

TOWN OF HAMPDEN, MAINE

WASTE DISPOSAL FACILITY LICENSING ORDINANCE

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**TOWN OF HAMPDEN, MAINE
WASTE DISPOSAL FACILITY LICENSING ORDINANCE**

**ARTICLE 1
PURPOSE**

1.1. To provide the Town of Hampden with a means of overseeing the activities of waste disposal facilities to ensure that they comply with regulations the Town deems essential to protect the health, safety, and welfare of its residents, pursuant to Title 30-A M.R.S.A. Sec. 3001 and 38 M.R.S.A. Sec. 1310-U.

1.2. To protect air, surface and groundwater and land resources of Hampden from contaminants which can reasonably be expected to accompany the activities of waste disposal facilities and thereby to preserve the quantity and quality of these resources for present and future use.

**ARTICLE 2
DEFINITIONS**

2.1. Disposal: The discharge, deposit, injection, dumping, spilling, leaking incineration or placing of any waste in or on any land or water, except for subsurface wastewater disposal systems regulated under the State of Maine Subsurface Wastewater Disposal Rules.

2.2. Hazardous waste: As defined in 38 M.R.S.A., Sec. 1303-C (15), means a waste substance or material, in any physical state, designated as hazardous by the Board of Environmental Protection under 38 M.R.S.A. Sec. 1319-O. It does not include waste resulting from normal household or agricultural activities.

2.3. Liquid waste: 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).

2.4. Liquid waste lagoon: A facility or part of a facility which is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials, although it may be lined with man-made materials, which is designed to hold an accumulation of liquid wastes, special wastes, or wastes containing free liquids.

2.5. Solid waste: 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. The term shall not include septic tank sludge, agricultural wastes, hazardous waste or biomedical waste.

2.6. Solid waste disposal facility: Any land area, structure, location, equipment or combination thereof used for the incineration or landfilling of solid waste or refuse-derived fuel.

2.7. Special waste: Any solid waste generated by sources other than domestic 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 public health, human safety or the environment and requires special handling, transportation and disposal procedures. Such waste shall include, but not be limited to, those wastes set forth in 38 M.R.S.A. Sec. 1303-C (34).

2.8. Undefined Terms: Any undefined term used in this Ordinance shall be given the definition used by the State of Maine in any statutes or regulations applicable to solid waste disposal facilities. Absent any such definition, terms not defined shall have their customary dictionary definition.

ARTICLE 3 LICENSING

3.1. No person, firm, or corporation shall locate, establish, construct, expand disposal capacity of or operate any solid waste disposal facility within the Town of Hampden without obtaining a license from the Town. Therefore, the disposal of any solid waste, liquid waste, hazardous waste, or special waste, (hereafter referred to as "waste") is strictly prohibited within the Town except at the site of a solid waste disposal facility which has secured all necessary state and local licenses and/or permits.

3.2. Said license shall not be transferable without the prior written approval of the Town Council (hereafter "Council") where the purpose and consequence of the transfer is to transfer any of the obligations of the developer as incorporated in the license. Such approval shall be granted only if the applicant or transferee demonstrates to the Council that the transferee has the technical capacity and financial ability to comply with conditions of the license and with all proposals, plans, and supporting documents contained in the application for license.

3.3. The license shall be posted on the premises.

3.4. A license issued pursuant to this Ordinance remains in effect unless modified, or unless revoked or suspended pursuant to Article 11 of this Ordinance. *(Adopted: 10/1/01)*

3.5. The Council may impose any requirement as a license condition to assure compliance with this Ordinance. *(Adopted: 10/1/01)*

ARTICLE 4 APPLICATIONS

4.1. The applicant shall have the burden of proof to demonstrate that the facility will be in full compliance with the requirements of this Ordinance.

4.2. An application for a license to locate, establish, or construct a new solid waste disposal facility or to expand the disposal capacity of an existing, duly licensed, solid waste disposal facility shall be submitted to the Council, including the following information:

- a. The name and address of the applicant.
- b. A complete copy of the application(s) and supporting documentation submitted to the Maine Department of Environmental Protection under the requirements of DEP's Solid Waste Management Rules (Chapter 400 et seq.), and any amendments thereto or substitutions therefore. This copy shall include all submissions required under Chapters 400-409 of the Solid Waste Management Rules.
- c. Copies of any other applications for state or federal permits required for the proposed new or expanded facility, and a report on the status of any such applications. A copy of all federal or state permits issued for the facility shall also be provided to the Council.
- d. If not included in 4.2.b, a description of methods to control leachate generation and movement.

- e. Plans for an alternate water supply to replace private wells which could be affected by the solid waste disposal facility, including proof of the availability of an alternate source of supply, and estimates of the cost to develop this alternate source of supply (as outlined in Article 8.2).
- f. General characterization of wastes proposed for disposal; estimate of the proportions of different types of waste proposed for disposal; compatibility of different wastes with each other; compatibility of wastes with the liner.
- g. For good cause shown, the Council may, in its sole discretion, waive any or all of the submittal requirements of this Ordinance, or accept other documentation in lieu thereof.

The Council shall, within 30 days of the first regular Council meeting following the receipt of a license application, notify the applicant whether the application is complete. This time period may be extended by the Council for up to an additional 21 days if it is still waiting for a report from its consultant or the Landfill Oversight Committee. If the application is determined to be incomplete, the Council shall notify the applicant in writing of the specific information necessary to complete it. In reviewing applications determined to be complete, the Council may require additional relevant information which is necessary to determine whether the proposed facility fulfills the purpose of the Ordinance and its specific standards of review as listed in Articles 5 and 6.

4.3. An application for a license to locate, establish or construct a new solid waste disposal facility, or for a license to expand disposal capacity (area or volume) of an existing facility beyond that duly licensed by the State of Maine as of the effective date of this Ordinance, shall be accompanied by a fee paid in accordance with the Town of Hampden Fees Ordinance. Such fee shall be deposited in a special account designated for that application, to be used by the Council for hiring independent engineering, geological, planning, legal or other consulting services necessary to review the proposal. If the balance in this special account is drawn down to Ten Thousand Dollars (\$10,000), the Council shall notify the applicant and the applicant shall deposit with the Town an additional fee in accordance with the Town of Hampden Fees Ordinance. The Council shall continue to notify the applicant and the applicant shall deposit an additional fee in accordance with the Town of Hampden Fees Ordinance with the Town whenever the balance is drawn down to Ten Thousand Dollars (\$10,000). If the applicant fails to deposit the required amounts with the Town in a timely fashion, the Council may suspend its review of the application until such time as the amounts are deposited. Town shall notify the applicant in writing of any such suspension of review. The unexpended balance in the account shall be returned to the applicant after a final decision on the application is rendered. If the Council and the applicant mutually agree upon the qualifications and acceptability of all technical experts employed in the design and construction of the facility, the Council may waive all or part of this requirement, provided the public health, safety, and welfare are protected and the purposes of these regulations are met. *(Amended: 11-17-03)*

ARTICLE 5 STANDARDS AND REQUIREMENTS

5.1. Setbacks

A. Standards

1. The solid waste handling area of the landfill shall meet the following setbacks:
 - (a) 300 feet to an adjoining property line or public street;
 - (b) 250 feet from a brook or stream; and

(c) 75 feet from a freshwater wetlands greater than one acre.

2. The setback standard shall not apply to electrical transmission lines, railroad tracks or underground pipelines, whether these are held in fee or easement. However, activities in close proximity to these facilities shall not have an adverse impact on the ability to use and maintain these facilities.
3. The Council may reduce the required setbacks under A(1)(a) for solid waste handling areas where the applicant has demonstrated no other alternative exists and the existing or proposed setback will allow for an effective buffer by virtue of the limited height, mass, and visibility to the abutters or general public of the proposed expansion. In no instance shall the setback be less than 100 (one hundred) feet in width.
4. The Council may reduce the required setbacks for wetlands greater than one acre where the applicant has demonstrated no other alternative exists and the proposed design will effectively mitigate any adverse impact on the wetlands and their related habitat by virtue of the proposed gradient, surface water runoff flow, and existing and/or proposed vegetation or other methods. In no instance shall the setback be less than 25 (twenty-five) feet.

B. Submissions. Recent aerial photos taken of the site within the last year. Aerial photos shall provide complete stereo coverage within a minimum of 1,000 feet of the property boundary of the proposed landfill facility. The scale of the photographs shall be 1 inch equal to or less than 500 feet. The proposed solid waste boundary and the property boundary shall be clearly outlined on one photo. Required setback distances shall be included in appropriate site plan drawings.

5.2. Buffers

A. Standards. Vegetated buffers for the landfill shall meet the following standards, at a minimum:

1. All buffers, whether existing, planted or constructed, shall be reviewed by a licensed landscape architect to ensure they meet the intended purpose, both immediately as well as over the long term.
2. From all adjacent properties and public street(s): Provide a 200 foot buffer of natural vegetation consisting of predominantly native trees that will attain a mature height of at least sixty feet in height. At least 50% of the buffer vegetation shall be evergreen trees which will provide year round screening. Cleared openings in the buffer area to accommodate access, accessory structures, and other elements shall be kept to a minimum. Where existing vegetation does not exist, or does not meet the standards above, a planting plan must be submitted to provide a buffer not less than 10 (ten) feet in height at the time of planting, to a width of 100 feet, provided that an internal access roadway serving the landfill may be located within the 100 foot buffer along I-95, provided that in no event shall said buffer be less than 50 feet, if such location is reasonably necessary to serve the landfill and provided the applicant demonstrates that the buffer will provide adequate screening despite the location of the roadway. The foregoing buffer requirements shall not apply to adjacent properties that are used for railroad purposes. Provided, however, that the landfill shall be screened from public streets to the greatest extent practicable, using a combination of vegetation, fences, berms, and other screening devices.
3. From brooks and streams: Provide a 100 foot buffer of natural vegetation consisting of predominantly native trees and shrubs. Where existing vegetation does not exist, an appropriate

planting plan shall be submitted to provide for improvement in storm water quantity as well as wildlife habitat. Disturbance of stream banks is to be avoided.

B. Submissions.

1. A plan of the site which identifies the various elements which require buffers and indicates the location and quality of the existing buffers. Where existing vegetation does not meet the standards above, a planting plan shall be submitted to provide buffers that meet the standards. This plan shall detail the species type, size, designations of number of units and proposed locations.
2. A narrative by a landscape architect, or similarly qualified professional, describing the existing vegetation. The description shall include growth rates, physical characteristics, and ability to provide the required buffer. Where additional plantings are required, the narrative shall detail on how the proposed plantings will meet the intended buffer purpose, anticipated growth rates, and other relevant details.

5.3. *Site Analysis.* The applicant must provide a predevelopment site analysis which describes the natural characteristics of the site to be developed and its surroundings. The analysis shall be prepared by professionals qualified in the respective field of evaluation. The analysis, covering the following areas, will highlight the elements of the proposed site and vicinity which are conducive to the proposed project, as well as those which are limitations that will require special consideration in the development of the project. The analysis must describe how the design will compensate for the described limitations. The analysis should include adjacent features within at least 1/2 mile from the project site.

5.4. *Effect on Existing Uses and Scenic Character (Amended: 8/20/01)*

A. Standards. The facility may not unreasonable adversely affect existing uses and scenic character. Specifically, the facility may not:

1. Present a bird hazard to aircraft;
2. Have an unreasonable adverse effect on the preservation of historical sites;
3. Unreasonably interfere with views from established public viewing areas;
4. Generate excessive noise at the property boundary or at any protected location; or
5. Unreasonably adversely affect existing uses of property neighboring the proposed solid waste facility.

B. Submissions.

1. An analysis of the visual impact of the proposed project on the vicinity. This analysis shall include presentation of site layout, operations methodology and sequencing options considered during the design process.
2. The analysis shall include presentation of vistas and views to illustrate the analysis.

3. A description of the existing condition of the site and the vicinity around it, covering the area within 1,000 feet of the property boundary. This description shall include, at a minimum, terrain, vegetation, habitations, existing land uses, and natural resources.

5.5. *Geology*

A. *Standards.*

1. The site selected for the project must have suitable geological, geotechnical and ground and surface water characteristics and the applicant must assess the potential impacts of the project and show that the engineering of the project will appropriately protect the site and compensate for any limiting existing conditions.
2. The facility site and design must provide adequate stability, both static and seismic, and account for settlement.

B. *Submissions.*

1. A summary of the geological, ground and surface water, and geotechnical investigations conducted for the MDEP application. The discussion should describe the investigations conducted and the conclusions, including the limitations they present for the project, and the engineering proposed to overcome these limitations.
2. A summary of the time of travel calculations required by the MDEP application.
3. Cross-sections of the landfill and the leachate collection and leak detection system showing the most critical areas for each of the following: bedrock, groundwater (both seasonal high and low conditions), and overburden soils.
4. A summary of the stability and settlement assessments, and a description of the key elements of the Stability and Settlement Monitoring plan. This summary must clearly indicate how the monitoring will be accomplished and by whom, and how results will be analyzed, presented and mitigated. In particular, the plan must demonstrate how the Town of Hampden will be made aware when settlement and/or stability issues arise, and how it will be made aware of the proposed mitigations.

5.6. *Natural Environment.* (Amended: 8/20/01)

- #### **A. *Standards.*** The facility development and operations may not unreasonably adversely affect protected natural resources and rare, threatened or endangered plant and animal species or habitats in the vicinity of the facility.

B. *Submissions.*

1. A narrative by qualified professionals describing wildlife habitat in the development area, including nesting, foraging, and feeding areas. Wildlife habitats in wetlands and streams should be included. Mitigation for any adverse impact on those habitats should be specifically described.
2. The narrative should also include descriptions of the flora and fauna of the existing site and the potential for and nature of impact by the proposed project. The assessment must determine if any

rare, threatened or endangered species or habitats will be impacted or are threatened by the project.

5.7. Traffic.

A. Standards.

1. The applicant must demonstrate that the traffic generated and impacted by the facility, both on and off site, will be safe and uncongested.
2. Haul routes must be on roads that can accommodate the number, weight, and types of vehicles proposed to use them.
3. On-site roads must provide safe and clearly defined traffic circulation.
4. Facility entrances and exits must have safe sight distances and provisions for safe turning.
5. Analyses must include traffic from both regular operations and construction activity.

B. Submissions.

1. A map clearly indicating the anticipated major haul routes both to and from the facility by vehicles serving or using the facility, as well as a description of the characteristics of each road including dimensions, condition, existing usage, weight limits and restrictions.
2. Any sections of roads or intersections on these routes that are congested locations, not rated to handle the weights or types of vehicles anticipated, or are high accident areas (based on MDOT inventory and analysis over the most recent three year period) must be identified on the map and in the description. Actions to mitigate potential problems posed by these restrictions should be discussed.
3. A description of the traffic to be generated by the facility, including an estimate of the number, type, weight and schedule (i.e. distribution and time of day) of all vehicles. This discussion should include the same data for existing uses of the facility, and should compare existing and proposed conditions.
4. Evidence must be provided that sight distances at the facility's proposed (and existing) entrances and exits are safe. This can include a description of the sight distances and a copy of the DOT entrance permit if applicable, or certification by a qualified professional. This review must be in conformance with Transportation and Land Development ITE, 1988), A Policy on Geometric Design of Highways and Streets (AASHTO, 1990), and Highway Design Guide (Maine Dept. of Transportation, 1990).
5. If a full traffic study is required for the project by MDEP, a copy of the study must be submitted, as well as an explanation for the issue which necessitated the full study.
6. If alternative haul routes are utilized more than occasionally (once per month), these additional routes must be submitted for review and approval by the Town.

5.8. Public Safety - Fire and Security.

A. Standards.

1. The proposed landfill shall provide for adequate prevention of fire and unauthorized access.
2. The proposed facility shall provide an adequate plan (equipment, methodologies, and personnel) to deal with accidental fire or arson as well as unauthorized entry and disposal of unauthorized materials.

B. Submissions.

1. The applicant must submit a fire safety plan that evaluates the potential ignition sources, their relative hazard potential, and the on-site means of controlling a fire. The plan should discuss the availability of on-site equipment, water supply, and warning systems, as well as the planned coordination with the local fire department. The applicant must obtain and submit a letter from the Public Safety Director that the proposed fire safety plan is acceptable to the department.
2. The applicant shall provide provisions for on-site security adequate to prevent unauthorized access to the facility. This plan may include gatehouse personnel, fencing, security patrols, alarm systems and limited vehicle access points.

5.9. Nuisance Control: The proposed solid waste disposal facility shall not create a nuisance to properties in the immediate area by way of noise, dust, litter, or odors.

5.9.1. Noise.

A. Standards

1. Sound Level Limits. The following hourly sound levels from routine operation of a solid waste disposal facility must be less than or equal to:
 - (a) 75 dBA for daytime and nighttime hours at the facility property boundary;
 - (b) 60 dBA for daytime hours and 50 dBA for nighttime hours at any protected location in an area for which the zoning, or, if unzoned, the existing use or use contemplated under a comprehensive plan, is not predominantly commercial or industrial; or
 - (c) 70 dBA for daytime hours and 60 dBA for nighttime hours in an area for which the zoning, or if unzoned, the existing use or use contemplated under a comprehensive plan, is predominantly commercial or industrial.
2. Alternative levels. If the applicant chooses to demonstrate by measurement that the daytime or nighttime pre-development ambient sound environment at any protected location exceeds the daytime or nighttime limits above, by at least 5 dBA, then the daytime or nighttime limits are 5 dBA more than the measured daytime or nighttime pre-development ambient hourly sound level at the location of the measurement for the corresponding time period.
3. Existing Facilities. For any protected location near an existing solid waste disposal facility, the hourly sound level limit for routine operation of the existing facility and all future expansions of that facility is the hourly sound level written above, or at the applicant's

- election, the existing hourly sound level from routine operation of the facility before any expansions plus 3 dBA.
4. All equipment used in the construction of and maintenance activities at the solid waste facility must comply with applicable local and federal noise regulations, and include environmental noise control devices in proper working condition and maintained as originally provided with the equipment by its manufacturer.
 5. Sounds associated with the following are exempt from the sound level limits of this section:
 - (a) Routine engine sounds from registered and inspected motor vehicles:
 - (i) While operating on public ways, or
 - (ii) That enter the facility to make a delivery or pickup and that are moving, starting or stopping, but not when they are parked with the engine running for over 60 minutes in the facility.
 - (b) The unamplified human voice and other sounds of natural origin.
 - (c) Emergency maintenance and repairs.
 - (d) Facility and vehicle warning signals and alarms so long as used in appropriate circumstances.
 - (e) Safety and protective devices installed in accordance with the devices' installation instructions.
 - (f) Boiler start-up, testing and maintenance operations occurring no more frequently than once per month.
 - (g) Major concrete pours that must extend after 7:00 p.m., when started before 3:00 p.m.
 - (h) Test operations of emergency equipment occurring in the daytime and no more frequently than once per week.
 - (i) Snow removal, landscaping and street sweeping activities.
 - (j) Sound from a regulated development received at a protected location when the generator of the sound has been conveyed a noise easement for that location. This exemption shall only be for the specific noise, land and term covered by the easement.
 6. For the purposes hereof, protected locations shall only include those for which the hourly sound levels from the facility will be greater than 45 dBA.

B. Submissions.

1. Sufficient evidence, including but not limited to the submissions below, which demonstrates that the proposed facility will not exceed the specified noise standard.

2. A narrative description, with associated plans, of all noise generating activities on the site both during construction and during routine operations, including description of the source, frequency, duration, and hours of occurrence. The magnitude of these noise sources should be described at the source, at the property line and at any protected location.
3. A description of all mechanisms used to mitigate the noise generated by these sources, and an analysis of the effect of each mechanism, and all mechanisms combined, on the noise level generation at the source, at the property line and at any protected location. These mechanisms may include, but are not limited to, physical barriers, additional setbacks, vegetative buffers, limitations on operational hours of certain equipment and deliveries.

5.9.2. Odor.

A. Standards.

1. The facility must control nuisance odors.
2. Proposed controls will be included in the Operations Manual, as appropriate.
3. The Response Plan (see B.6 below) shall be included in the Operations Manual and shall require the elimination or reduction to an acceptable level of nuisance odors at the property line within 48 hours of receipt of the complaint.

B. Submissions.

1. The applicant shall evaluate all potential odor sources and shall provide an effective means of reducing the off-site impact of odors generated.
2. The information provided shall include a list of potential landfill materials which have been known to produce offensive odors and the methodologies used to eliminate the odors.
3. The identification of any possible sources of nuisance odors at the facility, including frequency and duration of the presence of these sources.
4. An estimation of the area affected by the odor, based on experience in dealing with the material or process that is the source of the odor.
5. Proposed systems to control, reduce, or eliminate odors. ASTM E 679-79 can be used for guidance for control of nuisance odors. The effectiveness of these methodologies should be discussed based on experience. These methods may include prohibitions on accepting certain materials or seasonal limits.
6. Response plan for handling complaints about nuisance odors.

5.9.3. Lighting.

A. Standards.

1. Lighting at the facility shall not unreasonably alter the lighting conditions in the vicinity of the facility.

2. Proposed lighting shall be the minimum necessary to illuminate only those areas which would be adversely impacted without such illumination. Hours of lighting operation shall be minimized and all fixtures shall be shielded to allow lighting to be directed toward the desired targets and away from the surrounding properties or the sky.
3. Light levels at the property lines shall not exceed 0.5 foot candles.

B. Submissions. Location, bulb type, wattage, luminaire type, hours of operation and lighting diagrams for each proposed fixture in foot candles. The cumulative effect of all on-site fixtures (existing and proposed) should be analyzed and discussed as well.

5.9.4. Litter, Debris and Dust.

A. Standards.

1. The facility operations will not create litter, debris or dust on the public roads or on the properties in the vicinity of the proposed facility.
2. Proposed controls will be included in the Operations Manual, as appropriate.
3. The Response Plan (see B.4 below) will be included in the Operations Manual and will require clean-up or control action within 24 hours of receipt of the complaint.

B. Submissions.

1. The identification of any possible sources of litter, dust and debris at the facility.
2. Proposed specific systems to control, reduce, or eliminate litter, debris and dust. These must control litter blowing from vehicles or from the facility, debris tracked by vehicles into or out of the facility and dust generated anywhere on the site or by vehicles associated with the site, both during construction and during regular site operations.
3. Provisions for prompt clean up of accidental spills and stray cargo.
4. Response plan for handling complaints about litter, debris and dust.

5.10. Design Standards.

5.10.1. General Standards.

A. Standards.

1. The height of the landfill, inclusive of final closure systems, shall not exceed 320 feet in elevation, based on United States Geological Survey National Geodetic Vertical Datum of 1929. (*Amended: 10/1/01*)
2. Expansions outside existing disturbed areas shall utilize appropriate grades to transition from existing landforms to man-made landforms.
3. The working area of the landfill shall utilize the smallest possible working face.

B. Submissions.

1. An analysis of the visual impact of the proposed project on the vicinity. This analysis shall include presentation of site layout, operations methodology and sequencing options considered during the design process, and a discussion of how the proposed design minimizes the visual impact to the maximum extent possible.
2. The analysis shall include presentation of vistas and views to illustrate the analysis.
3. A description of the existing condition of the site and the vicinity around it, covering the area within 1,000 feet of the property boundary. This description shall include, at a minimum, terrain, vegetation, habitations, land use, development patterns, transportation systems, natural resources, character, etc.

5.10.2. Leachate Management and Groundwater Protection.

A. Standards.

1. Landfills may not contaminate ground water beyond the solid waste boundary.
2.
 - (a) Time of travel to sensitive receptors must be greater than 6 years as demonstrated by the time of travel calculations required for the MDEP application. Contaminant releases from the area within the solid waste boundary must not pose an unreasonable threat to sensitive receptors.
 - (b) As an alternative, the applicant may propose, and the Town Council may consider at its sole discretion, utilization of the Improvement Allowance System set forth in Chapter 401 of MDEP's Solid Waste Management Rules. Subject, however, to the following requirements:
 - (i) The applicant shall identify potential sensitive receptors using travel times calculated for the existing site conditions.
 - (ii) The total number of offsets under the System shall not exceed 3.
 - (iii) The allowable offsets shall be subtracted from the 6-year criteria set forth in (a) above to determine the travel time to sensitive receptors that must be provided by site conditions and imported soil.
 - (iv) Additional soil may be imported onto the site to augment the existing site travel times, as long as one or more of the improvement allowances set forth in the Rules are utilized.
3.
 - (a) The liner, leachate collection and leak detection systems must meet the design standards in Chapter 401 of MDEP's Solid Waste Management Rules.
 - (b) The applicant may propose, and the Town Council may consider in its sole discretion, alternatives to the minimum design standards. Provided, however, that the applicant shall submit to the Town the documentation required by said MDEP Rules for consideration of

alternatives to the minimum design standards, which documentation must clearly and convincingly demonstrate technical equivalency of the proposed alternative.

B. Submissions.

1. If not included in the submissions required under Article 4, the application must show the following elements of the site design:
 - (a) Leachate collection system
 - (b) Containment ponds
 - (c) Storage tanks
 - (d) Connection to public sewer system, if applicable
 - (e) Cross sections (sufficient to illustrate landfill design and phase development)
2. The following site grading plans must be submitted:
 - (a) Existing topography
 - (b) Proposed stages or phases (1 plan per 2 years minimum)
 - (c) Final conditions
3. Details of the following must also be provided:
 - (a) Liners
 - (b) Cover materials
4. A detailed description of the each component of the base, liner, leachate collection and leak detection systems including the specifications proposed for the materials and their installation.
 - (a) A detailed discussion of how the proposed design meets or exceeds the standards in Chapter 401 of the MDEP Solid Waste Management Rules.
 - (b) A summary discussion of the leachate management system, including leachate generation rate estimates, conveyance and storage system design and capacity, leachate quality estimates and resultant limitations on disposal options, and contingency plans for significant failure modes (which can result in the direct discharge of leachate to the environment).
 - (c) The Leachate Management Plan submitted under Chapter 401 of the MDEP Solid Waste Management Rules.
 - (d) A summary of the Contaminant Transport Analysis required under Chapter 401 of the MDEP Solid Waste Management Rules.

5.10.3. Stormwater Management.

A. Standards.

1. The proposed landfill will not increase storm water runoff rates or create adverse storm water impacts down stream from the proposed project.
2. The storm water plan shall be designed so that there will be no increase in the peak flow in the post development condition during any storm up to and including the 25 year, 24 hour storm.
3. The development may not cause or increase the extent, frequency, or duration of flooding at any downstream control structures (i.e. culverts, bridges, dams, etc.).

B. Submissions.

1. A pre development/post development storm water impact analysis prepared by a professional engineer. The applicant shall demonstrate that the rate, volume, and velocity of post development stormwater flows will not create erosion on or off site or cause flooding or increased peak flows from the watershed.
2. All detailed engineering analyses, including drainage areas, flow paths, hydraulic calculations, etc. shall be provided to the Town's consulting engineers. All assumptions made in determining curve numbers, travel times, etc. must be discussed.
3. The analysis shall include the 24 hours, 2, 10, and 25 year storm events. The analysis shall evaluate the site within the watershed as well to ensure overall flow from the watershed is not increased, nor is any flooding caused or increased. The storm water system must be sized to accommodate temporary conditions such as bare ground, stock piled materials, and temporary service roads.
4. All capacity calculations for any existing and proposed drainage structures.
5. Any retention or detention structures shall be evaluated for stability based on construction methodology and materials used.

5.10.4. Soils and Erosion Control.

A. Standards.

1. The construction and operation of the facility shall not cause erosion, sedimentation or other adverse impacts to adjacent surface waters or wetlands.
2. The soils on the facility site shall be suitable for the proposed project to avoid causing unreasonable sedimentation or erosion impacts.
3. The design and implementation of erosion control measures shall be done in accordance with Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices (March 1991), or any amendments thereto or replacements thereof.

B. Submissions.

1. A plan showing the locations, calculations, dimensions and installation and removal schedules for all erosion control measures, both permanent and temporary. Maintenance of all measures must be specified as well as identification of an individual who will be responsible for ensuring all erosion control measures are functioning properly.
2. A maintenance plan for all permanent measures which includes measures to ensure that sediment collected by structures do not become a source of contaminants which can impact water quality.

5.10.5. Solid Wastes.

A. Standards

1. The design and operation of the landfill must be consistent with the intended waste stream to be disposed of at the facility. These wastes must be of types which will not cause nuisances such as those set forth at Section 5.9. The amount and disposal of municipal solid waste (MSW) and front-end process residue (FEPR) or other putrescible waste at the facility must be adequately limited and/or controlled so as to not cause nuisances such as set forth in Section 5.9.

B. Submissions.

1. A description of all waste types to be disposed of at the facility, including the source, estimated volume from each source, chemical analysis of each waste, including variability and potential hazard, compatibility with engineered systems and a discussion on the composition of the leachate to be generated including the potential for "unreasonable threat to sensitive receptors" from the wastes or the leachate. The leachate quality analysis must account for the potential reaction products and consequences when wastes are mixed.

5.10.6. Operations Manual.

A. Standards.

1. The Operations Manual must meet all the requirements of Chapter 401 of the MDEP Solid Waste Management Rules.
2. The manual must adequately describe all procedures and mechanisms incorporated in the design to monitor, mitigate or improve the performance of the facility and the site and should include measures to ensure that all such procedures and mechanisms are actually utilized and maintained by the operations staff.
3. The manual must provide a mechanism to allow the Town to easily assess the status of required inspections, monitoring, submissions, etc.
4. The operations manual must clarify the portions of the site's operations to which it applies, updating the operations procedures as necessary for existing facilities on the site that will be incorporated into the operations of any proposed expansion (including but not limited to such elements as roads, security, scales, leachate collection, monitoring etc.).

B. Submissions.

1. The Town of Hampden must be the recipient of one of the certified copies of the Operations Manual. This copy must be maintained along with all other certified copies throughout the operational lifetime of the facility.

5.10.7. Water Quality Monitoring.

A. Standards.

1. The Water Quality Monitoring plan must be sufficient to ensure that any contamination which enters the environment from the facility will be identified in a timely manner so mitigation methods can be implemented.

B. Submissions.

1. A proposed Water Quality Monitoring plan that meets the requirements of the MDEP Solid Waste Management Rules.
2. All water quality monitoring reports must be submitted to the Town when they are submitted to MDEP, as well as all correspondence concerning the Water Quality Monitoring program.
3. Identification of potential sensitive receptors, based on a 6 year travel time for the existing site conditions.

5.10.8. Final Elevations.

A. Standards.

1. In addition to compliance with the requirements of Section 5.10.1, the solid waste disposal facility shall be designed and constructed in such a manner so as to minimize the visual impact of the final landform by creating an undulating final terrain with subtle, rolling peaks and valleys. Provided, however, that the final terrain of the facility shall not cause or permit the impoundment or ponding of surface water. The final elevation and shape of the facility shall conform to the following design parameters:
 - (a) No more than 25% of the total footprint area of waste placement shall exceed 245 feet in elevation and no more than 15% of the total footprint area of waste placement shall exceed 260 feet in elevation, based on United States Geological Survey National Geodetic Vertical Datum of 1929. *(Amended: 10/1/01)*
 - (b) The top surface of the facility shall be an undulating shape that conforms to the following requirements:
 - (i) Minimum of two peaks.
 - (ii) Intermediate saddle that is at least 25 feet wide and 40 feet lower than the peak elevation. *(Amended: 10/1/01)*
 - (iii) Top slope of not less than 10%.
2. The Council may grant a variance to the foregoing parameters if the applicant can demonstrate to the satisfaction of the Council that the site specific design provides a shape

that blends naturally with the existing landforms and environment of the area and promotes runoff.

B. Submissions.

1. Plans showing the final elevations of the solid waste disposal facility, along with sufficient visual simulation materials from a variety of viewing areas to permit the Council to evaluate the effectiveness of the undulating design in minimizing the visual impact of the proposed final landform of the facility.

5.10.9. Closure.

A. Standards.

1. Approval from the Council is required to close a solid waste disposal facility. The applicant must demonstrate that the closure will be designed, constructed, monitored, and maintained to: (1) mitigate hazards posed by the facility to public health and safety or to the environment, (2) monitor the effectiveness of the closure system, and (3) function with a minimum of maintenance.

B. Submissions.

1. The applicant shall submit to the Town a complete copy of all applications, plans, studies, reports, or other documentation submitted to MDEP concerning the closure of the facility. The foregoing materials shall be submitted to the Town contemporaneous with their submission to MDEP. If not included in the foregoing submissions, the applicant shall submit plans for the final closure of the facility and post-closure monitoring, care and maintenance of the site, including information on the timing of closure, cover materials to be used, frequency and methods for groundwater, surface water, gas leachate, and cover maintenance and monitoring, and methods to control methane generation and movement post-closure.

**ARTICLE 6
PROCEDURES**

6.1.

- A. Any application to locate, establish, construct, expand disposal capacity of or operate any solid waste disposal facility within the Town of Hampden shall be reviewed by a Landfill Oversight Committee ("LOC") consisting of three members. One member shall be appointed by the applicant, one member shall be appointed by the Town Council, and one neutral member shall be appointed by the mutual agreement of the applicant and the Town Council. LOC shall have the authority to engage the services of such professional consultants as it deems necessary or appropriate to assist it in the review and evaluation of any application. Upon referral by the Council, LOC shall review any application for completeness and issue a written recommendation to the Council on the issue of whether the application is complete. LOC shall review and evaluate any complete application, and may formulate any comments and/or suggestions concerning the application with regards to its compliance with the requirements of this Ordinance. Upon the completion of its review and evaluation of a completed application, LOC shall issue a written report to the Town Council wherein LOC shall make recommendations to the Town Council as to whether the application should be approved, denied, or approved with modifications or conditions. Any such report shall be

based on the licensing requirements of this Ordinance, and the recommendations contained in the report shall set forth, with reference to the applicable licensing requirement(s), the rationale and reasons for LOC's recommendations.

- B. In addition to reviewing and evaluating applications, LOC shall also have the authority to monitor and evaluate the construction and operation of any solid waste disposal facility licensed under this Ordinance to ensure that any such facility is constructed and operated in accordance with the requirements of this Ordinance and the requirements of any license issued by the Town Council. In carrying out its duties hereunder, LOC shall be authorized to engage the services of such professional consultants as it deems necessary or appropriate.
- C. The applicant shall bear the costs of the member appointed by the applicant, and the Town shall bear the costs of the member appointed by the Town Council. The costs of the neutral member and the costs of the professional consultants retained by LOC shall be borne equally by the applicant and the Town, and the Town may pay its share of said costs related to the review and evaluation of an application from the application fee paid under Section 4.3 of this Ordinance. Provided, however, that nothing contained herein shall prohibit the applicant and the Town from reaching an alternative financing mechanism by agreement.

6.2. A hearing shall be held by the Council within ninety (90) working days of its determination that an application is complete for a new license (i.e., a license to locate, establish or construct a new solid waste disposal facility or to expand the disposal capacity of an existing facility) or thirty (30) working days for a license renewal. The Council may elect to have a hearing on an application for an original license for an existing facility, or it may consider such application without a hearing. When considering an application for a new license or a renewal license, the Council may extend this period to no more than 180 days for a new license and 60 days for a renewal license if more time is necessary to conduct a thorough review of the application, or if LOC has not issued its written report to the Town Council. At the hearing, the Council shall receive evidence on the location and operation of the proposed facility, including but not limited to location and design, volume of traffic generated, condition of screening, proximity of residences to the site, proximity of drinking water wells, proximity of aquifers, freshwater wetlands, rivers, streams or brooks as defined in 38 M.R.S.A. Sec. 480-C (9), adequacy of methods to control leachate and other factors relevant to the proposed facility and its operation.

6.3. Within thirty (30) working days of the hearing, or within thirty (30) working days after the application is determined to be complete if there is no hearing, the Council shall issue a license only if it finds, based on substantial evidence in the record, that:

- 1. The proposed facility is in compliance with all applicable regulations and ordinances of the Town of Hampden. *(Amended 4-3-95)*
- 2. The proposed facility meets the specific requirements set forth in this Ordinance;
- 3. The applicant has sufficient right, title or interest in the property for which a license is sought.
- 4. The applicant has sufficient financial ability to design, construct, operate, maintain, close and accomplish post-closure care of the solid waste disposal facility.
- 5. The applicant has sufficient technical ability to design, construct, operate, maintain, close and accomplish post-closure care of the solid waste disposal facility.

6. Adequate provision has been made for the containment and treatment of leachate so as to prevent ground or surface water contamination;
7. Wastes proposed for disposal are compatible with each other and the liner(s);
8. The proposed use will not have a significant detrimental effect on the use and peaceful enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust, glare, or other nuisances which could be avoided by reasonable modification of the plan;
9. The design of the site will not result in significant flood hazards or flood damage and is in conformance with applicable flood hazard protection requirements;
10. The facility will not have an unreasonable adverse effect on air quality.
11. The facility will not have an unreasonable adverse effect on surface water quality.
12. Adequate provision has been made for the transportation, storage, and disposal of hazardous materials as defined by state law;
13. The facility will not have an unreasonable adverse effect on other natural resources in the Town.
14. The facility will not create an unreasonable risk that a discharge to a significant ground water aquifer will occur.
15. The proposed facility will not have an adverse impact upon a classified surface water body, river, stream or brook as defined in 38 M.R.S.A. Sec. 480-C;
16. The closure and post-closure monitoring and maintenance plans shall provide adequate protection that the solid waste disposal facility will not create future health or safety hazards, and will meet the minimum standards contained in Chapters 400-401 of the State Solid Waste Management Rules of the DEP.
17. Adequate provision has been made for utilities, and the facility will not have an unreasonable adverse effect on existing or proposed utilities.
18. The applicant and the Town Council have negotiated a host community agreement satisfactory to the Town Council which, based upon the nature, size and projected impacts of the proposed facility, must include as a minimum provisions regarding the following:
 - (a) Improvement, maintenance and repair of local roads directly affected by traffic to and from the facility and of other infrastructural elements directly affected by the facility;
 - (b) Development and maintenance of adequate local emergency response capacity to accommodate the facility;
 - (c) Financial support for personnel or other means to provide technical assistance to the Town in interpreting data and to advise the Town on other technical issues concerning the facility; and
 - (d) Other issues determined on a case-specific basis by the applicant and Town to be appropriate given the nature of the proposed facility.

The license is subject to the condition precedent that the applicant actually enter into a host community agreement with the Town.

The Council shall issue a written report stating its findings of fact and its decision and, if a license is issued, any conditions attached to the license which the Council finds necessary to fulfill the purposes of this Ordinance.

6.4. A license for a new solid waste disposal facility or to expand the disposal capacity of an existing, duly licensed, solid waste disposal facility shall be subject to the condition precedent that said facility receive approval from the Town's Planning Board under the Zoning Ordinance. Licenses are subject to the condition that the applicant secure and comply with all applicable federal, state, and local licenses and permits prior to and during construction and operation of the waste disposal facility.

ARTICLE 7 PERFORMANCE STANDARDS AND SUPPLEMENTAL REQUIREMENTS

7.1. The facility shall comply with all operational and performance standards included in the Maine Department of Environmental Protection's Solid Waste Management Rules (Chapter 400 et seq.) and any amendments thereto or substitutions therefore.

7.2. Access to the disposal site shall be strictly controlled, and all access roads to public or private ways shall be secured when the facility is not open for operation to ensure that unauthorized or unsupervised dumping does not occur.

7.3. The operator shall continuously supervise the unloading of waste to ensure that only permitted wastes are handled at the facility. The operator shall maintain a record of every vehicle which brings waste to the facility, including the following information: 1) name of driver; 2) name of person, firm, or corporation which owns the vehicle; 3) license plate of vehicle; 4) type-characterization of waste; 5) source and origin of waste.

7.4. The owner or operator of the facility shall provide the Town with copies of all reports or other documentation provided to MDEP pursuant to MDEP's Solid Waste Management Rules during the construction, operation, closure, and post-closure period of the facility, including but not limited to any annual report required by said Rules. The foregoing materials shall be submitted to the Town contemporaneous with their submission to MDEP. In addition, along with the submission of a copy of the annual report, the owner or operator of the facility shall also provide the Town with updated as-built plans of the facility prepared by a professional engineer or a professional land surveyor, which plans shall depict all construction activity that occurred at the facility from the date of the prior annual as-built plans submitted to the Town. *(Amended: 10/1/01)*

7.5. The owner or operator of the facility shall provide the Town with copies of all applications to dispose of special wastes at the facility, which copies shall be submitted to the Town contemporaneous with their submission to MDEP.

ARTICLE 8 PERFORMANCE GUARANTEES

8.1. The Council may, as a condition of the license, establish any reasonable requirements to ensure that the owner has the ongoing technical ability to meet state air, water, and land pollution control standards, such as:

- a. Requiring the owner to employ a capable engineer or other professional who is sufficiently knowledgeable and experienced in the disciplines necessary to ensure that state air, water, and land pollution control standards are met.
- b. Requiring a training program for the appropriate personnel to ensure proper installation, operation, and maintenance of pollution control equipment, and proper operation of the facility.
- c. Requiring on-site inspection during construction by an independent consultant, at the developer's expense, to ensure proper execution of plans as approved, including any conditions imposed by the Council.

If an independent consultant is required by the Council the developer shall establish an account, in an amount to be determined by the Council, to provide for the hiring of engineering, geological, or other expertise to monitor and inspect construction of the facility. The unexpended balance on the account shall be returned to the applicant. As an alternative, the Council and the applicant may agree upon who the applicant will use to monitor construction.

8.2. *Liability Insurance.* All applicants for a new or expanded solid waste disposal facility license shall submit with the application, and annually thereafter, proof of liability insurance for sudden and accidental occurrences for the solid waste disposal facility. Coverage must be provided for bodily injury and property damage and must be provided for the active life and closure of the solid waste disposal facility. The policy and the coverage afforded thereby shall comply with the requirements of any applicable State of Maine statute or regulations, as may be amended. *(Adopted: 10/1/01)*

8.3. *Financial Assurance for Closure and Post-Closure Care.* An owner or operator of a solid waste disposal facility shall provide financial assurance sufficient to ensure that funds are available to pay for the anticipated costs of compliance with all facility closure, post-closure maintenance, and post-closure monitoring requirements of any applicable State of Maine statute or regulation, as may be amended. The financial assurance shall comply with the provisions or requirements of any applicable State of Maine statute or regulation, as may be amended. The owner or operator shall provide the Town with copies of all documentation concerning the financial assurance, including but not limited to cost computations for the amount of financial assurance required by the Department of Environmental Protection (or its successor), the mechanism(s) used to provide the financial assurance, the annual calculations of the amount of the amount of the financial assurance, and the calculations for any annual inflation adjustment. *(Adopted: 10/1/01)*

8.4. *Financial Assurance for Corrective Action.* In the event that the Maine Department of Environmental Protection requires and/or approves a corrective action plan for any known releases, violations, or environmental damage, the owner or operator of the solid waste disposal facility subject to such a plan shall provide a copy thereof to the Town, and shall also provide the Town with a copy of the financial assurance documentation submitted to MDEP for the corrective action activities required under the corrective action plan. *(Adopted: 10/1/01)*

ARTICLE 9 RIGHT OF ENTRY

9.1. Any duly authorized representative or agent of the Town may, upon presentation of appropriate credentials, at any reasonable time, enter and inspect the facility, obtain samples of any waste, inspect and copy any records, reports, information, or test results relating to the disposal of solid waste, take photographs, or other actions necessary to ensure compliance with the license.

9.2. An agent or representative of the Town shall be permitted to independently sample monitoring wells installed around the waste disposal facility.

ARTICLE 10 ENFORCEMENT

10.1. All provisions of this Ordinance are enforceable by the Code Enforcement Officer, the Council or its agent.

10.2. Any person who violates any provision of this Ordinance is subject to fines, if convicted, as provided in Article 12.

ARTICLE 11 REVOCAION OF LICENSE

11.1. Any license issued hereunder may be suspended or revoked, subsequent to procedures hereafter set forth by order of the Council for the following causes:

- a. Violation of this Ordinance.
- b. Violation of any provision of any state or local law, ordinance, code or regulation which relates directly to the provisions of this Ordinance.
- c. Violation of any license conditions.
- d. Falsehoods, misrepresentations, or omissions in the license application.
- e. Failure to construct or operate the facility in accordance with the plans.
- f. Failure to meet air, water and land pollution control standards.

11.2. Whenever the Council or Code Enforcement Officer determine that there has been a violation by virtue of one of the conditions listed in 11.1.a - 11.1.f, they shall give written notice of such violation to the person, firm or corporation responsible.

- a. The citation shall include a description of the violation and shall allow reasonable time for remedial action.
- b. The citation may contain an outline of remedial action which, if taken, will effect compliance.
- c. The citation shall state that unless corrections are made within the allotted time, the violator is subject to prosecution and/or license suspension or revocation pursuant to the provisions of this Ordinance.

11.3. The Council or the Code Enforcement Officer may institute, or cause to be instituted, any and all proceedings, either legal or equitable, that may be necessary or appropriate to enforce the provisions of this Ordinance.

11.4. If the Violator does not meet the terms of the citation issued under 11.2, the Council may, after written notice and an opportunity for a hearing, suspend or revoke the license. The Council shall notify the license holder in writing of any such suspension or revocation, setting forth the reasons therefor.

11.5. Whenever it appears to the Council, after investigation, that there is a violation of this Ordinance or a condition of the license which is creating or is likely to create a substantial and immediate danger to public health or safety, the Council may suspend or revoke the license and shall notify the license holder in writing of any such suspension or revocation, setting forth the reasons therefor. In the event of such an emergency suspension or revocation, the person, firm or corporation whose license has been revoked/suspended is entitled to a public hearing conducted by the Council if the licensee requests a hearing within 7 days of the revocation/suspension. The Council shall schedule the hearing within 14 days of receiving the request. At least 7 days prior public notice of the hearing shall be given.

**ARTICLE 12
PENALTIES**

12.1. Civil penalties: Any person, firm, or corporation violating any of the provisions of this Ordinance or any conditions of the license shall, upon conviction, be subject to a civil penalty of not less than \$100.00 nor more than \$10,000.00 for each day of that violation or, if the violation relates to hazardous waste, of not more than \$25,000.00 for each day of violation. The maximum civil penalty may exceed \$10,000.00 for each day of that violation, but shall not exceed \$25,000.00 for each day of that violation, if there has been a previous violation by the same party within the preceding 5 years. All civil penalties shall inure to the benefit of the Town of Hampden. Reasonable attorney's fees and court costs incurred by the Town in prosecuting a violation shall be awarded to the Town if the Town is the prevailing party.

**ARTICLE 13
SEVERABILITY**

13.1. The provisions of this Ordinance shall be severable and if any portion of it shall be held invalid, the remainder of this Ordinance and its application thereof shall not be affected.

**ARTICLE 14
CONFLICT**

14.1. If any provision of this Ordinance conflicts with any provisions in another municipal ordinance or state statute, the stricter provision shall apply.

**ARTICLE 15
APPEAL**

15.1. An aggrieved party may appeal any decision under these regulations to Superior Court within 30 days after the decision is rendered.

**ARTICLE 16
EXISTING FACILITIES**

16.1. The council may waive any provision of this Ordinance as it relates to the issuance of an original license to an existing facility that was duly licensed by the State of Maine as of the effective date of this Ordinance.

16.2. In the event that a waiver is granted under Section 16.1, the Council may attach reasonable conditions to the license to ensure compliance with the intents and purposes of this Ordinance. *(Amended 9-4-90)*

**ARTICLE 17
APPLICABILITY**

17.1. This Ordinance shall not abrogate the application of any other law, ordinance, or regulation (including, but not limited to, the Zoning Ordinance of the Town of Hampden and any amendments thereto or replacements therefor) to a waste disposal facility. (Amended 5/3/95)

17.2. It is the intent of this Ordinance that the provisions hereof be construed, to the extent absolutely necessary, consistent with the provisions of 38 M.R.S.A. § 1310-U. At the time of application, the applicant shall submit a detailed list identifying any requirements of this Ordinance that the applicant believes are inconsistent with the provisions of 38 M.R.S.A. § 1310-U, and stating the grounds therefor. If the Council determines that any requirement of this Ordinance is inconsistent with the provisions of 38 M.R.S.A. § 1310-U, it shall have the authority to waive any such requirements to the extent necessary to eliminate the inconsistency.

**ARTICLE 18
APPLICABILITY OF AMENDMENTS**

18.1. The amendments to this Ordinance adopted by the Town Council on January 25, 1999 shall be applicable to all proceedings, applications, petitions and/or proposals filed, pending, commenced or reviewed as of January 19, 1999, and to all applications, petitions and/or proposals submitted to the Town prior to said date, but which are not pending applications within the meaning of 1 M.R.S.A. § 302 as of January 19, 1999.

18.2. The amendments to this Ordinance adopted by the Town Council on February 16, 1999 shall be applicable to all proceedings, petitions and/or proposals filed, pending, commenced or reviewed as of February 1, 1999, and to all applications, petitions and/or proposals submitted to the Town prior to said date, but which are not pending applications within the meaning of 1 M.R.S.A. § 302 as of February 1, 1999.

18.3. The amendments to this Ordinance adopted by the Town Council on August 20, 2001 shall be applicable to all proceedings, applications, petitions and/or proposals filed, pending commenced or reviewed as of May 30, 2001, and to all proceedings, applications, petitions and/or proposals submitted to the Town on or prior to said date, but which were not pending applications within the meaning of 1 M.R.S.A. § 302 as of July 1, 2001.

18.4. The amendments to this Ordinance, adopted by the Town Council on October 1, 2001 shall be applicable to all proceedings, applications, petitions and/or proposals filed, pending, commenced or reviewed on or after May 30, 2001.