

**SOLID WASTE ORDINANCE  
TOWN OF PHIPPSBURG  
May 1997 (as amended at the May 2002 Town Meeting)**

1. **AUTHORITY:** This Ordinance is enacted in accordance with the home rule powers of the town and provisions of title 38, MRSA, Section 1305 as amended and repeals and replaces in its entirety the "Solid Waste Flow Control Ordinance" dated March 15, 1991 and the "Construction/Demolition Debris Ordinance" amended June 25, 1994.
  
2. **PURPOSE:** This ordinance is to provide guidelines for the management of the Transfer Station to:
  - A. Enhance and maintain the quality of the environment, conserve natural resources and prevent air and water pollution by providing an effective means of regulating the disposal of solid waste within the Town of Phippsburg
  
  - B. Control the disposal of Construction/Demolition type debris generated in the Town of Phippsburg; to insure compliance with Federal and State disposal regulations; and as far as possible to provide an equitable method for assessing charges to generators of construction or demolition debris.
  
  - C. Encourage recycling in order to help minimize the amount of waste that the town must dispose of, to reduce the costs of solid waste disposal, and to avoid the waste of valuable natural resources.
  
  - D. Prevent waste that is generated outside of Phippsburg from being added to the Phippsburg waste stream.
  
3. **APPLICABILITY:** This ordinance shall apply to all persons using the Transfer Station of the Town of Phippsburg, including but not limited to residents, commercial haulers, commercial and industrial establishments.
  
4. **TRANSFER STATION ATTENDANT:** A Transfer Station Attendant and Assistant shall be hired by the Selectmen and shall work under their direction to supervise the operation of the Transfer Station.
  
5. **DEFINITIONS:**
  - A. **Ashes** - The residue from the burning of wood, coal, coke or other combustible material.
  
  - B. **Commercial Hauler** - Any person who has been permitted by the Board of Selectmen to collect and transport waste in Phippsburg as a business venture.

C. Construction/Demolition Debris - Debris resulting from the construction, remodeling, repair, and demolition of buildings or other structures. It includes, but is not limited to, building materials, asphalt, wall board, pipes, metal conduits, mattresses, household furniture, fish nets, rope, hose, wire and cable, fencing, carpeting and underlay; it excludes asbestos and other special wastes.

D. Contractor - Any person, resident or non-resident, who advertises in any manner including by "word of mouth" and who does work for hire or by contract, and in the performance of that work generates solid waste, particularly construction debris.

E. Cottage - A dwelling that has seasonal use.

F. Disposal - As defined in 38 M.R.S.A., Section 1303 (3) means the discharge, deposit, injection, dumping, spilling, leaking or placing of any hazardous or solid waste, sludge or septage into or on any land or water so that the hazardous or solid waste, sludge or septage or any constituent thereof may enter the environment or be emitted into the air, or discharged into any waters, including ground waters. Disposal also includes the placement of waste into a landfill, or transfer station despite the fact that such landfill or transfer station may be designed to minimize any discharges to the environment.

G. Hazardous Materials - All wastes and used containers which are subject to special handling by state and federal environmental safety laws and regulations, and including household toxic waste and containers. Also any waste as deemed as Hazardous Waste by the Disposal Contractor.

H. Inert fill - Clean soil material, rocks, bricks, and cured concrete, which are not mixed with other solid or liquid waste, and which are not derived from an ore mining activity, and other materials as may be designated by the Board of Selectmen.

I. Infectious Waste - Those wastes so defined by the Solid Waste Management Regulations promulgated by the Department of Environmental Protection pursuant to Title 38, MRSA 1304.

J. Liquid Waste - All unwanted or discarded material with sufficient liquid content to be free flowing, including but not limited to waste motor oil, antifreeze, paints, motor fuels, solvents, waste water and septic tank sludge.

K. Recyclable Materials - Materials designated by the Board of Selectmen as being capable of "resource recovery" in that the materials or substances have useful physical properties after serving a specific purpose and can be reused or

recycled for the same or other purposes and thus may safely and economically be removed from the waste stream.

L. Resident - Any individual, firm, corporation, partnership, association, municipality, quasi-municipal corporation, state agency or any other legal entity residing, owning, or controlling property in the Town of Phippsburg.

M. Solid Waste - Useless, unwanted, or discarded solid material with insufficient liquid content to be free-flowing, including, but not limited to, rubbish, garbage, scrap materials, junk, refuse, inert fill material, and landscape refuse, but which does not include septage tank sludge, agricultural waste or hazardous waste.

N. Solid Waste Disposal Facility - Any land or structures or combination of land area and structures, including dumps and transfer stations used for the storing, reducing, incinerating, or disposing of solid waste.

O. Town - The Town of Phippsburg in Sagadahoc County, State of Maine.

P. Transfer Station - Any waste facility constructed and managed for storage and/or processing and placement of municipal solid waste in large containers or vehicles for movement to another waste facility, and specifically as used in this ordinance, the Phippsburg Transfer Station and any and all associated land or structures for the handling, storage, or processing of disposable or recyclable materials.

Q. Waste Disposal Contractor - Contractor that accepts Solid Waste from the transfer Facility. At this time it refers to Regional Waste Systems, but may be changed at the discretion of the Board of Selectmen depending on constraints of existing contracts.

## 6. TRANSFER STATION REGULATIONS:

A. In accordance with the provisions of Title 38, MRSA 1305, the Town designates facilities on Town-Owned land off the Sam Day Hill Road in Phippsburg as its solid waste disposal facility.

B. The use of the Transfer Station shall be limited to residents, renters and property taxpayers of the Town of Phippsburg and the Board of Selectmen may impose regulations to ensure that waste generated outside the town is not deposited in the Phippsburg facility.

C. The dumping or depositing of any solid waste generated within the Town by any person at any place other than a solid waste disposal facilities is prohibited, except as follows:

(1) With the permission of the lot owner, persons may deposit or dump inert fill, subject to state and local regulations.

(2) Household organic wastes may be composted in home compost piles that are constructed and managed so as to prevent nuisance conditions.

(3) Persons engaged in saw mill or other wood processing businesses may allow sawdust and shavings to accumulate temporarily until permanent disposal is arranged.

(4) Organic matter may be spread on the surface of the land or allowed to decay on the surface of the land to serve as a fertilizer and soil conditioner, providing all local and state laws governing such practices are observed.

(5) Wood ashes and inert materials may be spread on the surface of the land as a soil amendment agent or fertilizer.

(6) The Board of Selectmen may approve private waste disposal, transfer or storage facilities for businesses, households or industries that generate wastes unacceptable or impractical for disposal in the town facility, providing all state and local waste disposal laws, land use laws and outdoor burning laws are observed.

D. The following unacceptable wastes shall not be deposited at the Phippsburg Transfer Station.

(1) Wastes generated outside of Phippsburg.

(2) Drums capable of holding more than five gallons unless one end is opened and the drum has been cleaned of all hazardous substances.

(3) Propane tanks unless the valves have been removed

(4) Fuel Tanks unless they have covers removed and are free of fuel

(5) Liquid wastes.

(6) Explosive wastes.

(7) Hazardous wastes.

(8) Infectious wastes.

- (9) Whole animals.
- (10) Wastes prohibited by the Waste Disposal Contractor, and which the Town is not required to accept under state solid waste laws.
- (11) Motor Vehicles, except that the Board of Selectmen may from time to time organize special campaigns for junk car removal and make arrangements for their processing and disposal.
- (12) Asbestos.
- (13) Radioactive materials, other than minor residues found in ordinary household appliances and materials.
- (14) Gasoline.
- (15) Sewage, sludge, sewage-derived substances and wastes from waste water treatment systems, septic tanks, and so called "outhouse," composting or vault toilet systems.
- (16) Other materials that may be determined to be dangerous, unhealthy or impractical for deposit at the Transfer Station.

E. Construction and Demolition Debris

- (1) Construction and Demolition debris generated by a resident to do repair, remodeling, or new construction of buildings or other structures owned by the resident and transported to the Transfer Station by the resident or a person showing written proof of acting on the behalf of the resident without suitable transportation, shall be accepted at no charge.
- (2) Construction and Demolition debris generated by a contractor paid by the resident to do repair, remodeling, or new construction of buildings or other structures owned by the resident, cannot be accepted at the Transfer Station. Contractors are responsible for proper disposition of all waste generated by them in the practice of their profession, and will allow for the cost of this disposition in their cost to handle a project.
- (3) Construction and Demolition Debris disposed of in the container shall be no longer than (4) feet in length with the following exceptions: mattresses, box springs, and couches and any other item that the attendant deems feasible to dispose of in the container.”

F. General Regulations

- (1) Temporary permit and Rental permit holders must check in with the Transfer Station Attendant.
- (2) Refrigerators and Freezers must be placed upright and have doors removed.
- (3) Children less the 16 years of age must be accompanied by an adult
- (4) No bare feet allowed
- (5) No pets allowed outside vehicles
- (6) Salvage or removal of any deposited solid waste without the approval of the Board of Selectmen is prohibited.

7. PERMITS: Use of the Transfer Station Facility will not be allowed unless an application has been completed and a permit issued by the town office. There are three types of Permits:

(A) Permanent: A permanent Transfer Station permit is a colored sticker that is sequentially numbered and has a fixed expiration date of two years. It is issued to residents and is attached to a window of the vehicle, preferably in the lower left corner of the windshield.

(B) Rental Permit: This permit is designed to be used by cottage owners who have different family members using the cottage throughout the summer season or who rent their cottages out. It is issued to the cottage owner and is left at the cottage to be used by renters or family members for disposal of solid waste generated at the cottage. This permit is valid for one calendar year.

(C) Temporary Permit: This permit is designed to allow a non-resident to take Solid waste to the Transfer Station on behalf of a resident. It is issued for only the time period that the waste will be transferred. To obtain this permit the hauler must provide evidence that they are transporting solid waste on behalf of the Resident.

(D) Commercial Permit: This permit is issued to Commercial Haulers and is valid for one calendar year.

8. ENFORCEMENT:

A. It shall be the duty of the Board of Selectmen to enforce the provisions of this ordinance, through court action, negotiated consent agreements or other legal means.

B. If any part of this ordinance is held to be invalid, such decision shall not effect the remaining portions.

C. Whoever violates any provisions of this ordinance shall be punished by a fine or not less than \$100.00 or more than \$500.00. Each day a violation continues shall constitute a separate offense. All fines levied under this ordinance shall be paid to the Town of Phippsburg. If court action is required to enforce this ordinance, the violator will be responsible for the town's court costs and reasonable attorneys fees.

D. Any person that deposits materials at the facility in violation of this ordinance, applicable state laws or the regulations adopted by the Board of Selectmen shall be liable for the full costs of removing those materials and shall be liable for any environmental damage that may result and any costs incurred in cleaning up and/or mitigating that damage.

9. Fees: The Board of Selectmen may:

A. Establish by regulation a schedule of license fees to be charged commercial haulers.

B. Review the operation of the facility and shall draft an incentive or fee system should it appear that such is needed to encourage more business and household recycling. However, no fee or incentive plan of this type shall be imposed until it has been approved by voters at Town Meeting.

10. Effective Date: This ordinance shall become effective immediately upon adoption by the May 19, 1997 Town Meeting. and remain in effect until repealed or replaced.

11. Conflicts: If any section of this Ordinance conflicts with other Town Ordinances or State Laws and Regulations, the more stringent provisions shall apply.

Given under our hands this 15th day of May 2002.

MICHAEL W. RICE  
Chairman, Board of Selectmen

ALAN B. DOUGLASS  
Board of Selectmen

PROCTOR W. WELLS  
Board of Selectmen