

**§1306. Prohibition**

**1. General prohibition.** It is unlawful for any person to establish, construct, alter or operate any waste facility without a permit issued by the department.

[PL 1989, c. 890, Pt. A, §40 (AFF); PL 1989, c. 890, Pt. B, §232 (AMD).]

**2. On-site disposal of domestic septage; penalty.**

[PL 2021, c. 641, §4 (RP).]

**3. Discharge of hazardous waste.** The discharge of hazardous waste into or upon any waters of the State, or into or upon any land within the State's territorial boundaries or into the ambient air, is prohibited unless licensed or authorized under state or federal law.

[PL 1985, c. 481, Pt. A, §98 (NEW).]

**4. Cathode ray tube disposal.** Beginning 9 months after the department adopts rules pursuant to section 1610, subsection 5, paragraph D, subparagraph (1), a person may not dispose of a cathode ray tube in a solid waste disposal facility. This subsection may not be construed to affect existing laws, rules or regulations governing disposal of cathode ray tubes in effect prior to the adoption of rules pursuant to section 1610, subsection 5, paragraph D, subparagraph (1).

[PL 2005, c. 330, §28 (AMD).]

**5. Control of fluids from motor vehicles at junkyards, automobile graveyards and automobile recycling businesses.** Fluids must be controlled in accordance with the following.

A. All fluids, including but not limited to engine lubricant, transmission fluid, brake fluid, power steering fluid, hydraulic fluid, engine coolant, gasoline, diesel fuel, oil and refrigerant, batteries and mercury switches must be properly handled by junkyards, automobile graveyards and automobile recycling businesses in such a manner that they do not leak, flow or discharge into or onto the ground, into a body of water or into the air. [PL 2005, c. 247, §6 (NEW); PL 2005, c. 247, §7 (AFF).]

B. All fluids, refrigerant, batteries and mercury switches must be removed from motor vehicles that lack engines or other parts that render the vehicles incapable of being driven under their own motor power or that are otherwise incapable of being driven under their own motor power, appliances and other items within 180 days of acquisition by a junkyard, automobile graveyard or automobile recycling business. Motor vehicles, appliances and other items acquired by and on the premises of a junkyard, automobile graveyard or automobile recycling business prior to October 1, 2005 must have all fluids, refrigerant, batteries and mercury switches removed by January 1, 2007. Fluids required to be removed under this paragraph must be removed to the greatest extent practicable. [PL 2005, c. 247, §6 (NEW); PL 2005, c. 247, §7 (AFF).]

C. A person may not crush, shred or otherwise process, or cause to be crushed, shredded or otherwise processed, motor vehicles, appliances or other items before removal of all fluids, refrigerant, batteries and mercury switches. Fluids required to be removed under this paragraph must be removed to the greatest extent practicable. [PL 2005, c. 247, §6 (NEW); PL 2005, c. 247, §7 (AFF).]

[PL 2005, c. 247, §6 (NEW); PL 2005, c. 247, §7 (AFF).]

**6. Construction and demolition debris.** The substitution of wood from construction and demolition debris for conventional fuels used in a boiler may not exceed 50% of total fuel by weight combusted on an average annual basis.

[PL 2005, c. 617, §1 (NEW).]

**7. Prohibitions on land application of sludge and sale and distribution of compost and other agricultural products and materials containing sludge and septage.** This subsection governs the

land application of sludge and the sale and distribution of compost and other agricultural products and materials containing sludge and septage.

A. Notwithstanding any provision of law to the contrary, except as provided in paragraph B, a person may not:

(1) Apply to or spread on any land in the State:

(a) Sludge generated from a municipal, commercial or industrial wastewater treatment plant;

(b) Compost material that included in its production sludge generated from a municipal, commercial or industrial wastewater treatment plant or septage; or

(c) Any other product or material that is intended for use as a fertilizer, soil amendment, topsoil replacement or mulch or for other similar agricultural purpose that is derived from or contains sludge generated from a municipal, commercial or industrial wastewater treatment plant or septage; or

(2) Sell or distribute in the State:

(a) Compost material that included in its production sludge generated from a municipal, commercial or industrial wastewater treatment plant or septage; or

(b) Any other product or material that is intended for use as a fertilizer, soil amendment, topsoil replacement or mulch or for other similar agricultural purpose that is derived from or contains sludge generated from a municipal, commercial or industrial wastewater treatment plant or septage. [PL 2021, c. 641, §5 (NEW).]

B. The prohibitions in paragraph A do not apply to:

(1) The disposal or placement at a solid waste landfill of any of the materials that are prohibited from application, spreading, sale or distribution by this subsection;

(2) The land application of or the sale or distribution of compost material or other agricultural product or material derived from or containing residuals generated as a result of the processing or cultivation of food, food waste, crops or vegetative material, the brewing of malt liquor, the fermenting of wine or hard cider or the distilling of spirits, including, but not limited to, blueberries, apples, grapes, potatoes, seaweed, fish and seafood and spent grain or malt, provided that such residuals are not mixed with sludge from a municipal, commercial or industrial wastewater treatment plant, septage, sewage or sanitary wastewater prior to or during land application or the production of the compost material or other agricultural product or material; or

(3) The land application of or the sale or distribution of compost material or other agricultural product or material derived from or containing sludge resulting from the production of precipitated calcium carbonate. [PL 2021, c. 641, §5 (NEW).]

[PL 2021, c. 641, §5 (NEW).]

#### SECTION HISTORY

PL 1973, c. 387 (NEW). PL 1979, c. 383, §10 (RPR). PL 1979, c. 663, §237 (AMD). PL 1979, c. 699, §13 (RP). PL 1981, c. 430, §12 (RPR). PL 1983, c. 726, §3 (RPR). PL 1985, c. 481, §A98 (AMD). PL 1985, c. 612, §19 (AMD). PL 1989, c. 890, §§A40,B232 (AMD). PL 2003, c. 150, §1 (AMD). PL 2005, c. 247, §6 (AMD). PL 2005, c. 247, §7 (AFF). PL 2005, c. 330, §28 (AMD). PL 2005, c. 617, §1 (AMD). PL 2021, c. 641, §§4, 5 (AMD).

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