

**06-096**

**Department of Environmental Protection**

**Maine Solid Waste Management Rules:**

**CHAPTER 409**

**PROCESSING FACILITIES**

Proposed Revisions  
April 20, 2006

(iii) if any temperature reading exceeds 150 degrees F, the pile will be turned over and aerated to reduce the highest core temperature to 100 degrees F or less

- (10) **Manifests** The operator shall keep copies of non-hazardous waste manifests for tires delivered to the facility. The manifests shall be available for inspection by the Department upon request.
- (11) **Litter Control** The operator must provide for routine maintenance and general cleanliness of the entire facility site, including control of windblown litter.
- (12) A compost facility must contain, collect and treat leachate and runoff mixed with leachate.
- (13) The facility must control sedimentation and erosion during construction and operation of the facility.

**C. Access to Facilities:**

- (1) The operator must maintain suitable barriers or fencing and gates to prevent unauthorized persons access to the site. The facility gate may be unlocked or open only when an authorized person is on duty. The operator must prominently post limitations and conditions of access at each entrance to the facility, including, if applicable, the hours of operation.
- (2) The operator must provide and maintain in good repair access roads at the facility site.
- (3) The operator must post appropriate signs and/or other means necessary to indicate clearly where waste is to be unloaded and where the separate storage areas within the facility are located.
- (4) Adequate space must be maintained to allow the unobstructed movement of emergency personnel and equipment to operating areas of the facility.

**D. Acceptance and Distribution of Solid Waste.**

- (1) The processing facility may only accept wastes for which the facility has been specifically designed and permitted by the Department. Incoming wastes must undergo a visual inspection and, if appropriate, analysis to ensure that only wastes allowed by the facility license are accepted at the facility. All other wastes must be removed and handled at an approved facility.
- (2) Except for those compost facilities that only accept wastes from generators specified by Departmental license, all processing facilities must implement a Hazardous and Special Waste Handling and Exclusion Plan developed in accordance with Chapter 400, section 9.
- (3) Secondary materials, including processed residuals, must be distributed in accordance with the provisions of Chapter 418 or Chapter 419, or other applicable standards of these rules.
- ~~(4)~~ **(4) Waste Disposal** The operator must have procedures in place, prior to the start of operation, for disposal of bypass and other solid waste generated by the processing facility, including contingency procedures for implementation during emergencies and shutdown.

periods. The operator must also maintain a valid contract with a solid waste facility which has Department approval to accept the waste.

- (5) Wood treated with arsenic or pentachlorophenol may not be [beneficially] used in the production of biomass fuel, compost or mulch by the facility. [Wood for biomass fuel shall meet the fuel standards in Chapter 418, section 6(B)(4).] All such treated wood must be stored separately from wood to be used as biomass fuel, compost or mulch and disposed in [an approved solid waste disposal] facility[-approved for the waste].

**E. Odor Control.**

- (1) The facility must be operated to prevent nuisance odors at occupied buildings.
- (2) Facility personnel must immediately contact the Department's Solid Waste Division to report odor complaints received by the facility. The Department, after investigation, will determine whether the facility has caused a nuisance odor at an occupied building. Facility personnel must, within 30 days of a Department determination of an off-site odor nuisance, report to the Department's Solid Waste Division, in writing, causes of odor generation and completed or planned follow-up action to minimize, control, and treat the odors from the facility.

**F. Record Keeping.** The facility operator must make provisions to keep the following records and make them available for Departmental inspection and copying for the duration of the facility operation and a minimum of 2 years after facility closure:

- (1) When applicable, as-built engineering drawings of the facility, including a schematic showing the relationship of the various subsystems,
- (2) Analytical data results required by these rules or license conditions,
- (3) An operations manual meeting the requirements of this section 4-A,
- (4) Copies of periodic and annual reports submitted to the Department, and
- (5) Stabilization facility operations log. An operations log must be kept at a processing facility, such as a compost facility, that reduces the pathogen content, reduces vector attraction properties, reduces putrescibility, reduces the carbon to nitrogen ratio, or otherwise stabilizes a residual. The operations log must contain the source and volume of residuals received on a daily basis, the mixture of residuals processed at the facility, process monitoring data, date, time and type of samples obtained from the facility, and volume and type of residuals distributed from the facility on a daily basis, including to whom the residuals are distributed.

**G. Periodic Reporting.** Licensees must submit periodic reports to the Department containing the results of environmental monitoring, including waste characterization, and any other information required in accordance with the facility license.

**H. Annual Report.** By February 28<sup>th</sup> of each year, the facility operator must pay an annual facility reporting fee, as established by the Department, and submit an annual report to the Department for review and approval for the previous calendar year. The annual report must include a

property boundary. The map must indicate all residences within 500 feet of the waste handling area.

- (6) Analytical data demonstrating that the ash or blast furnace slag is non-hazardous
- (7) Public Notice. A copy of the public notice and other information to demonstrate that the applicant is fulfilling the requirements of Chapter 400, section 3
- (8) Certification. A statement signed by the facility landowner and the person responsible for the facility stating that all standards and requirements of this section have been met

#### 7. Permit By Rule for Processing Wood Wastes.

- A. Applicability.** The permit-by-rule licensing provisions of this section apply to facilities that process wood waste for mulch, compost or fuel and that meet all of the standards of this section. Failure to meet any of these standards will require formal application to the Department for a license to develop and operate the solid waste processing facility under sections 2-3. The Department assumes that the processing of wood waste for mulch or fuel in strict conformity with these permit-by-rule provisions will meet the standards of Chapter 400, section 4. Facilities licensed under this section are exempt from the requirements of Chapter 400, section 9. No variances to the requirements of this section may be granted.

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NOTE Chapter 400, section 1 defines "wood wastes" as "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"

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- B. Standards and Operating Requirements.** The standards and operating requirements of this subsection apply to all permit-by-rule facilities licensed under this section. Paragraphs (1) and (9) - (15) are operating requirements for existing wood waste processing facilities licensed as of November 2, 1998 under former Chapter 404, section 2 D (effective May 24, 1989).
- (1) The processing facility may only handle wood waste. It may not accept for processing painted wood, chemically treated wood, chipboard, plastic, wood with fasteners, nails, paint or coatings, or wood that is otherwise contaminated
  - (2) The total waste handling area may not exceed three (3) acres and on-site storage areas may not exceed one (1) acre. Individual storage piles may not exceed 10,000 square feet
  - (3) The facility site may not lie within a 100-year flood plain
  - (4) There must be a minimum of a 100-foot setback from the waste handling area to property boundaries
  - (5) There must be a minimum of a 500 foot setback from the waste handling area to all water supply springs
  - (6) There must be a minimum of a 500 foot setback from the waste handling area to all water supply wells and all residences not owned by the facility operator or owner