

TO: COMPANY MANAGER

FROM: WATERBORO HAZARDOUS WASTE COMMISSION

Enclosed is a copy of the latest Hazardous Waste Ordinance for the town of Waterboro. At a recent town meeting several changes to the Ordinance were made to further protect the health and welfare of the citizens of Waterboro. One of the most significant changes was the elimination of the industrial storage exemptions therefore a permit must be applied for if any hazardous material is generated or stored by your facility.

You are urged to review your Operations to determine if you are in compliance with the Ordinance. For your convenience a Hazardous Waste Permit Application is also enclosed. Should you have any questions or if assistance is needed in the preparation of the Permit please call the Town Hall (247-5166 or 247-6166) and a member of the Hazardous Waste Commission will contact you.

TOWN OF WATERBORO, MAINE
HAZARDOUS WASTE ORDINANCE

The Town of Waterboro hereby ordains:

Section I-Purpose

The regulations set forth in this ordinance are adopted to:

- A. Provide for the protection of ground water and surface water quality through the control of hazardous waste handling, storage or disposal;
- B. Protect the health, safety and welfare of the citizens of Waterboro.

Section II-Legislative Authority

A. Authority

1. This ordinance is adopted pursuant to Home Rule Powers as provided for in Article VII-A of the Maine Constitution and Title 30, M.R.S.A., Section 1917, 38 M.R.S.A. 1310-A.
2. This ordinance shall be known as the "Amended Hazardous Waste Ordinance" of the Town of Waterboro, Maine, adopted and made effective by vote of the Town Meeting on March 8, 1986.

B. Administration:

1. The Hazardous Waste Commission of the Town of Waterboro shall administer this ordinance.
2. No person shall construct, develop, establish, operate, own or maintain an industrial or commercial site which will generate, process, handle, store or dispose of hazardous waste without having first obtained a permit from the Hazardous Waste Commission. A permit or renewal permit shall be issued for a period of three (3) years from the date of issuance, unless suspended or revoked. Each permit or renewal permit shall be issued only for the site designated in the plans accompanying the application and shall not be transferable or assignable except with the written approval of the Hazardous Waste Commission.

Section III-Validity and Severability and Conflict with Other Ordinances

A. Validity and Separability

1. Should any section or provision of this ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision of the ordinance.

B. Conflict with other Ordinances:

1. Whenever the requirements of this ordinance are inconsistent with the requirements of any other ordinances, code or statute, the more restrictive requirements shall apply.

Section IV-Applicability

- A. All requirements of this Ordinance shall apply to any new facility or enlargement of an existing facility in or at which hazardous waste will be generated, stored, handled, processed or disposed. Proposals to construct a new facility or enlarge an existing facility shall be presented as a Site Plan of Development Application and reviewed under Sections IV, V, VI(A) and VI(B) of this Ordinance.
- B. Existing facilities in or at which hazardous wastes are generated, stored, handled, processed or disposed must comply with the requirements for triennial operations permits under Section VI(C) of this ordinance.
- C. Exemptions:

This Ordinance shall not apply to:

1. Agriculture Waste: The storage and handling of products used for agricultural purposes on working farms or generated by farming activities.
2. Household waste: Products which are used for normal domestic housekeeping.
3. Retail gasoline stations, household heating fuels.

Section V-Application Procedure and Site Plan Content

- A. The Site plan of Development Application shall include as a minimum:
 1. A map at a convenient scale. (i.e. U.S.G.S. 7 1/2 minute or 15 minute topographic) delineating the parcel, and existing dwelling units, other structures, 100 year flood zones, private and public water supplies, land currently used for agricultural purposes, sand and gravel aquifers and aquifer recharge areas on the parcel or within 500 feet of the parcel..
 2. Maps and or engineering drawings at a scale of not less than one (1) inch to forty (40) feet and shall include:
 - a. name and address of the applicant or his authorized agent and name of proposed development and any land within 500 feet of the proposed development in which the applicant has title or interest:

- b. municipal tax maps and lot numbers and names of abutting land owners;
- c. summary of existing and proposed easements, restrictions and covenants placed on the property;
- d. a hydrogeologic investigation of the site by a hydrogeologist;
- e. erosion and sedimentation control plan, storm water runoff plan, and spillage management plan;
- f. copies of all notification letters to: landowners within 200 feet of the boundaries of the proposed site; all of the following officials presently employed by the town: town manager, selectmen, road commissioner/public works director, fire chief, police chief and code enforcement officer. The letters must state the proposed use of the property, the size of the facility, and the location;
- g. statement of financial capacity which should include the names and sources of the financing parties, including banks, government agencies, private corporations, partnerships and limited partnerships and whether these sources of financing are for construction loans or long term mortgages or both. This statement shall show the applicant has sufficient financial capacity to build, operate, and close down the facility;
- h. list of applicable local, state and federal ordinances, statutes, laws, codes and regulations such as, but not limited to, zoning ordinances, the Resource Conservation and Recovery Act, the Toxic Substance Control Act, the Clean Water Act and the Clean Air Act;
- i. the applicant evaluation of the availability and suitability of off-site public facilities which they will use, such as roads and fire protection;

Section IX-Appeals

- A. If the Hazardous Waste Commission disapproves an application or grants approval with conditions that are objectionable to the applicant or any abutting landowner or any aggrieved party, or when it is claimed that the provisions of the ordinance do not apply, or that the true intent and meaning of the ordinance has been misconstrued or wrongfully interpreted, the applicant, an abutting landowner, or aggrieved party may appeal the decision to Superior Court within thirty (30) days from the Hazardous Waste Commission's final decision in accordance with Rule 80 B of the Maine Rules of Civil Procedure.

Section X-Amendments

- A. This ordinance may be amended by a majority vote of the Town Meeting. Amendments may be initiated by a majority vote of the Hazardous Waste Commission or by request of the Board of Selectmen to the Hazardous Waste Commission or on petition of 10% of the votes cast in the last gubernatorial election in the town. The Hazardous Waste Commission shall conduct a public hearing on any proposed amendment.

Section XI-Definitions

- A. "Hazardous Waste" is defined as a waste material which is radioactive, ignitable, corrosive, reactive and/or toxic. It will include: (1) all wastes determined to be hazardous by the Resource Conservation and Recovery Act, Section 3001 and regulations promulgated pursuant to said section including 40 CRF 261; (2) wastes determined to be hazardous by the State Board of Environmental Protection pursuant to 38 M.R.S.A. s1303 and 1303-A; (3) waste defined as radioactive waste materials by 38 M.R.S.A. s361-D (1) (B).
- B. "Hazardous Waste Commission" shall mean the Waterboro Hazardous Waste Commission.
- C. "Ground Water" shall mean the water present in the saturated zone of the ground.
- D. "Aquifer" shall mean geologic deposits or structures from which useable quantities of ground water are available for households, municipalities or industries.
- E. "Surface Water" shall mean a body of water whose top surface is exposed to the atmosphere including but not limited to rivers, ponds, lakes, streams, marshes and wetlands.

