

# READFIELD WASTE DISPOSAL

And

## RECYCLING ORDINANCE

Adopted June 11, 1998

Amended June 9, 2011

### SECTION I. SHORT TITLE

This Ordinance shall be known and may be cited as the "Readfield Waste Disposal and Recycling Ordinance".

### SECTION II. GENERAL STATEMENT OF PURPOSE, APPLICATION AND AUTHORITY

#### A. Declaration of Purpose.

This Ordinance is designed to control waste material in the Town of Readfield, Maine, by providing for the establishment and enforcement of rules and regulations, establishing limitations, prohibiting certain acts causing solid disposal problems, and providing for fines for violations of the provisions of this ordinance.

The purpose of separating recyclable materials is to conserve those materials that can be reused pursuant to the Maine Recycling Act. In doing so, the Town of Readfield will reduce the amount of material to be transferred and reduce the cost of disposal of waste generated within the Town.

#### B. Application

This Ordinance applies to all persons generating or disposing of waste within the Town of Readfield or using the Recycling and Transfer Station located within the Town of Readfield.

#### C. Authority

This Ordinance is adopted pursuant to Maine Revised Statutes Annotated, Title 38, Section 1305 and the Maine Recycling Act.

### SECTION III. DEFINITIONS

In this ordinance the following terms shall have the following meanings:

A. Acceptable Liquid Waste. "Acceptable liquid waste" means the collective reference to liquid wastes that are reclaimable liquid waste.

B. Acceptable Waste. "Acceptable waste" means the collective reference to processable waste, recyclable materials, reclaimable materials, reclaimable liquid waste, and other solid waste.

C. Agricultural Waste. "Agricultural waste" means waste generated by agricultural activities, excluding vegetative waste, including but not limited to pesticides, pesticide containers, and manure.

D. Asbestos. "Asbestos" means a group of naturally occurring minerals that separate into fibers of high tensile strength and are resistant to heat, wear and chemicals, including but not limited to chrysotile, amosite, crocidolite, actinolite, tremolite and anthophyllite and any of these minerals that have been chemically treated or altered.

E. Biomedical Waste. "Biomedical waste" means waste consisting of (1) human and animal remains, body parts, tissues, organs, blood, excretions, secretions, body fluids and any and all "infectious waste", which term shall include, but not be limited to, (i) waste which contains any disease producing or carrying material, agent or organism, (ii) isolation wastes, cultures and stocks of etiological agents, (iii) waste generated by surgery or autopsy performed on septic cases or patients with infectious diseases, (iv) sharps, dialysis waste and wastes that were in contact with pathogens, (v) waste biologicals (e.g., vaccines) produced by pharmaceutical companies for human or veterinary use, (vi) food, equipment parts and other products contaminated with etiological agents, (vii) animal bedding and other wastes that were in contact with diseases or laboratory research animals, (viii) equipment, instruments, utensils and fomites which were in contact with persons who are suspected to have or have been diagnosed as having a communicable disease, (ix) laboratory wastes such as pathological specimens and disposal fomites attendant thereto and (x) any disease causing material which is defined as a "hazardous substance" under current or future federal, state or local law, rule or regulation as a result of being classified and "etiological agent".

F. Brown Goods. "Brown goods" means large television or entertainment modules or furniture including but not limited to sofas, television consoles, wood framed beds, chairs, hide-a-beds and stereo consoles.

G. Collectors. "Collectors" means any person employed by the Town of Readfield or permitted by the Town of Redfield responsible for the pick up and collection of processable waste and recycling materials as described in IVB.

H. Commercial Activity. "Commercial activity" means any business that is carried out in, but not limited to, stores, offices, restaurants, service stations, or campgrounds that renders goods and/or services primarily on a retail basis.

I. Commercial Hauler. "Commercial hauler" means any person having secured an Annual Permit for the pick up, collection, or transfer of acceptable waste.

J. Construction/Demolition Debris. "Construction/demolition debris" means nonburnable debris resulting from construction, remodeling, repair, and demolition of structures. The term includes, but is not limited to building materials, asphalt, wall board plastic pipes, carpeting and underlay. It excludes all unacceptable wastes and inert fill.

K. Dredge Spoils. "Dredge spoils" means sand, silt, mud, gravel, rock or other sediment or material removed from beneath any surface water. Dredge spoils are unacceptable liquid wastes.

L. E.P.A. "E.P.A." means the United States Environmental Protection Agency.

M. Hazardous Waste. "Hazardous waste" means a waste in either a liquid or solid state, designated as hazardous by the E.P.A. or the M.D.E.P. and includes special nuclear or by-product material within the meaning of the Atomic Energy Act of 1954, as amended. Hazardous waste is either an unacceptable liquid waste or unacceptable solid waste.

N. Household Hazardous Wastes. "Household hazardous wastes" are wastes that are considered hazardous wastes either in a solid or liquid state. Such waste may be collected at the Recycling and Transfer Station by the Town of Readfield from time to time as designated by the Select Board. Specially approved waste materials include, but are not limited to: liquid and non-liquid paint, paint thinner, bleach and household cleaning solvents.

O. Industrial Activity. "Industrial activity" means any business which produces goods and/or services not primarily for retail sale and may include, but is not limited to, processes such as printing, manufacturing, recycling, packaging, or warehousing.

P. Inert Fill. "Inert fill" means clean soil material, rocks, bricks, and cured concrete, which are not mixed with other solid waste or liquid waste, and which are not derived from an ore mining activity.

Q. Liquid Waste. "Liquid waste" means any waste that is determined to contain free liquids according to the Paint Filter Liquids Test (Method 9095 of E.P.A. SW- 846, 3rd Edition). Liquid waste is the collective reference to acceptable liquid waste and unacceptable liquid waste.

R. M.D.E.P. "M.D.E.P." means the Maine Department of Environmental Protection or its successor.

R-1 MSW "Mainstream Solid Waste" means the items that are collected as trash to be either incinerated or buried, but not recycled.

S. Metal Goods. "Metal goods" include bikes, metal doors, metal pipe, window frames, cyclone or other metal fences, screens wire, sheet metal, metal conduit cables, tools,

lawnmowers, furniture, sports equipment, aluminum, copper and brass items, vented barrels and vented propane fuel tanks.

T. Ordinance. "Ordinance" means the several parts comprising this ordinance, as may be amended from time to time.

U. Other Solid Waste. "Other solid waste" is the collective reference to mattress, box springs, construction/demolition debris, hot loads, burble debris, vegetative waste and wood waste.

U-1. Participating Town. A "participating town" is a nearby town that has executed an interlocal agreement or contract with the Town of Readfield which permits residents of that town to access and/or use the Recycling and Transfer Station for disposal of waste.

V. Processable Waste. "Processable waste" means all damaged recyclable materials, ordinary household, municipal, institutional, commercial and industrial solid wastes consisting primarily of combustible materials capable of being processed and incinerated at a waste to energy facility. "Processable waste" excludes liquid wastes, unacceptable solid waste, reclaimable materials, recyclable materials and solid waste.

W. Reclaimable Liquid Waste. "Reclaimable liquid waste" is waste oil.

X. Reclaimable Materials. "Reclaimable materials" are solid waste materials that may be reclaimed and are as follows: white goods, tires, and metal goods.

Y. Recyclable Materials. "Recyclable materials" are materials that can be reused either in the same form or as part of a different product.

Y-1. Reusable Materials. "Reusable materials" are those items such as books, clothing, house wares, toys, etc. which are no longer needed by a resident but still may have a useful life. These items can be left for other residents to claim at no cost at the Swap Shop. Metal Goods, Returnable Containers and Recyclable Materials are not considered reusable.

Y-2. Returnable Containers. "Returnable Containers" are those containers (metal, glass and plastic) that have a redemption value.

Z. Recycling Facility. "Recycling Facility" means any facility constructed and managed for separating, collecting, and/or processing of manufactured materials for reuse either in the same form or as a part of a different product.

AA. Select Board. "Select Board" means the municipal officers elected to the Readfield Select Board by the voters of the Town of Readfield.

BB. Sludge. "Sludge" means any semi-solid or liquid waste generated from household septic tanks, a municipal, commercial or industrial wastewater treatment plant, water

supply treatment plant, or wet process air pollution control facility or any other such waste having similar characteristics and effect. Sludge is an unacceptable liquid waste.

CC. 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, recyclable materials, rubbish, garbage, scrap materials, junk, refuse, and landscape refuse.

DD. Special Wastes. "Special wastes" means any non-hazardous solid waste or liquid waste generated by sources other than ordinary households and typical commercial establishments that exists in such an unusual quantity or in such a chemical or physical state or any combination thereof, which 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 wastes include, but are not limited to:

1. Oil, coal, wood and multifuel boiler and incinerator ash;
2. Industrial and industrial process waste;
3. Sludge and dewatered septage;
4. Debris and residuals from non-hazardous chemical spills and cleanup of those spills;
5. Contaminated soils and dredge spoils;
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.

DD-1. Swap Shop. The "Swap Shop" is the primary location where reusable materials may be dropped off and/or claimed by residents of Readfield and participating towns.

EE. Transfer Station. "Transfer Station" means the area constructed and managed by the Town of Readfield for the disposing of acceptable waste and acceptable liquid waste.

FF. Unacceptable Liquid Wastes. "Unacceptable liquid wastes" is the collective reference to hazardous waste and special waste that have sufficient liquid content to be free flowing, sludge, and other liquid waste designated as unacceptable by the Select Board.

GG. Unacceptable Solid Wastes. "Unacceptable solid wastes" are materials not considered processable waste, recyclable materials, reclaimable materials, or other solid wastes. Unacceptable solid wastes include but are not limited to:

1. Junked or abandoned vehicles;
2. Small engines (under 20 HP)\*;
3. Snowmobiles or all-terrain vehicles (if engines removed);
4. Dead animals or portion thereof, other pathological-type solid waste;

5. Inert fill;
6. Fuel tanks\*;
7. Agricultural waste;
8. Land clearing debris;
9. Dredge spoils;
10. Unacceptable Liquid Wastes;
- 10-1 Vegetative waste (a composting program is supported by the Select Board and will begin with a limited vegetative acceptance list); and
11. Any other solid waste designated unacceptable by the Select Board.

\*May be acceptable as Metal Goods if drained of all liquids prior to entrance to the Transfer Station. All small engines must have their drain plugs and/or oil pan removed.

GG-1 Universal Waste. Universal waste is a category of waste materials not designated as "hazardous waste", but containing materials that need to be prevented from free release into the environment. Universal Waste includes:

- Batteries
- Pesticides
- Mercury-containing equipment (including many thermostats and thermometers)
- Lamps containing mercury (e.g. fluorescent lamps, including compact fluorescent lamps)
- Televisions, computers, and monitors

The Recycling and Transfer Station is required to provide for their proper disposal.

HH. Vegetative Wastes. "Vegetative wastes" means solid wastes consisting of plant matter from agricultural activities, farms, homes, plant nurseries, or greenhouses. These wastes shall include plant stalks, grass clippings, hulls, leaves, and plant waste processed through a wood chipper. Vegetative waste is considered other solid wastes.

II. Waste Oil. "Waste oil" means a used, spent, discarded or unwanted petroleum based oil product which is not designated as a hazardous waste or contaminated with hazardous waste and that can be reclaimed as a fuel source. The term includes only: crankcase oil; manual transmission fluid; and #2 fuel oil.

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

KK. Wood Wastes. "Wood wastes" means brush, stumps, lumber, bark, wood chips, shavings, slabs, edgings, slash, and sawdust, that are not mixed with other solid or liquid wastes. For the purposes of this definition, "lumber" is entirely made of wood and is free from metal, plastics and coatings. "Wood wastes" are considered other solid wastes.

## SECTION IV. SOLID WASTE DISPOSAL CONTROL STANDARDS

### A. Operation of the Readfield Recycling and Transfer Station.

The Select Board shall be responsible for operating and maintaining the Recycling and Transfer Station and for enforcing this ordinance. The Select Board shall designate the Town Manager to assist them in carrying out their duties and obligations under this ordinance.

The Town Manager may hire or designate a Recycling and Transfer Station Manager to operate and maintain the Recycling and Transfer Station. The Town Manager may also serve as Recycling and Transfer Station Manager as needed until a suitable person can be hired or designated. The Town Manager may hire attendants as required to assist in the operation and maintenance of the Recycling and Transfer Station. The Transfer Station Manager may utilize volunteers to assist the attendants within specific areas of the Transfer Station.

### B. Use of the Readfield Recycling and Transfer Station

The Readfield Recycling and Transfer Station is operated for the benefit of Readfield residents (year-round and seasonal). All individuals with residential status shall have a valid "Transfer Station Permit", which must be displayed to gain access to the Readfield Recycling and Transfer Station to deposit acceptable waste generated within Readfield.

Acceptable waste resulting from commercial or industrial activities within Readfield or participating towns that is delivered to the Readfield Recycling and Transfer Station by commercial haulers, collectors, or directly from individuals generating the waste and is of such volumes and/or possesses special handling characteristics (requirements) to increase the operational costs of the Recycling and Transfer Station shall be assessed a surcharge by the Transfer Station Manager commensurate with the Recycling and Transfer Station fee schedule approved by the Select Board.

The Select Board may, by authorization of Town vote, allow all residents of other municipalities to deposit acceptable waste at the Readfield Recycling and Transfer Station. The terms and conditions of such arrangement shall be specified in an interlocal agreement or contract.

Special permits may be granted by the Town to Commercial Activities who are assisting authorized users with the cleanup of their property.

All requirements pertaining to individuals within Readfield and participating towns shall also pertain to nonresidents authorized to deposit acceptable waste at the Readfield Recycling and Transfer Station.

The access and use of the Recycling and Transfer Station by any person shall be at the direction of the Transfer Station Manager. Any person refusing to follow or comply with

the requirements of this Ordinance and/or any Operating Rules and Requirements adopted by the Select Board, shall be reported to the Transfer Station Manager for resolution. The Transfer Station Manager may refuse further access to the facility to that person and/or initiate any necessary enforcement actions (per Section VII). Any resident refused access or violating this ordinance shall be reported in writing to that resident's Town Manager for enforcement.

### C. Commercial Haulers and Collectors

The Select Board may contract with commercial haulers or hire collectors for the collection of acceptable waste. The Select Board may also contract with specialty environmental contractors to assist the Town in the collection and disposal of any other type of waste.

The Readfield Town Manager and the Town Managers of any participating towns may issue permits to persons to deliver processable waste to the Transfer Station in dumpsters or similar large volume solid waste containers.

Commercial haulers must obtain an annual permit through an application to the Select Board before use of any Transfer Station areas. Commercial refuse haulers must provide an acceptable recycling program to their customers in accordance with this ordinance before an annual permit can be issued. Permits may be revoked by the Select Board, following notice and hearing, for violation of this ordinance or any rules and regulations promulgated in accordance with Section VI. Permits shall be renewed annually on or before July first.

Commercial haulers and contractors must obtain coupons at the Town Office(s) or Transfer Station before any demolition debris material is deposited. Coupons will be collected by the Transfer Station attendant for each deposit.

## SECTION V. WASTE DELIVERY REQUIREMENTS

### A. Acceptable Waste

Only acceptable waste generated within Readfield or other authorized communities will be allowed to be disposed of at the Recycling and Transfer Station. . All acceptable waste delivered to the facility will be separated as follows:

#### 1. Recyclable materials;

1-1 Reusable materials (Swap Shop);

1-2 Returnable Containers;

#### 2. Metal goods;



3. Construction/demolition debris;
4. Wood waste;
5. Waste oil;
6. Tires;
7. Solid waste;

7-1 Universal Waste, and

7-2 Compost Materials as authorized by the Select Board.

Once acceptable waste is delivered to the Recycling and Transfer Station and deposited in the proper container/site as listed above and/or as directed by an attendant, that waste becomes the property of the Town of Readfield and will be disposed as directed by the Transfer Station Manager.

#### B. Prohibited Waste

The following types of waste will not be accepted at the Recycling and Transfer Station:

1. Unacceptable solid wastes;
2. Unacceptable liquid wastes;
3. Biomedical waste; and
4. Industrial or commercial waste which creates a problem of disposal by virtue of federal, state, or local statutes, rules, or regulations controlling or prohibiting its disposal.

### SECTION VI. REGULATORY AUTHORITY

A. The Select Board may adopt rules and requirements for the operation of the Recycling and Transfer Station . These Operating Rules and Requirements shall be consistent with the standards established by this Ordinance. The Operating Rules and Requirements may include, but are not limited to, dates and hours of operation of the Recycling and Transfer Station and for the collection of solid waste. Any violation of the Operating Rules and Requirements adopted hereunder shall be deemed a violation of this Ordinance.

B. This Ordinance shall be enforced by the Select Board or its designee. If the Select Board or its designee determines that any provision of this Ordinance is being violated, the Select Board or its designee shall take action. Such action may include the revoking

of a permit, or required abatement of the conditions violated or any other reasonable actions. A copy of a notice to revoke a permit shall be maintained as a permanent record.

C. The Select Board or its designee shall conduct periodic on-site inspections to insure compliance with all applicable rules and conditions associated with this Ordinance. The Select Board or its designee shall also investigate all complaints of alleged violations of this Ordinance.

D. When any violation of any provision of this Ordinance shall be found to exist, the Select Board may then institute any and all actions to be brought in the name of the Town.

## SECTION VII. LEGAL ACTIONS

A. When notification of a violation does not result in the prompt correction or abatement of the violation or condition, the Select Board or its designee, the Code Enforcement Officer and/or cooperating law enforcement agency are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town. Violation of any condition, restriction or limitation inserted in a permit by the Select Board shall be cause for revocation of that permit by the Select Board. The revocation process shall require reasonable notice of the violation to the resident/operator to a hearing.

B. The Select Board or its authorized agent, is hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without court action. Such agreements shall not allow any illegality or violation of this Ordinance to continue unless there is clear and convincing evidence that the illegality was conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the resident/operator acted in bad faith.

C. The Select Board or its authorized designee may exercise its authority under Title 30-A MRSA Section 4452. The Court may order complete abatement of the violation and award appropriate damages, including all court costs and the Town's reasonable attorney's fees. Any fine recovered through this Ordinance shall accrue to the Town. Each day of violation shall constitute a separate offense. In addition, the Town may seek an injunction, when necessary, to prevent the resident/operator from accessing the Recycling and Transfer Station.

D. Violations of this Ordinance shall be a civil violation punishable by a fine of up to \$1000.00 plus cleanup costs and attorney and court fees for the first offense and up to \$5000.00 plus cleanup costs and attorney and court fees for subsequent violations. The State of Maine District Court for the district including Readfield shall have jurisdiction of all offenses hereunder, subject to exception and appeal as is provided by Maine State Law.

## SECTION VIII. VALIDITY AND CONFLICT OF ORDINANCES

The invalidity of any section, subsection, paragraph, sentence clause, phrase or word of this ordinance shall not be held to invalidate any other section, paragraph, sentence, clause, phrase, or word of this Ordinance; and to this end, the provisions of this Ordinance are hereby declared to be severable.

Adopted at 06/09/2011  
Annual Town Meeting