

Town of Bowdoinham
SOLID WASTE MANAGEMENT ORDINANCE

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Clause Section 1. PURPOSE

There are several purposes of this ordinance.

- 1.1 To protect the health, safety and general well being of Bowdoinham residents.
- 1.2 To enhance and maintain the quality of the environment, to conserve natural resources, and to prevent water and air pollution.
- 1.3 To deliver Solid Waste programs that are fiscally responsible, balancing wants and needs in program development and delivery.
- 1.4 To adhere to all federal and state laws and regulations, all local zoning, land use and other applicable local ordinances, and other governing contracts or agreements pertaining to Solid Waste management.

Section 2. AUTHORITY

This ordinance is adopted pursuant to Home Rule powers as granted in Article VII-A of the Maine Constitution and 30-A M.R.S. § 3001, and 38 M.R.S. § 1304-B, 1305, and 1310-U.

Section 3. APPLICABILITY

This ordinance regulates storage, collection, transportation, transfer, treatment, use, processing, recycling, or disposal, or any combination thereof, of Solid Waste in the Town and provides for enforcement when its provisions are violated.

Section 4. DEFINITIONS

To the extent that terms used in this ordinance are not defined herein, they shall have the meaning ascribed to them in 38 M.R.S. § 1303-C and 06-096 C.M.R. ch. 400, § 1 (2021), as amended, or if not defined therein, then they shall have their customary dictionary meaning.

AGRICULTURAL WASTE - Wastes that result from agricultural activities (the growing of vegetables, fruits, seeds, nursery crops, poultry, livestock, field crops, cultivated or pasture hay and farm lot wood products, including Christmas trees) that are returned to the soils as fertilizers. It includes waste pesticides when generated by a farmer, provided that the farmer triple rinses each emptied pesticide container in accordance with Maine DEP rules and disposes of the pesticide residues in a manner consistent with the disposal instructions on the pesticide label. It does not include any material regulated as a residual under 06-096 CMR 419.

BIOMEDICAL WASTE - Waste that may contain human pathogens of sufficient virulence and in sufficient concentrations that exposure to it by a susceptible human host could result in disease or that may contain cytotoxic chemicals used in medical treatment.

BULKY WASTE - Any items whose large size or weight precludes or complicates their handling by normal collection, processing or disposal methods (includes, but is not limited to, old furniture; carpeting; white goods) a list of materials that will be considered Bulky Waste can be found on the Town's website.

COMMERCIAL HAULER – Any Person that is not a Municipal Hauler engaged in the collection and transportation of solid waste for a fee or other compensation.

COMPOSTABLE MATERIALS - Material that can disintegrate into non-toxic, natural elements at a rate consistent with similar organic materials.

COMPOSTING - The biological decomposition of organic residuals under predominantly aerobic conditions and controlled temperatures between 110° and 160° F.

CONSTRUCTION OR DEMOLITION WASTE - Debris resulting from construction, remodeling, repair or demolition of structures. It includes, but is not limited to, building materials, discarded furniture, asphalt, wallboard, pipes, and metal conduits. It does not include asbestos and other special wastes as defined herein and by the State.

FORCE MAJEURE - An extraordinary and unforeseen event whose occurrence would prevent the Town from performing a service as outlined in this ordinance, including but not limited to natural disasters, epidemics, emergency, and civil unrest.

GOODS LEFT ROADSIDE - Items left outside by Town residents for other individuals to take most often without cost.

HAZARDOUS WASTE - As defined in 38 M.R.S. § 1303-C(15), a waste substance or material in any physical state, designated as hazardous by the Maine Board of Environmental Protection. The fact that a hazardous waste or constituent may have value or other use or may be sold or exchanged does not exclude it from this definition. It does not include waste from normal household or agricultural activities.

INERT FILL - Clean soil material, including soil from road ditching and sand from winter sand cleanup; rock; bricks; crushed clean glass or porcelain; aged, fully-hardened asphalt; and cured concrete; that are not mixed with other solid or liquid waste, and are not derived from an ore mining activity.

LAWN WASTE - Grass, leaves, plant cuttings, garden waste, Does not include plastic bags or other plastic containers used to collect, store or transport Lawn Waste.

MUNICIPAL HAULER - Any person who has been authorized by the Town (including the Town itself, should it decide to do so) to collect and/or transport acceptable trash for the Town's trash collection program.

MUNICIPAL RECYCLING FACILITY - Any facility designated and/or managed by the Town exclusively for the purposes for Recycling.

NON-STANDARD TRASH - Includes, but is not limited to, bulky waste, construction or demolition waste, and hazardous waste as defined above. A list of materials that will be considered Non-Standard Trash can be found on the Town's website.

PERSON - Any natural person, corporation, partnership, or sole proprietorship, association or other legal entity.

PRIVATE RECYCLING FACILITY - Any operation engaged in Recycling that is not a Municipal Recycling Facility.

RECYCLABLE MATERIALS - Materials determined by the Select Board that can be reasonably separated from household, commercial, municipal refuse, that may include scrap metal, plastic that has a recycling symbol on it, corrugated cardboard, mixed paper, magazines, and/or newspaper. A complete list of recyclable materials can be found on the Town's website.

RECYCLE/RECYCLING – The collection, separation, recovery and sale or reuse of materials that would otherwise be disposed of or processed as waste or the mechanized separation of waste, other than through combustion, and the creation and recovery of reusable materials other than as a fuel for the generation of electricity.

SELECT BOARD - Governing board for the Town responsible for administration and enforcement of the provisions of this ordinance, and for enacting applicable Solid Waste and Recycling Rules, as defined herein.

SEPTAGE - Waste, refuse, effluent, sludge and other materials from septic tanks, cesspools, or other similar facilities. Septage is further defined as a mixture of liquids and solids derived from residential sanitary wastewater and includes sanitary wastewater from tanks connected to commercial and institutional establishments which have inputs similar to residential wastewater. Septage also includes wastes derived from portable toilets.

SOLID WASTE - Useless, unwanted or discarded solid material with insufficient liquid content to be free flowing, including but not limited to rubbish, trash, garbage, refuse-derived fuel, scrap materials, junk, refuse, inert fill material and lawn waste, but shall not include septage, agricultural, biomedical or hazardous wastes. The fact that a solid waste, or constituent of the waste, may have value, be beneficially used, have other use, or be sold or exchanged, does not exclude it from this definition.

SOLID WASTE COMMITTEE - Volunteer committee consisting of individuals appointed by the Select Board who are responsible for evaluating and providing advice on solid waste matters to the Select Board.

SOLID WASTE DIRECTOR - Duly appointed Town employee responsible for overseeing the operations covered by this ordinance and the operations of the Solid Waste & Recycling Facility.

SOLID WASTE AND RECYCLING RULES– Rules that the Select Board shall enact, and amend from time to time, to further the purposes of this ordinance and to govern day-to-day operations of the Solid Waste & Recycling Facility, and the Town's trash collection program, including, but not limited to applicable fees for collection and disposal of solid waste and commercial hauler permits, acceptable materials to be included in trash collection and for disposal at the Solid Waste & Recycling Facility, hours of operation of the Solid Waste & Recycling Facility, and trash collection schedules.

SPECIAL WASTE - 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 the following materials as they may be defined under State law: (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.

TOWN - Town of Bowdoinham, County of Sagadahoc, State of Maine.

TOWN'S WEBSITE - Internet site operated by the Town to provide information to the general public. The current town website can be found at www.bowdoinham.com.

TRANSFER STATION - Any facility designated and managed by the Town for storage and placement of waste in large containers or other storage methods and held for movement to another disposal facility. Must be licensed in accordance with applicable Maine State Law.

TRASH - Unwanted or discarded solid materials not specified in other categories, resulting from the ordinary conduct of business or housekeeping, excluding recyclable and compostable materials.

WATERWAY - Any river, stream, canal or channel that contains water, including, without limitation, the banks and bed of any such river, stream, canal or channel.

WHITE GOODS - Large appliances, including but not limited to stoves, refrigerators, washing machines, clothes dryers, dishwashers, and air conditioners.

WOOD WASTE - Brush, stumps, lumber, bark, wood chips, shavings, slabs, edgings, slash and sawdust, wood from production rejects, and, wood pallets that are not pressure treated or visibly contaminated, and from which fasteners have been removed, which are not mixed with other solid or liquid waste. For the purposes of this definition, "lumber" is entirely made of wood and is free from metal, plastics, paint, varnish, stain, and any other coatings.

Section 5. AUTHORITY TO ESTABLISH RULES

The Select Board and/or its delegee(s) are granted authority to administer and enforce the provisions of this ordinance.

The Select Board is also granted the authority to enact Solid Waste and Recycling Rules in furtherance of the purposes of this ordinance. Prior to enacting or amending the Solid Waste and Recycling Rules, the Select Board with the advice of the Solid Waste Director and/or Solid Waste Committee and shall conduct a public hearing, with the text of said Rules or amendment to be posted on the Town's website at least 10 days prior to the public hearing. The Solid Waste and Recycling Rules shall be on file in the Town Office and published on the Town's website.

Before any proposed amendments to this ordinance may be presented to the Town Meeting, they shall be reviewed for input by the Solid Waste Director and/or Solid Waste Committee and public hearing shall be held as prescribed in the preceding paragraph.

If the Town cannot adhere to this ordinance in part or in whole due to a force majeure, then the Town shall be exempted in part or in whole for the duration of the force majeure incident.

Section 6. GENERAL PROVISIONS

6.1 Dumping: No owner, occupant, tenant, lessee, or invitee of any property in the Town shall deposit, store, or permit to accumulate any solid waste, other than trees, tree limbs, leaves and other wood waste, agricultural waste, or lawn waste, upon any property located in the Town that is not stored or disposed of in a manner prescribed by this ordinance, or any other Local, State or Federal law. However, any person, subject to state and local laws and ordinances, may deposit or dump inert substances for fill purposes only on any land with the permission of the owner. Composting is also permissible.

6.1.1 Waterways: No person shall dispose of any solid waste in any waterways in the Town.

6.2 Burning: Except for licensed disposal of Hazardous or Biomedical Wastes as specified in State laws, no person shall burn or incinerate within the Town any solid waste, other than trees, tree limbs, leaves and other wood waste, generated within Bowdoinham. Any solid waste burning is required to be permitted as outlined in State and local laws.

6.3 Construction or Demolition Waste: As defined herein and in the Maine Solid Waste Management Rules, Construction and Demolition Waste will be considered bulky waste and may be disposed of at the Town's Solid Waste & Recycling Facility a manner consistent with the Solid Waste and Recycling Rules. A list of materials that will be considered Construction or Demolition Waste can be found on the Town's website. All such waste must be generated in the Town.

6.4 Hazardous and Biomedical Waste: The handling and disposal of all hazardous and biomedical waste generated within the Town are the responsibility of the person generating such waste and must be disposed of privately, in accordance with all applicable Federal and State regulations, unless otherwise subsequently approved for disposal in a Town owned or operated facility by the Select Board under the Solid Waste and Recycling Rules.

6.4.1 Recovery by the Town for Unauthorized Discharge or Disposal of Hazardous and Biomedical Waste: Any costs incurred by the Town as a result of any unauthorized discharge or disposal of hazardous or biomedical waste by any Person, including their employees, servants, contractors, or agents, within Bowdoinham will be billed for the total of any clean up, remediation, and/or disposal costs incurred by the Town, as determined by the Fire Chief, and as allowed by Maine law under 38 M.R.S. §1318-A, as may be amended. Without limiting the generality of the foregoing, said costs shall include personnel costs and those necessary to ensure public safety.

6.5 Transfer Station: The Town shall actively pursue State approval and after approval shall maintain a licensed transfer station to serve the Town for Non-Standard trash and recycling for solid waste materials generated in the Town. Prior to obtaining a Transfer Station license all provisions herein that refer to a Transfer Station shall be met, by the Town, at a facility that meets all legal requirements to fulfill those provisions.

6.6 Goods left roadside: From time to time, residents may leave goods at the roadside end of their driveway to be claimed by other citizens. Such goods may not be left on the roadside for more than one (1) month. Should goods remain unclaimed after that period of time they need to be reclaimed by the resident or disposed of in accordance with other provisions of this ordinance.

6.7 Compostable materials: Certain compostable materials will be accepted at the approved Transfer Station. A list of acceptable compostable materials will be published on the Town's website or is available by calling the Solid Waste Department.

6.8 Lawn waste: Certain lawn waste will be accepted at the approved Transfer Station. A list of acceptable lawn waste will be published on the Town's website or is available by calling the Solid Waste Department.

6.9 Waste material generated outside municipal limits: No person may dispose of any waste material covered by this ordinance unless it is generated from within the geographical limits of the Town. For clarity, pursuant to the definition of "Solid waste," items and/or their packaging are not considered to be "waste" until they are discarded. Accordingly, the fact that items and/or their packaging may have been generated outside municipal limits does not exclude them from being considered waste under this ordinance, or, to be disposed accordingly, if they are otherwise eligible. The Town reserves the right to make spot inspections of waste material for purposes of determining origin of waste.

6.10 Resident Disposal Permit: All residents or businesses located in Town who deliver separated acceptable materials to the Solid Waste & Recycling Facility must display a Resident Disposal Permit issued by the Town on their vehicle. Permits may be issued for a time certain period at a fee established by the Select Board. Permits may not be loaned, sold or otherwise transferred to any other person not residing in the household or operating the business.

Section 7. PROVISIONS REGARDING DISPOSAL OF TRASH

7.1 Trash removal program: The Town shall establish and maintain a municipal trash program including collection, transportation and disposition of acceptable trash program to operate on a scheduled basis. This program may be subject to change from time to time as outlined in the Solid Waste and Recycling Rules.

7.1.1. Containers: Containers of trash eligible for the Town's trash program must meet size and weight requirements as outlined in the Solid Waste and Recycling Rules.

7.1.2 Fees: The Town shall fund trash program through a usage-based fee. This fee shall be established by the Select Board in the Solid Waste and Recycling Rules, as may be amended from time to time, and shall be set at a level projected to cover all costs of trash collection, transportation and disposal.

7.1.3 Solid Waste not subject to trash program: Non-Standard Waste is not subject to trash collection. Without limiting the generality of the foregoing, and regardless of whether such materials are included in the definition of Non-Standard Waste, the following materials are not subject to trash collection: motor oil, antifreeze, liquid paint, or other toxic liquids or toxic materials. Non-Standard Waste and the other materials referenced in this section shall be disposed of in accordance with the Solid Waste and Recycling Rules and governing state and federal law.

7.2 White goods: May be accepted at the Solid Waste & Recycling Facility as directed by the Solid Waste Department. A list of acceptable white goods will be published on the Town's website or is available by calling the Solid Waste Department.

7.3 Commercial Hauler: Waste to be picked up by a Commercial Hauler shall be in covered metal or plastic trash containers, including bags, to keep animals out and reduce moisture contents. Private haulers must collect waste in vehicles designed to prevent loose flying trash and moisture leakage.

7.3.1 Commercial Hauler: All Commercial Haulers who operate within the Town must have a valid Commercial Hauler Permit issued by the Town and pay a Commercial Hauler fee. Said fee will be established by the Select Board in the Solid Waste and Recycling Rules and shall reflect that one-time pick-up fees shall differ from regularly scheduled pick-up fees. All Commercial Haulers shall report to the Solid Waste Director all information required by the State for inclusion in the Town's required periodic solid waste report.

7.4 Other Acceptable Solid Waste: Other acceptable solid wastes, not meeting size and weight requirements for trash collection, that are bulky, and/or require special handling, will be accepted at the Solid Waste & Recycling Facility for a fee as enumerated in the Solid Waste and Recycling Rules. A list of materials that will be considered Other Acceptable Solid Waste can be found on the Town's website

Section 8. PROVISIONS REGARDING DISPOSAL OF RECYCLABLE MATERIALS

8.1 Recycling program: In accordance with the State's policy to actively promote and encourage waste reduction measures from all sources and maximize waste diversion efforts (38 M.R.S. §2101(2)) the Town shall operate a recycling program that accepts all properly separated recyclables materials generated within the Town. Acceptable items subject to this provision will be listed in the Solid Waste and Recycling Rules.

8.2 Separation: The Town recognizes that markets for recyclables materials, the technology of solid waste disposal, and Federal and State solid waste and environmental regulations will change from time to time. Therefore, the Select Board, with the advice of the Solid Waste Advisory Committee and/or the Solid Waste Director, shall periodically define categories of recyclable materials and how those categories shall be separated prior to processing by the Town in the Solid Waste and Recycling Rules.

8.3 Designation of Municipal Recycling Facility: The Town shall designate a facility as its Municipal Recycling Facility. The operation of the Municipal Recycling Facility shall conform to all governing regulations or directives of all local, county, state or federal agencies which may have jurisdiction.

8.3.1 Private Recycling Facilities: Any Private Recycling Facility located within the Town shall conform to all pertinent regulations or directives of all state or federal agencies which may have jurisdiction and with local and county regulations relating to the siting, review, and approval of such facilities, to the extent they are not stricter than those imposed by state or federal law. The Town shall request, in writing, and the Private Recycling Facility shall provide information as needed to enable the Town to report solid waste information as requested by the State.

Section 9 - ENFORCEMENT AND PENALTIES

9.1 Enforcement: This ordinance shall be enforced by the Select Board and its duly appointed representatives, and appropriate Law Enforcement departments.

9.2 Penalty: Any violation of this ordinance is punishable, on a per day, per violation basis, by a civil penalty as prescribed under 30-A M.R.S. § 4452(3) plus costs and attorney's fees. The violator shall reimburse the Town for the cost of abating any damage caused by the violation.

Section 10 - CONFLICT WITH OTHER ORDINANCES AND LAWS

Whenever the requirements of this ordinance are inconsistent with the requirement of any other Federal, State or Local Article, Ordinance, Code or Statute, the more restrictive requirements shall apply, unless the requirements involve the siting, review, or approval of a solid waste facility, in which case, the provisions of the governing state or federal law shall apply.

Section 11 - SEVERABILITY CLAUSE

The sections and subsections of this ordinance are severable. If any section, clause, sentence, part or provision thereof is held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or invalidate any of the remaining sections or subsections of this ordinance.

End of Ordinance

This Ordinance shall take effect upon adoption by Annual Town Meeting, on November 5, 2024.

Given under our hands this 27th day of August 2024.

SELECT BOARD OF THE TOWN OF BOWDOINHAM:

Joanne Joy, Chair

Debra Smith, Vice Chair

Mark Favreau

Peter Feeney

Allen Acker