

Town of China

SOLID WASTE DISPOSAL ORDINANCE

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SOLID WASTE DISPOSAL ORDINANCE

SECTION I: AUTHORITY

This ordinance has been prepared and adopted pursuant to the provisions of Title 30-A, Part 2; Title 38, Chapter 13, Sub Chapter 1.

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

Access permit: An instrument assigned to a user of the transfer station after user has provided proof of residency from the town of issuance. This may be a sticker or a tag or other identifying item that the town of China determines will best recognize an authorized user of the transfer station.

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

Electronic Waste: Attempts will be made to recycle all electronics. Those not capable of recycling will be disposed of in accordance with MRSA 38, Chapter 16, Section 1610.

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 onsite used for solid waste storage, compaction, transfer, covering, grading, and other operational activities.

Hazardous Waste: (Reference MRSA Title 38, Chapter 13). 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, 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 waste storage or treatment facilities.

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 (SWDF): Solid Waste Disposal Facility means all facilities owned by the Town used to transport or dispose of solid waste, including the sanitary landfills,

solid waste equipment, etc. In the Town of China, the term "Transfer Station" is synonymous with Solid Waste Disposal Facility.

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 (also known as a Solid Waste Disposal 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 the transfer station facility. The Town Manager supervises the Transfer Station supervisor.

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 solid waste 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
Abandoned or junk vehicles	Engine blocks
Snowmobiles/ATVs	Dredged materials
Dead animals/other Pathological wastes	Hot loads
Special Waste	Compressed Gas Cylinders
Stumps	Hazardous Waste
Fuel tanks other than propane	55 gallon drums/steel tanks*
Liquids (except those deemed appropriate by the Supervisor)	*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, air conditioners, toaster ovens.

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 Transfer Station is located at 191 Alder Park Road. The Supervisor or the Attendant in charge shall be responsible for the operation of that facility. No person using the Facility shall violate any directive put forth by the Attendant or by this Ordinance. If a person refuses to obey a directive of the Attendant, the Attendant will immediately refuse that person access to the Transfer Station. The Attendant(s) may examine any material brought to the Transfer Station to insure that this Ordinance is in compliance. 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 used if necessary. Violators will be prosecuted.

No waste will be deposited at the Facility after the hours of operation.

2. HOURS OF OPERATION

The Facility shall be open as ~~follows:~~determined by the Town Manager in conjunction with the Select Board.

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

~~These hours may be changed by a vote of the Select Board.~~ The Transfer Station may be closed on legal holidays.

- All waste generated or produced within the legal borders of the Town of China shall be delivered to the Transfer Station, except as indicated elsewhere in the Ordinance, or as otherwise provided for by State Law. Waste generated from outside the Town will be disposed of in accordance with a legal agreement signed by the Select Board. All other waste to be disposed of will be charged at a rate set by the Select Board. Exceptions to this policy will be made on a case by case basis by the Town Manager.

4. WASTE DISPOSAL CATEGORIES

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

<u>ITEM</u>	<u>DISPOSAL AREA</u>
Paint	Paint storage area
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/computer and other e-waste	Universal Waste storage area
Unacceptable Wastes	Not Accepted (see list or Supervisor)
Waste Oil	Designated waste oil area

5. Wastes identified as "Unacceptable" will not be left at the Transfer Station. Penalties for unauthorized disposal can be levied by the Town.
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 pickup to the Solid Waste Facility. **ALL LOADS WILL BE COVERED OR SECURED IN ACCORDANCE WITH STATE LAW.**
7. All solid waste transporters conducting household pickup and delivery to the transfer station shall be registered annually by the Town.

8. All users of the Transfer Station must obtain a decal an access permit from the Town Manager, or their designated representative, at the Town Office. ~~This decal must have the same license number of the vehicle depositing solid waste and must be displayed in plain sight.~~ Individuals or businesses without a decal an access permit will be denied use of the Transfer Station.
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 Select Board shall establish fees for use of the facility.
11. 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 solid waste compactor. Metal, newspaper and cardboard may be disposed of at the recycling drop off area free of charge.
12. Recycling material that the Town accepts for recovery is encouraged. China recycles cardboard, paperboard, junk mail, magazines, newspaper, plastics, glass, tin cans, and aluminum. The Town Manager reserves the right to alter the list of acceptable items for recycling. Signs will be posted when significant changes are made to this policy.
13. 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. This policy may be modified at the discretion of the Attendant for day to day operational changes.

SECTION V: MANAGEMENT RESPONSIBILITY

The Town, through the Select Board, assumes overall responsibility for the Town-owned Transfer Station and for proper disposal of wastes accepted there.

The Administrator of this Ordinance and overall Manager of the Transfer Station is the Town Manager.

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

It is the duty of the Town Manager to enforce this Ordinance. All violations will be promptly enforced and violators prosecuted. It shall be the special duty of Law Enforcement personnel 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 Town Manager.

Solid Waste shall be disposed of at the Transfer Station during the hours previously noted and designated by the Select Board.

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

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, ~~March 25, 2017~~ November 3, 2020.