

Excerpts from the CHITTENDEN SOLID WASTE DISTRICT
SOLID WASTE MANAGEMENT ORDINANCE 2004

ARTICLE IV
LICENSING

4.1. License Requirement. A license from the District is required for any Person to Manage Solid Waste generated within the District as provided in this Article. Four categories of Licenses are hereby established:

- A. Hauler's License. The Hauler's License shall be required for any Person to collect, Transfer, or Transport Solid Waste generated or delivered within the District. The Hauler's License shall also be required for member municipalities that Transport any Solid Waste. The following Persons are exempt from obtaining a Hauler's License: 1) Self Haulers who Transport less than twelve (12) tons of Solid Waste in a calendar month; 2) Facilities; and 3) freight companies that collect recyclables which are prepared according to end market specifications and transport them directly to a fully-permitted end market or pick up non-hazardous solid waste and transport it directly to a certified Hazardous Waste Facility as defined in the Vermont Hazardous Waste Management Regulations.
- B. Processor's License. A Processor's License shall be required for any Person, other than Self-Haulers, Drop-Off Facilities, Mobile Solid Waste Collection Operations, and Persons required to accept beverage containers under 10 V.S.A. Chapter 53, to accept, receive, or allow the acceptance or receipt for storage or processing in the District of Recyclables or compostable materials.
- C. Transfer/Disposal Facility License. A Transfer/Disposal Facility License shall be required for any Person, other than Self-Haulers, Drop-Off Facilities, and Mobile Solid Waste Collection Operations, to accept, receive, or allow the acceptance or receipt in the District of any Solid Waste destined for Disposal.
- D. Scale License. A Scale License shall be required for any Scale used to document the delivery, Transport, or shipment of Solid Waste generated or delivered within the District and destined for Disposal.

4.2. Validity of License. Each License shall be valid for a period not to exceed one year and the License shall expire annually on July 1. Persons meeting the applicable requirements may apply for and hold more than one License.

4.3. License Fees. The fees for Licenses required under this Ordinance shall be determined by the Board of Commissioners. The District and any member municipality of the District are exempt from the License fees for the Management of Solid Waste generated in their municipal operations, utilizing their own facilities, vehicles, or approved employees' vehicles.

4.4. Licensing Process. The General Manager will establish the requirements for each type of License. A Person seeking a License shall obtain a License application from the District office. License applications may be obtained in person during normal business hours at the District's office or may be requested by mail. The Applicant shall complete the License application under oath and shall provide the License application, together with all supporting materials requested in the License application, to the District. Member municipalities may renew Hauler's Licenses by way of e-mail, facsimile, or telephone.

Within thirty (30) days of receipt of a completed License application, the Executive Board shall make a determination on the License application, and the District shall thereafter notify the Applicant in writing whether the License application is 1) accepted, 2) conditionally accepted subject to the Applicant's fulfillment of any number of conditions and/or requirements, or 3) denied and the reason(s) for denial. If the Executive Board denies a License application, the Applicant may request a hearing before the Board of Commissioners for a new determination of whether the License application shall be accepted or denied. If a request is not so filed, the Executive Board's determination shall be deemed final.

4.5. Conditions of Licenses. As conditions to the issuance and maintenance of a License under this Ordinance, the Applicant shall demonstrate to the District's satisfaction that:

- A. The Applicant has obtained, or will obtain prior to commencing activities under the License, all other necessary permits and licenses from the State and all agencies thereof, and all applicable member municipalities of the District.
- B. The Applicant will comply with all rules, regulations, and ordinances pertaining to the Management of Solid Waste as enacted by the District and all applicable federal, state, and local laws, rules, and regulations.
- C. The Applicant is not delinquent in payments owed to the District, and the required License fee has been paid.
- D. The Applicant's employees and personnel have received the education and training necessary to conduct safely and properly the Applicant's activities under the License.
- E. The Applicant's financial resources are adequate to allow the Applicant to safely and properly conduct the Applicant's activities under the License.
- F. The Applicant's activities under the License will not unduly pollute any element of the environment nor impose any undue burden upon any element of the community. A permit issued by a state agency so finding shall be considered satisfactory evidence that this condition is met.
- G. The Applicant for a Hauler's License will maintain liability insurance coverage at or above the following levels for the Term of the License: \$100,000 per person and \$300,000 per occurrence for personal injury or death, and \$100,000 per occurrence for property damage.

4.6. Designation in Hauler's License. Each Hauler's License shall designate the allowable destinations for all Solid Waste that is collected, transferred, or transported under the License. The Executive Board reserves the right to modify any and all Licenses previously issued upon notice to the holder of such applicable License that it may not dispose of Solid Waste at a Facility if the District finds that such Facility has failed to operate in compliance with all material laws, regulations, and permits applicable to such Facility or the operator of such Facility has been found to have engaged in Unlawful Conduct.

4.7. Commercial Hauler Requirements. Commercial Haulers must abide by the following requirements:

- A. Every vehicle used by the Commercial Hauler or on the Commercial Hauler's behalf in the collection, Transfer, Transport, or Disposal of Solid Waste shall be prominently labeled with an identification number provided by the District. For each such vehicle, the District shall provide to the Hauler two decals bearing the CSWD Hauler's License number for that vehicle. The decals shall be affixed to the front doors on the right and left sides of the vehicle or at such other locations on the vehicle as the District may designate. The Commercial Hauler shall maintain the decals in a clean and legible condition. Failure to label a vehicle or maintain such decals as set forth in this Section shall constitute Unlawful Conduct.
- B. Commercial Haulers shall pay in full all bills due the District within such period of time as the District Board of Commissioners, by resolution, policy, or rule, may designate. After the expiration of such period, payment from any Commercial Hauler with unpaid bills remaining shall be due immediately upon billing and shall be paid in cash or by certified check. The District may revoke the License of Commercial Haulers with overdue bills. Late bills will be charged interest up to the rate of one and one-half percent (1.5%) per month, compounded monthly.
- C. No Commercial Hauler shall deliver or Dispose of any Solid Waste generated within the District at any Facility not designated in his or her Hauler's License. The type, quantity, and destination of any Solid Waste delivered to a non-designated Facility must be reported by the Commercial Hauler to the District within 48 hours of such delivery.

- D. No Commercial Hauler shall place or cause to be placed any Solid Waste on private property unless lawfully authorized by the owner of the property and such placement of Solid Waste on the property is lawfully permitted.
- E. All vehicles used to collect Solid Waste must retain and prevent the release of all Solid Waste contained in the vehicle.
- F. All Solid Waste collected by a Commercial Hauler that is destined for Disposal must be delivered to and deposited at a Transfer or Disposal Facility within forty-eight (48) hours of collection.
- G. The Commercial Hauler will provide (independently or through duly licensed subcontractors) collection of Mandatory Recyclables at least once monthly to all customers for whom such Hauler provides collection of Solid Waste destined for Disposal. A Hauler may not offer and his or her customers may not subscribe to trash only collection service unless Recycling collection service is provided or subcontracted by the District or a member municipality or unless they obtain an exemption from the District. Exemptions may be provided for customers who market their Mandatory Recyclables directly to Recycling brokers, processors, or manufacturers or who self-haul their Mandatory Recyclables to Recycling Facilities that are fully permitted at the time of delivery.
- H. The Commercial Hauler will provide Recycling instructions to new customers when service commences and to all customers on an annual basis at a minimum. The District will provide the Recycling instructions to the Hauler if requested.
- I. No Commercial Hauler shall Dispose of Mandatory Recyclables that are properly prepared and set out for collection.
- J. No Commercial Hauler shall knowingly collect for Disposal Solid Waste that contains Mandatory Recyclables, Hazardous Waste, Special Wastes, or Yard Waste. Any such Solid Waste must be rejected by the Commercial Hauler, who shall notify the Person generating such Solid Waste of the reasons for rejection. Any rejected Solid Waste shall be the responsibility of the Person who generated such Solid Waste, who must, within twenty-four (24) hours after receiving notification, retrieve such Solid Waste and properly Separate it. The Commercial Hauler shall notify the District within one business day of any Person whose Solid Waste is so rejected.
- K. Recycling Containers provided by Haulers will be colored royal or medium blue or have a royal or medium blue Recycling symbol decal on the front and at least one side of dumpsters used for Mandatory Recyclables collection and on the front or top of wheeled carts or other similar Recycling Containers. The Recycling symbol decal shall have:

- 1) royal or medium blue printing on a white background,
- 2) the standard Recycling symbol at least five and one-half inches in width and five and one-half inches in height, and
- 3) the words "Recycling Only" in letters at least three-quarters of an inch in height.

The District will provide the Recycling symbol decals to the Hauler if requested. Recycling Containers provided by Haulers must also be clearly labeled with a list of the Mandatory Recyclables. The District will provide the Mandatory Recyclables list decals to the Hauler if requested.

All existing Recycling Containers provided by Haulers must meet the specifications in this Section within six (6) months of adoption of this Ordinance. Beginning six (6) months after adoption of this Ordinance, all Recycling Containers provided by Haulers must meet the specifications in this Section when they are put in service. The Hauler will not use blue containers for the collection of Solid Waste other than Recyclables.

4.8. Hauler's License Reporting Requirement. The District may require that every Commercial Hauler submit to the District a monthly report, on a form provided by the District, certifying the amount of Solid Waste generated in the

District that was collected, transported, transferred, or disposed of during the preceding month. The District General Manager may modify the frequency of reporting required.

4.9. Processor's License Reporting Requirement. Licensed Processors shall report to the District the quantities of Recyclables shipped and materials composted for Solid Waste generated in the District for the periods January 1 through June 30 and July 1 through December 31 of each calendar year while operating under the License. The required data shall be submitted within thirty (30) days of the end of each reporting period on forms provided by the District or by providing copies of reports required by the State for Solid Waste Facility certification.

4.10. Designation in Transfer/Disposal Facility License. Each Transfer/Disposal Facility License shall designate the allowable destinations for all Solid Waste that is shipped from the Facility under the License.

4.11. Transfer/Disposal Facility License Reporting Requirement. Operators of licensed Transfer/Disposal Facilities shall report to the District the quantities, types, and origins of Solid Waste accepted or received by the Facility and the quantities, types, and destinations of Solid Waste shipped from the Facility for the periods January 1 through June 30 and July 1 through December 31 of each calendar year while operating under the License. The required data shall be submitted within thirty (30) days of the end of each reporting period on forms provided by the District or by providing copies of reports required by the State for Solid Waste Facility certification.

4.12. Scale License Reporting Requirement. Operators of licensed Scales shall report the information required by the Scale License, by electronic means acceptable and compatible with the District's computer software, to the District on a monthly basis within five (5) business days at the end of each calendar month unless the District requests the information on a more frequent basis.

4.13. Amendments to Licenses. A licensee may request to amend an existing License. The District shall promptly consider any requests for amendments within the time frame for License Applications under Section 4.4 of this Article. In order to become effective, any amendments must be approved by the District General Manager.

4.14. Compliance with License Conditions and Requirements. All License holders shall comply with all conditions and requirements of the License. Failure to comply with License conditions and requirements shall be deemed Unlawful Conduct.

4.15. Licenses are not alienable, transferable, or assignable. For any Person that is not an individual, any transfer of a majority interest in the holder of a License shall be deemed an assignment, thereby requiring the holder to obtain a new License.