

TOWN OF MONTVILLE

SEPTAGE, SLUDGE AND SOLID WASTE DISPOSAL ORDINANCE

CHAPTER 1

Authority, Purpose and Definitions

Section 1. Authority. This ordinance is enacted pursuant to 38 M.R.S.A. §1304-B(3), ME. Const. Art. VIII, Pt. 2, §1 and 30 M.R.S.A. §1917 (1979).

Section 2. Purpose. The purpose of this ordinance is to protect the health, safety and welfare of the citizens of Montville, to enhance and maintain the quality of the environment, to conserve natural resources, and to prevent water, air and land pollution through the regulation of septage, sludge or solid waste disposal within the Town of Montville.

Section 3. Definitions. The following definitions shall apply to this ordinance:

(a) "Person" includes individuals, partnerships, corporations and their agents and employees.

(b) "Solid Waste" means 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, inert fill material and landscape refuse, but shall not include septic tank sludge or agricultural wastes.

(c) "Septage" means waste, refuse, effluent, sludge and any other materials from septic tanks, cesspools or any other similar facilities.

(d) "Sludge" means any free-flowing semisolid or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant, air pollution control facility, industrial wastes generated by food, wood, fish, or any other such waste having similar characteristics and effect.

(e) "Hazardous Waste" means a waste substance or

material in a physical state designated as hazardous by the State of Maine Board of Environmental Protection.

(f) "Facility" or "Waste Facility" means any land area, structure, location, equipment or combination of them, including dumps, used for handling solid waste, sludge or septage. A land area or structure does not become a waste facility solely because: (a) it is used by its owner for disposing of septage from his residence; (b) it is used to store for 90 days or less hazardous waste generated on the same premises; (c) it is used by individual home owners or lessees to open burn leaves, brush, dead wood and tree cuttings accrued from normal maintenance of the residential property when such home owner or lessee has received approval to conduct such burning under other applicable local and state laws; or (d) it is used by its residential owner to burn highly highly combustible domestic, household trash such as paper, cardboard or wood boxes when such owner has obtained approval under other applicable local and state laws.

(g) "Handle" or "Handling" means to store, transfer, collect, separate, salvage, process, reduce, recover, incinerate, treat or dispose of.

(h) "Selectmen" means the selectmen of the Town of Montville.

(i) "Town" means the Town of Montville.

(j) "Agricultural Wastes" means wastes which result from agricultural activities which are returned to the soils as fertilizers as long as such wastes do not include insecticides, herbicides, or other hazardous waste. The term "agricultural activities" referred to in this definition means the growing of vegetables, fruits, seeds, nursery crops, poultry, livestock, field crops, cultivated or pastury hay and farm woodlot products including Christmas trees.

CHAPTER 2

Permit Process

Section 1. Permit Required. No person shall establish or operate a septage, sludge or solid waste facility within the

Town of Montville without first obtaining a permit from the Selectmen.

Section 2. Application Procedure. Each application for a permit under this ordinance shall be submitted by the prospective operator of the waste facility and shall include the following:

(a) A written application which includes:

- Name and complete address of applicant.
- Evidence by the applicant of his title and/or interest in the property under consideration as a waste facility.
- A detailed description of the site utilization which sets forth the specific activities, proposed methods of operation and a description of all buildings and machinery which are a part of the proposed waste facility.
- Identity of the site of the waste facility by deed and tax map and lot and reference.
- A description of the consistency, chemical composition and origin of the material to be handled at the applicant's waste facility.
- The weight and volume by day, week and year of the material to be handled at applicant's waste facility.
- Plans to excavate, landscape, screen, and reduce any unsightliness and to control access to and from the site for protection against accident and harm to the public and environment.
- Manner in which septage, sludge and/or solid waste will be transferred to the applicant's waste facility.
- The results of any engineering evaluations and other studies supporting applicant's proposal.
- Manner in which material to be handled by applicant will be treated to reduce odor to a level tolerable to abutters.

- Manner in which material to be handled by applicant will be treated to reduce pathogen level.

{b) A site plan which includes:

- A survey plan or plans of applicant's property drawn and certified by a registered land surveyor which delineates the following:

1. the property which applicant has title to or an interest in together with an outline of the perimeter of applicant's proposed waste facility on this property,
2. existing dwelling units and other structures,
3. one hundred year flood zones,
4. private and public water supplies,
5. topography indicating contours and intervals of five feet in elevation,
6. existing soil conditions described using the unified soil classification system by a registered geologist or soil scientist in the State of Maine,
7. location of aquifers and aquifer recharge areas and surface watershed boundaries, according to surveys on file with the Montville Town Office.
8. landscape plan showing location, type, and approximate size of plantings, location and dimension of all fencing and screening, and location and dimension of all excavation,
9. profiles of underlying soil and bedrock conditions prepared by a registered geologist in the State of Maine, and
10. location and details of any proposed groundwater monitoring wells.

(c) The Selectmen may reduce the amount of information needed in the application provided they determine, after meeting with the applicant, that the information requested

is not applicable to the proposed waste facility.

Section 3. Permit Fee and Term. All applications shall be accompanied by a nonrefundable fee of \$50.00 payable to the Town of Montville. The applicant may be responsible for additional costs when, in the discretion of the Selectmen, such costs are reasonable necessary to process the application. The term of the permit shall be for one year, beginning January 1 of each year.

Section 4. Public Hearing. A public hearing must be held on all applications, notice of which shall be posted at least seven (7) and not more than fourteen(14) days prior to a hearing in not less than two(2) public places in the Town and in one newspaper of general circulation in the Town. The Selectmen shall hold the public hearing within 30 days of the receipt of a completed application in order to receive comment and input from the citizens of Montville. It shall be the applicant's responsibility to provide seven (7) days written notice of this public hearing to all property owners who abut the proposed waste facility.

Section 5. Criteria for Granting Permit. A permit shall be granted under this ordinance after public hearing provided the Selectmen find that:

(a) The overall purposes of this ordinance are met by the granting of a permit;

(b) The applicant has provided the Selectmen with all of the information required under the application procedure described in Section 2 above;

(c) Applicant has sufficient legal interest in the property under consideration for a waste facility;

(d) The applicant has provided proof that he has served written notice of the public hearing upon all owners of property which abut the proposed waste facility (with the applicant being entitled to rely upon tax information for the current addresses of all abutters and with certified mail receipts being acceptable proof of service).

(e) The applicant has adequate technical and financial

capacity to properly construct, operate, maintain and close the proposed waste facility. Proof of financial capacity to operate a waste facility shall include evidence of liability insurance coverage in the minimum amount of 1 million dollars per occurrence and an annual aggregate of 2 million dollars (exclusive of legal defense costs) for claims arising out of injury to persons or property from the operation of applicant's waste facility which insurance shall extend for such periods deemed necessary by the Selectmen to protect its citizenry in view of the type and volume of waste being handled together with the unique characteristics and specifications of the proposed waste facility. The required amount and scope of insurance coverage set forth above may be lessened for waste facilities which operate solely as automobile graveyards as defined by 30 M.R.S.A. S2451-B(1978), if the selectmen find that the purposes of this ordinance can otherwise be met.

(f) When the owner of the property under consideration for a waste facility is not the operator/applicant, the owner shall be required to guarantee and shall be liable for the performance by the operator, and the owner shall be required to demonstrate adequate financial capacity therefor.

(g) The soils, bedrock formation and ground contours are such that the ground water and surrounding surface waters will not be adversely affected.

(h) There are no hazardous wastes to be disposed of at the proposed facility.

(i) Abutting landowners will not be adversely affected by the granting of the permit.

(j) The site and entrance thereto will be properly landscaped to screen to the maximum extent possible the disposal area from all surrounding property and that the entrance to the site will be controlled to prevent accident and public harm.

(k) Any excavation or open soil will be planned in such a way as to minimize erosion and prevent sediment pollution or siltation of any ground or surface water in the town.

(l) Adequate provision has been made to monitor the site against surface and ground water contamination which may include the use of monitoring wells.

(m) No waste facility is located within one mile of aquifers.

(n) The concentration levels set forth in Exhibit A are not exceeded.

Section 6. Decision of Selectmen. A permit shall be granted, granted with conditions, or denied within 90 days of a public hearing. Which period shall be extended in the discretion of the Selectmen, additional time is needed to gather information. The Selectmen shall immediately notify the applicant in writing of their decision together with their reasons for denial or imposing conditions, if applicable.

Section 7. Conditions. The Selectmen may issue a permit subject to any conditions necessary to ensure compliance with the above criteria and the purposes set forth in this ordinance. Standard conditions applicable to all permits are as follows:

(a) The establishment and operation of a new waste facility and the handling of all septage, ^{sludge} or solid waste within this municipality shall comply with all other municipal, state and federal laws and regulations which may apply.

(b) All permit holders shall be responsible for keeping a journal of all septage, sludge and ^{or} solid waste brought into its waste facility throughout the duration of the permit period which journal shall include the following information:

- date any septage, sludge or solid waste is spread on or over land encompassing the waste facility
- identity of person transporting waste material into waste facility together with the identity of the transporter's employer if different
- a description (including consistency and chemical composition) of all waste material handled at the waste facility
- the volume or weight of all waste material transported into waste facility together with the date of such disposal

- the origin of such waste material

-the method in which such waste material was disposed of

(c) Each permit holder shall accept no waste material from any transporter who fails or refuses to provide the information specified in Section 7(b) above.

Chapter 3

General Provisions

Section 1. Existing Waste Facilities. Any waste facility in existence at the time this ordinance is enacted must comply with the provisions of and obtain a permit under this ordinance within one (1) year of enactment of this ordinance by the town. However, any existing waste facility which expands or alters its operation within this one year period must immediately comply with and obtain a permit under this ordinance.

Section 2. Suspension and Revocation of Permit. After notice and hearing, the Selectmen may suspend or revoke the permit of any person who violates this ordinance or the conditions inserted in a permit. Notice of a hearing shall be sent to the operator/applicant by registered mail not less than seven(7) nor more than fourteen(14) days before the hearing and such notice shall state the time and place of hearing. The notice of hearing shall contain a statement describing the alleged violation(s) of this ordinance or of any conditions inserted in the permit.

Section 3. Changes in Location, Size or Operation. If the operation or location of any septage,^{sludge or} solid waste facility changes from that specified in the original permit application, an amendment to the permit must be obtained. A public hearing on any amendment may or may not be held at the discretion of the Selectmen.

Section 4. Annual Permit Renewal. Each permit granted under this ordinance must be renewed on an annual basis. Applications for a renewal permit shall be accompanied by a

nonrefundable fee of \$25.00 payable to the Town of Montville. Selectmen shall issue a renewal permit provided they find that the permit holder has:

1. Maintained an operations log with the information required under Chapter 2, Section 6, paragraph b
2. Complied with all applicable municipal, state and federal laws and regulations pertaining to septage, sludge and/or solid waste disposal
3. The criteria for granting the applicant's original permit together with the purposes of this ordinance, generally, have been and are being met in all respects.

If the Selectmen find that either the criteria for granting the initial permit or the general purposes of this ordinance are not being met by the permit holder, then the Selectmen shall be entitled to either deny the renewal permit or grant a renewal permit with additional conditions.

A public hearing on renewal permits may or may not be held at the discretion of the Selectmen.

Section 5. Penalty. Any person who violates this ordinance shall be subject to the civil penalties set forth in 30 M.R.S.A. S4966 (Supp. 1985).

Section 6. Access to Site. The Selectmen or their designated agents shall be permitted access to the site of any existing or proposed waste facility for the purpose of evaluating an application or monitoring compliance with this ordinance. The Selectmen or their agents shall be permitted to take samples of soils, water from wells or surface water, or septage, sludge, or solid waste materials for laboratory analysis at the expense of the operator. Evaluation by experts deemed necessary by the Selectmen will be at the expense of the applicant.

Section 7. Separability. The invalidity of any provision of this ordinance shall not invalidate any other part.

Section 8. Enforcement. The Town may recover all costs of enforcement, including attorney's fees.

Section 9. Exemptions. The current Montville Sanitary Landfill shall be exempt from this ordinance. Automobile graveyards for personal use shall be exempt from this ordinance.

Section 10. Commencement. This ordinance shall become effective when enacted.

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EXHIBIT A

Allowable Concentrations of Heavy Metals, PCB's and Maximum Loading Limits:

Many sludge and residuals contain trace quantities of various elements, heavy metals, organic compounds or pollutants such as PCB's. As a means of providing for increased environmental safety, public health and long term agricultural productivity, the following permissible concentrations of heavy metals and PCB's shall serve as maximum concentration limits and total cumulative loading limits for the application of residuals and sludges on the land:

Table 1. a
MAXIMUM PERMISSIBLE CONCENTRATIONS (mg/kg dry weight)

Cadmium (Cd)	5
Chromium (Cr)	500
Copper (Cu)	500
Lead (Pb)	350
Mercury (Hg)	5
Nickel (Ni)	100
Zinc (Zn)	1000

Table 1. b
MAXIMUM PERMISSIBLE CONCENTRATIONS OF ORGANIC CHEMICAL POLLUTANTS
(mg/kg dry weight)

Polychlorinated Biphenyls (PCB's)...0

Table 2
MAXIMUM LOADING LIMITS (kg/ha) BASED UPON CATION EXCHANGE
CAPACITY OF UNAMENDED SOIL

	5 MEQ/100g	5-15 MEQ/100g	15 MEQ/100g
Cadium (Cd) ¹	2.5	5.0	5.0
Chromium (Cr)	250	500	500
Copper (Cu)	125	250	250
Lead (Pb)	500	1000	1000
Zinc (Zn)	250	500	500
Nickel (Ni)	50	100	100

¹In addition the annual cadmium loading rate shall not exceed 0.5 kg/ha per year on land used for production of food chain crops.

Note: kg/ha means kilogram per hectare. (kg/ha) X (.892) = pounds per acre.

MEQ/100g means milliequivalents per 100 grams and is a measure of cation exchange capacity.