

	1 2	SECOND REGULAR SESSION		
	3 4	ONE HUNDRED AND TENTH LEGISLATURE		
	5 6	Legislative Document No. 1706		
N	7 8 9 10	H. P. 1721 Submitted by the Department of Environmental Protection pursu- ant to Joint Rule 24. Reference to the Committee on Energy and Natural Resources suggested and 1,400 ordered printed. Approved for introduc- tion by the Legislative Council pursuant to Joint Rule 26.		
	11 12 13 14 15 16	EDWIN H. PERT, Clerk Presented by Representative Davies of Orono. Cosponsors: Representative Dexter of Kingfield Representative Michaud of East Millinocket Senator McBreairty of Aroostook.		
	17 18	STATE OF MAINE		
м	19 20 21	IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-TWO		
3	22 23 24 25 26	AN ACT to Eliminate a Mandatory Public Hearing for Permits to Locate Solid Waste Disposal Areas Closer than 300 Feet to a Classified Body of Surface Water.		
	27	Be it enacted by the People of the State of Maine as follows:		
	28 29	Sec. 1. 38 MRSA §421, 2nd ¶,as last amended by P 1979, c.472, §15, is further amended to read:		
	30 31 32 33	If the board shall determine that soil conditions groundwater conditions, topography or other conditions indi cate that any boundary of any such area should be furthe than 300 feet from any classified body of surface water, it		

1 may, after notice to and a hearing with the affected party, 2 order the relocation of such boundaries and the removal of 3 any solid waste, previously deposited within the original boundaries, to the confines of the new boundaries. 4

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Sec. 2. 38 MRSA §421, last ¶, first sentence, as last 6 amended by PL 1979, c.472, §15, is further amended to read:

7 Notwithstanding this section, if the Board of Environ-8 mental Protection shall determine from an examination of 9 soil conditions, groundwater characteristics, climatic con-10 ditions, topography, the nature and amount of the solid 11 waste and other appropriate factors, that the deposit of 12 solid waste within an area less than 300 feet from any 13 classified body of surface water, will not result in an unlicensed direct or indirect discharge of 14 pollutants to 15 such body of surfacewater, it may, after notice and hearing, 16 permit the deposit of solid waste within such area, upon 17 such terms and conditions as it deems necessary.

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Statement of Fact

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This bill eliminates the statutory requirement that the 19 Department of Environmental Protection must have a 20 public 21 hearing prior to acting on an application for a permit to 22 operate a solid waste facility within 300 feet of a classi-23 fied body of surface water. It has been the experience of 24 the Commissioner of Environmental Protection that this type 25 of public hearing is attended by the applicant, usually a municipal official, and the staff of the department. 26 In evaluating this type of application, the board decision, by statute, is relatively simple. It must find that the 27 28 deposit of solid waste within 300 feet of a classified body 29 30 of surface water will not result in an unlicensed discharge 31 of pollutants. This is basically a technical decision which 32 can be made on the basis of information on the application 33 or in agency files.

34 There should be some undetermined savings of municipal 35 tax dollars as well as a small state savings in direct hear-36 ing costs.