

MAINE STATE LEGISLATURE

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NATURAL RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 614, L.D. 824, Bill, "An Act to Amend Certain Laws Pertaining to the Department of Environmental Protection, Bureau of Hazardous Materials and Solid Waste Control"

Amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting in its place the following:

Sec. 1. 38 MRSA §1310-N, sub-§6-F is enacted to read:

6-F. Agreements regarding unlicensed wood-waste, construction and demolition debris landfills operating after December 31, 1995. The commissioner may enter into an agreement with a municipality operating an unlicensed wood-waste, construction and demolition debris landfill as authorized under subsection 6-E, paragraph B, allowing that municipality to continue operating after December 31, 1995, if:

A. The municipality agrees to comply with the applicable operating requirements of rules adopted by the board pertaining to site access, litter control, erosion prevention, side slopes, compaction, cover, open burning and fire protection;

B. The municipality is conducting a groundwater quality monitoring program at the landfill as of the effective date of this subsection and agrees to continue the program for the life of the facility, or the municipality implements, as a term of the agreement, a groundwater monitoring program approved by the department; and

COMMITTEE AMENDMENT

2 C. The municipality submits a facility site plan and
4 narrative that indicate current and proposed final landfill
6 grades and describe the general operating plan and proposed
8 landfilling sequence at the site.

10 Agreements entered into pursuant to the provisions of this
12 subsection must be for terms of sufficient duration to allow for
14 the planned use of remaining site capacity and the proper closure
16 of these landfills. The department shall consider the terms of
18 these agreements on a case-specific basis, based upon the
20 information submitted in conformance with paragraph C.

22 Unlicensed wood-waste, construction and demolition debris
24 landfills may not, under the terms of agreements entered into
26 pursuant to this subsection, expand horizontally onto areas where
28 waste has not previously been disposed of, unless the area is
30 licensed under the applicable provisions of this chapter.
32 Notwithstanding this subsection the commissioner shall order an
34 unlicensed landfill to cease operating if the commissioner finds
36 that continued operation of the landfill poses an immediate
38 hazard to the public health or the environment, including, but
40 not limited to, a threat to a public or private water supply.'

42 Further amend the bill by inserting at the end before the
44 statement of fact the following:

46 **FISCAL NOTE**

48 The Department of Environmental Protection will incur some
minor additional costs to approve and administer agreements
pertaining to certain unlicensed landfills. These costs can be
absorbed within the department's existing budgeted resources.'

52 **STATEMENT OF FACT**

54 This amendment replaces the bill. It allows an unlicensed
municipal wood-waste, construction and demolition debris landfill
to remain open past December 31, 1995 if the municipality enters
into an agreement with the Department of Environmental Protection
to follow certain department rules, to conduct groundwater
quality monitoring and to submit a facility site plan. The
department would determine in each case how long the facility may
remain open, based on available capacity and planned rates of
disposal.

58 The amendment also adds a fiscal note to the bill.