

**TOWN OF BELMONT
BOARD OF HEALTH**

MERCURY DISPOSAL REGULATIONS

Section I: Authority

The Board of Health, Town of Belmont, Massachusetts, acting under the authority of Chapter 111, Section 31 of the General Laws and amendments and additions thereto, and by any other power thereto enabling, has duly made and adopted the following Regulation in the interest of and for the protection of the public health.

Section II: Purpose

This regulation has been enacted for the purpose of protecting the citizens of Belmont and the Commonwealth by reducing the amount of mercury entering the environment via the solid waste disposal stream. Mercury is toxic to the human nervous system, as well as to fish and animals. Mercury can enter the body either through skin absorption or through inhalation of mercury vapors. Thermostats and mercury switches contain several grams of mercury stored in a fragile container easily broken during the disposal process. The primary purpose of this regulation is to enforce recycling of these mercury products rather than disposal.

Section III: Definitions

For the purpose of this Regulation, the following definitions are adopted:

- a) **Individual**
Individual shall mean any person who is removing or replacing any mercury thermostat or mercury switch from a building. This individual may be a building owner or hired contractor, such as, but not limited to, a carpenter, plumber or electrician.
- b) **Building**
A building shall mean any structure including, but not limited to, residential, commercial, industrial or recreational.

Section IV: Regulations

- a) All mercury thermostats and mercury switches must be disposed of through an approved recycling program. Approved programs shall at a minimum document how they will accept, store, recycle and/or transfer each mercury-containing thermostat and switch. In addition, the programs' annual approval will be contingent on providing evidence to the Board, through properly documented manifests, that all thermostats and switches have had their mercury successfully recycled.
- b) Mercury thermostats and switches shall not be disposed of through any waste stream that results in their incineration, landfilling, discharge into the general environment or any other method of disposal not approved by the Department of Environmental Protection and the Belmont Health Department.

c) It shall be the responsibility of the individual removing or replacing the mercury thermostat or switch from any building to properly dispose of same in accordance with this regulation and any other State regulation regarding proper mercury disposal.

Section V: Enforcement

The Board of Health will cooperate with the Building Department in the Town of Belmont to notify all building permit applicants of their responsibility under this regulation. Health Department staff will be the enforcing authority.

Section VI: Penalties

Failure to comply with provisions of these regulations will result in a levy of fines no less than \$100.00, but no more than \$300.00 per incident.

Section VII: Severability

Each part of this Regulation is construed as separate to the end, and that if any section, item, sentence, clause or phrase is held invalid for any reason, the remainder of this Regulation shall continue in full force and effect.

This Regulation becomes effective July 1, 2004.

BY ITS BOARD OF HEALTH

David B. Alper, D.P.M.

APPROVED AS TO FORM:

Donna S. David, R.N., M.N.

Town Counsel

Robert M. Eisendrath, M.D.

Public Hearing: May 6, 2004
Enactment advertised in the Belmont
Citizen-Herald: _____