

MAINE STATE LEGISLATURE

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L.D. 1297

(Filing No. H-535)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 966, L.D. 1297, Bill, "An Act to Amend Certain Laws Governing Solid Waste Management"

Amend the bill by striking out everything after the title and before the statement of fact and inserting in its place the following:

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, without emergency action in the First Regular Session of the 116th Legislature, industrial boilers that combust certain mixed paper, corrugated cardboard or office paper to generate heat, steam or electricity will not be exempt from the definition of solid waste facility after July 1, 1993; and

Whereas, it is the intent of the Legislature that those facilities continue to be exempt from that definition after July 1, 1993; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 38 MRSA §421, as amended by PL 1991, c. 499, §15, is repealed.

2 Sec. 2. 38 MRSA §352, sub-§5-A, in that part designated "TABLE I"
in that part relating to "TITLE 38, SECTION 421", is repealed.

4 Sec. 3. 38 MRSA §352, sub-§5-B, in that part designated "TABLE I"
in that part relating to "TITLE 38, SECTION 421", is repealed.

6 Sec. 4. 38 MRSA §1303-C, sub-§31, ¶C, as enacted by PL 1991,
8 c. 492, §2, is amended to read:

10 C. An industrial boiler that combusts mixed paper,
12 corrugated cardboard or office paper to generate heat, steam
or electricity if:

14 (1) The mixed paper, corrugated cardboard or office
paper would otherwise be placed in a landfill;

16 (2) The market value of the mixed paper, corrugated
18 cardboard or office paper as a raw material for the
manufacture of a product with recycled content is less
20 than its value to the facility owner as a fuel
supplement;

22 (3) The mixed paper, corrugated cardboard or office
24 paper is combusted as a substitute for, or supplement
to, fossil or biomass fuels that constitute the primary
26 fuels combusted in the industrial boiler; and.

28 (4) The boiler combusts no other forms of solid waste
except as provided in this subsection.

30 ~~This paragraph is repealed on July 1, 1993.~~

32 Sec. 5. 38 MRSA §1310-N, sub-§6, as amended by PL 1991, c.
34 644, §1, is further amended to read:

36 6. Terms and compliance schedules. Licenses Except as
38 provided in subsection 6-B, licenses are issued under the terms
and conditions as the department may prescribe, and for a term
not to exceed 5 years. The department may establish reasonable
40 time schedules for compliance with this article and rules adopted
by the board. ~~Notwithstanding any rules adopted pursuant to this~~
42 ~~section,~~ A licensed or unlicensed municipal solid waste ~~landfills~~
landfill operating on December 31, 1991 may continue to operate
44 until December 31, 1992, unless the commissioner finds that
continued operation of a landfill poses an immediate hazard to
46 the public health or the environment, including, without
limitation, a threat to a public or private water supply.

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Sec. 6. 38 MRSA §1310-N, sub-§6-B is enacted to read:

6-B. Solid waste facilities licensed under rules valid on or after May 24, 1989. A solid waste facility license issued under applicable solid waste management rules valid on or after May 24, 1989 remains in effect unless modified, revoked or suspended under section 341-D, subsection 3. These licensees must:

A. Comply with applicable operating rules adopted by the board;

B. Comply with annual facility reporting rules adopted by the board; and

C. Beginning 5 years after the date of issuance of the license, pay an annual facility reporting fee established by the commissioner. The annual fee established in this paragraph must be an amount equal to 20% of the relicensing fee that would have applied to that facility.

Sec. 7. 38 MRSA §1310-P, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §§243 and 244, is repealed.

Sec. 8. 38 MRSA §1310-S, sub-§2, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §249, is further amended to read:

2. Public hearing. The department shall ~~may~~ hold an adjudicatory public hearing within the municipality in which the facility may be located or in such ~~other~~ a convenient location in the vicinity of the proposed facility as ~~the municipal officers may agree~~. The hearing must be conducted in accordance with Title 5, chapter 375, subchapter IV.

Sec. 9. 38 MRSA §§1310-Y and 1310-Z are enacted to read:

§1310-Y. Financial assurance

An owner or operator of a solid waste disposal facility licensed under section 1310-N shall provide the department assurance of its financial ability to satisfy the estimated cost of corrective action for known releases from the facility and its financial capacity to satisfy the estimated cost of closure and postclosure care and maintenance at the facility for a period of at least 30 years after closure. The board may adopt rules that increase or decrease that postclosure care period, as long as those rules are consistent with applicable federal rules.

1. Acceptable forms of financial assurance. Acceptable forms of financial assurance are:

