

APPENDIX A

STATE OF MAINE SOLID WASTE MANAGEMENT REGULATIONS

Chapter 400: GENERAL PROVISIONS

SUMMARY: This Chapter establishes the rules regarding administrative matters and general standards concerning solid waste facilities and solid waste handling. It describes which facilities and activities are subject to the Maine Solid Waste Management Rules and which are exempted. Specifically included in this Chapter are definitions, licensing procedures, and licensing standards.

1. **Definitions.** The following terms, as used in the Maine Solid Waste Laws and in these rules have the following meanings, unless the context indicates otherwise:
 - A. **Abutter.** "Abutter" for the purposes of the notice provisions of this rule, means any person who owns property that is both (1) contiguous to the property boundary and (2) within 1 mile of the facility site on which the project will take place, including owners of property directly across a public or private right of way.
 - B. **Active portion.** "Active portion" of a landfill means that part of the landfill or landfill cell that has not received final cover in accordance with these or prior rules or with Federal rules or was not closed prior to the enactment of any solid waste management rules.
 - C. **Adequately wetted.** "Adequately wetted" means sufficiently mixed or coated with water or an aqueous solution to prevent dust emissions.
 - D. **Agricultural waste.** "Agricultural waste," means wastes that result from agricultural activities (the growing of vegetables, fruits, seeds, nursery crops, poultry, livestock, field crops, cultivated or pasture hay and farmlot 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 Departmental 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 Chapter 419.
 - E. **Agronomic rate.** "Agronomic rate" means an application rate of plant nutrients that is recommended to provide the optimum plant growth and be utilized by the crop.
 - F. **Agronomic utilization.** "Agronomic utilization" or "utilization" means the land application of residuals in a controlled manner in order to:
 - (1) Increase the nutrient content of the soil at a rate commensurate with the nutritional needs of the crop to be grown and the assimilative capacity of the soil;
 - (2) Otherwise improve agricultural soil conditions; or
 - (3) Provide some other horticultural benefit.

- G. Airport.** "Airport" means an aircraft landing strip open to the public.
- H. Alter.** "Alter" means to increase the capacity of or to change the siting, design, construction or operation of a solid waste facility or activity in any way not previously approved by the Department.
- I. Amendment.** "Amendment" means a modification to a license that would permit a solid waste facility to significantly increase capacity of the facility; significantly alter the siting, design, construction or operation of the facility; or significantly alter the nature of an activity to an extent that would require the Department to modify any findings with respect to any of the licensing criteria. Amendments do not include minor revisions and other alterations.
- J. Ambient sound.** "Ambient sound" means the all-encompassing sound at a given location, being usually a composite of sounds from many sources at many directions, near and far.
- K. Annual Report.** "Annual report" means the report prepared annually by each solid waste facility owner or operator to demonstrate compliance with the license for that facility and the applicable provisions of these rules.
- L. 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 the asbestiform varieties of serpentine (chrysotile), riebeckite (crocidolite), cummingtonite-gunerite (amosite), anthophyllite, actinolite, tremolite and any of these minerals that have been chemically treated or altered.
- M. Asbestos waste.** "Asbestos waste" means any asbestos-contaminated material or asbestos debris generated from an asbestos abatement activity and any other source, as these terms are defined in Chapter 425 - Asbestos Management Regulations.
- N. Ash.** "Ash" means the residue or the residual remaining after the combustion of a material such as coal, wood, oil, sludge or municipal solid waste.
- O. Asphalt batching plant.** "Asphalt batching plant" means any continuous flow or non-continuous asphalt plant that uses a rotary kiln, drum dryer, pug mill or drum mix device to process an aggregate-asphalt mix into a final bituminous product.
- P. Assessment Monitoring.** "Assessment monitoring" means monitoring conducted to verify water quality and/or to assess the nature and extent of a release of contaminants to ground or surface water.
- Q. A.S.T.M.** "ASTM" means American Society for Testing and Materials.
- R. Attendant.** "Attendant" means the individual who is the on-site supervisor of the day-to-day operations at a solid waste facility.
- S. Barrier layer.** "Barrier layer" means a continuous layer of natural and/or synthetic materials, over, beneath, or on the sides of a surface impoundment, landfill, or landfill

cell, which restricts the downward or lateral escape of solid waste, any constituents of such waste, and leachate, or which minimizes the infiltration of rainwater to the extent required in these rules.

T. Beneficial use. "Beneficial use" means to use or reuse a solid waste or waste derived product:

- (1) As a raw material substitute in manufacturing,
- (2) As construction material or construction fill,
- (3) As fuel, or
- (4) In agronomic utilization.

U. Buffer strip. "Buffer strip" means an area of land that is covered by vegetation, capable of regeneration and succession, whether retained as undisturbed vegetation or re-established following disturbance of the site. A buffer strip runs along the border between the facility site and an adjacent piece of land, body of water, or other specified area and serves to protect that area from adverse effects of the facility or preserves some existing quality or use in the area of development.

V. Bypass. "Bypass" means any solid waste that is destined for disposal, processing, or beneficial use at a solid waste facility, but which cannot be disposed, processed, or beneficially used at that facility because of malfunction, insufficient capacity, inability of the facility to process or burn, down-time, or any other reason.

W. Cell. "Cell" means a discrete area within a landfill site which has been designated to facilitate the systematic construction, operation, and closure of the landfill.

X. Certified Copy. "Certified copy" means a copy of the Department approved operating manual implemented by the owner/operator of a landfill facility that is assigned to be updated and tracked by a person specified by the owner/operator.

Y. Classified water. "Classified water" means all ground water and any surface water, inland or tidal, and perennial or intermittent tributaries thereof, that are described and designated pursuant to 38 MRSA Sections 464 to 470.

Z. Commercial solid waste disposal facility. "Commercial solid waste disposal facility" means a solid waste disposal facility except as follows:

- (1) A solid waste facility owned by a public waste disposal corporation under section 1304-B, subsection 5 as long as the public waste disposal corporation controls the decisions regarding the type and source of waste that is accepted, handled, treated and disposed of at the facility;
- (2) A solid waste facility owned by a municipality under section 1305 as long as the municipality controls the decisions regarding the type and source of waste that is accepted, handled, treated and disposed at the facility;

- (3) A solid waste facility owned by a refuse disposal district under chapter 17 as long as the refuse disposal district controls the decisions regarding the type and source of waste that is accepted, handled, treated and disposed of at the facility;
- (4) A solid waste facility owned and controlled by the office under chapter 24;
- (5) A solid waste facility owned and controlled by a single entity that generates at least 85% of the solid waste disposed of at the facility, except that the facility may accept from other sources, on a nonprofit basis, an amount of solid waste that is no more than 15% of all solid waste accepted on an annual basis. For purposes of this paragraph, "single entity" means an individual, partnership, corporation or limited liability company that is not engaged primarily in the business of treating or disposing of solid waste or special waste. This paragraph does not apply if an individual partner, shareholder, member or other ownership interest in the single entity disposes of waste in the solid waste facility. A waste facility receiving ash resulting from the combustion of municipal solid waste or refuse-derived fuel is not exempt from this subsection solely by operation of this paragraph; or
- (6) A private corporation that accepts material-separated refuse-derived fuel as a supplemental fuel and does not burn waste other than its own.

AA Reserved.

BB. Commercial waste. "Commercial waste" means solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing, non-processing activities. Commercial waste does not include household, process, industrial or special wastes.

CC. Composite liner. "Composite liner" means a geomembrane placed over and in direct and uniform contact with a barrier soil layer and/or geosynthetic clay liner, without a leak detection or leachate collection layer between them.

DD. Compost. "Compost" means a residual that has undergone a composting process.

EE. Composting. "Composting" means the biological decomposition of organic residuals under predominantly aerobic conditions and controlled temperatures between 110° and 150° F..

FF. Construction or demolition debris. "Construction or demolition debris" means solid waste resulting from construction, remodeling, repair, and demolition of structures. It includes but is not limited to: building materials, discarded furniture, asphalt, wall board, pipes, and metal conduits. It excludes: partially filled containers of glues, tars, solvents, resins, paints, or caulking compounds; friable asbestos; and other special wastes.

GG. Construction Fill. "Construction Fill" means fill that may contain solid waste utilized to provide material for construction projects such as roads, parking lots, buildings or other structures. It does not include fill needed to re-contour an area within a landfill or where no further construction is occurring. If the construction fill contains solid waste other than inert fill, the use of the fill is regulated under Chapter 418.

HH. Contamination or Pollution.

- (1) As applied to ground water, "contamination" or "pollution" means exceeding water quality standards, the concentrations of which are attributable to the solid waste facility, as:
 - (a) Specified in CMR 231 - Primary Drinking Water Standards, promulgated pursuant to 22 M.R.S.A. section 2611; or
 - (b) Demonstrated by a statistically significant change in measured parameters which indicates deterioration of water quality determined through assessment monitoring.
- (2) As applied to surface water, "contamination" or "pollution" means an unlicensed discharge to a classified body of surface water that is not exempt from licensing and is attributable to any aspect of the solid waste facility operation.

II. Crop for direct human consumption. "Crop for direct human consumption" means a food crop that is distributed to consumers without prior processing such as blanching, frying or cooking to minimize pathogens.

JJ. Daytime hours. "Daytime hours" means the hours between 7:00 a.m. and 7:00 p.m.

KK. Demolition debris. See "construction or demolition debris".

LL. Department. "Department" means the Department of Environmental Protection composed of the Board of Environmental Protection and the Commissioner.

MM. Department Supervised Clean-up. "Department Supervised Clean-up" means a clean-up of oil contaminated soil that is undertaken under the direction of a representative of the Department.

NN. Design leakage rate. "Design leakage rate" means the amount of leakage expected through the liner system(s) within the solid waste boundary, plus an additional amount of leakage from waste handling areas, to account for factors such as changes in long-term performance of engineered products, operational considerations, and site-specific design features. The design leakage rate includes leakage during the operational, closure, and post-closure periods.

OO. Detection monitoring. "Detection monitoring" means monitoring conducted periodically throughout the active life of the facility, and through the closure and post-closure periods, to detect changes in water quality.

PP. Dewatered septage. "Dewatered septage" means the solid fraction removed from septage, by mechanical means such as a sand filter, clarifier or belt filter press.

QQ. Disposal. "Disposal", means the discharge, deposit, dumping, spilling, leaking, placing or incineration of any solid waste into or on any land, air or water so that the solid waste or any constituent thereof may enter the environment or be emitted into the

air, or discharged into any waters, including ground waters. This term does not include beneficial use activities approved or exempted under these rules.

RR. Dredge materials. "Dredge materials" means sand, silt, mud, gravel, rock or other sediment or material removed from beneath any surface water.

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

TT. Equipment. "Equipment" means any item of machinery or implement used in the operation of a solid waste facility to perform site preparation, earth-moving and trucking, hauling, transporting, spreading, compacting or covering of waste.

UU. Environmental Monitoring. "Environmental monitoring" means collecting and analyzing ground and surface water samples, leachate, leak detection and leachate treatment residue samples, air samples, landfill gas samples and/or measurements, waste characterization, and monitoring of solid waste settlement and landfill and/or site stability.

VV. Existing hourly sound level. "Existing hourly sound level" means the hourly sound level at a solid waste facility or at protected locations prior to the first expansion of that solid waste facility.

WW. Expand. "Expand", as it applies to solid waste landfills, means to dispose of solid waste beyond the horizontal boundaries previously licensed by the Department for solid waste disposal, except when allowed as part of a Department approved closure activity.

"Expand", as it applies to solid waste incineration facilities, means to significantly increase the licensed disposal capacity of the facility.

XX. Facility site. "Facility site" means any developed land area of a solid waste facility, including internal access roads controlled by the facility site owner or operators, structures (including those for erosion and sedimentation control), parking lots, and waste handling areas, or any areas thereof approved by the Department for that development, but excluding monitoring wells.

YY. Fault. "Fault" means a geologic fracture or a zone of fractures in any material along which strata on one side have been displaced with respect to that on the other side.

ZZ. Feed crop. "Feed Crop" means a crop produced primarily for consumption by domestic animals.

AAA. Fiber crop. "Fiber crop" means a crop grown for fiber content such as straw, trees, flax and cotton.

BBB. Fines. "Fines" means the soil material that passes through a #200 U.S. Standard Sieve.

CCC. Flowable Fill. "Flowable Fill" means a cementitious low-strength material comprised of cement, a non-hazardous ash, fine aggregate, and water and used in place of compacted soil in excavations and/or construction where high strength is not required.

DDD. Food crop. "Food Crop" means a crop grown primarily for direct consumption by humans, such as fruits and vegetables.

EEE. Fractured bedrock aquifer. "Fractured bedrock aquifer" means a fractured consolidated rock formation that is saturated and recharged by precipitation percolating through overlying sediments to a degree that will permit wells drilled into the rock to produce a sufficient water supply for domestic use.

FFF. Front-end process residue (FEPR). "Front-end process residue (FEPR)" means solid waste removed by processing prior to incineration or landfilling, including but not limited to ferrous metals, glass, grit and fine organic matter.

GGG. Generator. "Generator" means any person whose act or process produces a solid waste or whose act first causes a solid waste to be subject to regulation under these rules.

HHH. Handle. "Handle" means to store, transfer, collect, separate, salvage, process, recycle, reduce, recover, incinerate, dispose of, treat, or beneficially use.

III. Hazardous waste. "Hazardous waste" means a waste substance or material, in any physical state, designated as hazardous by the Board under 38 MRSA section 1319-O. It does not include waste resulting from normal household or agricultural activities. The fact that a hazardous waste or a part or a constituent may have value or other use or may be sold or exchanged does not exclude it from this definition.

JJJ. Heavy metals. "Heavy metals" means those metallic elements that have the potential for human, plant or animal toxicity including, but not limited to, the following: arsenic (As), Barium (Ba), cadmium (Cd), copper (Cu), chromium (Cr), mercury (Hg), nickel (Ni), lead (Pb), molybdenum (Mb), selenium (Se), and zinc (Zn).

KKK. Historic site. "Historic site" means any site, structure, district or archaeological site which has been officially included on the National Register of Historic Places and/or on the Maine Historic Resource Inventory, or which is established by qualified testimony or evidence as being of historic significance.

LLL. Hot loads. "Hot loads" means solid waste delivered to a solid waste facility that is on fire, smoldering, or releases sufficient heat upon hydration to constitute a fire hazard.

MMM. Hourly sound level. "Hourly sound level" means the level of the mean-square A-weighted sound pressure during a one hour period or equivalently the level of the sound exposure during a one hour period.

NNN. Household hazardous waste. "Household hazardous waste" means any hazardous waste material excluded from identification as a hazardous waste by Chapter 850, section 3.A(4)(vii) because it is generated by households, including single and multiple residences, hotels and motels, bunkhouses, picnic grounds, and day-use recreational facilities.

OOO. Hydrogeologic unit. "Hydrogeologic unit" means one or more stratigraphic or lithologic units having similar hydrogeologic properties which are in hydraulic

communication, and bounded by either the ground surface or adjacent stratigraphic or lithologic units having differing hydrogeologic properties.

PPP. Incineration. "Incineration" means the volume reduction of solid waste by means of controlled combustion, including pyrolysis. This term does not include combustion of solid waste in cone burners or the practice of open burning.

QQQ. Incorporate. "Incorporate" as used in Chapter 419 means the mixing of a sludge or other residual with the soil in the upper horizon by rototilling, harrowing, plowing or sub-surface injection.

RRR. Inert fill. "Inert fill" means clean soil material, including soil from road ditching and sand from winter sand cleanup; rock; bricks; crushed clean glass or porcelain; and cured concrete; that are not mixed with other solid or liquid waste, and are not derived from an ore mining activity.

SSS. Inject. "Inject" means the direct introduction of sewage sludge or other residual beneath the ground surface by means of specialized equipment.

TTT. Key personnel. "Key personnel" for a solid waste disposal facility means persons in a supervisory role who are accountable and directly involved with the on-site operation of the solid disposal waste facility. Key personnel also includes at least one member of a solid waste disposal facility's engineering or environmental staff.

UUU. Land application. "Land application" means spraying or spreading residuals on the ground surface or incorporating residuals below the ground surface.

VVV. Land clearing debris. "Land clearing debris" means solid wastes resulting from the clearing of land and consisting solely of brush, stumps, soil material, and rocks.

WWW. Landfill or solid waste landfill. "Landfill or solid waste landfill" means a discrete area of land or an excavation used for the disposal of solid waste. This term does not include land application sites used in programs approved by the Department.

XXX. Landfill gas. "Landfill gas" means gases, including but not limited to carbon dioxide and methane, produced by decomposition of solid waste.

YYY. Landfill reclamation. "Landfill reclamation" means the excavation of a portion or all of a landfill with the goal of reducing the volume of wastes currently disposed in the landfill through separation of materials into recyclable, reusable, and combustible components.

ZZZ. Leachate. "Leachate" means liquid that has passed through or emerged from solid waste and contains dissolved, suspended or miscible materials removed from that waste.

AAAA. Leak detection system. "Leak detection system" means a high permeability layer between two liners designed to detect, collect, and remove leachate leaking through the upper liner before that leachate discharges to the environment.

BBBB. Liner or liner system. "Liner" or "liner system" means a constructed, continuous layer of natural or artificial materials placed beneath or on the sides of a surface impoundment, landfill, or landfill cell, that restrict the downward or lateral movement of leachate.

CCCC. Lithified earth material "Lithified earth material" means all rock, including all naturally occurring and naturally formed aggregates or masses of minerals or small particles of older rock, that formed by crystallization of magma or by induration of loose sediments. This term does not include man-made materials, such as fill, concrete, and asphalt, or unconsolidated earth materials, soil, or regolith lying at or near the earth surface.

DDDD. 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).

EEEE. Lower explosive limit (LEL). "Lower explosive limit" of a combustible gas or mixture of combustible gases means the lowest concentration (by volume) in air that will explode, ignite or burn when there is an ignition source. At concentrations below the LEL, there is insufficient fuel to support combustion or ignition.

FFFF. Maine Solid Waste Laws. "Maine Solid Waste Laws" means all the laws of the State of Maine relating to the management of solid waste. It includes the "Maine Hazardous Waste, Septage and Solid Waste Management Act," Subchapters I and IA (38 MRSA section 1301 *et seq.*); 38 MRSA sections 417 and 420; the Waste Discharge Law (38 MRSA section 413); 38 MRSA section 590-E; the Maine Refuse Disposal District Enabling Act (38 MRSA section 1701 *et seq.*); and the Solid Waste Management and Recycling Law (38 MRSA section 2101 *et seq.*).

GGGG. Maine Solid Waste Management Rules or these rules. "Maine Solid Waste Management Rules" or "these rules" means Chapters 400 through 419 inclusive that have been adopted by the Board of Environmental Protection and are in effect pursuant to the requirements of the Maine Administrative Procedure Act, 5 MRSA section 8051 *et seq.*

HHHH. Material-separated, refuse-derived fuel. "Material-separated, refuse-derived fuel" means a binder-enhanced, pelletized, solid fuel product made from the combustible fraction of a municipal solid waste stream that has been processed to remove the recyclable material before combustion. The product may not contain more than 6% by weight of plastic, metal, glass or food waste. In addition, the production of material-separated, refuse-derived fuel may not exceed 40% by weight of the total municipal solid waste stream from which it was derived.

IIII. Maximum horizontal acceleration in lithified material. "Maximum horizontal acceleration in lithified material" means the maximum expected horizontal acceleration, depicted on a seismic hazard map, with a 90 percent or greater probability that the acceleration will not be exceeded in 250 years, or the maximum expected horizontal acceleration based on a site-specific seismic risk assessment.

JJJJ. Minor Revision. "Minor Revision" means a modification to a license for any proposed alteration that does not require a license amendment but that, in the Department's judgment, requires Department approval due to the need to evaluate whether the proposed alteration could have a potential impact on public health or welfare, the environment, or create a nuisance.

KKKK. Monofill. "Monofill" means a landfill or landfill cell used exclusively for the disposal of a single homogeneous waste stream.

LLLL. M.R.S.A. "M.R.S.A." means the Maine Revised Statutes Annotated.

MMMM. Municipality. "Municipality" means City, Town, Plantation or unorganized township.

NNNN. Municipal solid waste. "Municipal solid waste" means solid waste emanating from household and normal commercial sources. Municipal solid waste includes front end process residue from the processing of municipal solid waste.

OOOO. Nighttime hours. "Nighttime hours" means the hours between 7:00 p.m. and 7:00 a.m.

PPPP. Nitrogen loading rate. "Nitrogen loading rate" means the rate at which residuals are applied to the land to meet the recommended nitrogen requirements for optimum crop growth.

QQQQ. Non-hazardous waste. "Non-hazardous waste" means any solid waste, special waste or septage that is not a hazardous waste, biomedical waste, or low-level radioactive waste.

RRRR. Northern zone. "Northern zone" includes: Aroostook County; that part of Penobscot County north of and including Medway, TAR7 and Long A; that part of Piscataquis County north of and including TBR10, TBR11, Bowdoin College Grant, Greenville and Little Squaw; that part of Somerset County north of and including Square Town (T2R5), Moxie Gore (T1R5), West Forks Plantation, Lower Enchanted (T2R5), BKPWKR (T3R5), and King & Bartlett (T4R5); and that part of Franklin County north of and including Jim Pond (T1R5), Alder Stream (T2R5), and Seven Ponds (T3R5).

SSSS. Office. "Office" means the State Planning Office.

TTTT. Oil-contaminated soil. "Oil-contaminated soil" means any soil that has been contaminated with virgin: #1 fuel oil, #2 fuel oil, #3 fuel oil, #4 fuel oil, #5 fuel oil, #6 fuel oil, diesel fuel, gasoline, hydraulic fluid or mineral oil.

UUUU. One hundred year flood plain. "One hundred year flood plain" means the areas adjoining inland and coastal waters, including flood prone areas of offshore islands, which are inundated by a flood that has a 1 percent or greater chance of occurring in a year, or a flood of a magnitude equaled or exceeded once in 100 years on the average.

VVV. Open Burning "Open Burning" means the combustion of solid waste that does not have all of the following:

- (1) Control of combustion air to maintain adequate temperature for efficient combustion;
- (2) Containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and
- (3) Control of the emission of the combustion products.

WWWW. Operator. "Operator" means any person who has care, charge or control of a solid waste facility subject to these rules. The operator may be the owner, an agent, or lessee of the owner, or an independent contractor.

XXXX. Owner. "Owner" means any person who alone or in conjunction with others owns the real property on which a solid waste facility subject to these rules is located.

YYYY. Pathogen. "Pathogen" means an organism, chiefly a microorganism, including: viruses, bacteria, fungi, helminth ova, and all forms of animal parasites and protozoa, capable of producing an infection or disease in a susceptible host.

ZZZZ. PCBs. "PCBs" means Polychlorinated Biphenyls; a class of chlorinated aromatic hydrocarbons representing a mixture of specific biphenyl hydrocarbons which are thermally and chemically very stable.

Aa. PCDD. "PCDD", also known as "Dioxin", means polychlorinated dibenzo-p-dioxin.

Bb. PCDF. "PCDF", also known as "Furan" means polychlorinated dibenzofuran.

Cc. Person. "Person" means any individual; partnership; corporation; firm; federal, state or local government entity; or public or private organization of any character.

Dd. Pollution. See "**Contamination or Pollution**" of this section.

Ee. Pre-development ambient sound. "Pre-development ambient sound" means the ambient sound at a specified location in the vicinity of a proposed or existing solid waste facility prior to that proposed facility's construction and operation or prior to an existing facility's expansion.

Ff. Primary sand and gravel recharge area. "Primary sand and gravel recharge area" means the surface area directly overlying sand and gravel formations that provide direct replenishment of ground water in sand and gravel and fractured bedrock aquifers. The term does not include areas overlying formations that have been identified as unsaturated and are not contiguous with saturated formations.

Gg. Processing facility. "Processing facility" means any land area, structure, equipment, machine, device, system, or combination thereof, other than incinerators, which is operated to reduce the volume or change the chemical or physical characteristics of solid waste. Processing facilities include but are not limited to facilities which employ

shredding, baling, mechanical and magnetic separation, and composting or other stabilization techniques to reduce or otherwise change the nature of solid waste.

Hh. Property boundary. "Property boundary" means the outermost perimeter of the parcel of real property on which a solid waste facility is located.

li. Protected Location. "Protected location" means:

(1) Any location within a parcel of land which, at the time a solid waste facility application is submitted, either contains or has local approval for the construction of a residence, residential subdivision, house of worship, academic school, college, library, hospital or nursing home;

(2) Any location within:

(a) A state park;

(b) Baxter State Park;

(c) A National park;

(d) A historic site;

(e) A nature preserve owned by the Maine or National Audubon Society or the Maine Chapter of the Nature Conservancy;

(f) The Appalachian Trail;

(g) A National Wildlife Refuge;

(h) A federally-designated wilderness area; or

(i) State wilderness area designated by state statute, such as the Allagash Wilderness Waterway; or

(3) Any location within consolidated public reserve lands designated as a protected location by rule of the Bureau of Public Lands.

State and National Parks that do not have camping areas, houses of worship, schools, libraries, and historic sites are considered protected locations only during their regular hours of operation.

Jj. Protected natural resource. "Protected natural resource" means a coastal sand dune system, coastal wetlands, significant wildlife habitat, fragile mountain areas, freshwater wetlands, great ponds or rivers, streams or brooks, as these terms are defined in 38 MRSA section 480-B of the Natural Resources Protection Act.

Kk. Public entity. "Public entity" means a municipality or group of municipalities, a public waste disposal corporation under 38 MRSA section 1304-B, a refuse disposal district under 38 MRSA section 1702, *et seq.*, a county, State or Federal agency.

- Li. Public viewing area.** "Public viewing area" means an area designated for the public to view scenic areas, historical sites, unusual natural features or public monuments. These areas include but are not limited to scenic highways; public easements; scenic turnouts; public monuments; and national, state or municipal parks.
- Mm. Pug mill.** "Pug mill" means any lined mixing chamber that uses an emulsified or cut-back asphalt binding agent to produce a bituminous product from an aggregate.
- Nn. Putrescible Waste.** "Putrescible waste" means solid waste that contains organic matter that can be rapidly decomposed by microorganisms, which may give rise to foul smelling, offensive products during such decomposition or which is capable of attracting or providing food for birds and potential disease carrying organisms such as rodents and flies.
- Oo. Quantifiable noise standard.** "Quantifiable noise standard" means a numerical limit governing noise that has been duly enacted by ordinance by the municipality.
- Pp. R.C.R.A.** "R.C.R.A." means the Resource Conservation and Recovery Act, 42 U.S.C.A. section 6901 *et seq.*
- Qq. Recycling.** "Recycling" means 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.
- Rr. Refuse-derived fuel.** "Refuse-derived fuel" means municipal solid waste which has been processed prior to combustion to increase the heat input value of the waste.
- Ss. Residual.** "Residual" means solid wastes generated from municipal, commercial or industrial facilities that may be suitable for agronomic utilization. These materials may include: food, fiber, vegetable and fish processing wastes; dredge materials; sludges; dewatered septage; and ash from wood or sludge fired boilers.
- Tt. Residue.** "Residue" means waste remaining after the handling, processing, incineration, or recycling of solid waste including, without limitation, front end process residue and ash from incineration facilities.
- Uu. Routine operation.** "Routine operation" means, for the purpose of regulating noise, the regular and recurrent operation of a solid waste facility and the sound sources associated with that operation .
- Vv. Sand and gravel deposit.** "Sand and gravel deposit" means a surficial stratigraphic unit, consisting primarily of well-sorted particles of sand size or larger.
- Ww. Scrap metal.** "Scrap metal" means bits and pieces of metal parts (such as bars, turnings, rods, sheets, and wire) or metal pieces that may be attached or combined together with bolts, welds or solder to form a product (such as scrap automobiles, radiators, or furniture) which whether worn or outdated can be recycled and which are not otherwise mixed with or contaminated with non-metal solid or hazardous wastes.

- Xx. Secondary material.** "Secondary material" means a solid waste, separated from other solid wastes, that may be suitable for beneficial use.
- Yy. Secure landfill.** "Secure landfill" means a landfill that utilizes a liner system, a leachate collection and treatment system, and a final cover system to prevent discharges of waste or leachate, and control the release of landfill gas, to the environment.
- Zz. Seismic impact zone.** "Seismic impact zone" means an area having a 10 percent probability that the maximum acceleration in lithified earth materials, expressed as a percentage of the earth's gravitational pull (g), will exceed 0.10 g in 250 years as delineated by U.S.G.S. Seismic Source Zone maps.
- Aaa. Sensitive receptor.** "Sensitive receptor" means public and private water supply aquifers and wellhead protection areas; public and private drinking water supplies; significant ground water aquifers and primary sand and gravel recharge areas; sand and gravel deposits; and Class AA, A, and B surface water bodies and great ponds.
- Bbb. Shredder residue.** "Shredder residue" means waste generated from the shredding of automobiles, white goods, and other scrap machinery.
- Ccc. Significant ground water aquifer.** "Significant ground water aquifer" means a porous formation of ice contact and glacial outwash sand and gravel supplies or fractured bedrock that contains significant recoverable quantities of water likely to provide drinking water supplies.
- Ddd. Significant sand and gravel aquifer.** "Significant sand and gravel aquifer" means a porous formation of ice-contact and glacial outwash sand and gravel that contains significant recoverable quantities of water likely to provide drinking water supplies.
- Eee. Significant wildlife habitat.** "Significant wildlife habitat" means the following areas to the extent that they have been mapped by the Department of Inland Fisheries and Wildlife or are within any other protected natural resource: habitat, as defined by the Department of Inland Fisheries and Wildlife, for species appearing on the official state or federal lists of endangered or threatened animal species; high and moderate value deer wintering areas and travel corridors as defined by the Department of Inland Fisheries and Wildlife; high and moderate value waterfowl and wading bird habitats, including nesting and feeding areas as defined by the Department of Inland Fisheries and Wildlife; critical spawning and nursery areas for Atlantic sea run salmon as defined by the Atlantic Salmon Authority; shorebird nesting, feeding and staging areas and seabird nesting islands as defined by the Department of Inland Fisheries and Wildlife; and significant vernal pools as defined and identified by the Department of Inland Fisheries and Wildlife. For the purposes of this definition, "identified" means identified in a specific location by the Department of Inland Fisheries and Wildlife.
- Fff. Site of generation.** "Site of generation" means the same parcel of land or within the same right-of-way where the waste is generated.
- Ggg. Sludge.** "Sludge" means non-hazardous solid, semi-solid or liquid waste generated from 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. The term does not include industrial discharges that are point sources subject to permits under section 402 of the Federal Water Pollution Control Act, as amended.

Hhh. Solid waste. "Solid waste" means useless, unwanted or discarded solid material with insufficient liquid content to be free flowing, including but not limited to rubbish, garbage, refuse-derived fuel, scrap materials, junk, refuse, inert fill material, and landscape refuse, but does not include hazardous waste, biomedical waste, septic tank sludge, or agricultural 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.

lii. Solid waste boundary. "Solid waste boundary" means the outermost limit of the solid waste, projected on a horizontal plane, where solid waste is disposed or would exist pursuant to the facility's solid waste license, and includes leachate storage ponds, but does not include above-ground leachate storage tanks or leachate transport pipes.

Jjj. Solid waste disposal facility. "Solid waste disposal facility" means a solid waste facility for the incineration or landfilling of solid waste. Facilities that burn material-separated, refuse-derived fuel, either alone or in combination with fuels other than municipal solid waste or refuse-derived fuels, are not solid waste disposal facilities.

Kkk. Solid waste facility. "Solid waste facility" means any land area, structure, location, equipment or combination of them, used for the handling of solid waste. These include but are not limited to solid waste transfer stations, landfills, incinerators, processing facilities, storage facilities and agronomic utilization sites. The following facilities are not included:

- (1) A facility that employs controlled combustion to dispose of waste generated exclusively by an institutional, commercial or industrial establishment that owns the facility;
- (2) Lime kilns; wood chip, bark and hogged fuel boilers; kraft recovery boilers and sulfite process recovery boilers which combust solid waste generated exclusively at the facility; and
- (3) An industrial boiler that combusts mixed paper, corrugated cardboard or office paper to generate heat, steam or electricity if:
 - (a) The mixed paper, corrugated cardboard or office paper would otherwise be placed in a landfill;
 - (b) The market value of the mixed paper, corrugated cardboard or office paper as a raw material for the manufacture of a product with recycled content is less than its value to the facility owner as a fuel supplement;
 - (c) The mixed paper, corrugated cardboard or office paper is combusted as a substitute for, or supplement to, fossil or biomass fuels that constitute the primary fuels combusted in the industrial boiler; and

(d) The boiler combusts no other forms of solid waste except as provided in this subparagraph.

LII. Source separation. "Source separation" means the separation of materials for recycling from wastes at the point of generation.

Mmm. Southern zone. "Southern zone" includes those areas in Maine that are not in the northern zone.

Nnn. Special waste. "Special waste," means 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:

- (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.

Ooo. Springs. "Springs" mean natural places where water flows throughout the year from fractures in rock or from soil onto the surface of the land or into a body of surface water.

Ppp. Storage. "Storage" means the placement or containment of solid waste on a temporary basis in such a manner as not to constitute disposal of such wastes.

Qqq. State Plan. "State Plan" or the "State Waste Management and Recycling Plan" means the plan adopted by the former Maine Waste Management Agency pursuant to Chapter 24, subchapter II and subsequent plans developed by the State Planning Office pursuant to Title 5, section 3305, subsection 1, paragraph L.

Rrr. Successful corrective action. "Successful corrective action" means that, at a solid waste facility which has previously been found to be contaminating waters of the State,

the facility owner or operator has developed and implemented a corrective action program at that facility and the Department has found that:

- (1) The owner/operator has taken all reasonable measures necessary to eliminate the discharge of contaminants or pollutants attributable to the facility;
- (2) The owner/operator has modified the facility's detection monitoring program to include all parameters detected during assessment monitoring;
- (3) Contaminants previously released from the facility do not currently cause non-attainment of surface water quality classifications established in 38 MRSA Sections 465 through 465-B;
- (4) The owner/operator has documented an actual trend of improving quality in previously contaminated waters and has demonstrated that the trend will continue. The demonstration may be supported by the use of modeling of corrective actions and hydrogeologic conditions; and
- (5) Contaminants previously released from the facility do not threaten public health.

Sss. Till. "Till" means non-sorted, usually non-stratified sediment which was carried or deposited by a glacier.

Ttt. Tires. "Tires" means a solid waste consisting of any used, scrap, or otherwise discarded rubberized vehicle tires, including whole tires as well as the products derived from the processing of whole tires, including but not limited to shredded or chipped tires or crumb rubber.

Uuu. Transfer. "Transfer" means to receive, store, accumulate, and/or consolidate solid waste in sufficient volume to be able to containerize, with or without compaction, for efficient transportation to another facility. It does not include the transport of solid waste.

Vvv. Transfer station. "Transfer station" means any solid waste facility constructed and managed for the transfer of solid waste.

Www. Type IA residual. "Type IA residual" means a residual from a known source that does not contain hazardous substances above risk based standards in Appendix 418.A and that has a carbon to nitrogen ratio greater than or equal to 25:1, such as leaf and yard waste, wood chips and some vegetative wastes.

Xxx. Type IB residual. "Type IB residual" means a residual from a known source that does not contain hazardous substances above risk based standards in Appendix 418.A and that has a carbon to nitrogen ratio greater than 15:1 but less than 25:1, such as animal manure and most produce and vegetable wastes.

Yyy. Type IC residual. "Type IC residual" means a residual from a known source that does not contain hazardous substances above risk based standards in Appendix 418.A and that has a carbon to nitrogen ratio of 15:1 or less, such as fish wastes.

Zzz. Type II residual. "Type II residual" means a residual from a known source that does not contain hazardous substances above risk based standards in Appendix 418.A and that may contain human pathogens, such as sewage sludge, dewatered septage and disposable diapers.

AAaa. Type III residual. "Type III residual" means a residual that may contain hazardous substances above risk based standards in Appendix 418.A such as non-source-separated residential wastes and petroleum contaminated soils.

BBbb. Unstable area. "Unstable area" means any area where mass movement of earth materials, such as landslides, rock falls, mud slides, slumps, earth flows, subsidence or debris flows, are likely to occur.

CCcc. Universal waste. "Universal waste" means any waste listed in section 3.A(13)(b) of Chapter 850, the Maine Hazardous Waste Management Rules, including but not limited to cathode ray tubes; mercury-containing lamps; mercury-containing thermostats; and totally enclosed, non-leaking polychlorinated biphenyl (PCB) ballasts.

DDdd. Upper Explosive Limit (UEL). "Upper explosive limit" of a combustible gas or mixture of combustible gases means the maximum concentration (by volume) in air that will explode, ignite or burn when there is an ignition source. At concentrations above the UEL, there is insufficient oxygen to support combustion.

EEee. Vector. "Vector" means an organism such as a rodent, bird, or insect, capable of transporting infectious agents to humans.

FFff. Vegetative wastes. "Vegetative wastes" means wastes consisting of plant matter. These include plant stalks, hulls, leaves, and tree waste processed through a wood chipper.

GGgg. Waste handling area. "Waste handling area" means the portion of the facility site used for handling waste, including leachate. It includes that portion of the site within the solid waste boundary plus all associated structures and areas used for handling waste. It does not include the solid waste facility access road, internal roadways, monitoring wells, leachate transport pipelines, or storm water management structures.

HHhh. Waste reduction. "Waste reduction" or "source reduction" means activities that, singularly or in combination, reduce the quantity or toxicity of solid waste at the point of generation.

liii. Water Bodies Most At Risk From New Development. "Water bodies most at risk from new development" means the following, as identified in Chapter 502:

- (1) Lakes Most at Risk from Development;
- (2) Rivers, Streams or Brooks Most at Risk from Development;
- (3) Coastal Wetlands Most at Risk from New Development and

(4) Direct Watersheds of Waterbodies Most at Risk from Development and Sensitive or Threatened Regions or Watersheds.

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

KKkk. Wood products facility. "Wood products facility" means a facility that manufactures products made of wood, including but not limited to: lumber, pulp and paper, wood chips, tongue depressors, toothpicks, clothes pins, wooden recreational equipment and furniture.

LLll. Wood wastes. "Wood wastes" means brush, stumps, lumber, bark, wood chips, shavings, slabs, edgings, slash, sawdust and wood from production rejects, that 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 and coatings.

MMmm. Work plan. "Work plan" means a written plan outlining the work items, processes, and schedules for developing detailed submittals in conformance with requirements of the regulations and license.

NNnn. Yard waste. "Yard waste" means grass clippings, leaves, and other vegetal matter other than wood wastes and land clearing debris.