

## SOLID WASTE FLOW CONTROL ORDINANCE

An Ordinance relating to the Disposal of Solid Waste:  
Prescribing Rules and Regulations Therefore; and Providing  
Penalties for Violation Hereof.

Be it Ordained by the Town/City of New Gloucester, Maine  
(hereinafter called the "Municipality").

## ARTICLE I.

1.1. Short Title

This Ordinance shall be known as and may be cited as the  
"Ordinance Relating to the Disposal of Solid Waste Prescribing  
Rules and Regulations Therefor: Providing Penalties for  
Violation Thereof" and shall be referred to herein as the  
"Ordinance."

1.2. Purpose

The purpose of the Ordinance is to protect the health, safety  
and general well-being of the citizens of the Municipality;  
enhance and maintain the quality of the environment, conserve  
natural resources and prevent water and air pollution by  
providing a comprehensive, rational and effective means of  
regulating the disposal of solid waste in the Municipality in  
accordance with the provisions of Title 38 M.R.S.A. §1304-B as  
amended.

1.3. Definitions

For the purposes of this Ordinance, the following definitions  
shall be observed in the construction of this Ordinance.

1.3.2. "Ashes" shall mean that residue from the burning of  
wood, coal, coke or other combustible material.

1.3.3. "Board" shall mean the Town Council, City Council or  
Board of Selectmen, whichever is applicable.

1.3.4. "Dispose" shall mean to discharge, dispose, deposit,  
dump or place any Solid Waste.

1.3.5. "Disposal" shall mean the discharge, disposal, deposit,  
dumping or placing of any solid waste.A

1.3.6. "Hazardous Waste" shall mean a waste substance or material in any physical state, designated as Hazardous Waste by the terms of a certain Waste Handling Agreement, dated June 14, 1986, 1986, between the Municipality and Mid-Maine Waste Action Corporation (hereinafter the "Waste Handling Agreement").

1.3.7. "Infectious Waste" shall include those wastes so defined by the Solid Waste Management Regulations promulgated by the Department of Environmental Protection pursuant to Title 38 M.R.S.A. §1304.

1.3.8. "Resource Recovery" shall mean the recovery of energy and 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.

1.3.9. "Solid Waste" shall mean useless, unwanted or discarded solid material with insufficient liquid content to be free flowing, including by way of example, and not by limitation, rubbish, garbage, commercial and industrial waste, scrap materials, junk, refuse, demolition and construction debris and landscape refuse, but shall not include sludge from air or water pollution control facilities, septage tank sludge or agricultural or Unacceptable Waste.A

1.3.10. "Solid Waste Disposal Facility" or "Disposal Facility" shall mean any land or structure or combination of land area and structures, including dumps, landfills and transfer stations used for storing, transferring, collecting, separating, processing, recycling, recovering, treating, salvaging, reducing, incinerating or disposing of Solid Wastes.

1.3.11. "Unacceptable Waste" shall mean that portion of Solid Waste which is not defined as Acceptable Waste by the terms of the Waste Handling Agreement and includes, but is not limited to, sewage and its derivatives, construction and demolition debris, special nuclear or by-product materials within the meaning of the Atomic Energy Act of 1954, as amended, and Hazardous Waste.

## ARTICLE II. MUNICIPAL SOLID WASTE DISPOSAL FACILITY.

### 2.1. Designation

2.1.1. In accordance with the provisions of Title 38 M.R.S.A. §1304-B, the Municipality hereby designates the Site, as defined in the Waste Handling Agreement as its public Solid Waste Disposal Facility for the purposes cited in 1.3.10. of this Ordinance or any transfer station or other location approved in writing by MMWAC. Upon the "Commencement of

Operations" as defined in the Waste Handling Agreement, the Disposal of any Solid Waste generated within the Municipality by any person or any place other than at this designated Disposal Facility or approved transfer station is prohibited, provided however, the owner of any lot, or any other person with the permission of the lot owner, may Dispose or dump inert substances such as earth, rocks, concrete or similar material for fill purposes only, subject to state and local land use regulations.

#### ARTICLE III. ADMINISTRATION.

##### 3.1.

3.1.1. The operation of the Disposal Facility shall conform to all pertinent regulations or directives of all local, county, state or federal agencies which may have jurisdiction.

#### ARTICLE IV. RESTRICTIONS AND FEES FOR DISPOSAL

##### 4.1. Restrictions

4.1.1. No person, firm or corporation shall permanently dispose of Solid Waste or refuse of any kind upon any land within the corporate limits of the Municipality, unless such land has been designated by the Board as a Solid Waste Disposal Facility.

4.1.2. Certain materials may be excluded by the Board (to the extent permitted under the Waste Handling Agreement) by regulation from the Solid Waste which must be deposited at a Solid Waste Disposal Facility. These excluded materials may include junk automobile bodies and similar bulky waste which may require special processing prior to disposal, tree and tree trunks and limbs, burning materials or materials containing hot or live coals; Hazardous Waste; and other materials which the Municipality deems necessary to exclude. Hazardous Waste shall be handled in accordance with Title 38 M.R.S.A. §1317, et seq. as amended.

4.1.3. Except for licenses disposal of Hazardous or Infectious Waste, it shall be unlawful for any person, firm, association or corporation to burn or incinerate any Solid Waste within the Municipality other than trees, tree limbs, leaves and other wood waste except to the extent otherwise permitted under the ordinances and laws of the Municipality.

## ARTICLE V. RULES AND REGULATIONS

### 5.1. Authorized Disposal Facility Users

5.1.1. The availability and use of the Disposal Facility shall be limited to residents of the Municipality, and to those residents of any other municipality which may, by mutual agreement, be authorized to use the Disposal Facility. The Board may further regulate hauling of Solid Waste by requiring it to be delivered to the municipal transfer station prior to transfer to the Disposal Facility.

### 5.2. Resource Recovery

5.2.1. The Municipality may require Solid Waste to be separated into such categories as may be established by any Board regulation and disposed of only in such manner and at such sites and locations as designated.

### 5.3. Property Rights

5.3.1. Any Solid Waste deposited within the Disposal Facility shall become the property of the Municipality or of MMWAC, pursuant to the terms of the Waste Handling Agreement. No one shall salvage, remove, or carry off any such deposited Solid Waste without prior approval of the Municipality or MMWAC.

## ARTICLE VI. MISCELLANEOUS

6.1.1. The Board may establish by order a schedule of license fees to be charged to commercial refuse collectors for the use of the Disposal Facility which schedule shall be posted and published. All fees collected shall be for the use of the Municipality. Any license granted hereunder may be revoked upon any violation of this Ordinance.

6.1.2. It shall be the duty of the Board or its designee to enforce the provisions of this Ordinance.

6.1.3. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

6.1.4. If any section, subsection, sentence or part of the Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

6.1.5. Whoever violates any of the provisions of this Ordinance shall be punished by a fine of not more than one hundred (\$100.00) dollars the day of violation plus costs which fine shall be recovered on complaint to the use of the

Municipality. This provision shall not preclude the Board from simultaneously seeking appropriate equitable relief.

Article 2. Shall an ordinance entitled "Limitation on Disposal of Solid Waste" be enacted? *Warren Special Town Meeting*

10/10/72

"Limitation on Disposal of Solid Waste"

Because location and control of refuse and garbage disposal areas is essential the public health, safety and comfort, it is hereby ordered that no person, firm, Corporation, municipality, county, authority or other body shall use any land which it owns, leases, or has under its control in New Gloucester as a disposal area for solid waste generated outside of the Town of New Gloucester unless and until such use shall have been expressly approved by the Town of New Gloucester at a Town Meeting.

Solid waste is defined as garbage, refuse, and other discarded materials including but not limited to solid and liquid waste materials resulting from industrial, commercial, agricultural and residential activities.

Violators of this Ordinance shall be subject to a penalty of \$100.00 plus costs for each violation. Each day shall constitute a separate violation.

Article 3. Shall an ordinance entitled "Refuse Conveyance Licenses" be enacted?

"Refuse Conveyance Licenses"

No person, firm or corporation shall operate or cause to be operated within the Town of New Gloucester any vehicle for the conveying, collection or disposal of garbage or refuse, unless such person, firm or corporation, municipality, county, authority or other body shall have first obtained a Refuse Conveyance License from the Town for each vehicle to be so used. Such license shall be granted upon application to the Selectmen and upon payment of a fee of \$5.00 to cover the cost of issuance of the license. The application shall be in a form prescribed by the Selectmen and shall contain the name of the person, firm, corporation, municipality, county, authority or other body which owns or operates the vehicle being licensed, a description of the vehicle, and the registration number of the vehicle. Such license shall be renewed annually on or before the last day in February upon payment of the annual fee of \$5.00.

The Selectmen may refuse to issue or renew a license to any person, firm, corporation, municipality, county, authority or other body which has failed to observe Town ordinances pertaining to the collection, conveyance or disposal of garbage and refuse or the use of public or private dump sites.

Said license shall be in the form of an identification card or sticker issued by the Town of New Gloucester and shall be prominently displayed in a conspicuous place upon or within the vehicle. Each license shall bear the name of the owner or operator of the vehicle.

This ordinance shall be applicable only to those persons, firms, corporations, municipalities, counties, authorities, or other bodies who collect or dispose of refuse for hire and shall not be construed as applicable to private individuals or concerns who convey their own refuse to proper disposal facilities under the jurisdiction of the Town of New Gloucester.

Failure to secure the License or to display the identification card or sticker as above shall subject the owner or operator to a fine of \$25.00 for each day of operation in violation.

This Ordinance shall take effect upon February 1, 1973.

Article 4. Shall an ordinance entitled "Operation of a Solid Waste Disposal Facility known as a 'Sanitary Landfill'" be enacted?

"Operation of a Solid Waste Disposal Facility known as a 'Sanitary Landfill'".

Section 1. Purpose

The nature of "sanitary landfill" technology is such that, in the absence of proper engineering and operation, the facility may produce hazards to public health and safety and may become a nuisance. It is the purpose of this ordinance to regulate the operation of any such sanitary landfill within the Town of New Gloucester in a manner which will protect the public health, comfort and safety.

- 1) Access Road - Any road or route by which access to the landfill site is gained or which is used within the landfill site.
- 2) Cell of Deposit - Compacted refuse completely enclosed by cover material, i. e. soil.  
Groundwater - Water in the ground that is in the zone of saturation.  
Leachate - Any liquid which seeps through the solid waste deposit.
- 5) Solid Waste - Garbage, refuse and other discarded materials including, but not limited to, solid and liquid waste materials resulting from industrial, commercial, agricultural and residential activities.
- 6) Sanitary Landfill = A "sanitary landfill" is defined as an engineered method of disposing of solid waste by spreading the waste in thin layers, compacting to the smallest practical volume, and covering with earth daily in order to minimize environmental Pollution.

### Section III. - Operation

The operation of any solid waste disposal facility in the Town of New Gloucester which is classified as a "Sanitary Landfill" shall conform to the following regulations which are intended to prevent the facility from becoming a public nuisance or health hazard:

- a) Prior to initial use of the facility, a detailed plan shall be submitted to the Board of Selectmen which will show geographically the proposed layout of cells of deposit for the succeeding six months' use, the location of access roads within the facility and the location of groundwater monitoring wells. Prior to expansion into land to be used for the next six month period, a similar plan shall be submitted covering the area intended for the next six months' use. This type of plan will be required for each subsequent six month period, or shorter periods if land use accelerates faster than planned. These plans will be utilized by the Town of New Gloucester Health Officer in performing duties relating to this ordinance.
- b) Each "cell of deposit" shall include a quantity of solid waste collected in one working day, and shall be designed such that waste, when suitable compacted, will not exceed two feet in depth. This cell must be completely covered by the end of the work day with at least six inches of compacted soil. The working face of each cell must be kept as small as the equipment operation will permit.
- c) Monitoring wells must be provided in each prominent direction of groundwater flow in the landfill perimeter. Each must be sampled every six months by the Town Health Officer with samples to be thoroughly analyzed for presence of leachate from the landfill. All costs of such testing shall be borne by the landfill operator.
- d) Access roads and stockpiles of cover material shall be suitably maintained to prevent blowing dust and erosion from surface water.
- e) The presence of blowing papers or scattered refuse shall be prevented.
- f) The presence of insects, rodents or birds of the types which may be attracted by disposal of solid waste materials shall be prevented.
- g) Unauthorized persons shall be prevented from entering upon the landfill site.

### Section IV - Enforcement

Any such sanitary landfill operating within the Town of New Gloucester will be inspected weekly for compliance with the above regulations by the Town Health Officer. Except when such a sanitary landfill is operated solely by and for the Town of New Gloucester, the expenses of the weekly inspection by the Health Officer shall be compensated for by the operator of the landfill at a rate to be fixed by the Board of Selectmen.

In the event of non-compliance with the above regulations, the Town Health Officer is empowered to suspend the operation of the sanitary landfill until satisfied that compliance is established.

### Section V - Savings Clause

In the event any provision of this ordinance should be found invalid or unenforceable, said provision shall in no way invalidate or render unenforceable the remaining provisions.

Article 5. To see if the Town will vote to raise and appropriate the sum of \$500.00 to be used to defray the costs of any legal fees that may be incurred by the Town.