

Applicant  
2016



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017

DEPARTMENT ORDER

IN THE MATTER OF

TOWN OF HARTLAND	)	SOLID WASTE
HARTLAND LANDFILL, SOMERSET COUNTY, MAINE	)	LICENSE
DISPOSAL OF SPECIAL WASTES	)	
#S-003463-WU-Q-N	)	
(PARTIAL APPROVAL WITH CONDITIONS)	)	<u>NEW LICENSE</u>

Pursuant to the provisions of the *Maine Hazardous Waste, Septage and Solid Waste Management Act*, 38 M.R.S. §§ 1301-1319-Y (1973, NEW); the *Rule Concerning the Processing of Applications and Other Administrative Matters*, 06-096 C.M.R. ch. 2 (last amended October 19, 2015); and the *Solid Waste Management Rules: General Provisions*, 06-096 C.M.R. ch. 400 (last revised April 6, 2015); *Landfill Siting, Design and Operation*, 06-096 C.M.R. ch. 401 (last revised April 12, 2015) and *Water Quality Monitoring, Leachate Monitoring, and Waste Characterization*, 06-096 C.M.R. ch. 405 (last revised April 12, 2015), the Department of Environmental Protection ("Department") has considered the application of the TOWN OF HARTLAND, with its supportive data, agency review comments, staff summary, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. APPLICATION SUMMARY

A. Application: The Town of Hartland ("Hartland") has applied for approval to dispose of additional special wastes on an ongoing basis in its secure solid waste landfill.

B. History:

(1) On October 8, 1986, Hartland received Board of Environmental Protection approval (Department Order #L-003463-07-B-N, now designated as #S-003463-WD-B-N) for a secure landfill located on the west side of Route 43 in Hartland, Maine. The landfill was licensed to accept waste water treatment plant sludge from the Hartland treatment plant, and pre-treatment plant waste, grease, hair, paint chips and blue hide scraps from the local tannery.

(2) On July 30, 2015, Hartland received Department approval (#S-003463-WD-P-M) to dispose of waste water treatment plant sludges from other Maine municipalities.

C. Summary of Proposal: Hartland requests approval to dispose of the following special wastes in its secure solid waste landfill on an ongoing basis: out-of-state treatment plant sludge, paper mill sludge, short paper fiber, ash, construction and

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demolition debris (“CDD”), non-hazardous contaminated soils, asbestos containing materials, backwash filtrate from drinking water treatment plants, dredge materials, wood waste, leaf and yard waste and shredder residue. The sources and volumes of the additional special wastes have not been identified to date. The Application for Disposal of Special Waste (“Application”) was prepared by CES, Inc. of Brewer, Maine and was accepted as complete for processing on March 29, 2016.

2. NOTICE OF INTENT

Hartland has provided documentation of the publication of a “Notice of Intent to File” and has documented notification of abutters as required in 06-096 C.M.R. ch. 2. The Notice of Intent to File was made in the March 7, 2016 edition of the Rolling Thunder Express.

The Department finds that Hartland has complied with all of the public notice requirements of 06-096 C.M.R. ch. 2.

3. SPECIAL WASTE ACCEPTANCE AND COMPATIBILITY WITH OTHER WASTE TYPES

The Hartland Landfill is currently approved to accept for disposal waste water treatment plant sludge from the Hartland treatment plant, pre-treatment plant waste, grease, hair, paint chips and blue hide scraps from the local tannery, and additional waste water treatment plant sludges from other Maine municipalities. Hartland has submitted a qualitative assessment of the compatibility of the different proposed waste types with existing wastes.

A. Out-of-State Treatment Plant Sludge: Hartland notes that out-of-state treatment plant sludge will have identical characteristics to sludges from within Maine. 38 M.R.S. § 1303-C states, in part, that a solid waste facility that is owned by a municipality may only accept waste that is generated within the State unless “[t]he commissioner finds that the acceptance of waste that is not generated within the State provides a substantial public benefit” and “[a]cceptance of waste that is not generated within the State is approved by a majority of the voters of the municipality by referendum election.” The Department notes that Hartland did not address the above noted statutory criteria in the Application.

B. Paper Mill Sludge: Hartland notes that paper mill sludge is similar in characteristics to sludges currently approved for disposal at the landfill. Paper mill sludge is generally defined as non-hazardous waste generated from a paper mill waste water treatment plant.

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- C. Short Paper Fiber: Hartland notes that short paper fiber is similar in characteristics to sludges currently approved for disposal at the landfill. Short paper fiber is derived from pulp and paper manufacturing and consists primarily of wood fibers that are too short to bond in the paper-making process.
  
- D. Ash: Hartland notes that Phases II and III of their secure landfill meet the current design standards of the Rules and that ash and sludges “are successfully placed in similarly designed landfills throughout the State without compatibility issues.” 06-096 C.M.R. ch. 400, § 1(N) defines ash as the residue or the residual remaining after the combustion of a material such as coal, wood, oil, sludge or municipal solid waste.
  
- E. Construction and Demolition Debris (CDD): Hartland notes that Phases II and III of their secure landfill meet the current design standards of the Rules and that “CDD has been placed in similarly constructed landfills, with similar wastes, with no issues.” Hartland also specifies that “if CDD is placed whole, additional equipment may need to be obtained to achieve optimum compaction.” Hartland further noted in a September 7, 2016 electronic mail message that they are “exploring equipment it may purchase or rent so that appropriate compaction can be achieved.” The Department notes that the definition of CDD as specified in 06-096 C.M.R. ch. 400, § 1(FF) is broad. Further, the Department notes that CDD may contain fines and other residues from CDD processing facilities including gypsum wallboard that when placed within a landfill may negatively impact landfill gas quantity and quality and that the Hartland landfill does not currently have an active gas collection and control system. Therefore, the Department states that Hartland may not accept CDD containing gypsum wallboard and/or fines and residues containing gypsum wallboard at the Hartland landfill.
  
- F. Non-hazardous Contaminated Soils: Hartland notes that Phases II and III of their secure landfill meet the current design standards of the Rules and that “[n]o compatibility issues are expected” from the proposed disposal of non-hazardous contaminated soils. The Department notes that the definition of non-hazardous contaminated soils is broad and that the definition needs to be further defined and narrowed in scope. Therefore, the Department states that non-hazardous contaminated soils from Department-supervised remedial activities may be proposed for acceptance at the Hartland landfill.
  
- G. Asbestos Containing Materials: Hartland notes that Phases II and III of their secure landfill meet the current design standards of the Rules and that “[n]o compatibility issues are expected.” The *Asbestos Management Rules*, 06-096 C.M.R. ch. 425, § 1(Z) (amended February 2011) define asbestos-containing material as any material containing asbestos in quantities greater than or equal to

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1 percent by volume as determined by weight, visual evaluation, and/or point count analysis. Further, friable asbestos means any asbestos containing material that, when dry, has the potential to readily release asbestos fibers when crumbled, pulverized, handled, deteriorated, or subjected to mechanical, physical or chemical processes. The Department notes that Hartland did not address the additional handling requirements necessary for the safe disposal of friable asbestos within the landfill. Therefore, the Department states that only non-friable asbestos containing materials may be proposed for acceptance at the Hartland landfill.

- H. Backwash Filtrate from Drinking Water Treatment Plants: Hartland notes that Phases II and III of their secure landfill meet the current design standards of the Rules and that “[n]o compatibility issues are expected” from the proposed disposal of backwash filtrate from drinking water treatment plants. Backwash filtrate from drinking water treatment plants refers to particulates that are removed during maintenance of a filter media.
  
- I. Dredge Materials: Hartland notes that Phases II and III of their secure landfill meet the current design standards of the Department Rules and that “[n]o compatibility issues are expected” from the proposed disposal of dredge materials. 06-096 C.M.R. ch. 400, § 1(RR) defines dredge materials as sand, silt, mud, gravel, rock or other sediment or material removed from beneath any surface water.
  
- J. Wood Waste: Hartland notes that Phases II and III of their secure landfill meet the current design standards of the Rules and that “[n]o compatibility issues are expected” from the proposed disposal of wood waste. 06-096 C.M.R. ch. 400, § 1(LLI) defines wood wastes as brush; stumps; lumber; bark; wood chips; shavings; slabs; edgings; slash; sawdust; wood from production rejects; and, wood pallets that are not pressure treated or visibly contaminated, and from which fasteners have been removed; that are not mixed with other solid or liquid waste.
  
- K. Leaf and Yard Waste: Hartland notes that Phases II and III of their secure landfill meet the current design standards of the Rules and that “[n]o compatibility issues are expected” from the proposed disposal of leaf and yard waste. 38 M.R.S. § 2101 establishes that it is the policy of the State to “plan for and implement an integrated approach to solid waste management” through an order of priority that places waste reduction, reuse, recycling, composting, and processing before land disposal as a “guiding principle in making decisions relating to solid waste management.” Further, 06-096 C.M.R. ch. 400, § 4(N) requires evidence to be submitted that demonstrates that “waste has been reduced, reused, recycled, composted, and/or processed to the maximum extent practicable” prior to

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landfilling. Based on applicable State law and rule, the Department states that leaf and yard waste is better suited to be composted than landfilled.

- L. Shredder Residue: Hartland notes that Phases II and III of their secure landfill meet the current design standards of the Rules and that “[n]o compatibility issues are expected” from the proposed disposal of shredder residue. 06-096 C.M.R. ch. 400, § 1(Bbb) defines shredder residue as waste generated from the shredding of automobiles, white goods, and other scrap machinery. The Department states that shredder residue has been successfully disposed of at similar landfills in Maine.

The Department finds that Hartland’s proposal to accept out-of-state treatment plant sludge is not consistent with State law, that the proposed acceptance and placement of paper mill sludge, short paper fiber, ash, backwash filtrate from drinking water treatment plants, dredge materials, wood wastes and shredder residue in Hartland’s landfill is compatible with existing waste and that the definition of CDD, non-hazardous contaminated soils and asbestos containing materials needs to be further refined to include only CDD containing no gypsum wallboard and/or fines and residues containing gypsum wallboard, non-hazardous contaminated soils from Department-supervised remedial activities and non-friable asbestos containing materials. Further, the Department finds that the proposed disposal of leaf and yard waste is not consistent with Maine’s solid waste management hierarchy.

Paper mill sludge, short paper fiber, ash, pre-ground CDD containing no gypsum wallboard and/or fines and residues containing gypsum wallboard, non-hazardous contaminated soil from Department-supervised remedial activities, non-friable asbestos containing materials, backwash filtrate from drinking water treatment plants, dredge materials, wood waste and shredder residue are hereinafter collectively referred to as “proposed additional special waste(s).”

#### 4. COMPATIBILITY WITH ENGINEERED SYSTEMS

Hartland has submitted a qualitative evaluation of the compatibility of the proposed additional special wastes with the existing engineered systems. Existing engineered systems include the liner and leachate collection systems. The qualitative evaluation consisted of a conceptual assessment of any corrosive or reactive properties that could affect landfill components, any grain size or soil binding properties that could clog the leachate collection system, and the water content and stability of the proposed wastes. Hartland specifies that the leachate collection system is currently functioning properly and that the disposal of the proposed additional special wastes will not have a negative impact on the existing system. Further, the Department notes that Phases II and III of Hartland’s secure landfill meet the current design standards of the Rules.

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The Department finds that Hartland has adequately addressed the compatibility of the proposed additional special wastes with the existing engineered systems.

5. SPECIAL WASTE HANDLING PROCEDURES

Hartland has conceptually outlined procedures for the handling and disposal of the proposed additional special wastes. Existing procedures will be followed during the handling and disposal of paper mill sludge, short paper fiber and shredder residue. Existing waste handling and disposal procedures will be followed during the placement and disposal of non-hazardous contaminated soils from Department-supervised remedial activities, backwash filtrate from drinking water treatment plants and dredge materials; unless soil properties require specialized placement techniques. For the proposed disposal of ash, Hartland proposes to minimize any impact to the landfill leachate collection system by not placing ash directly above the leachate collection sand. For the proposed disposal of non-friable asbestos containing materials, Hartland states that handling and disposal will be in accordance with the applicable Rules. Additionally, Hartland states that waste disposal locations will be surveyed. For the proposed disposal of CDD containing no gypsum wallboard and/or fines and residues containing gypsum wallboard, Hartland states that additional information regarding procedures will be provided and "include such items as required depth of more protective wastes above new liner system components, etc."

The Department finds that Hartland has adequately addressed the handling and disposal of the proposed additional special wastes in accordance with the Rules; provided that, the facility Operations Manual is updated with specific handling and disposal provisions once each waste source and quantity of waste is known and submitted to the Department for review. The Operations Manual must include an estimate of the quantity of the special waste to be delivered from each source; and any changes to the Operations Manual and cell development plan needed to accept and handle the proposed additional special wastes.

6. WASTE CHARACTERIZATION

Hartland did not submit an updated Special Waste Characterization Sampling and Analytical Work Plan along with the Application; however, Hartland has stated that the proposed additional special wastes will be characterized in accordance with 06-096 C.M.R. ch. 405, § 6 of the Rules prior to acceptance at the landfill.

The Department finds that Hartland must update its Special Waste Characterization Sampling and Analytical Work Plan for the disposal of the proposed additional special wastes in its landfill and submit the plan along with its 2016 Annual Report due April 30, 2017. Waste characterization shall be conducted for each proposed additional special

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waste at the generation source and the results shall be submitted to the Department for review at least 30 days prior to disposal. Hartland must maintain a log of all special wastes disposed in the landfill; the log shall include documentation of when authorization for disposal of each waste source was received, dates of disposal, and approximate locations of disposal. The sampling and analytical data, profile sheets, receipts of certification from the Department's Division of Response Services, authorizations for disposal, and log of all special wastes disposed in the landfill must be submitted to the Department along with the landfill's annual report.

7. WATER QUALITY MONITORING

Hartland has an existing water quality monitoring program consisting of ground water, surface water and leachate sampling and testing. The program includes the monitoring of 9 ground water monitoring wells, 3 surface water locations and 4 leachate locations. Water quality monitoring is conducted tri-annually in accordance with 06-096 C.M.R. ch. 405 and the results and subsequent evaluation are submitted with the annual reports. Hartland notes that no additions to the facility's monitoring program are expected; however, if a new parameter is discovered during the characterization of the proposed additional special wastes then the water quality monitoring program will be revised as necessary.

The Department finds that Hartland has a current water quality monitoring program meeting the Rules; provided that, updates are made to the water quality monitoring program as necessary based on the waste characterization results of each source of proposed additional special waste and are submitted for Department review at least 30 days prior to special waste disposal.

BASED on the above Findings of Fact, and subject to the Conditions listed below, the Department makes the following CONCLUSIONS:

1. Hartland has complied with the public notice requirements of 06-096 C.M.R. ch. 2.
2. Hartland's proposal to accept out-of-state treatment plant sludge is not consistent with State law.
3. Hartland's proposal to accept leaf and yard waste is not consistent with Maine's solid waste management hierarchy.
4. The acceptance and disposal of the proposed additional special wastes will not pollute any waters of the State, contaminate the ambient air, constitute a hazard to health or welfare, or create a nuisance; provided that:

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- A. Hartland updates the facility Operations Manual with specific handling and disposal provisions once a waste source and quantity of waste is known and submits it for Department review at least 30 days prior to the disposal of each source of proposed additional special waste. The Operations Manual shall include an estimate of the quantity of the special waste to be delivered and any changes to the Operations Manual and cell development plan needed to accept and handle each of the proposed additional special wastes;
- B. Hartland submits the results of waste characterization testing, for the proposed additional special wastes that were sampled at the generation source, to the Department for review at least 30 days prior to the disposal of each proposed additional special waste;
- C. Hartland updates and submits, along with the 2016 Annual Report due April 30, 2017, their Special Waste Characterization Sampling and Analytical Work Plan to incorporate provisions for the disposal of each source of proposed additional special waste. Hartland must maintain a log of all special wastes disposed in the landfill; the log shall include documentation of when authorization for disposal of each waste source was received, dates of disposal, and approximate locations of disposal. The sampling and analytical data, profile sheets, receipts of certification from the Department's Division of Response Services, authorizations for disposal, and log of all special wastes disposed in the landfill must be submitted to the Department along with the landfill's annual report; and
- D. Hartland updates their water quality monitoring program as necessary based on the waste characterization results of each source of proposed additional special waste and submits the updates to the Department for review at least 30 days prior to waste disposal.

THEREFORE, the Department DENIES the above noted application of the TOWN OF HARTLAND to dispose of out-of-state treatment plant sludge, CDD, non-hazardous contaminated soils, asbestos containing materials and leaf and yard waste, but APPROVES the above noted application of the TOWN OF HARTLAND to dispose of paper mill sludge, short paper fiber, ash, CDD containing no gypsum wallboard and/or fines and residues containing gypsum wallboard, non-hazardous contaminated soils from Department-supervised remedial activities, non-friable asbestos containing materials, backwash filtrate from drinking water treatment plants, dredge materials, wood waste and shredder residue SUBJECT TO THE FOLLOWING CONDITIONS, and all applicable standards and regulations:

- 1. The Standard Conditions of Approval, a copy attached as Appendix A.

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2. The invalidity or unenforceability of any provision, or part thereof, of this license shall not affect the remainder of the provision or any other provisions. This license shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.
3. At least 30 days prior to the disposal of each source of proposed additional special waste, Hartland shall update the facility Operations Manual with specific handling and disposal provisions once a waste source and quantity of waste is known and submit it to the Department for review. The Operations Manual shall include an estimate of the quantity of the special waste to be delivered and any changes to the Operations Manual and cell development plan needed to accept and handle each of the proposed additional special wastes.
4. At least 30 days prior to the disposal of each source of proposed additional special waste, Hartland shall submit the results of waste characterization testing, for the proposed additional special wastes that were sampled at the generation source, to the Department for review.
5. Along with the 2016 Annual Report due April 30, 2017, Hartland shall update and submit their Special Waste Characterization Sampling and Analytical Work Plan to incorporate provisions for the characterization of each source of the proposed additional special waste. Hartland shall maintain a log of all special wastes disposed in the landfill; the log shall include documentation of when authorization for disposal of each waste source was received, dates of disposal, and approximate locations of disposal. The sampling and analytical data, profile sheets, receipts of certification from the Department's Division of Response Services, authorizations for disposal, and log of all special wastes disposed in the landfill shall be submitted to the Department along with the landfill's annual report.
6. At least 30 days prior to the disposal of each source of the proposed additional special waste, Hartland shall update the water quality monitoring program as necessary based on the waste characterization results and submit the updates for Department review.

DONE AND DATED AT AUGUSTA, MAINE THIS 16<sup>th</sup> DAY OF SEPTEMBER, 2016.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Paul Mercer  
Paul Mercer, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

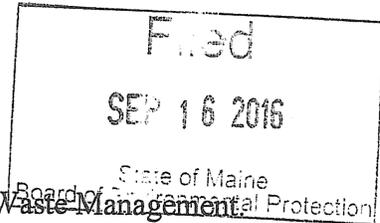
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Date of initial receipt of application: 03/14/2016

Date of application acceptance: 03/29/2016

Date filed with Board of Environmental Protection:



This Order prepared by Lou S. Pizzuti, Bureau of Remediation and Waste Management

xlp80353/lsp/



**STANDARD CONDITIONS  
TO ALL SOLID WASTE LANDFILL LICENSES**

STRICT CONFORMANCE WITH THE STANDARD AND SPECIAL CONDITIONS OF THIS APPROVAL IS NECESSARY FOR THE PROJECT TO MEET THE STATUTORY CRITERIA FOR APPROVAL. VIOLATIONS OF THE CONDITIONS UNDER WHICH A LICENSE IS ISSUED SHALL CONSTITUTE A VIOLATION OF THAT LICENSE AGAINST WHICH ENFORCEMENT ACTION MAY BE TAKEN, INCLUDING REVOCATION.

1. **Approval of Variations from Plans.** The granting of this approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed by the license. Any consequential variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation.
2. **Compliance with All Applicable Laws.** The licensee shall secure and comply with all applicable federal, state, and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.
3. **Compliance with All Terms and Conditions of Approval.** The licensee shall submit all reports and information requested by the Department demonstrating that the licensee has complied or will comply with all terms and conditions of this approval. All preconstruction terms and conditions must be met before construction begins.
4. **Transfer of License.** The licensee may not transfer the solid waste facility license or any portion thereof without approval of the Department.
5. **Initiation of Construction or Development Within Two Years.** If the construction or operation of the solid waste facility is not begun within two years of issuance or within 2 years after any administrative and judicial appeals have been resolved, the license lapses and the licensee must reapply to the Department for a new license unless otherwise approved by the Department.
6. **Approval Included in Contract Bids.** A copy of the approval must be included in or attached to all contract bid specifications for the solid waste facility.
7. **Approval Shown to Contractors.** Contractors must be shown the license by the licensee before commencing work on the solid waste facility.



**STANDARD CONDITIONS  
TO ALL SOLID WASTE LANDFILL LICENSES**

8. **Background of key individuals.** A licensee may not knowingly hire as an officer, director or key solid waste facility employee, or knowingly acquire an equity interest or debt interest in, any person convicted of a felony or found to have violated a State or federal environmental law or rule without first obtaining the approval of the Department.
9. **Fees.** The licensee must comply with annual license and annual reporting fee requirements of the Department's rules.
10. **Recycling and Source Reduction Determination for Solid Waste Disposal Facilities.** This condition does not apply to the expansion of a commercial solid waste disposal facility that accepts only special waste for landfilling.

The solid waste disposal facility shall only accept solid waste that is subject to recycling and source reduction programs, voluntary or otherwise, at least as effective as those imposed by 38 M.R.S. Ch. 13.

11. **Deed Requirements for Solid Waste Disposal Facilities.** Whenever any lot of land on which an active, inactive, or closed solid waste disposal facility is located is being transferred by deed, the following must be expressly stated in the deed:
  - A. The type of facility located on the lot and the dates of its establishment and closure.
  - B. A description of the location and the composition, extent, and depth of the waste deposited.
  - C. The disposal location coordinates of asbestos wastes must be identified.