

Town of China  
SOLID WASTE ORDINANCE

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## SECTION I: AUTHORITY

This ordinance shall be known as the "Solid Waste Ordinance of the Town of China, Maine." This ordinance is enacted pursuant to the authority granted in Title 30-A, Part 2; Title 38, Chapter 13, Sub Chapter 1.

This ordinance, once adopted, repeals the "Town of China Solid Waste Flow Control Ordinance" as last amended November 3, 2020, and repeals the "Town of China Solid Waste Disposal Ordinance" as last amended November 3, 2020.

## 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 Transfer Station Facility, hereinafter called the Solid Waste Disposal Facility, and to ensure that all domestic and commercial wastes generated in the Town are disposed of at the Solid Waste Disposal Facility or at the recycling facility.

Solid waste contains valuable recoverable resources, including energy, which if recovered, reduce the cost of solid waste disposal. Because energy technology is complex, most energy recovery facilities have high capital costs and long payback periods. To remain cost effective and operate efficiently during their useful lives, energy recovery facilities require a guaranteed steady supply of waste during their useful lives. Consequently, a Town that wants to utilize an energy recovery facility for processing solid waste generally must agree to provide a facility with a steady supply of solid waste for a relatively long period.

The Town may exercise its legal authority to control the disposal of solid waste generated within its borders to ensure delivery of a steady waste to the energy recovery facility designated herein. The Town finds that use of an energy recovery facility to process acceptable solid waste is an environmentally sound and economically viable solution to the solid waste disposal problem and thereby protects the public health, welfare, and safety of the citizens of China.

This Ordinance is designed to control solid waste material in the Town by establishing limitation, prohibiting certain acts causing solid waste disposal problems and providing for fines for violations of the provisions of this Ordinance.

## SECTION III: HAZARDOUS WASTE

No hazardous waste shall be delivered to the Facility. Disposal of Hazardous waste will be considered illegal dumping and enforceable by law . The Facility will, in accordance with DEP regulations, manage these materials in accordance with its Hazardous waste exclusion plan (see Section VI Definitions).

Hazardous Waste is defined and regulated under state and federal statute and regulated under Maine Department of Environmental Protection rules.

## SECTION IV: UNACCEPTABLE WASTE

The following types of waste shall not be accepted at the Facility (see Section VI Definitions).

1. Liquid waste (except those deemed appropriate by the Supervisor) or sludge, including septage.
2. Abandoned or junked vehicles, snowmobiles, and ATVs.
3. Hazardous waste that is, waste with inherent properties that make it dangerous to manage by ordinary means, including but not limited to chemicals, explosives, pathological wastes, radioactive waste, toxic waste, and other wastes defined as hazardous by the State of Maine or the Resource Conservation

Act of 1976, as amended or other federal, state or local laws, regulations, orders or other actions promulgated or taken with respect thereto.

4. Dead animals or portion thereof.
5. Water treatment residues.
6. Tannery sludge.
7. Asbestos.
8. Large tree stumps or trees 12 inches in diameter.
9. Special Waste.
10. Fuel tanks other than propane.
11. Compressed gas cylinders other than propane.
12. Engine blocks.
13. Hot loads.
14. 55-gallon drums/steel tanks (unless cut in half, empty, clean, and dry).

#### SECTION V: ON-SITE STORAGE AND DISPOSAL REQUIREMENTS

Storage shall be the responsibility of all owners of real property or primary occupants of dwelling, commercial and industrial facilities. Storage shall be in closed containers or by other similar methods to preclude odors, rain, rodents, insects, etc. from becoming a nuisance.

#### SECTION VI: DEFINITIONS

All terms not specifically defined herein shall have their ordinary meaning, words used in the present tense includes the future, and plural includes the singular.

Acceptable Waste: All ordinary household, municipal, institutional, commercial and industrial waste which consist primarily of combustible/biodegradable matter.

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.

Attendant: Any person employed by the Town to supervise and operate the Solid Waste Facility.

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

Carrion: Carrion means animals, birds, and other creatures that died. Animals or parts of animals from slaughterhouses are not included in this category.

Collection Facility: A building, container or designated area of the transfer station in which acceptable waste is deposited and temporarily stored for transshipment to the energy recovery facility.

Demolition Debris: See Inert Materials.

Electronic Waste: This is a generic term used to describe all types of old, end of life or discarded electrical and electronic equipment. 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.

Energy Recovery Facility: The facility designated herein which processes and recovers energy and/or useful materials from acceptable waste generated in the Town.

Facility: The Town of China Solid Waste Disposal and Recycling Facility. The facility may consist of more than one site and more than one system of Solid Waste Management.

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).

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 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)

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.

Landscape Refuse: Leaves, garden stubble, lawn raking, weeds and other materials that can be composted and reused as a soil conditioner (except large tree stumps or trees over 12 inches in diameter- see Section IV Unacceptable Waste).

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.

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

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

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.

Town: The Town of China, Maine.

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 Director of Public Services 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.

Person: Shall include individuals, partnerships, corporations, and agents of any of them.

Storable Waste: Solid waste of the type presently received at the Facility, but which may be stored at the Facility, including the following:

1. Demolition or construction debris from building and roadway projects or locations;
2. Small tree stumps, brush. Branches, yard wastes;
3. Waste oil;
4. Discarded "White goods" including but not limited to refrigerators, freezers, stoves and washing machines.

Unacceptable Waste: All solid waste of the type municipalities are required by Title 38 M.R.S.A. Sec. 1305, as amended, to regulate, which specifically exclude industrial and sewage treatment plan sludge, and solid and liquid waste of the type presently prohibited for disposal at the Facility, as defined under the China Solid Waste Ordinance (See Section IV Unacceptable Wastes).

Volunteers: residents assisting Transfer Station staff.

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 VII: DESIGNATION

In accordance with provisions of Title 38 M.R.S.A. Sec. 1304-B, the Town hereby designates the Hampden facility, as the energy recovery facility and disposal facility for acceptable waste.

The Town also designates the Town owned and operated transfer station in China, located at 191 Alder Park Road, whose operation shall be conducted in accordance with the rules and regulations of the Maine Department of Environmental Protection and this ordinance, as the temporary disposal facility for acceptable waste.

The Town further reserves that they may designate an alternative disposal facility for a specified time for acceptable waste, should circumstances require it, upon a majority vote of the Municipal Officers.

## SECTION VIII: 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 ensure 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.

**2. HOURS OF OPERATION**

The Facility shall be open as determined by the Town Manager in conjunction with the Select Board. No waste will be deposited at the Facility after the hours of operation.

The Transfer Station may be closed on legal holidays.

**3. 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
Hot Ash	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
Car Batteries	Transfer Station Collection Area

The accumulation, collection, transportation and disposal of acceptable wastes, storable waste and unacceptable wastes generated within the Town shall be regulated in the following manner:

- 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.

- All storable wastes may be deposited at the Facility in accordance with the provisions of the solid waste ordinance.
- All unacceptable wastes, including hazardous wastes, generated within the Town shall be deposited only at the suitable waste disposal facility which is designated for the express purpose of handling said unacceptable waste, or remediated by licensed and insured hazardous waste companies.
- 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.
- Waste generated in other communities will not be accepted without specific prior authorization and a contract established and approved by the Select Board.
- Wastes identified as “Unacceptable” will not be left at the Transfer Station. Penalties for unauthorized disposal can be levied by the Town (See Section XV Penalties).
- Violators of this section will be punished as set forth in Section XIV Enforcement.

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.**

All users of the Transfer Station must obtain an access permit from the Town Manager, or designated representative, at the Town Office. Individuals or businesses without an access permit will be denied use of the Transfer Station.

Recycling material that the Town accepts for recovery is encouraged and shall not be disposed of into the solid waste compactor. China recycles cardboard, paperboard, junk mail, magazines, newspaper, plastics, glass, tin cans, and aluminum at the recycling drop off area free of charge.

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.

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 IX: ADMINISTRATION AND MANAGEMENT RESPONSIBILITIES

This ordinance shall be administered by the Town Manager under the direction of the Municipal Officers. Their power and duties are as follows:

To review any alleged violation of this Ordinance, and to impose appropriate penalties therefore after notice

and hearing as required by this ordinance.

To institute necessary proceedings, either legal or equitable, to enforce this Ordinance.

The Waste Disposal Agent shall be the Town Manager who shall have the following responsibilities:

1. Oversee the day-to-day operation of the solid waste disposal facility including the transfer stations demolition site and the recycling center.
2. Supervise the personnel on site to include Town employees.

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 under the supervision of the Director of Public Services.

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.

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 X: SOLID WASTE DISPOSAL CONTROL STANDARDS AND REGULATIONS

The Municipal Officers are hereby granted authority to establish fees and other control measures in accordance with managing solid waste disposal as required to satisfy the needs of the Town. They shall include, but not be limited to, changes in the operating hours of the Facility, permitting, transportation and collection and disposal fees. The current Ordinances shall be prominently displayed at the facility, be available at no cost and on file in the Town Offices, online or as designated by the Town.

#### SECTION XI: ADMISSION TO TRANSFER STATION

The Facility is operated for the benefit of the resident, nonresident taxpayer and commercial establishments of the Town of China. Requests from other persons or agencies for access to the Facility may be approved at the discretion of the Municipal Officers. Admission to the Facility shall only be by access permit which shall be displayed in order to gain access. Access permits may be revoked by the Municipal Officers, following notice and hearing, for violation of this Ordinance or rules and regulations adopted pursuant thereto. Access permits shall not be transferrable.

All access permits shall expire after the date on the access permit unless revoked or suspended sooner in accordance with the provisions of this ordinance.

In the event that the Municipal Officers deny an access permit application they shall notify the applicant, in writing, and shall state the reason for the denial. The applicant may request a hearing in accordance with the procedures in Section XIII Hearings.

#### SECTION XII: SUSPENSION OR REVOCATION

Any access permit issued will be suspended or revoked by order of the Municipal Officers after benefit of a hearing in accordance with the procedures in Section XIII Hearings, for the following causes:

- a. Violation of this Ordinance.
- b. Violation of any provision of any state or local law, ordinance, code or regulation which relates directly to the provisions of the Ordinance.

#### SECTION XIII: HEARINGS

Anyone denied an access permit or is suspended or revoked pursuant to Section XII Suspension or Revocation, shall be entitled to a hearing before the Municipal Officers if such a request is made, in writing, within thirty (30) days of the denial, suspension or revocation.

Such hearing shall be held within thirty (30) days after receipt of the written request for a hearing. The applicant shall be notified, in writing, as to the date, time and place of the hearing at least ten (10) days prior to the hearing date. The applicant has the right to be represented by counsel, to offer evidence and to cross-examine the witnesses. These hearings shall be open to the public.

A determination shall be made by the Municipal Officers within ten (10) days after the conclusion of the hearing and notice of the decision shall be served upon the applicant by certified mail, return receipt requested.

The Municipal Officers' final determination relative to the denial, suspension or revocation shall take effect as provided in the notice, but no later than ten (10) days after the date on which such notice has been mailed to the applicant and shall be conclusive.

Notice of the final determination shall set forth the reasons for the denial, suspension or revocation and the effective dates thereof together with a statement that such decisions may be appealed as provided in this Ordinance.

Any controversy or claim arising out of or relating to the Municipal Officers determination shall be directly reviewable by Superior Court pursuant to the Maine Rules of Civil Procedure, Rule 80b.

#### SECTION XIV: ENFORCEMENT

All provisions of the Ordinance are enforceable by duly authorized police officers 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 XV Penalties.

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 of remedial action which, if taken, will affect 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 XV: 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 Town, of not more than \$500.00 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 Town.

After hours violation: Any person, firm or corporation who violates this Ordinance by dumping after the hours of operation shall be subject to a civil penalty, payable to the Town, of not more than \$200.00 for each violation.

SECTION XVI: VARIANCES

The Municipal Officers may, on written application, grant a variance from a specific provision of this Ordinance in a specific case subject to appropriate conditions where such variance is in harmony with the general purpose and intent of this Ordinance and that agreement between the Town and the energy recovery facility.

SECTION XVII: CONFLICT AND SEVERABILITY

The provisions of this Ordinance shall supersede all other local laws, ordinances, resolution, rule or regulations contrary thereto, or in conflict therewith.

The provisions of this Ordinance shall be severable and if any phase, clause, sentence or provision or the application thereof to any person or circumstance shall be held invalid, the remainder of this Ordinance and the application thereof shall not be affected thereby.

SECTION XVIII: AMENDMENT

This ordinance may be amended in the same manner as any other ordinance of the Town, subject to the contractual obligations outlined in the contract between the Town and the energy recovery facility.

SECTION XIX: EFFECTIVE DATE

This Ordinance shall take effect and be in force from the date of adoption, June 13, 2023.