MAINE STATE LEGISLATURE

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_	L.D. 1297
2	(Filing No. H-535)
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	STATE OF MAINE
8	HOUSE OF REPRESENTATIVES 116TH LEGISLATURE
10	FIRST REGULAR SESSION
12	COMMITTEE AMENDMENT "H" to H.P. 966, L.D. 1297, Bill, "An
14	Act to Amend Certain Laws Governing Solid Waste Management"
16	Amend the bill by striking out everything after the title and before the statement of fact and inserting in its place the
18	following:
20	'Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted
22	as emergencies; and
24	Whereas, without emergency action in the First Regular Session of the 116th Legislature, industrial boilers that combust
26	certain mixed paper, corrugated cardboard or office paper to generate heat, steam or electricity will not be exempt from the
28	definition of solid waste facility after July 1, 1993; and
30	Whereas, it is the intent of the Legislature that those facilities continue to be exempt from that definition after July
3 2	1, 1993; and
34	Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of
36	Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and
38	safety; now, therefore,
10	Be it enacted by the People of the State of Maine as follows:
12	Sec. 1. 38 MRSA §421, as amended by PL 1991, c. 499, §15, is
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repealed.

COMMITTEE AMENDMENT " to H.P. 966, L.D. 1297

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Sec. 2. 38 MRSA §352, sub-§5-A, in that part designated "TABLE I" in that part relating to "TITLE 38, SECTION 421", is repealed.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Sec. 3. 38 MRSA §352, sub-§5-B, in that part designated "TABLE I" in that part relating to "TITLE 38, SECTION 421", is repealed.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	
8	Sec. 4. 38 MRSA §1303-C, sub-§31, ¶C, as enacted by PL 1991, c. 492, §2, is amended to read:
10 12	C. An industrial boiler that combusts mixed paper, corrugated cardboard or office paper to generate heat, steam or electricity if:
14.	or electricity in:
14	 The mixed paper, corrugated cardboard or office paper would otherwise be placed in a landfill;
16	
18	(2) The market value of the mixed paper, corrugated 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	
24	(3) The mixed paper, corrugated cardboard or office 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	mbis second is seconded on July 1 1002
32	This-paragraph-is-repealed-on-July-1,-1993. 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. Lieenses Except as provided in subsection 6-B, licenses are issued under the terms
38	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
4.5	by the board. Netwithstanding-any-rules-adopted-pursuant-to-this
42	seetien, A licensed or unlicensed municipal solid waste landfils 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:

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	6-B. Solid waste facilities licensed under rules valid or
4	or after May 24, 1989. A solid waste facility license issued
	under applicable solid waste management rules valid on or after
6	May 24, 1989 remains in effect unless modified, revoked or
	suspended under section 341-D, subsection 3. These licensees
- 8	must:
10	A. Comply with applicable operating rules adopted by the
	board;
12	
- 4	B. Comply with annual facility reporting rules adopted by
14	the board; and
16	C. Davissian F. warne after the data of immune of the
16	C. Beginning 5 years after the date of issuance of the
18	license, pay an annual facility reporting fee established by the commissioner. The annual fee established in this
10	paragraph must be an amount equal to 20% of the relicensing
20	fee that would have applied to that facility.
20	ree char would have appried to that latility.
22	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.
24	
	Sec. 8. 38 MRSA §1310-S, sub-§2, as affected by PL 1989, c.
26	890, Pt. A, §40 and amended by Pt. B, §249, is further amended to
	read:
28	
	 Public hearing. The department shall may hold an
30	adjudicatory public hearing within the municipality in which the
	facility may be located or in such-ether a convenient location in
32	the vicinity of the proposed facility as-the-municipal-efficers
	mayagree. The hearing must be conducted in accordance with
34	Title 5, chapter 375, subchapter IV.
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36	Sec. 9. 38 MRSA §§1310-Y and 1310-Z are enacted to read:
• •	Paga w w v v
38	§1310-Y. Financial assurance
40	An owner or energter of a solid waste disposal facility
40	An owner or operator of a solid waste disposal facility licensed under section 1310-N shall provide the department
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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 sules that

increase or decrease that postclosure care period, as long as those rules are consistent with applicable federal rules.

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

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COMMITTEE AMENDMENT " to H.P. 966, L.D. 1297

2 ,	A. A letter of credit;
4	B. A surety bond;
6	C. An escrow account:
8	D. A reserve account calculated in a manner consistent with the United States Internal Revenue Code;
10	E. An irrevocable trust account; or
12	
14	F. In the case of a municipal solid waste disposal facility, any of the allowable financial assurance mechanisms set forth in applicable federal rules.
16	
18	2. Report. An owner or operator of a solid waste disposal facility shall annually prepare a report containing a sworn
20	statement providing the year-end balance of any escrow, trust or reserve account established under this section. That report must
22	be submitted to the commissioner by March 31st of each year or such other date as the commissioner may designate.
24	§1310-Z. Laboratory analyses
26	Laboratory analyses required in support of the licensing, operation, closure or postclosure care of a solid waste facility
28	must be performed by a qualified laboratory. Six months after the adoption of laboratory certification rules required by Title
30	22, section 567, all laboratories must be certified or exempted from certification pursuant to those rules.
32	
	Emergency clause. In view of the emergency cited in the
34	preamble, this Act takes effect when approved.
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38	FISCAL NOTE
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	The replacement of certain relicensing requirements for
42	solid waste disposal facilities with annual reporting fees is not likely to significantly affect the dedicated revenues of the
44	Maine Environmental Protection Fund.
46	The repeal of the mandatory public hearing requirement for
48	every solid waste disposal facility licensing proceeding may result in minor administrative savings to the Department of
50	Environmental Protection. The amounts can not be determined at this time.

The Department of Environmental Protection will incur some minor additional costs to modify certain rules relating to financial assurance requirements for solid waste disposal facilities. These costs can be absorbed within the department's existing budgeted resources.'

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STATEMENT OF FACT

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This amendment replaces the bill and makes the bill an emergency.

The amendment repeals the repealer on the law that exempts facilities that combust mixed paper from the definition of solid waste disposal facilities; repeals the "300-foot law"; repeals the escrow closure account requirements under the Maine Revised Statutes, Title 38, section 1310-P; permits, rather than requires, an adjudicatory public hearing in solid waste disposal facility licensing proceedings; and requires laboratory analyses in support of solid waste facility licenses to be performed by qualified laboratories.

24 This amendment also eliminates the 5-year term of solid waste facility licenses issued under rules valid on or after May 24, 1989. Rather than being subject to relicensing every 5 26 years, those licenses remain valid for an indefinite period 28 unless modified, suspended or revoked by the Board of Environmental Protection. The relicensing fee previously paid once every 5 years is replaced with an annual fee equal to 20% of the relicensing fee that would have applied to that facility. The annual fee does not become payable until the time the 32 facility would have been required to be relicensed. A solid waste facility having a license issued before May 24, 1989 must 34 be relicensed one time under those newer rules.

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Reported by the Committee on Energy and Natural Resources
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