler's permit and/or registration to act as a collector of solid waste and/or Recyclable Materials in the applicable municipality or municipalities and/or the Hauler's ability to access one of the HRRA transfer stations in the region.

New Haulers who either report themselves as a new business or are identified and notified by the authority have 30 days from the day of initial notice to comply with all state regulations and requirements to register with the HRRA for each municipality in which they are doing business and obtain a permit for each operating vehicle. Permits must be affixed to the vehicles they are assigned to.

Annual registration and permit fees can be found on the Registration and Permit Application form.

Haulers may pay by check or with credit card. A credit card processing fee will be applied but will not exceed the amount of the merchant processing fee to HRRA.

All fees including late fees must be submitted before registration and permits are issued.

Haulers who add vehicles after January of the renewal year will be charged a prorated fee based on the number of months left in the season. A season runs August 1 to July 31st.

Prorating for new Haulers only apply to businesses who have not already begun operating. Prorating does not apply to Haulers who delay registration. Haulers who have been identified as "operating

without a registration” will pay the full application fees for the year, no matter when the Registration is submitted. In addition, penalties may apply.

SEC.III PENALTIES

Penalty fees will be applied to permit and municipal registrations that are late. There is a base late fee of \$1,000. In addition, all municipal and permit fees double for late registrations. Registrations that are incomplete or have information missing will be considered late if the required information is not provided by the registration deadline.

Payments not received by July 31st, or 30 days for a new Hauler, become delinquent, with interest charged at the rate of 1.5% per month from the original due date. Checks that have been returned by the bank shall be subject to a thirty-dollar (\$30.00) handling fee.

SEC.IV HAULER TRANSFER STATION PERMITS

As a condition for receiving a permit to haul Acceptable Waste to the Transfer Station(s), operated on behalf of HRRRA, the Hauler understands and agrees that the Hauler proceeds at the Transfer Station(s) at its own risk, and agrees to comply with the provisions of Chapter 446d of the Connecticut General Statutes applicable to collectors of solid waste, regulations of the Connecticut Department of Energy and Environmental Protection and the Rules and Regulations as currently adopted by the HRRRA, Oak Ridge Transfer Stations, LLC (Oak Ridge) or the Transfer Station operator(s), as may be amended from time to time (and a copy can be requested at any time). The Hauler acknowledges that the Hauler has received, read, and understands the Rules and Regulations and further agrees that all obligations assumed by the Hauler pursuant to the Rules and Regulations are binding upon the Hauler and are subject to enforcement by Oak Ridge, their agents, and the HRRRA, and further agrees that:

The Hauler shall at all times defend, indemnify and hold harmless the HRRRA, any Operator, any municipality that is a member of the HRRRA, and their respective officers, agents and employees on account of and from any and all claims, damages, losses, judgments, worker’s compensation payments, litigation expenses, and counsel fees arising out of injuries to the person(s) (including death) or damage to property alleged to have been sustained by (a) the Hauler, or its officers, agents and employees, or (b) the HRRRA, any Operator, or their respective officers, agents and employees, or (c) the HRRRA, municipality, or any of their officers, agents and employees, or (d) any other person to the extent such injuries or damages are caused or are alleged to have been caused in part or in whole by acts, omissions or neglect of the Hauler or its officers, agents or employees, or by faulty, defective or unsuitable material or equipment used by it or them.

For the safety of the public and transfer station operators, a copy of the RECORD OF ANNUAL INSPECTION must be submitted with any and all vehicles the Hauler will be using to conduct business in the HRRRA region and for which an inspection is required by state or federal law. A Hauler must not use any such vehicle unless each component identified on the RECORD OF ANNUAL

INSPECTION has passed an inspection by a qualified inspector who has training or certification to inspect and maintain commercial motor vehicles at least once during the preceding 12 months.

Safety inspections can be performed at either a DMV office equipped for inspections or at designated emissions inspection stations run by the state's emissions inspection contractor.

SEC.V GENERAL PERMIT REQUIREMENTS

All Haulers must be in compliance with the following general permit requirements:

- All Haulers must clearly display the name of the company on each vehicle and/or roll-off container operating in the municipality.
- All Haulers must be in compliance with applicable federal, state and local laws.
- Each vehicle must meet all Department of Transportation safety requirements at all times.
- All materials must be securely contained in the vehicle. Littering or leaking shall be considered a violation of the permit.
- Haulers shall not keep or store solid waste collected from customers.
- Collection of solid waste and Recyclable Material may only occur during the hours outline in the local ordinance of the member municipalities.
- Recyclable Material shall not be commingled with solid waste when collected by the Hauler.
- Recyclable Material must be delivered to a facility designed to accept Recyclable Material.
- The Hauler shall inform customers how to prepare acceptable Recyclable Material consistent with the requirements of the Recyclable Material processing facility.
- Haulers shall only collect for disposal solid waste which is not banned from disposal.
- It is the responsibility of the Hauler to educate the customer about the state mandated Recyclable Material and inform them that they will refuse to collect solid waste mixed with mandated Recyclable Material items that are visible to the driver/collector from any of their customers (there is no requirement to open bags). Please refer to the list of Connecticut designated Recyclable Material items at www.portal.ct.gov

As required by state law, the Hauler agrees to report to each municipality with which the Hauler is registered or to HRRRA in their stead: (a) the types of solid waste, including Recyclable Material, generated within each municipality and collected by the Hauler, (b) the name, location and contact information for the first destination where such solid waste, including Recyclable Material, was delivered by the Hauler during the previous fiscal year, (c) the types and actual or estimated amounts of such solid waste, including Recyclable Material, directly delivered to an out-of-state destination or to an end user or manufacturer in the state, and (d) such additional information as the commissioner of the Department of Energy and Environmental Protection deems necessary. The Hauler further agrees that such reports shall be submitted annually, on or before July 31st, for solid waste collected during the prior fiscal year, on a form prescribed by the Commissioner.

Haulers are required to notify HRRRA at the time of sale of existing assets or purchase of new assets that have or will need HRRRA or Oak Ridge permits or municipal registrations, a change in the ownership of said company as listed in item (a) above, a company/business name change, and/or the dissolution of any company/business registered to collect in any HRRRA municipality.

All drivers who collect or transport solid waste in any HRRRA municipality must be legally permitted to operate the applicable motor vehicle in the State of CT.

SEC.VI HRRRA RECYCABLE MATERIAL GUIDELINES.

Recycling is mandatory in Connecticut? *Everyone must recycle.* That includes residents whether living in a single or multi-family building, every business including non-profits, and all public and private agencies and institutions (e.g. colleges, hospitals, local and state government agencies). https://www.cga.ct.gov/current/pub/chap_446d.htm#Sec_22a-256

In an effort to enhance the quality of the recycling stream in the HRRRA region and to defray increased processing cost, Oak Ridge will be implementing contamination fees on loads with more than 6% contamination.

Contamination means that portion of Recyclable Materials delivered to the Danbury Recycling Facility or the Shelton Materials Recovery Facility (“MRF”) that consists of material that is not specified as Recyclable Material in Appendix B-2, of the Regional Solid Waste and Recycling Agreement between the HRRRA and Oak Ridge (the “Agreement”).

Appendix B-2 Recyclable Materials/Facility Delivery Standards: “Recyclable Materials” means all items designated from time to time by the Commissioner of DEEP pursuant to the provisions of Section 22a - 241 b(a) of the General Statutes as suitable for recycling and such other items as are designated from time to time by HRRRA.

“Mixed Recyclables” means all Recyclable Material delivered to the Danbury Recycling Facility or the MRF from generators within the applicable municipalities in commingled single or dual stream. If any load of Mixed Recyclables contains more than 6 percent (6%) weight or volume of nonrecyclable or contaminants, Article IV of the Agreement shall apply.

Recyclable Material delivered to the Danbury Recycling Facility or the MRF Facility shall be free of dirt, food, and other liquid or solid residue material. Mixed glass bottles and cans may be delivered with labels, neck rings and caps.

It is the responsibility of each Hauler to know the Connecticut recycling laws. Haulers are encouraged to read the complete text of the laws by using the links posted on the HRRRA website or the CT General Assembly website.

https://www.cga.ct.gov/current/pub/chap_446d.htm#Sec_22a-207

It is also the responsibility of each Hauler to educate their customers to recycle right.

The HRRRA is dedicated to providing public education and outreach to all residents, businesses, and municipalities. HRRRA has adopted the State of Connecticut universal guide What’s In What’s Out.

This guide of what residents should and should not recycle should be used by all Haulers to reduce contamination. Registered Haulers may request copies of any education material listed on the HRRRA website www.hrra.org for distribution at no charge. Haulers should email the request to Info@HRRRA.org.

Sec. 22-220a (f) – A collector shall be liable for a civil penalty of not more than \$2,500 for each violation and not more than \$10,000 for a subsequent violation if the collector:

- a. Dumps more than one cubic foot of solid waste at one time in an area not designated for such disposal by a municipality; or
- b. Knowingly mixes other solid waste with items designated for recycling pursuant to 22a-241b, or pursuant to municipal ordinance

Sec. 22a-220c (a) – Each municipality shall notify haulers of recycling requirements. After such notice, collectors are required to notify the municipal recycling contact (HRRRA) about any customer believed to be discarding designated recyclables with solid waste.

Upon request of the municipality, a hauler shall provide a warning notice to customers suspected of violating separation requirements.

Haulers shall also assist the municipality in identifying persons responsible for creating solid waste loads containing significant amounts of recyclables which were detected by the receiving resource recovery or solid waste facility.

Haulers are required to understand and comply with all provisions in CGS Chapter 446d Solid Waste Management.

SEC.VII CERTIFICATE OF INSURANCE

A. REQUIREMENTS

- A. Agent's / Broker's name, address, and fax number.
- B. Hauler business name and address.
- C. Name of insurance companies issuing the Hauler's policies.
- D. **HRRRA, and all HRRRA municipalities in which the Hauler works must be listed as additional insureds on all policies** except those for workers' compensation and employer's liability insurance. Oak Ridge must be listed as additional insured on all policies except those for workers' compensation and employer's liability insurance if a permit for Oak Ridge is sought.

Sample language: *The Housatonic Resources Recovery Authority (HRRRA), all HRRRA member municipalities, and Oak Ridge Transfer Stations, LLC are all additional insureds under the General Liability and Automobile Liability policies.*

E. The Named Insured must include the name of the Hauler to be permitted by HRRRA as well as the owner's name listed on the motor vehicle registration of any and all permitted vehicles.

F. HRRRA must receive notice at least 30 days prior to cancellation of insurance policies.

G. HRRRA must have the original certificate bearing the original signature.

H. HRRRA's name and address must appear as follows:

Housatonic Resources Recovery Authority, Old Town Hall, 162 Whisconier Road, Brookfield, CT 06804

B. INSURANCE COVERAGE REQUIREMENTS:

Commercial General Liability insurance policy that includes products, operations and completed operations.

- Limits should be at least: Bodily injury & property damage with an occurrence limit of \$1,000,000; Personal & advertising injury limit of \$1,000,000 per occurrence; General aggregate limit of \$2,000,000 (other than products and completed operations); Products and completed operations aggregate limit of \$2,000,000.
- Such coverage will be provided on an occurrence basis and will be primary and shall not contribute in any way to any insurance or self-insured retention carried by the additional insureds.
- Such coverage shall contain a broad form contractual liability endorsement or similar wording within the policy form; and

Automobile Liability insurance covering **all owned, non-owned and hired vehicles, Symbol '1'**, with a minimum combined single limit coverage of not less than one million (\$1,000,000.00) dollars on a per occurrence basis; and

Workers' Compensation Insurance in such amounts as required by Connecticut law or certificate of self-insurance issued by the State of Connecticut's Board of Compensation Commissioners pursuant to Section 31-284 of the Connecticut General Statutes; and

Employer's Liability Insurance with limits no less than \$500,000 each accident by bodily injury; \$500,000 each accident by disease; and a policy limit of \$500,000

SEC.VIII TRANSFER STATION YARD RULES

- **NO HAZARDOUS MATERIALS ACCEPTED***
- SPEED LIMIT IN THE YARD IS **5 MILES PER HOUR** (5 MPH)
- PROPER SAFETY ATTIRE **REQUIRED AT ALL TIMES****
- VEHICLES SHOULD NEVER BE LEFT UNATTENDED
- SCAVENGING IS ILLEGAL AND STRICTLY PROHIBITED
- SMOKING IN OR AROUND ANY BUILDING IS PROHIBITED
- NO UNTARPING OF LOADS WHILE IN SCALE LINE
- DUMP-STYLE TRUCK BODIES ONLY
- HARD HAT AND REFLECTIVE SAFETY VEST/JACKET/SHIRT WORN AT ALL TIMES

* Unacceptable Waste: Recyclable Materials, Hazardous Waste, Explosives, Liquid

Waste, Asbestos, Motor Vehicle Parts, Tires, Animal Products, Ashes, Human or Animal Remains, Offal (internal organs of a butchered animal), American Flags, Pathological or Biological Waste, Pressurized Containers, Radioactive Materials, Sealed Drums, Sludge, and Tar.

SEC.IX NUISANCE

The member municipalities and/or HRRAs on their behalf reserve the right to monitor collection vehicles, loads, litter and/or nuisance conditions and routes at reasonable times to ensure that all Hauler services comply with all applicable State and local laws, by-laws and regulations. The member municipalities and/or HRRAs retain the right to define and determine “nuisance” conditions.

SEC.X COMMUNICATION

The HRRAs reserve the right to exchange information and coordinate enforcement activity with CT DEEP inspectors in order to enforce the provisions of this policy and State law.

SEC.XI INSPECTION

The member municipalities and/or HRRAs on their behalf are authorized to inspect a Hauler’s truck and load at any time.

SEC.XII SUSPENSION OR REVOCATION OF REGISTRATION AND/OR PERMITS; ENFORCEMENT

Any Hauler’s permit and/or registration may be suspended or revoked by the HRRAs upon receipt of evidence satisfactory to the HRRAs that the Hauler is not in compliance with HRRAs policies and procedures and/or any applicable state or federal statute, regulation, rule or order regarding the transportation, collection and disposal of solid waste. Any notice of suspension or revocation issued by the HRRAs shall take effect no sooner than forty-five (45) days following the date of such notice, provided, however, that HRRAs reserve the right to immediately suspend a Hauler’s permit and/or registration in the event of non-compliance that could result in imminent harm to persons or property.

Upon the first offence registrations and/or permits will be suspended for 10 calendar days. Upon the second offence registrations and/or permits will be suspended for 30 calendar days. Upon a third or subsequent offence registrations and/or permits may be revoked and the Hauler prohibited from registration for up to 12 months or for so long as the Hauler is deemed non-compliant.

Upon receipt of a complete registration application, the individual member municipalities shall have thirty (30) days to rule on the granting of a registration to operate within the municipality’s border. Member municipalities and/or the HRRAs on their behalf may deny registration and/or permits for Haulers who have been issued judgements from the State of Connecticut for non-compliance of local and State solid waste laws.

Haulers that do not have a current registration in a municipality in which the Hauler collects waste (whether previously registered or not) may be denied access to the transfer stations in the HRRRA system with two business days' notice and may be subject to local enforcement pursuant to each member municipality's local ordinances and/or referral to the Connecticut Department of Energy and Environmental Protection for enforcement. The HRRRA on the municipality's behalf shall have the power to enforce the provisions of the municipality's local enforcement policy outlined in such member municipality's local ordinance and as directed by the municipality.

SEC.XIII APPEAL PROVISIONS

Any Hauler issued a notice of suspension or revocation for a violation of these regulations may appeal such notice by filing a written notice of appeal with the HRRRA Executive Committee within seven (7) days, exclusive of Saturdays, Sundays and legal holidays, from the date of said citation.

Appeals should be addressed to:
Housatonic Resources Recovery Authority
Executive Committee C/O Executive Director
Old Town Hall
162 Whisconier Road
Brookfield, CT 06804

A hearing will be held within thirty (30) days from the date of the filing of the appeal. Written notice of the hearing date will be delivered to the applicant at least ten (10) days prior to the scheduled date. The hearing will be conducted in accordance with the established procedures of the member municipality or municipalities and the HRRRA.

*Approved by the Authority
September 29, 2022
December 3, 2021*