

Appendix I

Solid Waste Flow Control Ordinance

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Appendix I

Solid Waste Flow Control Ordinance

SECTION 1 PURPOSE

- 1.1 The purpose of this ordinance is to provide for the control of solid waste disposal at the solid waste disposal facility in the Town of Bucksport.

SECTION 2 AUTHORITY

- 2.1 This chapter is adopted in accordance with the provisions of 30-A M.R.S.A. §3001 et seq, and 38 M.R.S.A. Chapter 13

SECTION 3 APPLICABILITY

- 3.1 This ordinance shall apply to the disposal of solid waste at the town's solid waste disposal facility, also referred to in this ordinance as the Transfer Station.

SECTION 4 SEVERABILITY AND CONFLICT

- 4.1 If a court finds any provision of this ordinance to be invalid, the court's decision may not invalidate any other provision of this chapter.
- 4.2 If any provision of this ordinance conflicts with another provision of this ordinance or any other ordinance, regulation or statute, the more restrictive provision governs.

SECTION 5 ADMINISTRATION

- 5.1 This ordinance shall be administered by the Bucksport Public Works Director, who shall be responsible for ensuring that all requirements of this ordinance are met.
- 5.2 The Town Manager or designee shall endeavor to keep this ordinance in compliance with federal and state solid waste regulations and laws, and shall prepare amendments to this ordinance for the Town Council's consideration, when necessary.

SECTION 6 TRANSFER STATION RULES AND REGULATIONS

- 6.1 **USE OF FACILITY**
- 6.1.1 Solid waste generated in the Town of Bucksport may be disposed of at the Transfer Station in accordance with the requirements of this ordinance.
- 6.1.2 Solid waste generated in another municipality may be disposed of at the Transfer Station in accordance with the requirements of this ordinance, provided that the municipality has entered a contractual agreement with the Town for use of the facility.
- 6.2 **HOURS OF OPERATION**
- 6.2.1 The Town Council shall set the business hours of the Transfer Station and make those hours available to the public.

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- 6.2.2 The Transfer Station shall be closed on every holiday observed by the Bucksport Town Office. Observed holidays occurring on Saturday or Sunday will be observed by the Transfer Station on the Saturday or Sunday date of the holiday, rather than the Friday before or Monday after the holiday as observed by the Town Office.
- 6.3 PERMIT REQUIRED
- 6.3.1 No person may dispose of solid waste at the Transfer Station without first obtaining a disposal permit from the town in accordance with the requirements of this ordinance.
- 6.3.1.1 A disposal permit is not required for any Bucksport town department to dispose of waste at the Transfer Station, or for any town department of a participating community.
- 6.3.2 RESIDENT WASTE DISPOSAL PERMIT. A resident in the Town of Bucksport or in a participating community must obtain a Resident Waste Disposal Permit before they may dispose of waste at the Transfer Station. Resident Waste Disposal Permits may be obtained at the Transfer Station during regular business hours either before or on the day that waste is brought to the facility.
- 6.3.2.1 A Resident Waste Disposal Permit may not be issued unless evidence of permanent residency has been demonstrated to the satisfaction of Transfer Station staff.
- 6.3.2.2 A Resident Waste Disposal Permit is valid until such time the permit holder is no longer a permanent resident of the Town of Bucksport or a participating community. Validation of residency may be required by Transfer Station staff if the status of a permit holder's residency is brought into question.
- 6.3.2.3 No Resident Waste Disposal Permit may be transferred to another person or used to dispose of waste from an address other than the address of the resident.
- 6.3.2.4 A Resident Waste Disposal Permit must be displayed on the vehicle for easy identification by staff.
- 6.3.2.5 The Town Council may establish a fee for a Resident Waste Disposal Permit and change the fee without notice.
- 6.3.3 SEASONAL RESIDENT WASTE DISPOSAL PERMIT. A seasonal resident in the Town of Bucksport or in a participating community must obtain a Seasonal Resident Waste Disposal Permit before they may dispose of waste at the Transfer Station. Seasonal Resident Waste Disposal Permits may be obtained at the Transfer Station during regular business hours either before or on the day that waste is brought to the facility.
- 6.3.3.1 A Seasonal Resident Waste Disposal Permit may not be issued unless evidence of seasonal residency has been demonstrated to the satisfaction of Transfer Station staff.
- 6.3.3.2 A Seasonal Resident Waste Disposal Permit is valid until such time the permit holder is no longer a seasonal resident of the Town of Bucksport or a participating community. Validation of residency may be required by Transfer Station staff if the status of a permit holder's residency is brought into question.

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- 6.3.3.3 No Seasonal Resident Waste Disposal Permit may be transferred to another person or used to dispose of waste from an address other than the address of the resident.
- 6.3.3.4 A Seasonal Resident Waste Disposal Permit must be displayed on the vehicle for easy identification by staff.
- 6.3.3.5 The Town Council may establish a fee for a Seasonal Resident Waste Disposal Permit and change the fee without notice.
- 6.3.4 **BUSINESS WASTE DISPOSAL PERMIT.** A business generating solid waste at their business location in the Town of Bucksport or in a participating community must obtain a Business Waste Disposal Permit before they may dispose of the waste at the Transfer Station.
 - 6.3.4.1 Business Waste Disposal Permits shall be issued at the Bucksport Town Office. A copy of every Business Waste Disposal Permit issued shall be provided to the Code Enforcement Officer.
 - 6.3.4.2 A Business Waste Disposal Permit is valid until such time the business is no longer operating in the Town of Bucksport or a participating community.
 - 6.3.4.3 A Business Waste Disposal Permit may contain conditions that apply to quantity of waste, type of waste and disposal of waste, as determined by Transfer Station staff.
 - 6.3.4.4 A Business Waste Disposal Permit may not be used to dispose of demolition or construction waste, except any such waste generated at the business location.
 - 6.3.4.5 No Business Waste Disposal Permit may be transferred to another person or used to dispose of waste from an address other than the address of the business.
 - 6.3.4.6 A Business Waste Disposal Permit must be kept in the vehicle used to transport waste to the facility. Multiple permit copies may be issued if more than one vehicle is used to transport waste from the business.
 - 6.3.4.7 The Town Council may establish a fee for a Business Waste Disposal Permit and change the fee without notice.
- 6.3.5 **CONTRACTOR WASTE DISPOSAL PERMIT.** A contractor generating solid waste at a work site in the Town of Bucksport or in a participating community must obtain a Contractor Waste Disposal Permit before they may dispose of the waste at the Transfer Station.
 - 6.3.5.1 Contractor Waste Disposal Permits shall be issued at the Bucksport Town Office. A copy of every Contractor Waste Disposal Permit issued shall be provided to the Code Enforcement Officer.
 - 6.3.5.2 A Contractor Waste Disposal Permit may contain conditions that apply to quantity of waste, type of waste and disposal of waste, as determined by Transfer Station staff.
 - 6.3.5.3 A Contractor Waste Disposal Permit shall be limited to the disposal of waste from one work site and shall specify the number of trips needed to dispose of all waste. A current Contractor Disposal Permit may be amended with the approval of staff if disposal of additional waste from the work site is needed.

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- 6.3.5.4 No Contractor Waste Disposal Permit may be transferred to another person or used to dispose of waste from an address other than the address identified on the permit.
- 6.3.5.5 A Contractor Waste Disposal Permit must be kept in the vehicle used to transport waste to the facility. Multiple permit copies may be issued if more than one vehicle is used to transport waste from a work site.
- 6.3.5.6 The Town Council may establish a fee for a Contractor Waste Disposal Permit and change the fee without notice.

6.4 CONTROL OF WASTE DISPOSAL

- 6.4.1 Transfer Station staff shall be responsible for ensuring that the volume and type of solid waste accepted at the facility on any day will not have an adverse impact on the operation of the facility.
- 6.4.2 If any solid waste disposal is denied, the staff person shall document the name of the person denied, the date of the denial, and reason for the denial. A photographic record of the denied waste shall be made. The staff person must also provide information to the person denied on any alternate means of disposal that may be available to them.
- 6.4.3 A report on waste accepted and denied at the Transfer Station must be provided to the Town Manager on a monthly basis.
- 6.4.4 All solid waste will be sorted and disposed of in the manner and areas so designated by the staff on duty.
- 6.4.5 Commercial haulers and compactors and hazardous waste generators will not be allowed to dump at the facility.
- 6.4.6 Solid waste transported to the Transfer Station must be properly secured in the vehicle to avoid the possibility of waste falling free from the load.
- 6.4.7 The Town Council shall approve rules for the use of the Transfer Station. The rules shall identify items that are allowed and prohibited for disposal at the Transfer Station, and the conditions under which solid waste may be disposed of. The rules shall be made available to the public.
- 6.4.8 No prohibited waste may be accepted at the Transfer Station unless an exception has been granted by the Town Manager and the waste is disposed of in accordance with all applicable laws and regulations.

SECTION 7. FEES

- 7.1 The Town Council shall approve a list of fees required for the disposal of solid waste at the Transfer Station and make that list available to the public.
- 7.2 Transfer Station staff shall be responsible for calculating disposal fees for each load of solid waste subject to fees that is brought to the facility.
- 7.3 No fee shall be charged for the disposal of solid waste from any Bucksport town department or any town department of a participating community.
- 7.4 Any fee determined by volume measurement shall be calculated as accurately as possible by staff, and rounded to the closest whole dollar amount. Items that may project from the bulk of the load will be disregarded when calculating volume.
- 7.5 The fees determined for each load brought to the facility shall be final.

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SECTION 8. APPEALS

- 8.1 Any person that has been denied a permit or permission to dispose of waste at the Transfer Station may appeal the denial to the Town Manager within one week of the date of the denial.
- 8.2 The Town Manager shall investigate the action taken and, within one week of the date of the appeal, either support the denial or overturn the denial and order the issuance of a permit or permission to dispose of the waste.
- 8.3 The decision of the Town Manager on an appeal shall be final.

SECTION 9. ENFORCEMENT

- 9.1 The Bucksport Police Department shall investigate any complaint received concerning the disposal of waste at the Transfer Station. Upon determining that a violation of this ordinance has occurred, the Police Department shall take appropriate actions to address the violation including, but not limited to, the issuance of a summons and the request for fines upon conviction at a rate of \$100.00 per day per violation.

SECTION 10. DEFINITIONS

CONTRACTOR: A person offering one or more of the following services to the public: construction, improvements, renovation, property maintenance or demolition.

DISPOSAL: The discharge, deposit, injection, dumping, spilling, leaking or placing of any hazardous or solid waste at the waste facility

HAZARDOUS WASTE: A waste substance or material in any physical state, designated as hazardous by the Board of Environmental Protection. It does not include waste resulting from normal household or agricultural activities. The fact that a hazardous waste or part or constituent may have value or other use or may be sold or exchanged does not exclude it from this definition.

PARTICIPATING COMMUNITY: Any community that has entered into a contract with the Town of Bucksport to use the Bucksport Solid Waste Facility.

RESIDENT: A person that maintains their primary home in the Town of Bucksport or in a participating community, as demonstrated by a vehicle registration or other proof of occupancy.

SEASONAL RESIDENT: A person that maintains their primary home outside of Bucksport or a participating community, as demonstrated by a vehicle registration or other proof of occupancy, and resides in Bucksport or a participating community on a temporary basis.

SOLID WASTE: 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, scrap materials, junk refuse, landscape refuse but shall not include septic tank sludge or agricultural waste.

SOLID WASTE FACILITY: The land area or structure or combination of land area and structures which includes the Bucksport Transfer Station, wood waste disposal area and metal storage area, which are used for storing, transferring, salvaging, processing, reducing or disposing solid waste in Bucksport.

SPECIAL WASTE: Any solid waste generated by sources other than domestic 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

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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:

- A. Oil, coal, wood and multi-fuel boiler and incinerator ash;
- B. Industrial and industrial process waste;
- C. Waste water treatment plant sludge, paper mill sludge and other sludge waste;
- D. Debris and residuals from nonhazardous chemical spills and cleanup of those spills;
- E. Contaminated soils and dredge spoils;
- F. Asbestos and asbestos-containing waste;
- G. Sand blast grit and non-liquid paint waste;
- H. High and low pH waste;
- I. Spent filter media and residue; and
- K. Other waste designated by the Board of Environmental Protection.

Appendix I Solid Waste was originally adopted on March 9, 1989 and amended on the following dates:

May 25, 1989

October 14, 1993

November 9, 2017 Repeal and Replacement of Appendix I Solid Waste Flow Control Ordinance for the purpose of revising the format of the Ordinance, updating and clarifying permit requirements and regulations affecting the use of the Bucksport Transfer Station, and deleting unnecessary content.