

MAINE STATE LEGISLATURE

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STATE OF MAINE
ONE HUNDRED AND SEVENTH LEGISLATURE
COMMITTEE ON NATURAL RESOURCES

April 25, 1976

Senator Jerrold B. Speers
Legislative Council
State House
Augusta, Maine 04333

Dear Senator Speers:

The Natural Resources Committee pursuant to study order H.P. 527, reviewed the Solid Waste Regulations promulgated by the Department of Environmental Protection pursuant to 38 MRSA § 1304. The Committee made specific recommendations in a memo to the Department which were incorporated in the regulations prior to their effective date. In addition the Committee made recommendations to the Department for the implementation of the regulations. A copy of the memo is attached.

Respectfully submitted,

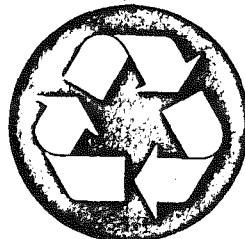
A handwritten signature in cursive script, appearing to read 'Howard Trotsky', written over a horizontal line.

Howard Trotsky
Senate Chairman

A handwritten signature in cursive script, appearing to read 'Thomas Peterson', written over a horizontal line.

Thomas Peterson
House Chairman

enclosures
HTG/sym



REPORT OF THE COMMITTEE
ON NATURAL RESOURCES
ON ITS STUDY OF SOLID
WASTE REGULATIONS

SENATE

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J. Hollis Wyman
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STATE OF MAINE

Inter-Departmental Memorandum Date Dec. 15, 1975

To William Adams, Commissioner Department of Environmental Protection

From Senator Howard Trotsky and Representative Thomas Peterson

Subject Solid Waste Management Regulations

The Natural Resources Committee, by unanimous vote of the ten members present at its meeting November 21, 1975, approved the regulations governing solid waste disposal with the following changes:

1. Section 400.4 definitions: Include definitions of Incinerator and Incineration. The Committee felt that these terms were vague and in some instances in the regulation could be interpreted to mean open burning which we feel sure was not the intent.
2. Chapter IV, section 404, Land Disposal - Policy statement: Substitute a common for the words the predominant in the second line.
3. Chapter V, section 411 Variance Procedures and Conditional Use Permits, Section 411.1 Variance: The third sentence first paragraph substitute shall for may "The Board shall grant such variance for whatever period it deems appropriate if it finds that:"
4. Change the effective date throughout.

In addition to these changes, the Committee recommends that the Department and the Division of Solid Waste Management establish a plan for implementing these regulations, a plan that creates as little hardship as possible for cities and towns which are cooperating within the means and personnel available to them. We reviewed your training aid and although it provides much helpful information, the Committee thinks that a concise step by step outline of the necessary procedures and an explanation of the purpose for the steps, the information necessary and what expertise and equipment is needed and available should be included. Many committee members, familiar with small town government, feel that officials in the towns would be unable to comply without considerable assistance. We understand that the Division of Solid Waste is limited in the number of personnel available to work with communities. However, we feel that this is all the more reason why a program, within the Division, to accomplish what is possible, with emphasis on good working relationships, is essential. No one expects that compliance with the regulations will be immediate because of the complex nature of the problem as well as the expense involved. The Committee understands the difficulty the Department has had with Legislative

changes that made planning difficult. We hope, however, that the regulations will be offered as a state program for dealing with the problem and not a set of rules that must be complied with according to an artificially imposed deadline.

The Committee greatly appreciates the assistance of the Department in our study of the regulations.

STATE OF MAINE

Natural Resources
passed

In House

Ordered,

Whereas, the Legislature has declared it to be the policy of the State of Maine, consistent with its responsibility to protect the health, safety and welfare of its citizens, enhance and maintain the quality of the environment, conserve natural resources and prevent water and air pollution, that it should encourage solid waste programs, public or private, which will reduce the volume of solid waste production and improve efforts to reuse and recover valuable resources currently being wasted, and which will not adversely affect the public health, safety and welfare of the citizens nor degrade the environment; and

Whereas, the Legislature also finds and declares that an economic, efficient and environmentally sound method of waste disposal is of the highest priority, that municipalities are generating increasing amounts of solid waste with no systematic or consistent methods being used to reduce the volume of waste or to soundly dispose of it, and that failure to plan properly for future solid waste may further deplete already taxed natural resources and aggravate environmental and public health problems resulting from present inadequate practices of resource recovery and solid waste disposal; and

Whereas, the Legislature has delegated to the Board of Environmental Protection the authority to adopt, amend and enforce such rules and regulations as it deems necessary governing solid waste management; and

Done:

Whereas, such regulations will become effective on July 1, 1975; and

Whereas, the Legislature must act to modify, expand or reject such regulations as deemed appropriate before July 1, 1975; now, therefore, be it

Ordered, the Senate concurring, that the Legislative Council be directed to conduct a study, through a subcommittee of five, appointed by the House Chairman and Senate Chairman of the Joint Standing Committee on Natural Resources, of said regulations; and be it further

Ordered, that the Legislative Council report the results of its study, together with any implementing legislation, to the 107th Legislature.

HP 527

HOUSE OF REPRESENTATIVES

READ AND PASSED

FEB 13 1975

SENT UP FOR CONCURRENCE

Edwin Peterson
CLERK

(Peterson)

NAME: *Thomas J. Peterson*

TOWN: Windham

IN SENATE CHAMBER

FEB 13 1975

READ AND PASSED
IN CONCURRENCE

HARRY N. STARBUCK, Secretary

subsequently On Motion of SEN. KATZ RECONSIDERED
OF KENNEBEC

and On Motion of SEN. SPEERS
OF KENNEBEC

TABLED PENDING *Passage*

— 7

D. OF B.

STATE OF MAINE
SENATE
107TH LEGISLATURE

SENATE AMENDMENT "A" to JOINT HOUSE ORDER
HP 527, Relating to Board of Environmental
Protection amending and enforcing rules and
regulations governing solid waste management.

Amend said Order by striking out all of the
last 2 paragraphs and inserting in place thereof
the following:

'Ordered, the Senate concurring, that the
Legislative Council be authorized through the
Joint Standing Committee on Natural Resources,
to conduct a study of said regulations and to
report the results of its study, together with
any implementing legislation, to the 107th
Legislature.'

(Speers)
NAME:

COUNTY: Kennebec

Reproduced and distributed pursuant to Senate
Rule 11-A.

February 27, 1975

IN (SENATE NUMBER 13)
READ AND ADOPTED
SENT DOWN FOR CONCURRENCE

FEB 27 1975

HARRY N. STARRANCH
SECRETARY

On Motion of *Mr. Kelle* *of* *Jan*

HOUSE OF REPRESENTATIVES

HOUSE RECEDED & CONCURRED

MAR 4 1975

Edward [Signature]
CLERK

IN SENATE

TAKEN FROM TABLE ON MOTION

BY SEN. SPEERS AND ON FURTHER
OF KENNEDY

FEB 27 1975

MOTION BY SEN. SPEERS
OF KENNEDY

SENATE AMENDMENT *A* ADOPTED

Present as amend. by Senate amend. *A*

IN NON CONCURRENCE

SENT DOWN FOR CONCURRENCE

[Signature]

SECRETARY

Joint Order

Relative to Study on Solid Waste
Disposal

13
AS
AV

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House Speaker	-----
Governor	-----
<i>Leg. Affairs</i>	-----
<i>Leg. Insp. Office</i>	<i>3/4/75</i>
<i>Sen. Speers</i>	<i>3/4/75</i>
<i>V. Sen. Trevelyan</i>	-----
<i>V. Rep. Thomas Peterson</i>	-----