

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 824

H.P. 614

House of Representatives, March 14, 1995

**An Act to Amend Certain Laws Pertaining to the Department of
Environmental Protection, Bureau of Hazardous Materials and Solid
Waste Control.**

(EMERGENCY)

Reference to the Committee on Natural Resources suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative BUCK of Yarmouth.
Cosponsored by Representatives: GUERRETTE of Pittston, UNDERWOOD of Oxford.

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

4 Whereas, this Act amends the laws governing the closure of
6 municipal solid waste landfills; and

8 Whereas, the changes made by this Act would benefit the
people of the State if effective immediately; and

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

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

18 **Sec. 1. 38 MRSA §1310-N, sub-§6-E,** as enacted by PL 1993, c.
20 732, Pt. C, §19, is amended to read:

22 **6-E. Unlicensed wood-waste, construction and demolition**
debris landfills. An unlicensed municipal solid waste landfill
24 accepting waste consisting exclusively of wood, landscape refuse
or construction and demolition debris and operating as of the
26 effective date of this subsection, may:

28 ~~A. Continue to operate until April 9, 1994, and~~

30 B. Continue to operate until ~~December 31, 1995~~ if:

32 (1) The landfill was operating as of December 31,
1993; and

34 (2) The landfill is a separate and discrete disposal
36 unit that does not overlie or overlap a municipal solid
waste landfill that accepts or has accepted "household
38 waste" as defined in 40 Code of Federal Regulations,
Part 288, Section 258.2.

40 ~~Municipalities--continuing--to--operate--unlicensed--wood-waste,~~
42 ~~construction--and--demolition--debris--landfills--under--paragraph--B~~
~~shall--submit--a--progress--report--to--the--department--on--or--before~~
44 ~~January--31,--1995.--The--report--must--include--a--description--of--the~~
~~alternative--handling--and--disposal--method--that--the--town--plans--to~~
46 ~~implement--prior--to--December--31,--1995--and--an--implementation~~
~~schedule.~~

48 Notwithstanding this subsection, the commissioner shall order an
50 unlicensed landfill to cease operating if the commissioner finds
that continued operation of the landfill poses an immediate

2 hazard to the public health or the environment, including without
limitation a threat to a public or private water supply.

4 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.

6

8

STATEMENT OF FACT

10

This bill allows an unlicensed municipal solid waste
landfill consisting only of wood, landscape refuse or
12 construction and demolition debris to remain open after December
31, 1995 if certain conditions are met.