

China
SOLID WASTE DISPOSAL
ORDINANCE

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CHINA MAINE

SOLID WASTE DISPOSAL ORDINANCE

SECTION I. AUTHORITY

This ordinance has been prepared and adopted pursuant to the provisions of Title 30 Sections 1917, 2151 and Title 38 Section 1721.

SECTION II. PURPOSE

The purpose of this Ordinance is to protect public health and safety by providing rules and regulation for the proper operation of the Town Landfill and Transfer Station Facility, hereinafter called the Solid Waste Disposal Facility, and to provide that all waste generated in the Town are disposed of at the Solid Waste Disposal Facility.

SECTION III. DEFINITIONS

Administrator: Administrator is the town manager or other designated municipal officer who has the responsibility for administration of the Solid Waste Disposal Facility.

Ashes: Ashes means residue from the combustion of solid fuels.

Carrion: Carrion means animals, birds, and other living creatures that have died naturally or have been accidentally killed. Animals or parts of animals from slaughter houses are not included in this category.

Demolition Debris: See Inert Materials

Equipment, Backup: Backup equipment means equipment available to the site supervisor within a certain period of breakdown of the primary Solid Waste Disposal Facility equipment.

Equipment, Solid Waste: Solid waste equipment means any equipment including buildings on-site used for solid waste storage, compaction, transfer, covering, grading, and other operational activities.

Hazardous Waste: Hazardous Waste means a substance designated as hazardous by the Department of Environmental Protection. A hazardous waste is a waste that exhibits a hazardous characteristic or is a listed waste. There are four criteria that define a characteristic waste. They are:

1. Ignitability
2. Corrosives
3. Reactivity
4. Toxicity

There are also four categories of listed wastes. They are:

1. Non-specific sources, such as a halogenated solvent
2. Specific sources, such as bottom sludge from wastewater treatment of wood preserving processes that use creosote and/or pentachlorophenol
3. Commercial chemical products, intermediates or off-specification products. There are two lists for this category, one for acute wastes and one for non-acute wastes. An example of an acute waste is epinephrine. An example of a non-acute waste is naphthalene.
4. Polychlorinated biphenyl. (PCB's)

Household Hazardous Waste: Is an exempted residentially generated waste that exhibits hazardous waste characteristics (i.e., would be considered a hazardous waste if generated by a non exempted entity)

Hot Loads: Hot Loads means any loads of solid waste that are on fire, smoldering, or are potentially flammable by spontaneous combustion. Hot loads include wood ashes, cigarette tray residue, coal ash and clinkers, residue from a fire, etc.

Household Wastes: Household wastes means mixed refuse, ashes and bulk refuse originating in and around private dwellings, multiple dwellings, living quarters or dining facilities located at schools.

Inert Material: Inert material means solid waste that does not react with other substances under ordinary conditions, including but not limited to concrete, rocks, bricks, plaster, contaminated fill, building construction wastes, etc.

Landfill, Sanitary: Sanitary landfill means a disposal facility for solid waste on land designated to protect the environment.

Landscape Refuse: Landscape refuse means leaves, garden stubble, lawn rakings, weeds and other material that can be composted and reused as a soil conditioner.

Resource Recovery: Resource recovery means the recovery of materials or substances that still have useful physical or chemical properties after serving a specific purpose and can be reused or recycled for the same or other purposes.

Salvaging: Salvaging means the controlled removal of reusable discarded solid waste.

Septage: Septage means waste, refuse, effluent, sludge and any other materials from septic tanks, cesspools, or any other similar facility.

Sludge: Sludge means the concentration of solids resulting from the treatment of liquid wastes such as sewage, industrial waters, commercial wastes, etc.

Special waste. "Special waste," means any solid waste generated by sources other than household and typical commercial establishments that exists in such an unusual quantity or in such a chemical or physical state, or any combination thereof, that may disrupt or impair effective waste

management or threaten the public health, human safety or the environment and requires special handling, transportation and disposal procedures. Special waste includes, but is not limited to:

- (1) Ash;
- (2) Industrial and industrial process waste;
- (3) Sludge and dewatered septage;
- (4) Debris from nonhazardous chemical spills and cleanup of those spills;
- (5) Contaminated soils and dredge materials;
- (6) Asbestos and asbestos-containing waste;
- (7) Sand blast grit and non-liquid paint waste;
- (8) High and low pH waste;
- (9) Spent filter media residue; and
- (10) Shredder residue.

Solid Waste: Solid waste means unwanted or discarded solid material with insufficient liquid content to be free flowing, including by way of example, and not by limitation, rubbish, garbage, junk, refuse, inert household waste material, landscape refuse, wood wastes, white goods; but not including sludge, septage, hazardous wastes, agricultural or industrial wood by-products.

Solid Waste Disposal Facility: Solid Waste Disposal Facility means all facilities owned by the Town used to transport or dispose of solid waste, including the sanitary landfill, solid waste equipment, etc.

Solid Waste Management: Solid waste management means purposeful, systematic, and unified control of the collection, storage, transportation, processing, salvaging, and disposal of solid waste.

Storage: Storage means the containment of any waste that is not hazardous, for a period of less than one year, in such a manner as not to constitute disposal.

Tires: Tires shall include all tires, tubes, and rubber protective flaps. Tire rims are not included under this definition.

Transfer Station Facility: Transfer station facility means a facility constructed and managed to store, dispose of and/or process and place solid wastes in containers for transport to a disposal facility.

Transfer Station Supervisor: Transfer station supervisor has the responsibility to properly operate and maintain transfer station facility. His direct supervisor is the Town Manager.

Transport: Transport means movement of solid waste from the point of generation to any intermediate points, and finally to the point of ultimate storage or disposal.

Trash: Garbage, rubbish and refuse generated by households that cannot be recycled or reused in any practical way that is characterized as solid waste and generally fits inside of a 33 gallon trash bag, which is therefore disposed of as waste in the town's MSW compactor.

Unacceptable Wastes: This category shall include, but not be limited to, the following items:

Tires with wheels	Trees over 12" in diameter
Car Batteries	Compressed Gas Cylinders other than propane
Liquids of any kind	Engine blocks
Snowmobiles/ATVs	Dredged materials
Dead animals/other Pathological.wastes	Hot loads
Abandoned or junk vehicles	55 gallon drums/steel tanks*
Fuel tanks other than propane	Compressed Gas Cylinders
Stumps	Hazardous Waste
Special Waste	

*unless empty, cut in half, clean and dry.

White Goods: White goods means large appliances, including but not limited to stoves, refrigerators, freezers, washing machines, clothes dryers, dishwashers and air conditioners.

Wood Waste: Wood waste means dry waste made of wood, including trees, stumps, brush, slabs, edgings and pallets.

SECTION IV. GENERAL PROVISIONS AND PROHIBITIONS

1. USE OF THE FACILITY

The use of the Facility, located at 191 Alder Park Road, by any person shall be at the direction of the Attendant in charge. No person using the Facility shall violate any directive put forth by the Attendant. If any person refuses to obey a directive of the Attendant, the Attendant shall have the authority to immediately refuse the person access to the Facility. The Attendant(s) may examine any material brought to the Facility to insure that the Ordinance is compiled with. The Attendant(s) may refuse to accept any solid waste that is hazardous or that is not separated in

accordance with this Ordinance. Police enforcement may be maintained. Violators will be prosecuted.

No Wastes will be deposited at the Facility after the hours of operation

2. HOURS OF OPERATION

The Facility shall be open as follows:

Monday	7:00 AM to 5:00 PM
Wednesday	7:00 AM to 5:00 PM
Friday	7:00 AM to 5:00 PM
Saturday	7:00 AM to 5:00 PM

These may be changed by a vote of the selectman.

The Facility may be closed on legal holidays.

3. All waste generated or produced within the legal borders of the Town of China shall be delivered to the Solid Waste Disposal Facility, except as shown below, or as otherwise provided for by the State Law.

4. WASTE DISPOSAL CATEGORIES

All residents, private or commercial haulers, or other legally authorized individuals delivering waste to the Solid Waste Disposal Facility shall be required to separate and dispose of all wastes as follows:

<u>ITEM</u>	<u>DISPOSAL AREA</u>
Trash	Compactor or overflow container
Landscape Refuse Leaf and yard waste	Compost area
Recycling	Transfer Station recycling area
Refrigerators/air conditioners	White Goods Area/ Freon removal
Ovens, other metal appliances	White Goods/metals Area
Trees, brush and other wood wastes	Wood Disposal Area
Stumps or large tree trunks	Not Accepted
Inert material or Demolition Debris	Demolition Container
Hazardous Wastes	Not Accepted
Carrion	Not Accepted
Septage	Not Accepted

Sludge	Not Accepted
Special Waste	Not Accepted
TVs/computers and other e-waste	Universal Waste storage area
Unacceptable Wastes	Not Accepted (see list or Supervisor)
Waste Oil	Designated waste oil area

5. In regard to unacceptable wastes, it shall be the responsibility of the resident, with assistance from the Transfer Station Supervisor, to assure that such items are not disposed of in the Transfer Station Facility.
6. All solid waste transported within the Town must be placed in covered containers and/or securely fastened to the vehicle to prevent spillage and litter. Anyone transporting Solid Waste in China shall be responsible for the transportation of solid waste from point of pick-up to the Solid Waste Facility.
7. All solid waste transporters conducting MSW pickup and delivery to the transfer station shall be licensed by the town.
8. Solid waste facilities owned, operated and maintained by the Town, shall be for disposal of solid wastes produced within the boundaries of the Town. All users of the solid waste facilities must obtain a decal from the Administrator or his designated representative. This decal must be in possession of and displayed in plain sight affixed to the vehicle. All users when depositing solid wastes. Person, firms or corporations without a decal will be denied use of the Solid Waste Facility.
9. Only waste that is generated within the Town of China is to be delivered to the Transfer Station Facility. Waste generated in other communities will not be accepted without specific prior authorization and a contract established and approved by Select Board and violators of this section will be punished as set forth in section VII.
10. The Selectman may establish fees in accordance with the operation of the facility.
11. **RECYCLING.** Residents in the town of China and other users of the China transfer station will not dispose of metal, newsprint, magazines, and cardboard with their household waste or place these materials into the MSW compactor. Metal, Newspaper and Cardboard may be disposed of at the recycling drop off area free of charge.
12. Recycling all materials that the town of China accepts for recovery is encouraged. China recycles Cardboard, Paperboard, Junk mail, Magazines, Newspaper, Plastics 1, 2 and 3-7,

Glass, Tin Cans, and Aluminum. The Administrator reserves the right to alter the list of acceptable items for recycling.

13. EXEMPTED WASTE

The following categories of waste shall be exempted from regulation by this ordinance:

Materials from manufacturing processing or packaging operations which are segregated from solid waste and salvaged for alternate use or reuse by the generator or sold by third parties. Glass, metal or noncombustible materials which are separated from the acceptable waste by generator as part of a recycling program. Cardboard, paper and other combustible materials which are separated from the acceptable waste by generator as part of a recycling program.

SECTION V. MANAGEMENT RESPONSIBILITY

The Town, through the Board of Selectmen, assumes overall responsibility for the Town-owned Solid Waste Disposal Facility and for proper disposal of wastes accepted there.

The Administrator of this Ordinance and overall Supervisor of the Solid Waste Disposal Facility is the Town Manager.

The Transfer Station Supervisor is responsible for day-to-day operation, and maintenance of the Solid Waste Disposal Facility.

It will be the duty of the Transfer Station Supervisor to strictly enforce this Ordinance and to see that any and all violations are promptly abated and violators prosecuted, and it shall be the special duty of the Constable to promptly summons any violators of this Ordinance.

Other responsibilities and duties shall be as outlined in the Solid Waste Disposal Facility Operational and Maintenance Manual or as designated by the Administrator.

Solid Waste shall be disposed at the Solid Waste Disposal Facility only during the times designated by the Board of Selectmen.

The Solid Waste Disposal Facility shall be operated in accordance with the Maine Department of Environmental Protection (DEP) and Maine Department of Labor (DOL) regulations, the operation and maintenance manuals or as designated by both the Administrator and the Department.

All Solid waste delivered and deposited for disposal at the Town Solid Waste Disposal Facility shall become the property of the Town. No person shall separate, collect, carry off or dispose of such materials unless authorized in writing by the Administrator.

SECTION VI. ENFORCEMENT

All provisions of this Ordinance are enforceable by duly authorized police officers, Town Employees and the Municipal Officers.

Any person who violates any provision of this Ordinance is subject to arrest and, if convicted, to punishment as provided in Section VII.

Whenever the Municipal Officers determine that there has been a violation by virtue of noncompliance, they shall give notice of such violation to the person(s) responsible by personal service or by certified mail, return receipt requested. The citation shall include a statement of reasons and shall allow reasonable time for performance of any act it requires. The citation may contain an outline remedial action which, if taken, will effect compliance. The citation shall state that unless corrections are made within the allotted time, the violator is subject to prosecution and/or to permit or license revocation or suspension pursuant to the provisions of this ordinance.

SECTION VII. PENALTIES

Criminal penalties: Any person who violates this Ordinance shall be guilty of a Class E crime for each violation.

Civil penalties: Any person, firm or corporation who violates this Ordinance shall be subject to a civil penalty, payable to the municipality, of not more than \$500 for each violation. Each day of violation shall be considered a separate violation. Such person, firm or corporation shall also be liable for court costs and reasonable attorney fees incurred by the Municipality.

SECTION VIII. SEVERABILITY

Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of said Ordinance shall not be affected thereby.

SECTION IX. EFFECTIVE DATE

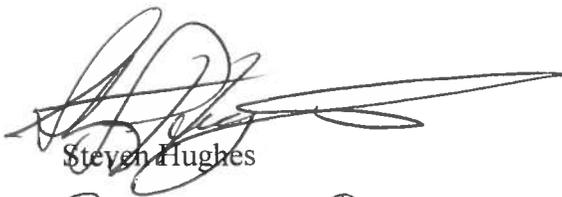
This Ordinance shall take effect and be in force from the date of adoption, May 30, 1992.

Given unto our hands this 4th day of May, 1992.

Amended



Peter Foote, Chairperson


Steven Hughes




Joann C. Austin


Irene L. Belanger


Paul MacDonald

Selectmen Town of China