

# CHAPTER 163

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## **Chapter 163, SOLID WASTE FACILITY**

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[History: Adopted 5 – 11-1989 by the Annual Town Meeting, Art. 22. EN Amendments noted where applicable; Amended by Merrimack Town Council 5-13-2010; 12-7-2017]

### **GENERAL REFERENCES**

Hazardous materials – See Ch. 137

#### **§ 163-1. Definitions.**

As used in this chapter, the following terms shall have the following meanings:

**ATTENDANTS** -- Those persons employed by the Town of Merrimack at the Solid Waste Facility who shall have the authority to enforce the terms of this chapter and require compliance with any other rules and regulations pertaining to the Solid Waste Facility.

**BULKY WASTE** -- Includes but not by way of limitation, discarded large and small household appliances, furniture, carpets, mattresses, and white goods.

**CONSTRUCTION DEBRIS and DEMOLITION WASTE** -- Waste generated from construction, renovation, or demolition activities which may contain bulky, heavy materials, including steel, wood, roofing shingles, gypsum, metals and plastics. Construction debris and demolition waste also includes building components such as doors, windows, and plumbing fixtures.

**DISPOSAL** -- The management of solid waste that is not salvaged or recycled, in order to facilitate the final placement of the material.

**FACILITY** -- The Town of Merrimack Solid Waste Facility situated in the Town of Merrimack on Fearon Road.

**HAZARDOUS WASTE** -- Waste as defined by RSA 147-A: 2, VII, as amended.

**HOUSEHOLD HAZARDOUS WASTE** -- Hazardous waste generated from noncommercial usage by residents in their household.

**HOUSEHOLD SOLID WASTE** -- That solid waste generated solely by a residential household.

**INFECTIOUS WASTE** -- Any waste which, because of its infectious nature, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

**MIXED COMMERCIAL LOADS** -- Any load of solid waste containing a mixture of metal, bulky waste, demolition debris and building materials or other solid waste which, in the opinion of the facility attendants, requires separation before disposal at the facility.

**PUTRESCIBLE** -- Capable of decaying or rotting.

RECYCLING -- The collection, storage, processing and redistribution of separated solid waste so as to return material to the marketplace.

SOLID WASTE -- Any matter consisting of putrescible material, refuse and other discarded or abandoned material. It includes solid, liquid, semi-solid or contained gaseous material resulting from industrial, commercial, mining and agricultural operations and from community activities. For the purposes of this chapter, it does not include hazardous waste or infectious waste as defined in this chapter, solid or dissolved materials and irrigation return flows, septage or sludge as defined in RSA 485:-A:2, IX-a and XI-a, or municipal and industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended, or source special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended.

TIPPING FEE -- Costs associated with the management and disposal of the Town's solid waste.

TRANSFER STATION -- A site or area designated by the Director of Public Works, within the Town, which accepts waste generated within the borders of the Town and temporarily stored for transportation by the Town to a permanent disposal facility.

#### **§ 163-2. Purpose.**

The Merrimack Solid Waste Facility is operated solely for the disposal of authorized solid waste generated within the geographic limits of the Town of Merrimack as required by RSA 149 – M, as amended. Accordingly, these regulations are intended to:

- A. Prevent unauthorized entrance and use of the facility.
- B. Prohibit the deposit of illegal and unacceptable waste.
- C. Control the disposal of authorized solid waste to facilitate compliance with operating standards, including but not limited to facility operation, disposal and improvement of efficiency to maximize the life of the facility.
- D. Establish charges (fees) for the use of the facility.
- E. Encourage the recycling of materials brought into the facility.

#### **§ 163-3. Use regulations.**

The following shall apply to all persons, parties, companies and corporations using the Merrimack Solid Waste Facility:

- A. Entrance to the facility shall be by permit and disposal shall be only during normal operating hours.
- B. Stumps, lumber, brush as well as construction debris and demolition waste generated within the Town may be deposited in any legally operated landfill which is under agreement with the Town to accept such solid waste subject to the landfill owner's regulations and fees. Should the Town not have such an agreement, stumps, lumber, brush and construction debris and demolition waste materials may be deposited at designated locations in the Town facility subject to §163-4 of this chapter.

- C. Bulky metals and metal scraps hauled by a commercial carrier will not be accepted at the facility. Such metals should be taken directly to commercial scrap dealers.
- D. The Town reserves the right to reject any material which it considers to be detrimental to the facility operation or which would require special handling for disposal procedures.
- E. Prohibited items include but are not limited to: vehicle parts, vehicle bodies, mounted tires, fuel tanks, fuel cylinders, drums, home-heating oil tanks, liquids (except household motor oil), hazardous waste, nuclear waste, septage, concrete, rocks, ledge, dirt, trees logs and stumps exceeding five (5) inches in diameter, infectious waste or sharps, pool chemicals, hot ashes or any other material capable of causing ignition or spontaneous combustion and other wastes not permitted by state regulation.
- F. All refuse must be deposited in the appropriate designated area, in accordance with the instructions of the landfill attendants. Mixed commercial loads are not permitted.
- G. Scavenging (picking) is prohibited. The Town may make items available to the general public at the facility, such as lumber and wood chips.
- H. The Solid Waste attendants may prohibit the deposit of any material or refuse which they deem to be in violation of these regulations. This decision may be appealed through written notice to the Director, Department of Public Works.

#### **163-4. Fees.**

- A. Household solid waste generated within the geographic limits of the Town, but excluding bulky metals and metal scraps in excess of 1,000 pounds, vehicle parts, vehicle bodies, hazardous, nuclear and other illegal or unacceptable materials, may be deposited at the facility free of charge, provided that:
  - (1) Refuse is hauled in a private (not for hire) vehicle, having a net legal load limit of 1,000 pounds or less; [Amended by the Town Council 4-19-2007, effective 5-10-2007].
  - (2) Refuse is properly separated and deposited in designated areas; and
  - (3) A current Transfer Station decal, available from the Town Clerk, the Public Works Administration Office, or at the Transfer Station, is displayed conspicuously on the driver's side lower interior windshield to be effective July 1, 2007.
- B. All commercial, industrial and agricultural uses and operations in the Town of Merrimack shall pay a fee per ton of solid waste to dispose of solid waste at the facility, as established by the Town Council. [Amended by the Board of Selectmen 6-7-1990, effective 7-9-1990; Amended by the Board of Selectmen 11-25-2003, effective 1-1-2004].

- C. The Town Council shall establish a list of household solid waste items that will be accepted by the Town upon the payment of a disposal fee. The list of items and/or disposal fees for the listed items shall be established and/or modified by the Town Council after a public hearing at a Regular Meeting of the Town Council, and they shall publish a notice of any fee increase in a newspaper of general circulation in the Town at least 30 days prior to the implementation of any new or amended fee schedule. [Amended by the Town Council 3-8-2007, effective 7-1-2007].
- D. The Town Council of the Town of Merrimack shall have the authority to revise the fees charged commercial customers per ton, per trip, or by such other means they should deem fit, including the authority to charge and impose fees for the disposal of solid waste requiring special handling. Before the adoption of any such revised fee schedule or before the imposition of fee collection for the special handling of certain materials, the Council shall hold a public hearing, and they shall publish a notice of any fee increase in a newspaper of general circulation in the Town at least 30 days prior to the implementation of any increase or implementation of a new fee schedule for the special handling of certain materials. [Amended 5-16-1991 by the ATM, Art. 23].
- E. Tipping fees charged for household refuse generated in Merrimack and brought in by commercial haulers shall be the same irrespective of origin within the Town. [Added 4-13-2004 ATM by Art. 15].

Effective Date: For Section 163-4, C, July 1, 2007.  
 All other amendments shall take effect upon passage.

The Town Council may set and adjust disposal fees for the following items:

- Passenger Tires
- Truck Tires
- Off-Road Tractor Tires
- Propane Tanks (20-30#)
- Refrigerators
- Air Conditioners
- Electronic Equipment\*  
 (\*to include TVs, VCRs, DVD Players CD Players, computers, monitors, microwave ovens and any other items that contain electronic components)

**§ 163-5. Amendments by and appeals to the Town Council.**

- A. The Merrimack Town Council shall have the authority to set and change the operating days and hours of the Merrimack Solid Waste Facility.
- B. The Merrimack Town Council shall have the authority to amend the operational procedures and policies of the Merrimack Solid Waste Facility where the Town is required or ordered to comply with newly promulgated regulations and laws, or court orders, issued by the state and federal government. Any such amendments shall be later voted upon and ratified by subsequent Town Meeting.

- C. The Merrimack Town Manager shall hear all appeals concerning the interpretation and application of this chapter. Any such appeals from orders or directives issued by the facility attendants or the Director of Public Works shall be presented to the Town Manager within 30 days from the date of the order or directive.
- D. Before acting upon any amendment to the operational procedures of the facility or before setting or adopting the operating days and hours of the facility, the Merrimack Town Council shall hold a public hearing, and they shall publish a notice of any proposed new operational policies or hours of operation in a newspaper of general circulation in the Town at least 30 days prior to the implementation of any new operational procedures or new operating hours.

**§ 163-6. Violations and penalties.**

Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of a violation and, upon conviction thereof, shall pay a civil fine of not more than \$500 for each offense. Any penalties assessed shall enure to such uses as the Town of Merrimack may direct, pursuant to RSA 31:39 c, as amended.

Authenticated:

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Nancy M. Harrington, Town Council Chairman

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Date

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Diane Trippett, Town Clerk / Tax Collector

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Date