

MAINE STATE LEGISLATURE

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COMMITTEE ON:

LD#:

1431

TITLE:

An Act to Promote Reduction, Recycling, and Integrated Management of Solid Waste and Sound Environmental Regulation.

HEARING DATE:

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1431

H.P. 1025

House of Representatives, May 3, 1989

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

Ed Pert

EDWIN H. PERT, Clerk

Presented by Representative MICHAUD of East Millinocket.

Cosponsored by Senator ERWIN of Oxford, Representative ALLEN of Washington and Representative WHITCOMB of Waldo.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act to Promote Reduction, Recycling and Integrated Management
of Solid Waste and Sound Environmental Regulation.

(EMERGENCY)



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

5 Whereas, the State lacks a coordinated approach to planning
for solid waste management, and municipalities lack the technical
7 and financial capability to properly plan for waste management
without a significant state role; and

9 Whereas, needed municipal solid waste recycling and
11 disposal facilities have not been developed in a timely and
environmentally sound manner; and

13 Whereas, aggressive statewide recycling and waste reduction
15 programs are necessary to reduce the State's reliance on
traditional disposal methods and to preserve disposal capacity
17 for wastes which cannot be reduced or recycled; and

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

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

27 **PART A**

29 **Sec. 1. 5 MRSA §1812, first ¶,** as amended by PL 1985, c. 785,
Pt. A, §72, is further amended to read:

31 The terms "services," "supplies," "materials" and
33 "equipment" as used in this chapter, ~~shall-be-held-to~~ mean any
and all services, articles or things which shall be used by or
35 furnished to the State or any department or agency thereof, and
any and all printing, binding, publication of laws, journals and
37 reports. Except as provided in chapters 141 to 155, any and all
services, supplies, materials and equipment needed by one or more
39 departments or agencies of the State Government shall be directly
purchased or contracted for by the State Purchasing Agent, as may
41 be determined from time to time by rules adopted pursuant to
chapters 141 to 155, which rules the Department of Administration
43 is authorized and empowered to make. It is the intent and purpose
of this chapter that the State Purchasing Agent shall purchase
45 collectively all services, supplies, materials and equipment for
the State or any department or agency thereof in a manner that
47 will best secure the greatest possible economy consistent with
the grade or quality of the services, supplies, materials and
49 equipment best adapted for the purposes for which they are
needed. Whenever supplies and materials are available for
51 purchase which are composed in whole or in part of recycled
materials and are shown by the seller, supplier or manufacturer

1 to be equal in quality and are competitively priced, except for
3 paper and paper products, the State Purchasing Agent shall
5 purchase such recycled supplies and materials. For the purposes
7 of this section and section 1812-B, ~~reeyeled-materials~~ "recycled
9 materials" means materials that are composed in whole or in part
11 of elements that are reused or reclaimed.

13 **Sec. 2. 5 MRSA §1812-A**, as enacted by PL 1987, c. 517, §1, is
15 amended to read:

17 **§1812-A. Report on purchase of recycled products**

19 The State Purchasing Agent shall report on or before January
21 ~~1,--1988, 1st of the First Regular Session of each Legislature to~~
23 ~~the joint standing committee of the Legislature having~~
25 ~~jurisdiction over natural resources and to the same committee of~~
27 ~~the First Regular Session of each subsequent Legislature on or~~
before January 1st on the State's efforts to purchase supplies
and materials composed in whole or in part of recycled materials
pursuant to section 1812. The State Purchasing Agent shall also
report on any procurement policies, incentives, educational
programs, promotional efforts or other activities undertaken by
the Bureau of Purchases to encourage the purchase of those
supplies and materials. The State Purchasing Agent shall include
in the report any recommendations to increase or facilitate the
purchase of those supplies and materials.

29 **Sec. 3. 5 MRSA §1812-B** is enacted to read:

31 **§1812-B. Purchasing of paper and paper products**

33 **1. Purchase of paper and paper products with recycled**
35 **material content.** Subject to subsection 3, the State Purchasing
Agent shall provide that of the total dollar amount spent in each
fiscal year on paper and paper products purchased by the State:

37 **A. On or after October 1, 1989, not less than 15% shall be**
39 **spent on paper and paper products with recycled material**
content;

41 **B. On or after October 1, 1991, not less than 30% shall be**
43 **spent on paper and paper products with recycled material**
content; and

45 **C. On or after October 1, 1993, not less than 50% shall be**
47 **spent on paper and paper products with recycled material**
content.

49 **2. Federal guidelines and cooperative purchases.** To
51 **qualify as having recycled material content, paper or paper**
products must have recycled material content which meets or
exceeds the standards established for that paper or paper product

1 category in Table 1 of the Guideline for Federal Procurement of
3 Paper and Paper Products, 40 Code of Federal Regulations, Part
5 250. The State Purchasing Agent shall determine whether a paper
7 or paper product qualifies. The State Purchasing Agent may join
9 with other states in making cooperative requests for bids to
11 supply paper and paper products.

13 3. Bids; price preference. A person who submits a bid for
15 a contract to supply paper or paper products shall certify the
17 percentage and nature of any recycled materials content in the
19 product subject to bid. Bids offering paper or paper products
21 with recycled material content that are within 10% of the lowest
23 bid that meets all other specifications may receive up to a 10%
25 price preference. Any bids to supply paper or paper products
27 with recycled material content, that exceed by more than 10% the
29 low bid which meets all other specifications shall not be
31 considered. If no bids are received on a request for bids which
33 offer paper or paper products with recycled material content, the
35 State Purchasing Agent may award the contract to a bidder whose
37 paper or paper product has substandard percentages of or no
39 recycled materials content.

41 **Sec. 4. 5 MRSA §§1812-C and 1812-D are enacted to read:**

43 **§1812-C. Use of composted materials**

45 All state agencies responsible for the maintenance of public
47 lands in this State shall, to the maximum extent practical and
49 consistent with sound environmental practices, give preference to
51 the use of compost materials in all land maintenance activities
53 which are to be paid by public funds. The Department of
55 Agriculture, Food and Rural Resources shall develop standards for
57 fertilizers and soil conditioners made from different "recipes"
59 involving compostible wastes, which could be used by state
61 agencies involved in land preparation and improvement work.
63 These standards shall be adopted by rule by January 1, 1990.

65 **§1812-D. Coordination of procurement information and policies**

67 The Bureau of Purchases shall coordinate with the Department
69 of Transportation, the Department of Agriculture, Food and Rural
71 Resources and the Office of Waste Reduction and Recycling to
73 develop a central data base of information including, but not
75 limited to, procurement policies, market information, technical
77 data and demonstration project results. This data shall be
79 compiled annually and provided to local public agencies by the
81 Office of Waste Reduction and Recycling.

83 **Sec. 5. 30-A MRSA §5656 is enacted to read:**

85 **§5656 Procurement of recycled goods**

1 1. Review of standards. Each municipality shall review its
3 procurement procedures and specifications to identify procedures
5 and specifications that explicitly discriminate against goods,
7 supplies, equipment, materials and printing with recycled
9 content. Each municipality may revise its procedures and
11 specifications to:

13 A. Encourage the use of goods, supplies, equipment,
15 materials and printing with recycled content; and

17 B. Ensure, to the maximum extent economically feasible, that
19 it purchases goods, supplies, equipment, materials and
21 printing that may be recycled or reused when such goods,
23 supplies, equipment, materials and printing are discarded.

25 2. Preferences for recycled goods. In revising its
27 procurement procedures and specifications under subsection 1,
29 each municipality may:

31 A. Establish a preference for paper with recycled content
33 consistent with the standards established for state agencies
35 under Title 5, section 1812-B; and

37 B. Establish specifications for bids for public contracts
39 that require all bidders to propose that a stated minimum
41 percentage of goods, supplies, equipment or materials to be
43 used for the contract be made from recycled material.

45 3. Other laws. The options set forth in this section may
47 be exercised, notwithstanding any other provision of law to the
49 contrary.

51 Sec. 6. 32 MRSA c. 26 is enacted to read:

CHAPTER 26

CODING OF PLASTIC CONTAINERS

§1721. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Beverage. "Beverage" means any liquid produced or
packaged for internal human consumption. Beverage includes, but
is not limited to, water, ale, beer, spirits, soda water, and
other carbonated and noncarbonated liquids.

2. Container. "Container" means any bottle, can, jar,
case, package or other receptacle intended to hold, carry, and
enclose beverages, food items or nonfood products.

1 3. Rigid plastic container. "Rigid plastic container"
3 means a container made of synthetic or natural polymerized resins
5 or cellulose derivatives including, but not limited to, all
7 materials listed in section 1723, which retains the same shape
9 whether full or empty.

11 §1722. Coding of plastic containers

13 On or after January 1, 1991, no person may distribute, sell,
15 or offer for sale any rigid plastic container unless that
17 container has a molded label indicating the type of plastic resin
19 used to produce the rigid plastic container.

21 §1723. Labels

23 1. Labels. The label shall appear on the bottom of the
25 rigid plastic container and be clearly visible. This label shall
27 consist of a number with letters placed below the number. The
29 numbers and letters shall be as follows:

31 A. For polyethylene terephthalate, the letters "PETE" and
33 the number 1;

35 B. For high-density polyethylene, the letters "HDPE" and
37 the number 2;

39 C. For vinyl, the letter "V" and the number 3;

41 D. For low-density polyethylene, the letters "LDPE" and the
43 number 4;

45 E. For polypropylene, the letters "PP" and the number 5;

47 F. For polystyrene, the letters "PS" and the number 6; or

49 G. For any other plastic resins, including containers
51 composed of more than one resin, the letters "OTHER" and the
 number 7.

2. Ancillary symbols. Labels utilizing a chasing arrow
 symbol or any other configuration of arrows to indicate
 recyclable materials or products with recycled content shall be
 limited to products meeting the specifications established by the
 Office of Waste Reduction and Recycling, Maine Waste Management
 Authority pursuant to section 1725.

3. Multiplastic containers. Polyethylene terephthalate
 containers with affixed high-density polyethylene base cups shall
 be labeled with the letters, "PETE," and the number 1. Any other
 rigid plastic container where affixed materials and additives
 other than the single plastic resin used in the

1 container structure exceeds 2% by weight of the total container
3 shall be labeled with the letters, "OTHER" and the number 7.

5 **§1724. Pharmaceutical exemption**

7 Any rigid plastic container with a volume of 8 ounces or
9 less which is used to package pharmaceutical products is exempt
11 from this chapter.

13 **§1725. Standard for recyclability and recycled content**

15 The Office of Waste Reduction and Recycling, Maine Waste
17 Management Authority shall establish standards by rule for
19 recyclability and for recycled content for which the chasing
21 arrow symbol may be used.

23 **§1726. Penalties**

25 1. Civil violation. A violation of this chapter shall be a
27 civil violation for which a forfeiture of not more than \$100 may
29 be adjudged.

31 2. Separate violation. Each container constitutes a
33 separate offense.

35 **§1727. Rules and enforcement**

37 The Office of Waste Reduction and Recycling, Maine Waste
39 Management Authority shall adopt and enforce rules implementing
41 the provisions of this chapter. In adopting rules the office
43 shall consult with the Recycling Advisory Council, the Department
45 of Agriculture, Food and Rural Resources, plastic container
47 manufacturers and distributors and the recycling industry. Rules
49 shall be adopted in accordance with the provisions of Title 5,
51 chapter 375.

Sec. 7. 32 MRSA §1868, as amended by PL 1987, c. 373, §§4 and
5, is further amended to read:

§1868. Prohibition on certain types of containers and holders

No beverage container shall ~~may~~ be sold or offered for sale
to consumers in this State:

1. Flip tops. In a metal container designed or constructed
so that part of the container is detachable for the purpose of
opening the container without the aid of a separate can opener;
and

2. Connectors. With In containers connected to each other
by plastic rings or other plastic holding device,--which does not
decompose---by---photodegradation,---chemical---degradation---or

1 ~~biodegradation within a reasonable period of time upon exposure~~
2 ~~to the elements. devices;~~

3
4 3. Plastic cans. In a container composed of one or more
5 plastics if the basic structure of the container, exclusive of
6 the closure device, also includes aluminum or steel; and

7
8 4. Aseptic beverage packs. In a container composed of
9 aseptic packaging composed of aluminum, paper and plastic, in
10 combination thereof, where those materials are for practical
11 reasons inseparable, and commonly referred to as a "brick-pack."

12
13 **Sec. 8. 38 MRSA §1304-C is enacted to read:**

14 **§1304-C. Recycling duties and responsibilities of state agencies**
15 **and the University of Maine System**

16
17 1. Recycling. By January 1, 1991, each state agency shall
18 establish and implement a source separation and collection
19 program for recyclable materials produced as a result of agency
20 operations, including, at a minimum, high grade paper and
21 corrugated paper. The source separation and collection program
22 shall include, at a minimum, procedures for collecting and
23 storing recyclable materials, bins or containers for storing
24 materials, and contractual and other arrangements with buyers.
25 Each agency shall appoint a recycling coordinator for every 50
26 employees at a minimum and shall conduct educational programs for
27 its employees on the recycling program.

28
29 2. Waste reduction. By January 1, 1991, each state agency
30 shall establish and implement a waste reduction program for
31 materials used in the course of agency operations. The program
32 shall be designed and implemented to achieve the maximum feasible
33 reduction of waste generated as a result of agency operations.

34
35 3. Waste reduction and recycling plan. Each state agency
36 shall prepare a waste reduction and recycling plan addressing the
37 requirements of subsections 1 and 2. The plan shall be submitted
38 to the Office of Waste Reduction and Recycling on or before July
39 1, 1990, for approval as consistent with the goals and guidelines
40 of this section and with the state waste management and recycling
41 plan. The plan shall be updated on an annual basis to increase
42 the amount of material recycled by taking advantage of any
43 changed circumstances. Each department will complete an analysis
44 of additional materials to determine recycling potential, and
45 shall incorporate these materials into plan updates. Updated
46 plans shall be submitted to the office for approval prior to
47 adoption.

48
49 4. Capitol complex recycling program. The State House and
50 the State Office Building shall constitute the Capitol complex
51 recycling demonstration area. The House of Representatives,

1 Senate, the office of the Governor, and each department that
3 occupies space in the State House or State Office Building shall
5 by July 1, 1990, institute a recycling program for its respective
7 offices in these buildings. The program shall include, at a
9 minimum, containers subject to the returnable container law,
11 Title 32, chapter 28, which are sold in the Capitol complex,
13 office paper and corrugated cardboard. The program shall include
15 procedures for collecting and storing recyclable materials, bins
17 or containers for storing materials, and contractual and other
19 arrangements with buyers.

21 5. University of Maine System. The following provisions
23 shall apply to the University of Maine System.

25 A. By January 1, 1991, each campus of the University of
27 Maine System shall establish and implement a source
29 separation and collection program for recyclable materials,
31 including at a minimum, high grade paper, corrugated paper
33 and glass. The source separation and collection program
35 shall include procedures for collecting and storing
37 recyclable materials, bins or containers for storing
39 materials and contractual and other arrangements with
41 buyers. Each campus shall appoint a recycling coordinator
43 and shall conduct educational programs for students and
45 employees on the recycling program.

47 B. By January 1, 1991, each campus of the University of
49 Maine System shall establish and implement a waste reduction
51 program for materials used in the course of its operations.
The program shall be designed and implemented to achieve the
maximum feasible reduction of waste.

C. By January 1, 1991, each campus of the University of
Maine System shall establish a leaf composting program.

D. Each campus of the university shall prepare a waste
reduction, recycling and composting plan addressing the
requirements of paragraphs A to C. The plan shall be
submitted to the Office of Waste Reduction and Recycling on
or before July 1, 1990, for approval as consistent with the
goals and guidelines of this chapter and with the state
waste management and recycling plan. Each campus shall
complete an analysis of additional materials to determine
recycling potential, and shall incorporate these materials
into annual plan updates.

Updated plans shall be submitted to the Office for approval
prior to adoption.

Sec. 9. 38 MRSA §§1605 and 1606 are enacted to read:

§1605. Heavy metal contamination

1 After July 1, 1991, no person may sell or offer to sell in
3 this State any packaging containers or materials using lead or
5 cadmium as a stabilizer or pigment.

7 **§1606. Plastic bags**

9 After January 1, 1990, all retailers in Maine shall use
11 paper bags to bag products at the point of retail sale unless the
13 consumer requests a plastic bag.

15 **Sec. 10. Department of Transportation recycling project.** The
17 Department of Transportation shall undertake a comprehensive
19 program to evaluate the use of secondary recyclable materials in
21 construction.

23 1. By January 1, 1991, the Department of Transportation
25 shall, as part of its currently scheduled projects, undertake
27 demonstration projects to determine the feasibility of using the
29 following recyclable materials in road construction:

31 A. Ground rubber from automobile tires for road resurfacing
33 or subbase materials;

35 B. Recycled mixed-plastic material for guard rail posts or
37 right-of-way fence posts;

39 C. Construction steel, including reinforcing rods and
41 I-beams, manufactured from scrap materials; and

43 D. Recycled glass and glass aggregates.

45 2. By January 1, 1992, the department shall report to the
47 Joint Standing Committee on Natural Resources, the Joint Standing
49 Committee on Transportation and the State Purchasing Agent on the
maximum percentage of each secondary recyclable material that can
be effectively utilized in road construction projects.
Concurrent with the submission of the report, the department
shall review and modify its standard road and bridge
specifications to allow and encourage the use of secondary
recyclable materials consistent with the findings of the
demonstration projects.

51 3. The department shall also contract for the investigation
and evaluation of the use of ground tire rubber as an additive to
asphalt concrete and other alternatives which would utilize waste
tires. The investigation shall include, but not be limited to:

 A. Determining the type and amount of ground tire rubber
that would provide acceptable properties in asphalt concrete
mix;

1 B. Determining preprocessing requirements and the method of
3 incorporation of ground tire rubber in the asphalt concrete
5 mix and identifying potential effects on pavement
construction and performance;

7 C. Determining effects and procedures for recycling asphalt
9 containing ground tire rubber;

11 D. Determining the amount of ground tire rubber that may be
13 used in road construction and the expected cost of that use;
and

15 E. Identifying changes needed in departmental and local
17 government specifications and procedures to allow for the
use of ground tire rubber from waste tires in asphalt
concrete pavements.

19 The department shall complete this evaluation by March 1, 1990,
21 and shall report its findings to the Joint Standing Committee on
Natural Resources and the Joint Standing Committee on
23 Transportation, and to the State Purchasing Agent.

25 4. The department shall submit a report on or before
January 1st of the First Regular Session of the 115th Legislature
27 to the Joint Standing Committee on Natural Resources and to the
Joint Standing Committee on Transportation, concerning its
29 implementation of this section.

31 5. All state agencies shall cooperate with the Department
of Transportation in carrying out this section.

33 PART B

35 Sec. 1. 32 MRSA §1862, sub-§1, as amended by PL 1987, c. 649,
37 §1, is repealed and the following enacted in its place:

39 1. Beverage. "Beverage" means beer, ale or other drink
41 produced by fermenting malt, spirits, wine, wine coolers, soda or
noncarbonated water, and all nonalcoholic carbonated or
noncarbonated drinks in liquid form and intended for internal
43 human consumption except for milk and dairy-derived products.

45 Sec. 2. 32 MRSA §1862, sub-§§12-B, 14 and 15 are enacted to
read:

47 12-B. Spirits. "Spirits" has the same meaning as in Title
49 28-A, section 2.

51 14. Wine. "Wine" has the same meaning as in Title 28-A,
section 2, except that for the purposes of this chapter "wine"
does not include wine coolers.

1 15. Wine cooler. "Wine cooler" means a beverage of less
3 than 8% alcohol content by volume consisting of wine and:

5 A. Plain, sparkling or carbonated water; and

7 B. Any one or more of the following:

9 (1) Fruit juices;

11 (2) Fruit adjuncts;

13 (3) Artificial or natural flavors or flavorings;

15 (4) Preservatives;

17 (5) Coloring; or

19 (6) Any other natural or artificial blending material.

21 Sec. 3. 32 MRSA §1863, as amended by PL 1979, c. 462, §3, is
23 repealed and the following enacted in its place:

25 §1863. Refund value

27 Every beverage container sold or offered for sale to a
29 consumer in this State shall have a refund value. The refund
31 value shall be as follows.

33 1. Refillable containers. For refillable beverage
35 containers, except wine and spirits containers, the refund value
37 shall be determined by the manufacturer according to the type,
39 kind and size of the beverage container, but shall not be less
41 than 5¢.

43 2. Nonrefillable containers. For nonrefillable beverage
45 containers, except wine and spirits containers, the deposit and
47 refund value shall be determined and initiated by the distributor
49 according to the type, kind and size of the beverage container,
51 but shall not be less than 5¢.

3. Wine and spirits containers. For wine and spirits
 containers of greater than 50 milliliters, the refund value shall
 not be less than 20¢. On January 1, 1992, the department shall
 issue a finding on the percentages of wine containers and spirits
 containers returned for deposit. If the department finds the
 return rate of wine containers was less than 60% during 1991,
 then on July 1, 1992, the refund value on wine containers shall
 not be less than 50¢. If the department finds the return rate of
 spirits containers was less than 60% during 1991, then on July 1,
 1992, the refund value of spirits containers shall not be less
 than 50¢.

1 **Sec. 4. 32 MRSA §1866, sub-§4** as amended by PL 1979, c. 735,
3 is further amended to read:

5 **4. Reimbursement by distributor.** In addition to the
7 payment of the refund value, the distributor shall reimburse the
9 dealer or local redemption center for the cost of handling
beverage containers, in an amount which equals at least 2¢ ~~4¢~~ per
returned container.

11 **Sec. 5. 32 MRSA §1872** is enacted to read:

13 **§1872. Data collection provisions**

15 **1. Deposit container registration.** All containers that
17 require a deposit and are offered for sale in the State must be
19 registered with the Department of Agriculture, Food and Rural
21 Resources, by the initiator of that deposit, by size and by
package. The initiator shall list any and all distributors of
the deposit containers, including, but not limited to, the
initiator and the parties responsible for the pickup and recovery
of the containers.

23 **2. Monthly report.** By the 15th of each month, the
25 initiator must file a report with the Department of Agriculture,
Food and Rural Resources indicating:

27 A. The total number of beverage containers by type of
29 container, including, but not limited to, metal, glass or
31 plastic, that the initiator sold within the State during the
previous month;

33 B. The total number of beverage containers by type of
35 container material that the initiator redeemed and paid a
deposit for, from any source, during the previous month;

37 C. The total dollar amount of deposits collected in the
39 previous month from the sale of beverage containers to any
source in the State; and

41 D. The total dollar amount of deposits paid to any source
43 for the pickup or redemption of beverage containers in the
State.

45 **3. Monthly report.** The Department of Agriculture, Food and
47 Rural Resources, shall compile the data collected pursuant to
this section, and shall make the data available to the public on
a monthly basis.

49 **Sec. 6. Advisory committee.** The Department of Agriculture,
51 Food and Rural Resources shall form an advisory committee
consisting of representatives of the Office of Waste Reduction
53 and Recycling, the Bureau of Alcoholic Beverages, the

1 operator of the bailment warehouse, the certificate of approval
3 holders for spirits and fortified wines, distributors of other
5 affected beverages, operators of certified redemption facilities
7 and other affected interests as the department finds necessary.
The Department of Agriculture, Food and Rural Resources shall
consult with the advisory committee in developing proposed rules
for the implementation of sections 1 to 3 of this Part.

9 PART C

11 Sec. 1. 5 MRSA §1665 is amended by adding at the end a new
13 paragraph to read:

In preparing estimates of expenditure and appropriation
15 requirements for each fiscal year of the ensuing biennium for the
Maine Waste Management Authority, the Bureau of the Budget shall
17 recommend to the Governor an amount to support the activities of
that agency pursuant to Title 38, chapter 24, which shall be no
19 less than the amount of General Fund revenues estimated to be
received from the advance disposal tax, as established in Title
21 36, chapter 719, and from the waste stream products tax as
established in Title 36, chapter 720, for each year of the
23 ensuing biennium.

25 Sec. 2. 36 MRSA c. 719 is enacted to read:

27 CHAPTER 719

29 SOLID WASTE ADVANCE DISPOSAL TAX

31 §4831. Definitions

33 As used in this chapter, unless the context otherwise
indicates, the following terms have the following meanings.

35 1. Brown good. "Brown good" means an electronic device
37 containing printed circuit boards, capacitors, resistors or
transistors that is not included in the definition of white goods
39 and that weighs more than 10 pounds.

41 2. Business. "Business" means any trade, occupation,
activity or enterprise engaged in selling or distributing tires,
43 white goods, brown goods or lead-acid batteries in this State.

45 3. Distributor. "Distributor" means any of the following:

47 A. A person engaged in the business of producing or
manufacturing tires, white goods, brown goods or lead-acid
49 batteries in this State for sale in this State;

51 B. A person engaged in the business of selling tires, white
goods, brown goods or lead-acid batteries in this State who

1 brings, or causes to be brought, into this State any tires,
2 white goods, brown goods or lead-acid batteries for sale to
3 a retailer; or

5 C. A person engaged in the business of selling tires, white
6 goods, brown goods or lead-acid batteries who ships or
7 transports tires, white goods, brown goods or lead-acid
8 batteries to retailers for sale in this State.

9
10 4. Lead-acid battery. "Lead-acid battery" means a device
11 designed and used for the storage of electrical energy through
12 chemical reactions involving lead and acids.

13
14 5. Manufacturer. "Manufacturer" means a person who
15 manufactures and sells tires, white goods, brown goods or
16 lead-acid batteries.

17
18 6. Motorized vehicle. "Motorized vehicle" means any
19 self-propelled vehicle, including motorcycles, construction and
20 farm vehicles and other off-road vehicles, not operating
21 exclusively on tracks.

22
23 7. Place of business. "Place of business" means any place
24 where tires, white goods, brown goods or lead-acid batteries are
25 sold or where tires, white goods, brown goods or lead-acid
26 batteries are manufactured, stored or kept for the purpose of
27 sale.

28
29 8. Retailer. "Retailer" means any person engaged in the
30 business of selling tires, white goods, brown goods or lead-acid
31 batteries to ultimate consumers.

32
33 9. Retail outlet. "Retail outlet" means a place of
34 business from which tires, white goods, brown goods or lead-acid
35 batteries are sold to consumers.

36
37 10. Sale. "Sale" means a transfer, exchange, barter or
38 gift in any manner or by any means for a consideration. It
39 shall include a gift for advertising by a person engaged in the
40 business of selling tires, white goods, brown goods or lead-acid
41 batteries.

42
43 11. Tire. "Tire" means the device made of rubber or any
44 similar substance which is intended to be attached to a motorized
45 vehicle or trailer and is designed to support the load of the
46 motor vehicle or trailer.

47
48 12. Trailer. "Trailer" means any vehicle without motive
49 power that may be drawn by a motorized vehicle.

50
51 13. Unclassified importer. "Unclassified importer" means
any person, firm, corporation or association within this State,

1 other than a distributor, as defined in subsection 3, who
3 imports, receives or acquires from outside the State, tires,
5 white goods, brown goods or lead-acid batteries for use or sale
7 within the State.

9 14. White good. "White good" means any appliance employing
11 electricity, natural gas or any liquified petroleum gas to supply
13 heat or motive power:

15 A. To preserve or cook food;

17 B. To wash clothing, dishes, kitchen utensils, glasses or
19 other related items; or

21 C. To cool or heat air or water.

23 **§4832. Licenses**

25 A person engaging in the business of selling tires, white
27 goods, brown goods or lead-acid batteries as a distributor shall
29 secure a license from the State Tax Assessor before engaging in
31 that business. A license application shall be made on a form
33 prescribed by the State Tax Assessor and shall state the name and
35 address of the applicant, address of the applicant's principal
37 place of business and such other information as the State Tax
39 Assessor may require for the proper administration of this
41 chapter. The application shall be accompanied by a fee of \$25.
43 A person outside the State who ships or transports tires, white
45 goods, brown goods or lead-acid batteries to retailers in this
47 State shall make application as a distributor and be granted by
49 the State Tax Assessor a license subject to all the provisions of
51 this chapter and agrees, upon applying for a license, to submit
that person's books, accounts and records to examination by the
Bureau of Taxation during reasonable business hours and to accept
service of process by mail when service is made in any proceeding
involving enforcement of this chapter.

An unclassified importer before importing, receiving or
acquiring tires, white goods, brown goods or lead-acid batteries
from outside the State shall secure a license from the State Tax
Assessor. There is no fee for that license.

An issued license expires on July 31st of each year unless
it is revoked earlier by the State Tax Assessor. The license
shall be prominently displayed on the premises covered by the
license and no license may be transferred to another person.

The State Tax Assessor may revoke or suspend the license or
licenses of any person for violation of this chapter. A license
may not be revoked, cancelled or suspended until after notice and
hearing by the State Tax Assessor.

1 §4833. Solid waste advance disposal tax on tires, white goods,
3 brown goods or lead-acid batteries

5 1. Solid waste advance disposal tax. A solid waste advance
disposal tax is imposed on the sale of:

7 A. Tires at the rate of \$1 per tire;

9 B. White goods at the rate of \$15 per white good;

11 C. Brown goods at the rate of \$15 per brown good; and

13 D. Lead-acid batteries at the rate of \$1 per battery.

15 2. Imposition. The tax shall be imposed at the time the
17 distributor or unclassified importer brings or causes to be
brought into this State tires, white goods, brown goods or
19 lead-acid batteries that are for sale to consumers or to
retailers or for use at the time tires, white goods, brown goods
21 or lead-acid batteries are manufactured or fabricated in this
State for sale in this State.

23 3. Exclusion. The tax imposed on tires, white goods, brown
25 goods or lead-acid batteries does not apply to those products
exported from this State or to any tires, white goods, brown
27 goods or lead-acid batteries which under the laws of the United
States may not be subject to taxation by this State. The tax
29 imposed on tires does not apply to those tires which are
remanufactured from used tires also known as "retreads" or
31 "recaps."

33 §4834. Returns; payment of tax and penalty

35 Every distributor or unclassified importer, on or before the
last day of each month, shall render, on forms to be furnished by
37 the State Tax Assessor, a report together with payment of the tax
due under this chapter to the State Tax Assessor stating the
39 quantity of all tires, white goods, brown goods or lead-acid
batteries held, purchased, manufactured, brought in or caused to
41 be brought in from outside the State or shipped or transported to
retailers within the State during the preceding calendar month.
43 Every distributor or unclassified importer shall keep a complete
and accurate record at that distributor's or unclassified
45 importer's principal place of business to substantiate all
receipts of tires, white goods, brown goods or lead-acid
47 batteries. This record shall be retained for a period of 2 years
in such manner as to ensure permanency and accessibility for
49 inspection.

51 The monthly reports must contain any further information as
the State Tax Assessor prescribes and must show a credit for any
tires, white goods, brown goods or lead-acid batteries exempted

1 as provided in section 4833, subsection 3. Records must be
2 maintained to substantiate the exemption. Tires, white goods,
3 brown goods or lead-acid batteries previously taxed that are
4 returned to a manufacturer because the produce has become unfit
5 for use or unsalable may be taken as a credit on a subsequent
6 return upon receipt of the credit notice from the original
7 supplier.

8 If the monthly report required by this chapter is not filed,
9 or payment is not rendered by the last day of the month, the
10 distributor or unclassified importer is subject to a forfeiture
11 of \$1 a day for each day in arrears or 10% of the tax liability,
12 whichever is the greater, together with interest at the rate of
13 1% per month or the fraction of the interest due on demand by the
14 State Tax Assessor, and is recoverable in a civil action. The
15 State Tax Assessor may waive the forfeiture for cause.

16 **§4835. The State Tax Assessor may estimate liability**

17
18 Whenever a distributor or unclassified importer neglects or
19 refuses to file a report required by this chapter or files an
20 incorrect or fraudulent report, the State Tax Assessor, from such
21 information as the State Tax Assessor may obtain, shall fix the
22 amount of taxes, forfeitures and interest payable and proceed to
23 collect the amount fixed.

24
25 In an action or proceeding for collection of the solid waste
26 advance disposal fee, any forfeitures and interest imposed in
27 connection with an assessment by the State Tax Assessor of the
28 tax, forfeiture or interest due the State constitutes prima facie
29 evidence of the claim of the State. The burden of proof is on
30 the distributor or unclassified importer to show that the
31 assessment was incorrect and contrary to law.

32
33
34 **§4836. Disposition of taxes**

35
36 The revenue derived from the tax imposed by this chapter
37 shall be deposited in the General Fund less the costs incurred by
38 the State Tax Assessor in collecting the tax.

39
40
41 **Sec. 3. 36 MRSA chapter 720 is enacted to read:**

42
43 **CHAPTER 720**

44
45 **WASTE STREAM PRODUCTS TAX**

46
47 **§4840. Declaration and intent**

48
49 The Legislature declares that nonrecyclable packaging poses
50 a significant and increasing burden on the State's disposal
51 capacity and environment, and there is a need to reduce the

1 amount of packaging disposed in the State, and encourage the
2 recycling of packaging materials. It is the intent of the
3 Legislature to encourage manufacturers and sellers of consumer
4 products to decrease excessive packaging, to package products in
5 recyclable packaging, to encourage reusable packaging and to
6 maximize the use of materials manufactured with substantial
7 recycled content.

9 **§4841. Definitions.**

11 The following terms shall have the following meanings unless
12 the context clearly indicates otherwise.

13 1. Bureau. "Bureau" means the Bureau of Taxation.

15 2. Container wholesaler. "Container wholesaler" means:

17 A. Every person who sells retail level packaging to a
18 person or persons in the State and who:

21 (1) Maintains a place of business in the State;

23 (2) Solicits business either by employees, independent
24 contractors, agents or other representatives, or by
25 distribution of catalogs or other advertising matter; or

27 (3) Causes that product to be delivered in the State
28 other than by common carrier or mail; and

29 B. Every person who did not purchase that retail level
30 packaging from another container wholesaler, as defined in
31 this subsection.

33 3. Distributor. "Distributor" means a person who sells
34 waste stream products to a person or persons in the State and who:

37 A. Maintains a place of business in the State;

39 B. Solicits business either by employees, independent
40 contractors, agents or other representatives, or by
41 distribution of catalogs or other advertising matter; or

43 C. Causes that product to be delivered in the State other
44 than by common carrier or mail.

45 4. Manufacturer. "Manufacturer" means every person
46 bottling, canning, packing or otherwise packaging waste stream
47 products for sale to distributors or wholesalers. In case of
48 personal property manufactured in another country, the importer
49 shall be considered the manufacturer.

51 5. Office. "Office" means the Office of Waste Reduction
52 and Recycling, Maine Waste Management Authority.

1
3 6. Receipt. "Receipt" means the "sale price" as defined in
section 1752.

5 7. Recyclable. "Recyclable" means packaging containers or
6 materials, exclusive of closures, labels, printing, fasteners,
7 adhesives or caps or lids, which consist of 100% of one of the
8 following materials: glass, aluminum, wood, paper, paperboard,
9 polyethylene terephthalate, high density polyethylene, or cotton
10 or woolen textiles. High density polyethylene means polyethylene
11 of a density greater than .94 grams per milliliter and less than
12 .965 grams per milliliter at a temperature of 23 degrees
13 centigrade.

15 8. Recycled material. "Recycled material" means any
16 material that has served its original intended use and is
17 normally disposed of, or is a manufacturing byproduct and is
18 normally disposed of, but which is instead returned to economic
19 markets in the form of raw materials, feedstocks or end
20 products. This term includes, but is not limited to,
21 post-consumer material, industrial scrap material and overstock
22 or obsolete inventories from distributors, wholesalers and other
23 persons. This term shall not include material and other
24 byproducts generated from and commonly reused within an original
25 manufacturing process. Recycled materials include aluminum,
26 cotton or woolen cloth, fiber, glass, metal, paper or paperboard,
27 plastic, wood or any combination of those materials.

29 A. Determinations as to whether particular packaging is
30 composed of 50% recycled material shall be based upon the
31 weight of the packaging components. For a particular
32 product, during a tax year, a taxpayer may elect to compute
33 the percentage of recycled material by either:

35 (1) Computing on a package by package basis; or

37 (2) Computing on the basis of an annual aggregate. If
38 the taxpayer chooses to compute packaging composition
39 based on an annual aggregate, either of the following
40 may be used:

41 (a) The manufacturer's annual national aggregate
42 for the specific product; or

44 (b) The manufacturer's annual aggregate of the
45 specific product delivered into the State.

47
48 9. Retail level packaging. "Retail level packaging" means
49 any bag, sack, tray, can, bottle, tub, cup or other receptacle or
50 material:

1 A. In which tangible personal property is placed, while off
3 the retailer's premises, for purposes of or during retail
 sale in the State and which is:

5 (1) Not recyclable;

7 (2) Composed of less than 50% recycled material; or

9 (3) Both not recyclable and composed of less than 50%
11 recycled material.

13 10. Retail sale. "Retail sale" or "sale at retail" is
 defined in section 1752.

15 11. Sale. "Sale" is defined in section 1752.

17 12. Tangible personal property. "Tangible personal
19 property" is defined in section 1752.

21 13. Waste stream products. "Waste stream products" means
23 tangible personal property which is packaged in containers or
 with materials that:

25 A. Are present on delivery to the person selling at retail;
 and

27 B. Are present on delivery to the person who purchases the
29 property at retail, or contain amounts or units of products
 normally sold at retail, or both.

31 **\$4842. Tax on distributors of waste stream products**

33 1. Tax assessed. Effective July 1, 1990, there is levied a
35 tax on distributors for the privilege of distributing waste
 stream products in the State. The tax imposed by this section is
 in addition to other taxes imposed by law.

37 2. Amount. The tax for each year shall be in an amount
39 equal to $\frac{1}{2}$ of 1% of the distributor's taxable receipts from the
41 sale of waste stream products. A distributor's taxable receipts
43 are the distributor's gross receipts from the sale of waste
 stream products sold to a person or persons of the State, reduced
 by the receipts that are deducted under subsection 3 of this
 section.

45 3. Deductions. The following receipts shall be deducted
47 from gross receipts to arrive at taxable receipts under this
49 section:

51 A. Receipts not to exceed \$500,000 from the sale of waste
 stream products to a person or persons within this State;

- 1 B. Receipts from the sale of waste stream products delivered
2 outside the State;
- 3
- 4 C. Receipts from the sale of waste stream products delivered
5 in the State, that the purchaser will resell to a person or
6 persons outside the State. To claim an exemption for these
7 receipts, a distributor shall have taken from the purchaser
8 a certificate, signed by the purchaser, and bearing the
9 purchaser's name and address and the number of the
10 purchaser's registration certificate, to the effect that the
11 property was purchased for resale outside the State;
- 12
- 13 D. Receipts from the sale of waste stream products purchased
14 from a Maine distributor, as distributor is defined in
15 section 4841;
- 16
- 17 E. Receipts from the sale of containers that are subject to
18 a beverage container deposit under Title 32, chapter 28;
- 19
- 20 F. Receipts from prescription medicines;
- 21
- 22 G. Receipts in excess of \$800 from the sale of one unit of a
23 particular waste stream product or, in the case of waste
24 stream products not sold in units, from the sale of one
25 quantity or amount of such product;
- 26
- 27 H. Receipts from those waste stream products packaged in
28 containers and with materials that are recyclable and also
29 are composed of at least 50% recycled material;
- 30
- 31 I. One-half of the distributor's receipts from those waste
32 stream products packaged in containers and with materials
33 that are recyclable but that are not composed of at least
34 50% recycled material;
- 35
- 36 J. One-half of the distributor's receipts from those waste
37 stream products packaged in containers and with materials
38 that are not recyclable but are composed of at least 50%
39 recycled material.

40 **§4843. Tax on container wholesalers**

41

42 1. Tax assessed. Effective July 1, 1990, there is levied a
43 tax on container wholesalers for the privilege of distributing
44 retail level packaging in the State. The tax imposed by this
45 section is in addition to other taxes imposed by law.

46

47 2. Amount. The tax for each year shall be in an amount
48 equal to 1¢ per unit for retail level packaging provided in
49 individual units at retail in the State, and 1¢ per 40 square
50 feet of retail level packaging that is provided in other than
51 individual units at retail in the State.

1 3. Deductions. The tax assessed any taxpayer under this
3 section shall be decreased by ½ on retail packaging that is:

5 A. Recyclable but that is not composed of at least 50%
7 recycled material; or

9 B. Composed of at least 50% recycled material, but that is
 not recyclable.

11 If packaging applied at a retail establishment is both recyclable
13 and composed of at least 50% recycled material, it shall not be
15 subject to tax under this section, as it is excluded from the
 definition of retail level packaging in section 4841 of this
 chapter.

17 §4844. Administration of taxes assessed

19 1. Distributor registration. Every distributor who can
21 reasonably expect to generate annual gross receipts in excess of
23 \$500,000 from the sale of waste stream products to a person or
25 persons in the State and every container wholesaler, shall file a
27 certificate of registration with the bureau, on a form prescribed
 by the bureau, not later than October 1, 1989, or in the case of
 persons commencing business after that date, within 3 days of
 commencing business. The bureau may, in its discretion, accept
 any existing certificate of registration filed by a person who is
 registered to collect sales and use or meals and rooms taxes.

29 2. Monthly payment. Every distributor who can reasonably
31 expect to generate annual gross receipts in excess of \$500,000
33 from the sale of waste stream products to a person or persons in
35 the State and every container wholesaler shall, on or before the
 30th day of the month following each calendar quarter, file a
 return with the bureau and pay the amount of the tax due.

37 3. Administration. Taxes imposed by this chapter shall be
39 administered and enforced according to the provisions and
 penalties of chapter 7, and shall be assessed commencing July 1,
 1990.

41 4. Incorrect or insufficient returns. If a return required
43 by this section is not filed, or if a return when filed is
45 incorrect or insufficient, the amount of the tax due shall be
47 determined by the bureau from any information available. For the
49 purposes of the proper administration of this chapter and to
 prevent evasion of the tax imposed by section 4842, it shall be
 presumed that all receipts from the sale of tangible personal
 property are subject to tax until the contrary is established,
 and the burden of proving that any receipt is not taxable shall
51 be on the distributor. Likewise, with respect to the tax imposed
 under section 4843, it shall be presumed that all sales of retail

1 level packaging are subject to tax until the contrary is
2 established, and the burden of proving that any receipt is not
3 taxable shall be on the container wholesaler.

5 **§4845. Duties of manufacturers and distributors of waste stream**
6 **products**

7
8 **1. Manufacturers; duties.** As of January 30, 1990,
9 manufacturers of waste stream products that are to be sold at
10 retail in the State shall inform distributors in the State
11 whether the containers or packaging materials involved are
12 recyclable and whether they are made of at least 50% recycled
13 material. Information required under this section shall be
14 stated on the invoice and may also be conveyed by means of
15 labeling on the exterior of the container in which the product is
16 shipped to the distributor or retailer. If a manufacturer fails
17 to provide this information, the distributor shall be subject to
18 taxes where due, but the bureau may abate penalties for errors
19 due to lack of information, if the distributor demonstrates good
20 faith efforts to acquire this information.

21
22 **2. Reliance on manufacturer's information.** A distributor
23 may rely on the representations made by a manufacturer under this
24 section, unless the distributor knows that the information is
25 false. False representations made by a manufacturer, or a
26 failure to comply with the requirements of this section, is a
27 violation subject to the provisions of chapter 225.

28
29 **3. Distributor's; duties.** A distributor shall provide
30 information relating to the amount of waste stream products sold
31 at retail in the State, on the request of the distributor or
32 manufacturer from whom waste stream products are received. If a
33 distributor fails to provide this information, the requesting
34 distributor or manufacturer shall be subject to taxes where due,
35 but the bureau may abate penalties for errors due to this lack of
36 information if the distributor demonstrates good faith efforts to
37 acquire this information.

38
39 **4. Out-of-state resale.** A distributor or manufacturer may
40 rely on the representations made by a distributor or made by a
41 purchaser who provides a certificate under section 4842,
42 subsection 3, paragraph C, indicating that the property in
43 question was purchased for resale outside the State, unless the
44 distributor or manufacturer knows that the information is false.
45 False representations made by a distributor or purchaser, or
46 failure to comply with the requirements of this section, shall
47 constitute a violation subject to the provisions of chapter 225.

48
49 **5. Indication of taxability.** The first taxable distributor
50 of waste stream products shall indicate on the invoice for waste
51 stream products that it is a taxable entity, for the purposes of
this chapter.

1
3 §4846. Responsibilities of the bureau and office

5 1. Duties of office. The office shall have the following
duties in the implementation of this chapter:

7 A. On request of the bureau, review particular packaging
containers or materials and advise the bureau with regard to
9 their recyclability and their use of recycled material;

11 B. Provide technical advice to manufacturers, distributors
and retailers of packaging to assist in their use of
13 recyclable packaging and packaging of recycled material; and

15 C. In consultation with the Recycling Advisory Council
established pursuant to Title 38, section 2131, on or before
17 January 15th of each year submit to the joint standing
committee of the Legislature having jurisdiction over
19 natural resources any appropriate recommendations for the
amendment of the definitions of "recycled material" and
21 "recyclable," as defined in section 4841. In making these
recommendations, the office shall consider experience within
23 the state and regional solid waste management districts
regarding markets for waste material, technological
25 developments, access or lack of access to recycling
opportunities and other relevant factors.

27
29 2. Powers and duties of bureau. The bureau shall have the
following powers and duties in the implementation of this chapter:

31 A. The bureau shall have the powers and duties, under
chapter 7, and other powers necessary to implement the
33 provisions of this chapter;

35 B. The bureau may retain the services of necessary
technical and administrative personnel and expert witnesses,
37 for particular proceedings relating to implementation of
this chapter; and

39
41 C. The bureau shall annually compile aggregate information
concerning waste stream products sold at retail in the State
43 and whether the containers or packaging are recyclable or
made of at least 50% recycled material, or both, and the
45 revenue projected to be raised annually by the imposition of
the tax created in this chapter. This report shall be
47 submitted to the office and the joint standing committees of
the Legislature having jurisdiction over natural resources
49 and appropriations, and to the Recycling Advisory Council.

51 §4847. Disposition of taxes

1 The revenue derived from the tax imposed by this chapter
3 shall be deposited in the General Fund, less the costs incurred
 by the State Tax Assessor in collecting the tax.

5 **Sec. 4. Transition** Every distributor who can reasonably
7 expect to generate annual gross receipts in excess of \$500,000
 from the sale of waste stream products to a person or persons in
9 the State in calendar year 1989, and every container wholesaler
 selling retail packaging to persons in the State shall, not later
11 than January 30, 1990, file information returns with the bureau,
 on a form prescribed by the bureau, which shall include the
 following.

13 1. A distributor shall indicate in-state and out-of-state
15 receipts from the sale of waste stream products, for the
 preceding calendar quarter.

17 2. A container wholesaler shall indicate receipts from the
19 sale of retail level packaging for the preceding calendar
 year.

21 3. Both a distributor and a container wholesaler shall
23 provide other information necessary to enable the bureau to
 estimate the revenues that will be raised by this Act.

25 PART D

27 **Sec. 1. 3 MRSA §507, sub-§8-A, ¶B,** as amend by PL 1987, c.
29 735, §1, is further amended to read:

31 B. The evaluations and analyses of the justification
33 reports for the programs of the following Group E-2
 independent agencies shall be reviewed by the Legislature no
35 later than June 30, 1988:

37 (1) Board of Trustees of the University of Maine
 System;

39 (2) Board of Trustees of the Maine Maritime Academy;

41 (3) State Government Internship Advisory Committee;

43 (6) Electricians' Examining Board;

45 (7) Arborist Examining Board;

47 (8) Maine Occupational Information Coordinating
49 Committee;

51 (9) Maine Conservation School;

 (10) Advisory Committee on Maine Public Broadcasting;

(11) Board of Examiners of Psychologists;

(12) Board of Commissioners of the Profession of Pharmacy;

(13) Alcohol and Drug Abuse Planning Committee; and

(14) State Board of Social Worker Licensure; and

(15) Maine Waste Management Authority.

Sec. 2. 5 MRSA §12004-D, sub-§§4 and 5 are enacted to read:

<u>4. Maine Waste</u>	<u>\$100 per day</u>	<u>38 MRSA §2101</u>
<u>Management Authority</u>	<u>plus expenses</u>	

<u>5. Regional Solid</u>	<u>\$100 per day</u>	<u>38 MRSA §2140</u>
<u>Waste Management Dis-</u>	<u>plus expenses</u>	
<u>tricts</u>		

Sec. 3. 5 MRSA §12004-I, sub-§22, as enacted by PL 1987, c. 786, §5, is amended to read:

22. Envi-	Recycling Ad-	Legislative	38 MRSA
ronment: Natural	visory Council	Per Diem	<u>§1310-L</u>
Resources			<u>§2131</u>

Sec. 4. 38 MRSA §1302, as repealed and replaced by PL 1987, c. 517, §5, is repealed and the following enacted in its place:

§1302. Declaration of policy

For the purposes of this chapter and chapter 24 the Legislature finds and declares it to be the policy of the State, consistent with its duty to protect the health, safety and welfare of its citizens, enhance and maintain the quality of the environment, conserve natural resources and prevent air, water and land pollution, to establish a coordinated statewide waste reduction, recycling and management program.

The Legislature finds and declares that it is the policy of the State to pursue and implement an integrated approach to hazardous and solid waste management, which shall be based on the following priorities: reduction of waste generated at the source, including both the amount and toxicity of waste; waste reuse; waste recycling; waste composting; waste processing which reduces the volume of waste needing disposal, including waste-to-energy technology; and land disposal.

1 The Legislature finds that it is in the best interests of
2 the State to prefer waste management options with lower health
3 and environmental risk and to ensure that such options are
4 neither foreclosed nor limited by the State's commitment to
5 disposal methods. The Legislature declares that it is in the
6 public interest to aggressively promote waste reduction, reuse
7 and recycling as the preferred methods of waste management.

8 The Legislature finds that environmentally suitable sites
9 for waste disposal are in limited supply and represent a critical
10 natural resource. At the same time, new technologies and
11 industrial developments are making recycling and reuse of waste
12 an increasingly viable and economically attractive option, which
13 carries minimal risk to the State and the environment and an
14 option which allows the conservation of the State's limited
15 disposal capacity.

16 The Legislature further finds that needed municipal waste
17 recycling and disposal facilities have not been developed in a
18 timely and environmentally sound manner because of diffused
19 responsibility for municipal waste planning, processing and
20 disposal among numerous and overlapping units of local
21 government. The Legislature also finds that state action is
22 needed to assist municipalities in separating, collecting,
23 recycling and disposing of solid waste, and that sound
24 environmental policy and economics of scale dictate a preference
25 for solid waste management planning and implementation on a
26 regional level.

27 The Legislature finally declares that the provisions of this
28 chapter shall be construed liberally to address the findings and
29 accomplish the policies in this section.

30 **Sec. 5. 38 MRSA §1303, first ¶, as repealed and replaced by PL**
31 **1979, c. 383, §2, is repealed and the following enacted in its**
32 **place:**

33 The following words when used in this chapter or in chapter
34 24 shall have the following meanings unless the context in which
35 they are used clearly shows a different meaning.

36 **Sec. 6 38 MRSA §1303, sub-§3, as repealed and replaced by PL**
37 **1979, c. 383. §2, is repealed and the following enacted in its**
38 **place:**

39 **3. Disposal.** "Disposal" means the discharge, deposit,
40 dumping, incineration, spilling, leaking or placing of any
41 hazardous or solid waste, refuse-derived fuel, sludge or septage
42 into or on any land, air or water so that the hazardous or solid
43 waste, sludge or septage or any constituent thereof may enter the
44 environment or be emitted into the air, or discharged into any
45 waters, including ground waters.

1
3 **Sec. 7. 38 MRSA §1303, sub-§§17 to 34, are enacted to read:**

5 17. Authority. "Authority" means the Maine Solid Waste
Management Authority established in section 2101.

7 18. Buyer. "Buyer" means a firm or operation purchasing
9 recyclable materials for processing or end use.

11 19. Composting. "Composting" means the microbial
degradation of organic matter into a useful product.

13 20. Curbside recycling. "Curbside recycling" means
15 scheduled collection of recyclable materials placed at curbside
by households.

17 21. Drop-off recycling center. "Drop-off recycling center"
19 means a site where individuals can deliver separated recyclable
materials for processing before recycling.

21 22. End user. "End user" means mills and other industrial
23 facilities where recyclable materials are returned to economic
markets in the form of raw materials, feedstocks or end products.

25 23. Incinerator. "Incinerator" means a facility where
27 solid waste or refuse-derived fuel is disposed through
combustion, including combustion for the generation of
29 electricity. A facility which combusts less than 2% solid waste
or refuse-derived fuel on a heat input basis shall not be
31 considered an incinerator.

33 24. Materials processing center. "Materials processing
35 center" means a facility that separates mixed recyclable
materials and processes the materials for sale to brokers or end
users.

37 25. Recyclable materials. "Recyclable materials" means
39 materials that have served their original intended use and are
separated from solid waste for reuse in manufacture and for which
41 a recycling collection, processing and market system is
functioning. The Director of the Office of Waste Reduction and
43 Recycling may, through regulation, specify those materials that
are to be included within the definition of recyclable materials.
45 The materials to be included may change to reflect new
technologies, economic conditions, characteristics of the waste
47 stream, environmental effects or other factors.

49 26. Recycling. "Recycling" means the collection,
separation, recovery and sale or reuse of metals, glass, paper,
51 leaf waste, plastics and other materials that would otherwise be
disposed of or processed as waste or the mechanized separation
and treatment of waste, other than through combustion, and the

1 creation and recovery of reusable materials other than as a fuel
2 for the generation of electricity.

3
4 27. Refuse-derived fuel. "Refuse-derived fuel" means solid
5 waste which has been processed prior to combustion to increase
6 the heat input value of the waste.

7
8 28. Regional waste management district. "Regional waste
9 management district" or "district" means that entity established
10 in section 2140.

11
12 29. Regional waste management plan. "Regional waste
13 management plan" means a plan adopted under chapter 24,
14 subchapter IV, and may be referred to as "district plan" or
15 "regional plan."

16
17 30. Residual waste. "Residual waste" means waste resulting
18 from the handling, processing, disposal or recycling of solid
19 waste including, without limitation, front end waste and ash.

20
21 31. Source separation. "Source separation" means the
22 preparation of materials for recycling by separation from wastes
23 at the point of generation.

24
25 32. State waste management and recycling plan. "State
26 waste management and recycling plan" means the plan adopted by
27 the authority pursuant to chapter 24, subchapter II, and may also
28 be referred to as "state plan."

29
30 33. Yard waste. "Yard waste" means leaves, grass clippings
31 and other organic wastes produced as part of yard and garden
32 development and maintenance.

33
34 34. Waste reduction. "Waste reduction" means an action
35 that reduces waste at the point of generation and may also be
36 referred to as "source reduction."

37
38 Sec. 8. 38 MRSA §1304. sub-§1, as amended by PL 1981, c. 470,
39 Pt. A, §171, is further amended to read:

40
41 1. Rules. Subject to the provisions of chapter 24 and the
42 Maine Administrative Procedure Act, Title 5, chapter 375, the
43 board may adopt, amend and enforce rules as it deems necessary to
44 govern regulate the environmental, public health and safety
45 effects of waste management, including the location,
46 establishment, construction and alteration of waste facilities.
47 The rules shall be designed to encourage logical utilization of
48 recoverable resources, minimize pollution of the state's State's
49 air, land and surface and ground water resources, prevent the
50 spread of disease or other health hazards, prevent contamination
51 of drinking water supplies and protect public health and safety.
In adopting these rules, the board shall also consider economic

1 impact, technical feasibility and such differences as are created
2 by population, hazardous or solid waste, sludge or septage volume
3 and geographic location.

5 **Sec. 9. 38 MRSA §1304-B, sub-§2**, as amended by PL 1987, c. 517,
6 §§14 and 15, is further amended to read:

7
8 **2. Flow control.** Municipalities Subject to the provisions
9 of chapter 24, municipalities are expressly authorized to enact
10 ordinances that control solid waste collection, its
11 transportation or its delivery to a specific facility, when the
12 purpose and effect of such an ordinance is to gain management
13 control over solid waste and enable the reclamation of resources,
14 including energy, from these wastes. This authorization includes,
15 but is not limited to, ordinances:

17 A. Requiring segregation of wastes;

19 B. Requiring delivery of wastes generated within the
20 municipality, or any portion of those wastes, to a
21 designated disposal or reclamation facility; and

23 C. Designating certain materials as recyclable and exempt
24 from the provisions of paragraph B.

25 **Sec. 10. 38 MRSA §1304-B, sub-§4-A, ¶¶A and B**, as enacted by PL
26 1987, c. 517, §17, is amended to read:

29 A. No contract for waste disposal, transportation or
30 handling services may prevent a municipality from recycling
31 any portion of its solid waste, provided that any minimum
32 BTU content level and ~~minimum-tonnage-level~~ required by that
33 contract is maintained by the municipality.

35 B. No contract for waste disposal, transportation or
36 handling services may prevent a municipality from meeting
37 its obligations to supply a minimum BTU content level and
38 ~~minimum-tonnage-level~~ required by that contract using solid
39 waste generated outside its borders, provided that:

41 (1) The municipality is or will be unable, as the
42 direct result of recycling or source reduction efforts,
43 to meet the obligations using solid waste generated
44 within its jurisdiction; and

45 (2) The municipality is liable for any damages caused
46 by any solid waste it relies upon to satisfy the
47 provisions of its contract.

49 **Sec. 11. 38 MRSA §1304-B, sub-§4-A, ¶¶D and E** are enacted to
50 read:

1 D. Notwithstanding paragraphs A, B and C, a municipality or
3 district with a contract with an incineration facility for
5 waste disposal, transportation or handling services shall
 not be required to meet any minimum BTU content level or
 minimum tonnage level required by contract, provided that:

7 (1) The municipality or district is or will be unable,
9 as the direct result of recycling or source reduction
 efforts, to meet the obligations; and

11 (2) The incineration facility will not be prevented
13 from meeting its obligations to provide electricity
 pursuant to a contract with an electric utility.

15 E. No renewal of any contract upon termination or
17 expiration of the original term and no new contract for
19 municipal waste disposal, processing or collection may be
21 entered into after the effective date of this chapter, if
23 the renewed or new contract fails to conform to the
 applicable provisions of this chapter or chapter 24 or
 interferes with the implementation of a regional waste
 management plan adopted under chapter 24.

25 **Sec. 12. 38 MRSA §1304-B, sub-§7 is enacted to read:**

27 7. Subjugation. Notwithstanding any provision of this
29 section to the contrary, the exercise of any power or authority
 granted under this section is subject to the provisions of
 chapter 24.

31 **Sec. 13. 38 MRSA §1305, sub-§1, as enacted by PL 1973, c. 387,**
33 **is repealed.**

35 **Sec. 14. 38 MRSA c. 13, subchapter 1-A, art. II, as enacted by PL**
 1987, c. 517, §25, is repealed.

37 **Sec. 15. 38 MRSA §1310-N, sub-§3, as enacted by PL 1987. c.**
39 **517, §25, is amended to read:**

41 **3. Public benefit determination. The board shall find that**
43 **a facility provides a substantial public benefit when the**
45 **applicant demonstrates that the proposed facility is eonsistent**
47 **with--and--will--serve--to--satisfy--the--capacity--needs--identified**
49 **pursuant--to--section--1310-O identified in an approved regional**
 solid waste management plan as necessary to provide a district's
 disposal capacity. The--board--shall--make--this--finding--when--it
 determines--that--the--proposed--facility--is--designed--and--located--and
 will--be--operated--so--that--it--meets--the--needs--identified--in--the
 capacity-needs-analysis.

1 **Sec. 16. 38 MRSA §1310-N, sub-§4,** as enacted by PL 1987, c.
517, §25, is repealed.

3 **Sec. 17. 38 MRSA §1310-N, sub-§5, ¶B,** as enacted by PL 1987, c.
517, §25, is amended to read:

7 B. The applicant has shown consistency with the ~~most~~
recent-state-recycling-plan-approved-by-the-Legislature
9 pursuant--to--section--1310-M,--subsection--3 recycling
provisions of the approved regional plan for the
11 district in which the facility is to be located.

13 **Sec. 18. 38 MRSA §1310-O,** as enacted by PL 1987, c. 517,
§25, is repealed.

15 **Sec. 19. 38 MRSA §1310-R, sub-§§2 and 3,** as enacted by PL 1987,
17 c. 517, §25 are amended to read:

19 2. **Recycling.** The recycling requirements shall apply as
follows.

21 A. The board shall apply the provisions of section 1310-N,
23 subsection 5, paragraph A, when relicensing any solid waste
disposal facility, except that, to the extent that waste
25 disposal contracts in effect on the ~~effective date of this~~
article June 29, 1987, are inconsistent with section 1310-N,
27 subsection 5, paragraph A, in which case, those provisions
shall apply at the expiration of the term of those contracts
29 without consideration of any renewals or extensions of those
contracts.

31 B. The board shall require an applicant for a new or
33 expanded solid waste disposal facility or for a license
renewal submitting a complete application prior to the
35 ~~approval by the Legislature of the first state recycling~~
plan pursuant to section 1310-M, subsection 3, adoption and
37 approval of a regional plan for the district in which the
facility is located to demonstrate that the applicant ~~has~~
39 ~~considered recycling alternatives that are reasonably within~~
the applicant's ~~control~~ facility furthers the purposes of
41 section 2100.

43 C. The provisions of section 1310-N, subsection 5,
45 paragraph B, do not apply to the relicensing of any solid
waste disposal facility licensed prior to the effective date
47 of this article.

49 3. **Public benefit.** The public benefit requirements shall
apply as follows.

51 ~~A. The board shall require an applicant for a new or~~
~~expanded solid waste disposal facility submitting a complete~~

1 application-prior-to-the-initial-adoption-of-the-capacity
needs-analysis-pursuant-to-section-1310-O-to-submit-such
3 information-as-the-board-requires-to-demonstrate-that-the
proposed-facility-provides-a-substantial-public-benefit,
5 including-such-information-described-in-section-1310-O.

7 A-1. The board shall require an applicant for a new or
expanded solid waste disposal facility submitting a complete
9 application prior to the initial adoption and approval of a
regional plan for the district in which the facility is
11 proposed to be located to submit such information as the
board requires to demonstrate that the proposed facility
13 provides a substantial public benefit, including such
information described in former section 1310-0.

15 B. The provisions of section 1310-N, subsection 1,
17 paragraph B, and section 1310-N, subsection 3, do not apply
to the relicensing of a solid waste disposal facility
19 licensed prior to the-effective-date-of-this-article June
29, 1987.

21 **Sec. 20. 38 MRSA §1310-R, sub-§4** is enacted to read:

23 4. Incineration facilities. The board shall not license
25 any new incineration facility unless the district in which it is
proposed to be located has adopted an approved regional plan.

27 **Sec. 21. 38 MRSA §1310-S, sub-§4, ¶A,** as enacted by PL 1987, c.
29 517, §25, is amended to read:

31 A. The process by which an intervenor under subsection 3
may gain entry to the proposed facility site for purposes of
33 reasonable inspection and site investigations under the
auspices of the board. Upon written request by the
35 intervenor, the board may on a case-by-case basis authorize
subsurface investigation activities additional to sampling
37 by means of a hand-held auger, provided such investigations
are conducted in a manner which will minimize adverse
39 impacts to the site and not interfere with existing
monitoring systems. In authorizing additional subsurface
41 investigations, the board shall consider the need for the
investigation activities proposed by the intervenor, and
43 shall impose conditions on the proposed activities that will
minimize adverse impacts on the site; and

45 **Sec. 22. 38 MRSA §1310-X** is enacted to read:

47 **§1310-X. Water supply testing for contiguous landowners**

49 **1. Required water sampling.** Upon written request from
51 persons owning land contiguous to a solid waste landfill, the
operator of that landfill shall have quarterly sampling and

1 analysis conducted of private water supplies used by those
3 persons for drinking water. Sampling and analysis shall be at
the expense of the landfill operator.

5 2. Extent of analysis. Water supplies shall be analyzed
7 for all parameters or chemical constituents determined by the
9 department to be indicative of typical contamination from solid
11 waste landfills. The laboratory performing the sampling and
analysis shall provide written copies of sample results to the
landfill owner, the landowner and to the department.

13 3. Additional sampling required. If the analysis indicates
15 possible contamination from a solid waste landfill, the
17 department may conduct, or require the landfill operator to have
the laboratory conduct, additional sampling and analysis to
determine more precisely the nature, extent and source of
contamination.

19 4. Written notice of rights. On or before December 1,
21 1989, for permits issued under this chapter prior to October 1,
23 1989, and at or before the time of permit issuance for permits
25 issued under this chapter after October 1, 1989, the operator of
each municipal waste landfill shall provide contiguous landowners
with written notice of their rights under this section on a form
prepared by the department.

27 **Sec. 23. 38 MRSA §1706**, as enacted by PL 1983, c. 820, §2, is
29 amended to read:

31 **§1706. Relationship to other law**

33 This chapter provides an additional and alternative method
35 for carrying out the purposes of this chapter and is supplemental
37 and additional to powers conferred by other laws, including the
provisions of chapter 13, pertaining to solid waste, and is not
in derogation of any powers now existing. The exercise of
authority under this chapter is subject to any restriction
imposed under chapter 24.

39 **Sec. 24. 38 MRSA c. 24** is enacted to read:

41 **CHAPTER 24**

43 **MAINE WASTE MANAGEMENT AUTHORITY**

45 **SUBCHAPTER I**

47 **MAINE WASTE MANAGEMENT AUTHORITY**
49 **GOALS AND ESTABLISHMENT**

51 **§2100. Solid waste management hierarchy; recycling goals**

1 1. Priorities. It is the policy of the State to pursue and
2 implement an integrated approach to solid waste management, which
3 shall be based on the following order of priority:

5 A. Reduction of waste generated at the source, including
6 both amount and toxicity of the waste;

7 B. Reuse of waste;

9 C. Recycling of waste;

11 D. Composting of biodegradable waste;

13 E. Waste processing which reduces the volume of waste
14 needing land disposal, including incineration; and

16 F. Land disposal of waste.

18 2. Recycling goals. It is the policy of the State to
19 reduce, by January 1, 1992, the volume of solid waste requiring
20 incineration or land disposal by 25% of the 1988 generation rate,
21 and by January 1, 1995, to reduce the volume of solid waste
22 requiring incineration or land disposal by 50% of the 1988
23 generation rate.

25 **§2101. Establishment of the Maine Waste Management Authority**

27 1. Establishment of authority. The Maine Waste Management
28 Authority is created. The authority is an instrumentality of the
29 State and a body corporate and politic. The exercise by the
30 authority of the powers conferred on it under this chapter and
31 the implementation of its purpose and duties are essential
32 governmental functions.

34 2. Organization and function of the authority. The Maine
35 Waste Management Authority shall be comprised of 2 offices: the
36 Office of Planning and Regional Coordination and the Office of
37 Waste Reduction and Recycling.

38 3. Authority board established. The authority shall be
39 controlled, managed and operated by a 9-member board. The
40 members of the board shall be appointed by the Governor, subject
41 to review by the joint standing committee of the Legislature
42 having jurisdiction over natural resources and to confirmation by
43 the Legislature.

44 A. Three of the members shall initially be appointed to
45 terms of 2 years; 3 members to terms of 3 years; and 3
46 members to terms of 4 years. The successor of each
47 appointed member shall be appointed for a term of 4 years,
48 except that any person appointed to fill a vacancy occurring
49 prior to the expiration of the term for which the
50 term expires shall be appointed for a term of 4 years.

1 predecessor was appointed shall be appointed only for the
2 remainder of that term. Each board member shall serve until
3 the appointment and qualification of a successor.

5 B. No appointed board member may be an officer or employee
6 of the United States Government or this State. All members
7 of the board shall be residents of the State. Appointed
8 members may be removed from the board by the Governor for
9 cause.

11 C. The Commissioner of Environmental Protection and the
12 Commissioner of Human Services shall serve as nonvoting, ex
13 officio members of the board.

15 D. There shall be no more than 2 members who are residents
16 of the same district.

17 4. Selection of officers. Annually, the board shall elect
18 one of its appointed members as the chair of the board, another
19 as vice-chair of the board and a 3rd member as treasurer of the
20 board. Six members of the board shall constitute a quorum and
21 the affirmative vote by 6 members shall be necessary for any
22 action taken by vote of the board.

25 5. Compensation. The appointed board members shall be
26 compensated as provided in Title 5, section 12004-D. The ex
27 officio members of the board shall not receive any compensation
28 for serving as a board member.

29 6. Meeting schedule. The board shall meet at least 4 times
30 annually and at any time upon the call of its chair or upon the
31 request in writing to the chair of 5 board members.

33 §2102. Powers and duties of the authority

35 1. General powers. In order to accomplish the purposes of
36 this chapter and in addition to any other powers conveyed by this
37 chapter, the authority may exercise the following powers:

39 A. Sue and be sued;

41 B. Have a seal and alter the seal at its pleasure;

43 C. Adopt from time to time and amend bylaws covering its
44 procedure, publish those bylaws as necessary or advisable
45 and cause records of its proceedings to be kept;

47 D. Promulgate in accordance with the Maine Administrative
48 Procedure Act, Title 5, chapter 375, all rules necessary to
49 carry out its responsibilities under this chapter, including
50 procedural rules;

1 F. Acquire, hold and dispose of personal property;

3 G. Acquire in the name of the authority by purchase, lease
5 or otherwise, real property and interests in real property
7 determined necessary or desirable for its purposes and use
9 the property;

11 H. Establish and collect fees, assessments and other
13 charges and expend money received as provided in this
15 chapter;

17 I. Make, modify and carry out contracts or agreements with
19 the United States Government or any instrumentality or
21 agency of the United States, this State or any of its
23 agencies or instrumentalities, municipalities or bodies
25 existing therein, public corporations, private corporations,
27 partnerships, associations and individuals which are
29 necessary or useful in carrying out its powers, duties or
31 purposes;

33 J. Employ such assistants, agents, engineering,
35 architectural and construction experts and inspectors and
37 attorneys and such other employees as it deems necessary or
39 desirable to carry out its purposes;

41 K. Obtain any information and conduct investigations useful
43 or convenient for carrying out any of its purposes, powers
45 or duties;

47 L. Enter during normal working hours upon any lands, waters
49 and premises in the State for the purpose of making surveys,
51 soundings, drillings, examinations and inspections as it
 deems necessary for the purpose of this chapter. The entry
 shall not be deemed a trespass;

M. Procure insurance or other assurances in aid of any of
 its purposes;

N. Exercise any of its powers in the public domain of the
 United States, unless the exercise of those powers is not
 permitted by the laws of the United States;

O. Exercise any of the powers, duties and authority of a
 regional solid waste management district when the authority
 finds, subject to the provisions of this subchapter, that
 such exercise is necessary to accomplish the purposes of
 this chapter; and

P. Take all other lawful actions necessary and incidental
 to these powers in carrying out the requirements of this
 chapter.

1 2. Duties. The authority shall undertake the following
2 duties:

3
4 A. Develop and adopt the state waste management and
5 recycling plan pursuant to the provisions of this chapter;

6
7 B. Promote and emphasize recycling and waste reduction in
8 the State;

9
10 C. Coordinate regional and municipal waste planning,
11 recycling and waste reduction programs and provide technical
12 assistance to districts, municipalities, state agencies and
13 private entities to assist their implementation of this
14 chapter;

15 D. Approve, partially approve or disapprove regional plans;

16
17 E. Initiate, conduct and support research, demonstration
18 projects and investigations and coordinate all state agency
19 research programs pertaining to waste management and
20 recycling;

21
22 F. Encourage, and when appropriate, require districts and
23 municipalities to carry out their duties under this chapter,
24 using the full range of incentives and enforcement authority
25 provided in this chapter;

26
27 G. Act on behalf of a district to ensure the development
28 and operation of sufficient recycling and disposal capacity
29 to properly manage the solid waste generated within the
30 district's jurisdiction and for which the district is
31 responsible where the district has not adopted and
32 implemented a regional plan approved under this chapter;

33
34 H. Institute, in a court of competent jurisdiction,
35 proceedings against any person to compel compliance with the
36 provisions of this chapter, any regulation promulgated
37 pursuant thereto, any order of the department or the terms
38 and conditions of any approved regional plan;

39
40 I. Cooperate with appropriate federal, state, interstate and
41 local units of government and with appropriate private
42 organizations in carrying out its duties under this chapter;

43
44 J. Appoint such advisory committees as the authority finds
45 necessary to assist it in carrying out the provisions of
46 this chapter. The authority is authorized to pay reasonable
47 and necessary expenses incurred by the members of those
48 advisory committees in carrying out their functions.

49
50
51 §2103. Exemption from taxes; payment in lieu of taxes

1 1. Exemption from taxes. The authority shall not be
2 required to pay any taxes on any property required or used by it
3 for the purposes provided in this chapter, nor may the authority
4 be required to pay any tax upon its income, except as may be
5 required by the laws of the United States.

6 2. Payment in lieu of taxes. The authority shall annually
7 pay a municipality an amount in lieu of taxes equal to the amount
8 of property taxes not paid to that municipality during the
9 previous calendar year due to the statutory property tax
10 exemption provided in this section. In the case of an
11 unorganized territory, the authority shall annually pay the
12 amount to the State Tax Assessor who shall deposit that amount in
13 the Unorganized Territory Education and Services Fund established
14 in Title 36, chapter 115. If the authority disagrees with the
15 amount determined to be due in lieu of taxes under this
16 subsection, it may appeal to the State Board of Property Tax
17 Review as provided in Title 36, section 271.

18 §2104. Annual audit

19 Each year an audit shall be made of the accounts of the
20 district, and for this purpose authorized agents of a certified
21 public accounting firm appointed by the authority shall have
22 access to all necessary papers, books and records. Upon the
23 completion of each audit, a report shall be made to the chair of
24 the board of directors and a copy shall be sent to the Governor
25 and the Legislature.

26 §2105. Fiscal year

27 The fiscal year of the authority shall coincide with that of
28 the State.

29 §2106. Executive director

30 1. Salary. The authority shall hire an executive director
31 who shall serve at the pleasure of the authority. The salary of
32 the executive director shall be established by the authority at
33 the time of appointment.

34 2. Powers and duties. The executive director shall oversee
35 day-to-day operations of the authority; hire appropriate staff
36 members with approval of the authority; and carry out other
37 responsibilities delegated by the authority subject to conditions
38 and instructions which the authority finds appropriate.

39 §2107. Staff employees; conflict of interest; personal liability

40 1. Authority. The authority may hire, on a temporary or
41 permanent basis, such staff as necessary, including legal counsel
42 and financial experts.

1
2 2. Civil Service Law. Employees of the authority shall be
3 subject to Title 5, chapters 71 and 372 except that the executive
4 director and the Director of the Office of Planning and Regional
5 Coordination and the Director of the Office of Waste Reduction
6 and Recycling shall not be subject to Title 5, chapters 71 and
7 372.

8
9 3. Conflict of interest. Notwithstanding Title 5, section
10 18, subsection 1, each member of the authority and each employee,
11 contractor, agent or other representative of the authority is
12 deemed an "executive employee" solely for purposes of Title 5,
13 section 18. In addition, Title 17, section 3104, shall be
14 applicable, in accordance with its provisions, to all such
15 representatives of the authority.

16
17 4. Personal liability. Personal liability of authority
18 members and employees shall be as provided in the Maine Tort
19 Claims Act, Title 14, chapter 741, except that the authority
20 shall indemnify a member or an employee against any liability
21 arising out of an chapter or omission occurring within the course
22 or scope of employment.

23 §2108. Sunset

24
25 1. Justification report; evaluation and analysis. For
26 purposes of the Maine Sunset Act, Title 3, chapter 23, the
27 authority shall be considered an independent agency, with its
28 first justification report in accordance with Title 3, section
29 504, due no later than October 31, 1998, and the evaluation and
30 analysis in accordance with Title 3, section 505, by the joint
31 standing committee of the Legislature having jurisdiction over
32 audit and program review due no later than December 31, 1999, but
33 notwithstanding Title 3, sections 506 and 507, the authority
34 shall not terminate.

35
36 §2109. Property

37
38 All property of the authority and all property held in the
39 name of the State pursuant to this chapter shall be exempt from
40 levy and sale by virtue of any execution, and no execution or
41 other judicial process may be a lien upon its property held
42 pursuant to this chapter, provided that the authority shall not
43 lease, sell or otherwise convey any of its real or personal
44 property or easements in property, franchises, buildings or
45 structures, except that the authority may permit the erection or
46 installation of electric power, telegraph, telephone, water,
47 sewer or pipeline facilities.

48 §2110. Contractors; contracts

1. Use authorized. The authority may determine to carry out any authorized activity through use of contractors, subject to the requirements of law.

2. Approval. Contracts and agreements for more than \$10,000 shall be awarded only after competitive bid and approval by the authority.

3. Rules. The authority shall promulgate rules for the awarding of contracts by October 1, 1989.

§2111. Use of authority owned or controlled facilities

The authority may not accept for handling, treatment or disposal at any facility which it owns, operates or otherwise controls any solid waste generated outside of its jurisdiction. This prohibition shall also apply to any residual waste or other material resulting from the incineration of solid waste or refuse-derived fuel generated or produced outside of the authority's jurisdiction.

§2112. Local zoning powers unaffected

Nothing in this chapter may be construed or understood to enlarge or diminish the authority of municipalities to adopt ordinances under their home rule authority.

SUBCHAPTER II

OFFICE OF PLANNING AND REGIONAL COORDINATION

§2120. Office of Planning and Regional Coordination

The Office of Planning and Regional Coordination, referred to as the "office" in this subchapter, is established to carry out the purposes of this subchapter. The Director of the Office of Planning and Regional Coordination shall administer the office in accordance with the policies of the authority and consistent with the state waste management and recycling plan.

§2121. Recycling and management plan; schedule coordination

The office shall prepare and adopt, by rule, an analysis of, and plan for, the management, reduction and recycling of solid waste for the State by March 1, 1990. The plan shall be based on the priorities and recycling goals established in section 2100. The plan shall provide guidance and direction to the authority, department, districts and municipalities in planning and implementing waste management and recycling programs at the State, regional and local level. To the extent that commercial

1 entities continue to have a role in developing waste management
2 and recycling facilities in the State, the plan shall provide
3 guidance and direction to those entities.

5 1. Consultation. In developing the plan, the office shall
6 consult with the Bureau of Solid Waste Management in the
7 Department of Environmental Protection and the Office of Waste
8 Reduction and Recycling, and shall submit its draft plan to these
9 offices for review and written comment prior to publishing the
10 plan as a proposed rule. The office shall also seek comment and
11 advice on its draft plan from the Recycling Advisory Council.

13 2. Revisions. The office shall revise the analysis at
14 least every 2 years to incorporate changes in the waste
15 generation trends, changes in waste recycling and disposal
16 technologies, the development of new waste generating activities
17 and other factors affecting solid waste management as the office
18 finds appropriate. If the office finds that rapidly changing
19 conditions necessitate more timely revisions of the analysis, it
20 may make those revisions pursuant to the rule-making provisions
21 of Title 5, chapter 375, subchapter II, including emergency
22 rulemaking if necessary.

23 §2122. Plan contents

25 1. Data collection. The office shall develop and maintain
26 a comprehensive data base on solid waste generated or disposed of
27 in the State. Data collected shall include, but not be limited
28 to:

31 A. The amount of waste currently generated, handled or
32 transported within the State;

34 B. The source of the waste;

36 C. The type of waste;

38 D. The costs and types of management technologies currently
39 employed, including, without limitation, recycling,
40 composting, landspreading, incineration or landfilling;

42 E. The costs of transporting solid waste to disposal or
43 management facilities; and

45 F. Assessment of the level of competition in the solid waste
46 disposal and recycling industry.

48 2. Determination of existing and planned disposal
49 capacity. The office shall identify existing solid waste
50 disposal and management capacity within the State, and the
51 potential for expansion of that capacity. The analysis shall
include, but not be limited to:

1 A. The capacity of existing licensed solid waste management
3 and disposal facilities receiving waste generated within the
5 State. This assessment shall identify the regional
 availability of capacity, including consideration of
 transportation costs;

7 B. The capacity of existing licensed solid waste management
9 and disposal facilities which is being utilized to dispose
 of waste generated outside the State;

11 C. A survey of the solid waste generators and the recycling
13 and disposal facilities they utilize;

15 D. Identification of projected facility closures with a
17 projected timetable for the closures and an estimate of the
 amount of capacity these facilities represent;

19 E. The extent to which the State relies on solid waste
 disposal capacity outside its jurisdiction; and

21 F. Additional disposal capacity anticipated to become
23 available within the next 2 to 5 years.

25 3. Waste reduction and recycling assessment. The plan
 shall include investigation and assessment of the extent to which
27 waste generation could be reduced at the source, and the
 potential for recycling to replace the need for traditional
29 disposal capacity. The assessment shall include the following
 elements:

31 A. The current level of public and business recycling
33 efforts, including the quantities and categories of waste
 currently recycled;

35 B. The current market structure of the recycling industry
37 in the State and in those areas receiving recycled materials
 from the State. This element shall include identification
39 of the existing private and public recycling operations,
 recycling capacity and the quantities and categories of
41 materials currently recycled;

43 C. Identification of solid wastes by type which are capable
 of being reused or recycled in an environmentally sound
45 manner and the types and costs of the technologies which may
 be utilized;

47 D. The potential for recycling in various regions of the
49 State, including estimates of the types and quantities of
 waste available for recycling and an analysis of the
51 economic and institutional obstacles to increased recycling;

1 E. The potential for reducing waste quantities and toxicity
3 by reduction at the source, and the amount and type of
5 traditional disposal capacity that could be made available
7 by implementing waste reduction measures. This assessment
9 shall be based on the most recent waste reduction study
11 prepared pursuant to section 2130; and

13 F. The impact of consumer packaging on waste generation,
15 and the potential for waste reduction measures to reduce
17 this impact.

19 4. Projected demand for capacity. The office shall
21 identify the need in the State for current and future solid waste
23 disposal capacity by type of solid waste. The analysis shall
25 include, but not be limited to:

27 A. Estimation of waste generation by region and waste type
29 over the next 5-year, 10-year and 20-year periods based on
31 the best available forecasts of population growth, economic
33 activity within the State, tourism, estimates provided by
35 solid waste generators and other available information;

37 B. Estimation of the reduction in the waste stream needing
39 disposal capacity as a result of public and private
41 recycling efforts identified in subsection 3;

43 C. Comparison of the projected waste generation levels with
45 existing capacity as identified in subsection 2; and

47 D. Identification of regional differences in available
49 disposal capacity and recycling facilities. The office
51 shall identify districts which are underserved with regard
to recycling, management or disposal capacity or which have
capacity in excess of regional needs. In determining
regional needs, the office may consider economic criteria,
including disposal and transportation costs, population
densities, regional differences in current industrial mix
and potential for economic growth, the level of competition
in the solid waste disposal industry and any other factors
as the office deems relevant.

53 5. State management goals and strategies. Based on the
55 information and analysis developed in subsections 1 to 4, the
57 office shall evaluate waste management options and identify
59 regional and statewide strategies for source reduction and
61 recycling, and which ensure the availability of cost effective
63 waste management and disposal capacity. These strategies shall
65 implement the priorities and the recycling goals in section
67 2100. Management and disposal alternatives shall be preferred
69 which do not foreclose the future ability of the State to reduce,
71 reuse and recycle waste.

1 A. The regional goals and strategies set forth in the state
2 plan shall be the guidelines for the development of district
3 waste management plans.

5 6. Transition. Insofar as the state capacity needs analysis
6 and state recycling plan developed under former sections 1310-K
7 and 1310-O are consistent with the waste reduction and recycling
8 goals and waste management hierarchy adopted herein, the office
9 shall incorporate the data, analysis and recommendations of these
10 documents into the management plan.

11 §2123. Hazardous waste planning

13 1. Data collection and monitoring. In cooperation with the
14 department, the authority shall collect and monitor data on the
15 generation, transportation and handling of hazardous waste. It
16 shall use that data to review the need for adequate hazardous
17 waste facilities for generators in this State and it shall
18 develop appropriate policies and recommendations to ensure that
19 suitable waste facilities are available.

21 2. Report. The department shall annually, prior to May
22 1st, prepare and submit a report to the authority covering the
23 prior calendar year which shall include the following data:

25 A. The amount of hazardous waste by type that is generated,
26 handled or transported within the State;

28 B. The amount of hazardous waste by type that is handled at
29 commercial hazardous waste facilities within the State;

30 C. The number of hazardous waste facility permits by type
31 currently active and the number granted and revoked in the
32 year;

34 D. The amount of hazardous waste by type generated outside
35 the State that was handled at permitted facilities within
36 the State, and the amount of hazardous waste generated
37 within the State that was handled at facilities located
38 outside the State;

39 E. A list of hazardous waste facilities located within the
40 State and those located outside the State which are
41 available for use by generators in the State; and

42 F. A list of known firms that provide testing, consulting,
43 brokerage, waste exchange, transport or other services to
44 hazardous waste generators.

45 3. Facility needs plan. The office shall, prior to January
46 1st of each year, prepare a plan which shall consider the need
47 for hazardous waste facilities.

1 for new hazardous waste facilities. Specifically, it shall
2 include:

3 A. An identification of hazardous wastes generated within
4 the State for which new commercial treatment facilities
5 would be desirable and the preferred technologies to be
6 utilized;

7 B. An identification of hazardous wastes by type generated
8 within the State which are capable of being reused and
9 recycled and a corresponding reference to available
10 technology or facilities;

11 C. An identification of the hazardous wastes generated
12 within the State for which treatment facilities are not
13 currently available within or outside the State;

14 D. A survey of generators of hazardous waste identified in
15 paragraph C and facilities used by them, which provides the
16 best estimates of future waste quantities, costs and
17 capacity for the disposal of those wastes; and

18 E. Identification of those geological areas of the State
19 which, based on siting criteria in rules adopted by the
20 United States Environmental Protection Agency or in rules
21 adopted by the board, are unsuitable for hazardous waste
22 disposal facilities.

23 4. Legislative recommendations. The authority shall make
24 an annual status report to the joint standing committee of the
25 Legislature having jurisdiction over natural resources concerning
26 hazardous waste management, which shall include any
27 recommendations of the authority for legislative action to
28 develop and establish needed hazardous waste facilities. These
29 may include tax and other financial incentives or recommendations
30 to directly, or through an instrumentality, acquire suitable
31 sites for hazardous waste facilities or to construct and operate
32 hazardous waste facilities. Recommendations in the annual status
33 report shall be based solely on the information and plans
34 prepared pursuant to this section and information obtained at
35 public hearings.

36 5. Procedural requirements. All policies, plans and
37 recommendations adopted by the board under this section, except
38 for the report in subsection 2, shall be subject to the notice
39 and hearing requirements of the Maine Administrative Procedure
40 Act, Title 5, chapter 375.

41 §2124. Regional review and coordination

42 The office shall review each regional solid waste management
43 plan submitted pursuant to section 2154 for consistency with the

1 goals and policies of this chapter and with the state waste
2 management and recycling plan.

3
4 1. Review and approval. Within 60 days after receiving a
5 complete regional plan, the authority shall approve, partially
6 approve or disapprove it, unless the authority gives written
7 notice that additional time is necessary to complete its review.
8 If the authority gives that notice, it shall have 30 additional
9 days to render a decision.

11 A. The authority shall make specific findings in support of
12 its action under this section. The findings shall identify
13 components of the plan which comply with the review criteria
14 and, where it has disapproved or partially approved the
15 plan, describing any deficiencies in the proposed plan and
16 the recommended measures for correcting the deficiencies.
17 The authority shall also forward to the district copies of
18 all written comments concerning the plan.

19
20 B. The district shall have 60 days to correct any
21 deficiencies in the plan and resubmit it to the authority
22 for final review and approval or disapproval.

23
24 C. The authority shall have 30 days to make its final
25 decision or to request additional revisions. The
26 authority's final approval, partial approval or disapproval
27 shall constitute final agency action.

28
29 D. In the event that a district fails to adopt a plan or
30 adopts a deficient plan, the authority shall, within 90
31 days, adopt a regional plan for the district.

32
33 2. Partial approval. The authority may approve portions of
34 the proposed regional plan which are consistent with the state
35 plan and the provisions of this chapter. A district shall
36 implement any portion of its plan approved under this subsection.

37
38 3. Public notice. The authority shall provide public notice
39 upon receipt of any regional plan and shall provide at least 30
40 days after publication of the notice for written comment on the
41 plan. The authority shall submit the plan to appropriate state
42 agencies for review and comment.

43
44 4. Review criteria. The authority shall approve any
45 regional plan when it finds that:

46
47 A. The plan is complete and accurate;

48
49 B. The plan is consistent with the state plan, and the waste
50 management hierarchy established in section 2100;
51

1 C. The plan provides for the maximum feasible development
3 and implementation of recycling programs and will meet the
statewide recycling goal under section 2100;

5 D. Consistent with the requirements of chapter 13, the plan
7 provides for the processing and disposal of solid waste for
9 at least 10 years, including all waste residues produced by
existing and proposed disposal or processing facilities.

11 5. Planning assistance. The office shall administer
13 programs of financial, technical and planning assistance to
districts for preparing regional plans. The office shall:

15 A. Award grants for the cost of preparing regional plans in
17 accordance with this chapter, and for carrying out related
studies, surveys, investigations, inquiries, research and
analyses, including those related to siting.

19 B. Award grants under this section for feasibility studies
21 and project development for publicly owned solid waste
23 processing or disposal facilities, except for facilities for
the combustion of solid waste that are not proposed to be
operated for the recovery of energy.

25 C. Provide direct planning and technical assistance to
27 assist districts in preparing regional plans.

29 D. Award grants to districts and proposed host communities
31 for the purpose of establishing a process, including, but
33 not limited to, negotiation, mediation and arbitration, to
resolve disputes during the adoption of a regional plan
which identifies specific sites for a waste disposal,
incineration or processing facility.

35 §2125. State implementation

37 If the office finds that a district has failed to implement
39 its plan or has acted in a manner inconsistent with its plan and
41 that this failure or these inconsistent acts pose a threat to
43 public welfare, the office may, with prior approval of the
authority board, implement portions or all of the district's
regional plan, including the development of facilities.

45 SUBCHAPTER III

47 OFFICE OF WASTE REDUCTION AND RECYCLING

49 §2130. Office of Waste Reduction and Recycling; established

51 The Office of Waste Reduction and Recycling is established
to carry out the purposes of this subchapter. The director of

1 the office shall administer the office in accordance with the
3 policies of the authority and consistent with the state waste
5 management and recycling plan. The director shall serve at the
7 pleasure of the executive director. The office shall administer
9 programs of financial, technical and planning assistance to
11 regional authorities, local governments, state agencies and
13 businesses in planning for and achieving waste reduction and
15 recycling objectives.

17 1. Technical and financial assistance program. The office
19 shall develop a program of technical and financial assistance for
21 municipalities and districts. This program shall include,
23 without limitation:

25 A. Technical assistance necessary for municipalities and
27 districts to meet the requirements of this chapter. The
29 authority shall ensure that all its technical reports and
31 planning documents are made available to municipalities and
33 districts on a timely basis;

35 B. Grants to districts to hire the recycling coordinators
37 required under this chapter;

39 C. Grants to fund the development of the recycling component
41 of the regional plan, to initiate and conduct recycling
43 feasibility studies, to coordinate regional recycling
45 activities, to identify markets and develop a public
47 education campaign; and

49 D. Grants to purchase collection and storage equipment and
51 to fund activities which are consistent with regional plans
and which primarily serve recycling or source reduction
objectives and which are not duplicative of existing
municipal efforts. Regional materials processing centers
are eligible for funding under this section where the
private sector is not adequately addressing regional needs
and where the regional plan calls for such a facility.

2. Market development and assistance. There is established
within the office a program of market development and assistance.

A. The office shall establish and administer a
clearinghouse on recycling markets information. The office
shall maintain a current list of municipal and regional
recycling programs together with a description of the
recyclables available through the programs. The office shall
also maintain listings of brokers, handlers, processors,
transporters and other persons providing services and
potential markets for recyclables. The office shall
actively promote the services of the clearinghouse and shall
seek to match municipal recycling programs with appropriate
recycling businesses. The office shall make its information

1 on recycling services available to private solid waste
3 generators seeking markets or services for recyclables.

5 B. The office shall provide direct marketing and brokering
7 services for recyclables to municipalities and districts
 where private sector efforts and the information
 clearinghouse established in paragraph A are inadequate.

9 C. On or before July 1, 1990, the office shall submit to
11 the joint standing committee of the Legislature having
13 jurisdiction over natural resources a market development
 report. The report shall be utilized in preparing the state
 waste management and recycling plan. The report shall
15 include:

17 (1) The current and projected capacity of existing
19 markets to absorb materials generated by municipal
 recycling programs in the State;

21 (2) Market conditions that inhibit or affect demand for
 materials generated by municipal recycling programs;

23 (3) Potential opportunities to increase demand for and
25 use of materials generated by municipal recycling
 programs;

27 (4) Market opportunities in Canada and other export
29 markets;

31 (5) Recommendations for specific actions to increase
33 and stabilize the demand for materials generated by
 regional and municipal recycling programs, including,
 but not limited to, proposed legislation if necessary;

35 (6) Specific recommendations on markets for recycled
37 materials for each district.

39 By July 1, 1993, the office shall complete and submit an
41 update of the study to the same joint standing committee of
 the Legislature, taking into account information developed
 since its completion.

43 The office shall adopt rules to implement the
45 recommendations of the market development study required by
 this paragraph.

47 3. Procurement. Coordinating procurement of recycled
49 materials, recycling and waste reduction efforts among state
 agencies.

51 4. Waste reduction. By July 1, 1990, the office shall
 submit to the joint standing committee of the Legislature having

1 jurisdiction over natural resources a waste reduction report.
2 The report shall be utilized in preparing the state waste
3 management and recycling plan.

5 A. The report shall include:

7 (1) A description of various mechanisms that could be
8 utilized to stimulate and enhance waste reduction,
9 including their advantages and disadvantages. The
10 mechanisms to be analyzed shall include, but are not
11 limited to, incentives for prolonging product life,
12 methods for ensuring product recyclability, taxes for
13 excessive packaging, tax incentives, prohibitions on
14 the use of certain products and performance standards
15 for products.

17 (2) Recommendations to stimulate and enhance waste
18 reduction, including, but not limited to, proposed
19 legislation if necessary.

21 B. By July 1, 1993, the office shall update the study,
22 taking into account information developed since its
23 completion.

25 5. Education. Conducting a comprehensive, innovative and
26 effective public education program concerning the value of
27 recycling and waste reduction and of public opportunities to
28 participate in such activities, in cooperation with the
29 Department of Education and Cultural Services.

31 §2131. Recycling Advisory Council

33 There is established a Recycling Advisory Council, referred
34 to as the "council" in this section, to provide the authority
35 with information and advice concerning the recycling needs and
36 opportunities of the State.

37 1. Membership; terms. The Governor shall appoint 13
38 members, with 2 members each representing municipal governments,
39 statewide and local environmental organizations, the recycling
40 industry and the waste disposal industry, one member representing
41 industrial waste generators and 3 members from the general
42 public. The Commissioner of Environmental Protection shall serve
43 as an ex officio member. All members, except the commissioner,
44 shall be appointed for a term of 3 years. For the initial
45 appointments, 4 members shall be appointed for a term of one
46 year; 4 members shall be appointed for a term of 2 years; and 4
47 members shall be appointed for a term of 3 years. A vacancy
48 shall be filled for the unexpired portion of the term. The
49 council shall annually elect a chair from its membership.
50

2. Compensation. Members shall be compensated according to Title 5, section 12004-I, subsection 22.

3. Quorum; actions. A quorum shall be a majority of the members of the council. An affirmative vote of the majority of the members present at a meeting shall be required for any action. No action may be considered unless a quorum is present.

4. Meetings. The council shall meet at least 4 times per year.

5. Annual report. The council shall report annually to the Governor and to the Legislature on the status of the State's recycling planning effort.

6. Staff support. The authority shall provide the council with all necessary staff support.

SUBCHAPTER IV

REGIONAL SOLID WASTE PLANNING

\$2140. Regional solid waste management districts

There are established 7 regional solid waste management districts, referred to as "districts" in this subchapter, which shall exercise all of the authorities granted under this subchapter.

1. Districts established. The districts shall be comprised of the following areas:

A. Aroostook County - District 1;

B. Washington County - District 2;

C. Piscataquis, Penobscot, Hancock and Waldo Counties -
District 3;

D. Somerset, Franklin and Oxford Counties - District 4:

E. Androscoggin, Kennebec, Sagadahoc, Lincoln and Knox
Counties - District 5;

F. Cumberland County - District 6; and

G. York County - District 7.

2. Corporate entity; public purpose. Each regional solid waste management district is an instrumentality of the State and a body corporate and politic. The exercise by a district of the

1 powers conferred on it under this chapter and the implementation
2 of its purpose and duties are essential governmental functions.

3 **§2141. District boards; membership; terms**

4 Each district shall be governed by a board of directors,
5 called "the board" within this subchapter, consisting of 7
6 members appointed by the Governor, subject to review by the joint
7 standing committee of the Legislature having jurisdiction over
8 natural resources and to confirmation by the Legislature.

9 1. Terms. Two of the members shall initially be appointed
10 to terms of 2 years; 2 members to a term of 3 years; and 3
11 members to a term of 4 years. The successor of each appointed
12 member shall be appointed for a term of 4 years except that any
13 person appointed to fill a vacancy occurring prior to the
14 expiration of the term for which the predecessor was appointed
15 shall be appointed only for the remainder of that term. Each
16 board member shall serve until the appointment and qualification
17 of a successor.

18 2. Qualifications. The full membership of a board shall
19 include residents of each county within the district and shall
20 also include residents from towns in the following population
21 categories:

22 A. Towns with populations of 10,000 persons or more as
23 determined in the most recent decennial census conducted by
24 the United States Census Bureau;

25 B. Towns with populations of 5,000 persons or more and less
26 than 10,000 persons as determined in the most recent
27 decennial census conducted by the United States Census
28 Bureau; and

29 C. Towns with populations of less than 5,000 persons as
30 determined in the most recent decennial census conducted by
31 the United States Census Bureau.

32 No appointed board member may be an officer or employee of the
33 United States Government or this State. All members of the board
34 shall be residents of the district.

35 3. Removal. Appointed members may be removed from a board
36 by the Governor for cause.

37 4. Selection of officers. Annually every board shall elect
38 one of its appointed members as the chair of the board, another
39 as vice-chair of the board and a 3rd as treasurer of the
40 district. Five members of the board shall constitute a quorum
41 and the affirmative vote by 5 members shall be necessary for any
42 action taken by vote of the board.

1 5. Compensation. The appointed board members shall be
3 compensated as provided in Title 5, section 12004-D, subsection 5.

5 6. Meeting schedule. Every board shall meet at least 4
7 times annually and at any time upon the call of its chair or upon
9 the request in writing to the chair of 4 board members.

9 §2142. Powers and duties

11 1. General. In order to accomplish the purposes of this
13 chapter and in addition to any other powers conveyed by this
15 chapter, a district may exercise the following powers:

15 A. Sue and be sued;

17 B. Have a seal and alter the seal at its pleasure;

19 C. Adopt from time to time and amend bylaws covering its
21 procedure, publish those bylaws as necessary or advisable
23 and cause records of its proceedings to be kept;

23 D. Promulgate in accordance with the Maine Administrative
25 Procedure Act, Title 5, chapter 375, all rules necessary to
27 carry out its responsibilities under this chapter, including
29 procedural rules;

29 E. Acquire, hold and dispose of personal property;

31 F. Acquire in the name of the district by purchase, lease
33 or otherwise, real property and interests in real property
35 determined necessary or desirable for its purposes and use
37 the property;

35 G. Establish and collect fees, assessments and other
37 charges and expend money received as provided in this
39 chapter;

39 H. Make, modify and carry out contracts or agreements with
41 the United States or any instrumentality or agency of the
43 United States, this State or any of its agencies or
45 instrumentalities, municipalities or bodies existing
47 therein, public corporations, private corporations,
49 partnerships, associations and individuals which are
51 necessary or useful in carrying out its powers, duties or
purposes;

49 I. Employ such assistants, agents, engineering,
51 architectural and construction experts and inspectors and
attorneys and such other employees as it deems necessary or
desirable to carry out its purposes;

1 J. Obtain any information and conduct investigations useful
2 or convenient for carrying out any of its purposes, powers
3 or duties;

5 K. Enter during normal working hours upon any lands, waters
6 and premises in the State for the purpose of making surveys,
7 soundings, drillings, examinations and inspections as it
8 deems necessary for the purpose of this chapter. The entry
9 shall not be deemed a trespass;

11 L. Procure insurance or other assurances in aid of any of
12 its purposes;

13 M. Exercise any of its powers in the public domain of the
14 United States, unless the exercise of those powers is not
15 permitted by the laws of the United States; and

17 N. Take all other lawful actions necessary and incidental
18 to these powers in carrying out the requirements of this
19 chapter.

21 2. Duties. Each district shall:

23 A. Develop and adopt a regional solid waste management plan
24 consistent with the state waste management and recycling
25 plan and other provisions of this chapter;

27 B. Promote and emphasize recycling and waste reduction in
28 its district;

31 C. Coordinate solid waste planning, recycling and waste
32 reduction programs within its jurisdiction and provide
33 technical assistance to municipalities and private
34 businesses to assist their implementation of this chapter;

35 D. Ensure the development and operation of sufficient
36 recycling and disposal capacity to properly manage the solid
37 waste generated within its jurisdiction and for which the
38 district is responsible;

41 E. Institute, in a court of competent jurisdiction,
42 proceedings against any person to compel compliance with the
43 provisions of this chapter and the terms and conditions of
44 its approved regional plan;

45 F. Cooperate with appropriate federal, state, interstate and
46 local units of government and with appropriate private
47 organizations in carrying out its duties under this chapter;
48 and

1 G. Appoint such advisory committees as the district finds
3 necessary to assist it in carrying out the provisions of
 this chapter.

5 §2143. Exemption from taxes; payment in lieu of taxes

7 1. Exemption from taxes. The district shall not be
9 required to pay any taxes on any property required or used by it
 for the purposes provided in this chapter, nor may the district
11 be required to pay any tax upon its income, except as may be
 required by the laws of the United States.

13 2. Payment in lieu of taxes. The district shall annually
15 pay a municipality an amount in lieu of taxes equal to the amount
 of property taxes not paid to that municipality during the
17 previous calendar year due to the statutory property tax
 exemption provided in this section. In the case of an
19 unorganized territory, the district shall annually pay the amount
 to the State Tax Assessor who shall deposit that amount in the
21 Unorganized Territory Education and Services Fund established in
 Title 36, chapter 115. If the district disagrees with the amount
23 determined to be due in lieu of taxes under this subsection, it
 may appeal to the State Board of Property Tax Review as provided
25 in Title 36, section 271.

27 §2144. Fiscal year

29 The fiscal year of the district shall coincide with that of
 the State.

31 §2145. Executive director

33 1. Salary. Every district shall hire an executive director
35 who shall serve at the pleasure of the district board. The
 salary of the executive director shall be established by the
37 district at the time of appointment.

39 2. Powers and duties. The executive director shall oversee
 day-to-day operations of the district, hire appropriate staff
41 members with approval of the district board and carry out other
 responsibilities delegated by the district board subject to
43 conditions and instructions which the district board deems
 appropriate.

45 §2146. Staff employees; conflict of interest; personal liability

47 1. District. The district may hire, on a temporary or
49 permanent basis, such staff as necessary, including legal counsel
 and financial experts. The district shall hire a recycling
51 coordinator to assist municipalities in the implementation of
 district, municipal and private recycling programs.

1 2. Exempt from Civil Service Law. Employees of the
2 district shall not be subject to Title 5, chapters 71 and 372.

3
4 3. Conflict of interest. Notwithstanding Title 5, section
5 18, subsection 1, each member of the district board and each
6 employee, contractor, agent or other representative of the
7 district is deemed an "executive employee" solely for purposes of
8 Title 5, section 18. In addition, Title 17, section 3104, shall
9 be applicable, in accordance with its provisions, to all such
10 representatives of the district.

11
12 4. Personal liability. Personal liability of board members
13 and employees shall be as provided in the Maine Tort Claims Act,
14 Title 14, chapter 741, except that the district shall indemnify a
15 board member or an employee against any liability arising out of
16 an act or omission occurring within the course or scope of
17 employment.

18 §2147. Property

19
20 All property of the district and all property held in the
21 name of the State pursuant to this chapter shall be exempt from
22 levy and sale by virtue of any execution, and no execution or
23 other judicial process may be a lien upon its property held
24 pursuant to this chapter; provided that the district shall not
25 lease, sell or otherwise convey any of its real or personal
26 property or easements in property, franchises, buildings or
27 structures, except that the district may permit the erection or
28 installation of electric power, telegraph, telephone, water,
29 sewer or pipeline facilities.

30 §2148. Contractors; contracts

31
32 1. Use authorized. A district may determine to carry out
33 any authorized activity through use of contractors, subject to
34 the requirements of law.

35
36 2. Approval. Contracts and agreements for more than
37 \$10,000 shall be awarded only after competitive bid and approval
38 by the district board.

39
40 3. Rules. The district shall comply with rules for the
41 awarding of contracts adopted by the authority.

42 §2149. Responsibility to accept solid waste

43
44 1. Time of responsibility. The district becomes
45 responsible for providing a system for solid waste management
46 when its board of directors declares the disposal system
47 operational or July 1, 1992, whichever is earlier.

1 2. Types of waste. The district shall provide a system for
2 management of all solid waste generated by residential and
3 commercial activities within the member municipalities. The
4 district may also provide for the management of compatible solid
5 waste from industrial activities within its jurisdiction.

7 3. Collection sites or systems. Each municipality within a
8 district shall be responsible for source separation of its solid
9 waste, providing a collection site or system for the solid waste
10 generated within the municipality and for the transportation of
11 the solid waste to the waste facility designated by the district,
12 together with all incident costs. Any municipality within the
13 district may contract with the district to provide collection and
14 transportation services.

15 4. Refusal of material. The district may refuse to accept
16 any material which does not meet the definition of solid waste
17 from residential, commercial or industrial activities.

18 5. Disposal. Disposal shall be in accordance with the
19 environmental laws administered by the department.

20 6. Use of district owned or controlled facilities. The
21 district may not accept for handling, treatment or disposal at
22 any facility which it owns, operates or otherwise controls, any
23 solid waste generated outside of its jurisdiction, unless the
24 acceptance of such waste is consistent with the regional plan for
25 the district. This prohibition shall also apply to any residual
26 waste or other material resulting from the incineration of solid
27 waste or refuse-derived fuel generated or produced outside of the
28 district's jurisdiction.

29 §2150. Flow control

30 A district may adopt rules that control solid waste
31 collection, its transportation or its delivery to a specific
32 waste facility, when the purpose and effect of such an ordinance
33 is to gain management control over solid waste. This
34 authorization includes, but is not limited to, rules:

35 A. Requiring the separation and segregation of wastes; and

36 B. Requiring delivery of wastes generated within a
37 municipality, or any portion of those wastes, to a
38 designated solid waste facility.

39 §2151. Setting fees and other charges

40 The district board may from time to time establish and
41 adjust a structure for fees, including penalty charges, for
42 collection services and transportation and for disposal of solid
43 waste.

1 waste in and upon facilities operated by, on behalf of or under
2 contract with, the district, subject to section 2166.

3 §2152. Annual audit

5 Each year an audit shall be made of the accounts of the
6 district, and for this purpose authorized agents of a certified
7 public accounting firm appointed by the district board shall have
8 access to all necessary papers, books and records. Upon the
9 completion of each audit, a report shall be made to the chair of
10 the district board and a copy shall be sent to the municipal
11 officers of each municipality within the district and to the
12 authority.

13 §2153. Surplus revenues

14 If, at the end of any fiscal year, the district has realized
15 a surplus from operations for the fiscal year, after payment of
16 or provision for all current expenses, current maintenance,
17 repairs and replacements, current debt service on all outstanding
18 bonds and notes of the district, all reserves for debt service,
19 repairs and replacements, costs or current expenses as may be
20 required by a trust agreement or resolution securing bonds or
21 notes or as may otherwise be maintained by the district, and any
22 other amounts which the district may be obligated by law or
23 contract to pay or provide for, the district shall either:

24 1. Reduction in charges. Apply the surplus in the
25 following fiscal year to a reduction in the rates, fees, rents or
26 other charges established by the district for services provided;
27 or

28 2. Reduction of capital debt. Apply the surplus to the
29 reduction or provision for reduction of its outstanding capital
30 debt.

31 §2154. Schedule for submission of regional waste management
32 plans

33 1. Submission of plan. On or before March 1, 1991, each
34 district shall submit to the authority a regional plan for solid
35 waste generated within its boundaries. That plan shall be
36 adopted according to the provisions of this subchapter and shall
37 be consistent with the requirements of this chapter.

38 2. Plan revisions. Each district with an approved regional
39 plan shall submit a revised plan to the authority:

40 A. At least 3 years prior to the time all remaining
41 available permitted capacity for the district will be
42 exhausted; and

1 B. When otherwise required by the authority.

3 3. Procedure for considering plan revisions. At least 30
5 days before submitting any proposed plan revision to the
7 authority, the district shall submit a copy of the proposed
9 revision to the advisory committee established pursuant to
11 section 2156 and to each municipality within the district. All
13 substantial plan revisions shall be subject to the public
15 participation requirements of section 2156. The plan revisions
17 required by subsection 2 shall be considered substantial plan
19 revisions.

21 §2155. Content of regional solid waste management plans

23 Any regional plan shall comply with the provisions of this
25 section. The regional plan shall provide for the orderly
27 extension of solid waste management systems in a manner that is
29 consistent with the needs of the district and is also consistent
31 with any existing state, regional or local plans affecting the
33 development, use and protection of air, water, land or other
35 natural resources.

37 1. Assessment of existing conditions. The plan shall
39 include a thorough assessment of existing conditions.

41 A. The plan shall describe and explain the origin, content
43 and weight or volume of solid waste currently generated
45 within the district's boundaries, and the origin, content
47 and weight or volume of solid waste that will be generated
49 within the district's boundaries during the next 10 years.

51 B. The plan shall identify and describe the facilities
53 where solid waste is currently being disposed or processed,
55 the remaining available permitted capacity of those
57 facilities and the capacity which could be made available
59 through the reasonable expansion of those facilities. The
61 plan shall also explain the extent to which existing
63 facilities will be used during the life of the plan, and any
65 capacity which could be made available through the
67 reasonable expansion of those facilities.

69 For the purposes of this section, existing facilities shall
71 include any solid waste facility, whether privately or
73 publicly owned, which, on or before the district's
75 initiation of planning, has a license from the department
77 pursuant to section 1310-N.

79 C. The plan shall contain a description and analysis of
81 existing and currently planned municipal and business waste
83 reduction and recycling programs and their impact on waste
85 generated within the district.

1 4. Recycling potential. In preparing the recycling
2 component of its plan, each district shall take into account the
3 provisions of subchapter V requiring municipalities to implement
4 recycling programs and requiring recycling by businesses. The
5 plan shall describe and evaluate:

7 A. The kind and weight or volume of materials that could be
8 recycled, giving consideration, at a minimum, to the
9 following materials: clear glass, colored glass, aluminum,
10 steel and bimetallic cans, high grade office paper,
11 newsprint, corrugated paper, plastics and leaf waste;

13 B. Potential benefits of recycling, including the potential
14 solid waste reduction and the avoided cost of solid waste
15 processing or disposal;

17 C. The compatibility of recycling with other solid waste
18 processing or disposal methods, giving consideration to and
19 describing anticipated and available markets for materials
20 collected through municipal and business recycling programs;

21 D. Proposed or existing collection methods for recyclable
22 materials;

25 E. Options for the processing, storage and sale of
26 recyclable materials, including market commitments. The
27 plan shall consider the results of the market development
28 study required by section 2130, if the results are available;

29 F. Opportunities for municipal cooperation or agreement for
30 the collection, processing and sale of recyclable materials;

33 G. Opportunities for composting of yard waste and other
34 appropriate materials;

35 H. Estimated costs of operating and maintaining a recycling
36 program, estimated revenue from the sale or use of materials
37 and avoided costs of processing or disposal. This estimate
38 shall be based on a comparison of public and private
39 operation of some or all parts of the recycling program;

41 I. The role of persons engaged in the business of recycling
42 on the effective date of this chapter, whether or not the
43 persons are operating for profit; and

45 J. A public information and education program that will
46 provide comprehensive and sustained public notice of
47 recycling program features and requirements.

49 5. Capacity needs. Taking into account existing capacity
50 and the potential for recycling and waste reduction, the plan
51 shall estimate the recycling, handling, processing and disposal

1 capacity needed for the solid waste that will be generated in the
3 district during the next 10 years. The estimate shall describe
5 the primary variables affecting this estimate and the extent to
7 which they can reasonably be expected to affect the estimate,
including, but not limited to, the amount that recycling will
reduce the waste stream, and the amount of residual waste created
at solid waste disposal or processing facilities in the district.

9 6. Facility needs. The plan shall identify the number,
11 size and type of solid waste facilities required to meet the
district's capacity needs. For every proposed facility, the plan
shall:

13 A. Explain in detail how the facility is consistent with
15 the waste management hierarchy and recycling goals in
17 section 2100;

19 B. Describe alternative facilities or programs, including,
21 but not limited to, waste reduction or recycling facilities
23 or programs that were considered and provide reasonable
25 assurances that the district utilized a fair, open and
competitive process for selecting such facilities or
programs from among alternatives which were suggested to the
district;

27 C. Evaluate the environmental, energy, life cycle costs,
29 costs of transportation to each facility considered and
economic advantages and disadvantages of the proposed
facility or program as well as the alternatives considered;

31 D. Provide for the maximum use of existing solid waste
33 transfer stations as sites for recycling collection and
processing centers;

35 E. Show that adequate provision for existing and reasonably
37 anticipated future recycling has been made in designing the
size of any proposed facility; and

39 F. Set forth a time schedule and program for planning,
41 design, siting, construction and operation of each proposed
facility or program.

43 7. Financing. The plan shall describe the expected cost
45 and proposed methods of financing the proposed facilities,
recycling programs or waste reduction programs.

47 8. Alternative sites. If the district determines under
49 this section that additional processing or disposal capacity is
needed by the district within 10 years, the district shall give
public notice of that determination. The district shall provide
51 a copy of that notice to the authority and the department. The
district shall include in the plan a list of alternative sites

1 for the needed facilities identified under this section. The
2 district shall notify the municipal officers of each municipality
3 within which the alternative sites are located.

5 9. Implementing entities. The plan shall identify the
6 governmental and nongovernmental entities that will be
7 responsible for implementing the components of the plan on behalf
8 of the district and describe the legal basis for that entity's
9 authority to do so.

11 10. Public function. The district shall provide for public
12 ownership of new municipal solid waste disposal facilities. When
13 the district determines that it is in the public interest for
14 recycling facilities to be a public function, the plan shall
15 provide for the appropriate mechanisms for the purchase of land,
16 buildings and equipment for recycling processing.

17 11. Interdistrict agreements. When the plan provides for
18 the processing or disposal of waste generated within its borders
19 by facilities located within other districts, the plan shall
20 include an interdistrict agreement implementing this provision.
21 The plan shall also include interdistrict agreements providing
22 for the disposal or processing of waste generated outside of the
23 district at facilities located within the district, and shall
24 explain how such agreements are consistent with the state waste
25 management and recycling plan.

27 12. Copies of ordinances and resolutions. The plan shall
28 include any proposed ordinances, negotiated contracts or
29 requirements, including flow control provisions, that will be
30 used to ensure the efficient operation of any facilities proposed
31 in the plan. For each ordinance, contract or requirement, the
32 plan shall identify the municipalities of the district to be
33 affected, the expected effective date and the implementing
34 mechanism.

37 13. Public participation. The plan shall include provisions
38 for public participation in the implementation of the plan,
39 including, but not limited to, an advisory committee to provide
40 oversight and to advise on the implementation of the plan and
41 facility siting.

43 §2156. Development of regional waste management plans

45 1. Advisory committee. Prior to preparing a plan or
46 substantial plan revisions for submission to the authority in
47 accordance with the provisions of this chapter, the district
48 shall form an advisory committee, which shall include
49 representatives of all classes of municipalities within the
50 district, citizen organizations, labor organizations,
51 environmental groups, industry, the private solid waste industry
operating within the district, the private recycling or scrap

1 material processing industry operating within the district, the
3 regional recycling coordinator and any other persons deemed
5 appropriate by the district. The advisory committee shall review
7 the plan during its preparation, make suggestions and propose any
9 changes it believes appropriate.

11 2. Public notice. The district shall provide written
13 notice to the municipal officers of all municipalities within the
15 district when plan development begins, and shall publish notice
17 of the initiation of plan development in newspapers of general
19 circulation in the district. The district shall also provide
21 periodic written progress reports to each municipality concerning
23 the preparation of the plan.

25 3. Review and comment. Prior to adoption, the district
27 shall submit copies of the proposed plan for review and comment
29 to the department and the authority, all municipalities within
31 the district and all area-wide planning agencies. The district
33 shall also make the proposed plan available for public review and
35 comment, and shall publish notice of the availability of the
37 proposed plan for public review and comment in newspapers of
39 general circulation in the district. The period for review and
41 comment shall be 60 days. The district shall hold at least 2
43 public hearings, in different geographic parts of the district,
45 on the proposed plan during this period. The plan subsequently
47 submitted to the authority for approval shall be accompanied by a
49 document containing written responses to comments made during the
51 comment period.

4. Adoption of plan. The district shall adopt a plan
within 60 days from the end of the public comment period, and
shall submit the plan to the Office of Planning and Regional
Coordination of the authority.

§2157. Facility siting

Within 6 months of the district's submission of its plan to
the authority, the district shall adopt as an addendum to the
plan a list of recommended sites for the facilities proposed in
the regional plan.

1. Facilities outside of district. For any facility that
is proposed to be located outside the district, the district
shall explain in detail the reasons for selecting that facility.
The district shall also provide any necessary interdistrict
agreements.

2. Public hearings. The district shall hold a public
hearing in each municipality within which the district may
recommend the location of any waste disposal or refuse-derived
fuel processing facility.

1 §2158. Facility development

3 The district shall initiate the development of necessary
5 solid waste facilities as identified in the regional plan at
7 least 3 years in advance of the projected capacity need. The
9 district may undertake facility development itself or solicit
11 proposals for development by private vendors. The district shall
13 provide for solid waste disposal facilities by undertaking
15 facility development itself, or contracting with private vendors
17 for facility design, construction or operation.

11 §2159. Recycling planning and coordination

13 Each district shall have a recycling coordinator and shall
15 provide technical and financial assistance to municipalities and
17 coordinate regional recycling programs implementing the regional
19 plan. The district shall:

21 1. Grants. Administer a program of grants to
23 municipalities and groups of municipalities to design and
25 implement source separation and collection programs that, to the
27 maximum extent practicable and consistent with the regional plan,
29 rely on regional materials processing centers and coordination
31 among groups of municipalities.

33 A. The office shall develop application forms and procedures
35 for grants under this subsection, including municipal cost
37 sharing requirements.

39 B. Forty percent of all funds allocated or appropriated for
41 grants made under this subsection shall be used to reimburse
43 municipalities for capital expenditures in support of local
45 recycling programs when those expenditures are the result of:

47 (1) The initiation of recycling programs, consistent
49 with the provisions of this chapter, after July 1,
51 1989, and before the deadlines established under
53 section 2181; or

55 (2) Investments made in existing recycling programs,
57 consistent with the provisions of this chapter, after
59 July 1, 1989, and before the deadlines established
61 under section 2181.

63 The office may use any portion of the set-aside funds not
65 obligated under this paragraph for grants to any
67 municipality otherwise eligible under this subsection.

69 C. The office shall award grants under this subsection to
71 any municipality which has submitted a grant proposal
73 demonstrating that the municipality has met the requirements
75 of subchapter V;

1
2 2. Leaf composting. Assist municipalities to design and
3 implement leaf composting programs, and consistent with the
4 regional plan, develop regional composting programs for leaf and
5 other wastes. It is the responsibility of the district to ensure
6 that sufficient leaf composting programs and facilities are
7 available within the district by July 1, 1992, to manage leaf
8 waste generated within the district;

9
10 3. Information. Administer a public information and
11 education program concerning waste reduction and recycling
12 programs; and

13
14 4. Feasibility studies. Investigate the feasibility of
15 developing regional materials processing centers.

16 §2160. Citizen advisory committee

17
18 The municipal officers of each municipality identified in a
19 regional plan as a proposed site for a waste disposal facility or
20 a facility which produces refuse-derived fuel under this chapter
21 and each contiguous municipality which may be affected by the
22 construction or operation of that facility shall jointly
23 establish a citizen advisory committee within 60 days of
24 notification pursuant to section 2156.

25
26 1. Membership. The committee shall be comprised of
27 citizens from each affected municipality, including, but not
28 limited to: a municipal health officer; a municipal officer; and
29 at least 3 additional residents of the municipality, including
30 abutting property owners and residents potentially affected by
31 pollution from the proposed facility. In addition, each
32 committee may include members representing any of the following
33 interests: environmental and community groups; labor groups;
34 professionals with expertise relating to landfills or
35 incinerators; experts in the area of chemistry, epidemiology,
36 hydrogeology and biology; and legal experts.

37
38 2. Meetings. The committee shall meet as soon as practical
39 following appointment of its members and shall select a chair
40 from among its members. The committee shall establish procedures
41 for the conduct of meetings.

42
43 3. Responsibilities. Each committee established under this
44 section shall have the authority to:

45
46 A. Review proposed contracts, site analyses, applications
47 and other documents relating to the location, construction,
48 permitting and operation of the proposed facility;

49
50 B. Hold periodic public meetings to solicit the opinions of
51 residents concerning the proposed facility and any permit

1 applications, contracts or other provisions relating to the
2 facility and the regional plan;

3
4 C. Provide the district and department with any alternative
5 contract provisions, permit conditions, plans or procedures
6 it deems appropriate; and

7
8 D. Serve as a liaison between the community and the
9 district, authority, project developer or the department to
10 facilitate communications during the siting and operation of
11 the facility, and provide residents with updated information
12 about the project, including providing lay explanations of
13 any technical terms.

14
15 4. Unincorporated townships and plantations. For the
16 purposes of this subchapter, county commissioners shall act as
17 municipal officers for unincorporated townships and assessors of
18 plantations shall act as municipal officers for plantations.

19 §2161. Local hearings

20
21 If the regional plan proposes specific sites for the
22 location of any waste disposal or refuse-derived fuel processing
23 facility, a hearing shall be held in each municipality within
24 which a facility site is proposed.

25
26 §2162. Dispute resolution

27
28 A host municipality may establish a process, including, but
29 not limited to, negotiation, mediation and arbitration to resolve
30 disputes and to negotiate additional rights and benefits relating
31 to the siting and operation of a waste disposal or refuse-derived
32 fuel processing facility within the municipality. The citizen
33 advisory committee shall be consulted and shall assist in the
34 development and implementation of any process established under
35 this section. At the option of the municipality, the authority
36 may appoint a neutral mediator to resolve disputes. The
37 municipality shall be eligible for grants from the authority to
38 fund dispute resolution programs under this section.

39
40 §2163. Facility information and inspection

41
42 1. Right to information. The host municipality shall have a
43 right to the following information from the department and
44 facility operator. All information provided under this section
45 shall be made available to the citizen advisory committee and the
46 public by the host municipality.

47
48 A. The department shall provide all of the following
49 information to the municipal officers of host municipalities
50 of facilities licensed under chapter 13:
51

1 (1) Copies of any inspection report of the facility
3 within 3 working days of the preparation of the report;

5 (2) Prompt notification of all enforcement or emergency
7 orders for those facilities, including but not limited
9 to, abatement orders, cessation orders, proposed and
 final civil penalty assessments and consent orders and
 decrees and notices of violation;

11 (3) Copies of all air, soil and water quality
13 monitoring data, including leachate and ash testing
15 results, collected by the department at such
 facilities, within 3 working days after complete
 laboratory analysis becomes available to the
 department; and

17 (4) Copies of all departmental analyses of the data
19 under subparagraph (3).

21 B. The operator of the facility shall provide to the host
23 municipality copies of all air, soil and water quality
25 monitoring data, including leachate and ash testing results,
 conducted by or on behalf of the operator, within 3 days
 after that information becomes available to the operator.

27 2. Right to inspect facilities and issue orders. The
29 rights of a host municipality to inspect facilities and issue
 orders are governed by this subsection.

31 A. The department shall establish and conduct a training
33 program to certify host municipality inspectors. This
35 program shall be made available to persons who have been
37 designated by the municipality. The department shall hold
39 training programs at least twice a year. The authority
41 shall pay for the host inspection training program and for
 50% of the municipalities' cost of employing a host
 municipality inspector for a period not to exceed 5 years.
 The department may decertify host municipality inspectors
 pursuant to rules promulgated by the Board of Environmental
 Protection.

43 B. Certified inspectors are authorized to enter property,
45 inspect records required by the department, take samples and
47 conduct inspections in accordance with departmental
49 regulations applicable to employees of the department. A
51 certified inspector may order the operator of a facility to
 cease any operation or activity at the facility which
 constitutes an immediate threat to public health and safety,
 or which represents a violation of state environmental laws
 or regulations, local environmental ordinances or the terms
 or conditions of a permit issued under those laws,
 regulations or ordinances. The order shall expire within 2

1 hours unless the inspector notifies the department and the
2 municipal officers of the host municipality. The department
3 may, after conducting an inspection, supersede the local
4 inspector's order by issuing an order of its own which
5 vacates or modifies the terms of the local order. If the
6 department does not act to supersede the order, the order
7 shall expire after 24 hours unless otherwise extended by a
8 court of law.

9
10 3. Department inspections. Whenever any host municipality
11 presents information to the department which gives the department
12 reason to believe that any facility, licensed under chapter 13,
13 is in violation of any law or regulation protecting the
14 environment, or any order or the condition of any permit issued
15 pursuant thereto, the department shall promptly conduct an
16 inspection of the facility.

17
18 If the department finds that there is insufficient information to
19 believe that there is a violation, the department shall, within
20 10 working days of a municipality's request for an inspection,
21 provide to the municipality a written explanation of its decision
22 not to conduct an inspection.

23
24 The department shall notify the host municipality of any
25 inspection planned by the department. The department shall
26 permit representatives of the host municipality to accompany the
27 department on any inspection of the facility. Authorized
28 representatives of the municipality may include, without
29 limitation, a certified municipal inspector, a representative of
30 a citizen advisory committee, a representative of a local health
31 department and paid or unpaid technical advisors to the
32 municipality.

33 §2164. Property value offset

34
35 Owners of property which is contiguous to a district-owned
36 or operated or authority-owned or operated facility licensed
37 under chapter 13 are eligible for reimbursement for loss in
38 property value directly attributable to the construction and
39 operation of the facility. The authority shall issue rules to
40 establish a formula and process for reimbursement, including,
41 without limitation, definition of the impact area, a process for
42 establishing baseline real estate values, a time frame within
43 which the property value support program will be in effect,
44 determination of the percentage of property value to be
45 reimbursed, an accounting of real estate trends in the area and a
46 determination of the reimbursement mechanism.

47 §2165. Bonds and Notes

48
49 1. Authorization of bonds. A district may provide by
50 resolution of its members for the borrowing of money and the

1 issuance from time to time of bonds and notes for any of its
2 corporate purposes, including, but not limited to:

3
4 A. Paying and refunding its indebtedness;

5
6 B. Paying any necessary expenses and liabilities incurred
7 under this chapter, including organizational and other
8 necessary expenses and liabilities;

9
10 C. Paying costs directly or indirectly associated with
11 acquiring properties; paying damages; constructing,
12 maintaining and operating waste facilities; making renewals,
13 additions, extensions and improvements to the property or
14 facilities; and covering interest payments during the period
15 of construction and for such period as the district may
16 determine;

17
18 D. Providing such reserves for debt service, repairs and
19 replacements or other capital or current expenses as may be
20 required by a trust agreement or resolution securing bonds
21 or notes; and

22
23 E. Any combination of these purposes.

24
25 Bonds may be issued under this chapter as general obligations of
26 the district or as special obligations payable solely from
27 particular funds. The principal, premium and interest on all
28 bonds shall be payable solely from the funds provided for that
29 purpose from revenues. All bonds issued under this chapter shall
30 be legal obligations of the district. Bonds may be issued under
31 this chapter without obtaining the consent of any commission,
32 board, bureau or agency of the State and without any other
33 proceedings or the happening of other conditions or things other
34 than those proceedings, conditions or things which are
35 specifically required by this chapter. Except as provided in
36 this subchapter, bonds issued by the district under this chapter
37 do not constitute a debt or liability of the State or a pledge of
38 the faith and credit of the State, and a statement to that effect
39 shall be recited on the face of the bonds.

40
41 2. Notes. The district may provide, by resolution of its
42 members, for the issuance from time to time of:

43
44 A. Notes in anticipation of bonds authorized under this
45 chapter;

46
47 B. Notes in anticipation of the revenues to be collected or
48 received in any year; or

49
50 C. Notes in anticipation of the receipt of federal or state
51 grants or other aid. The issuance of these notes shall be
52 governed by the applicable provisions of this chapter

1 relating to the issuance of bonds, provided that notes in
3 anticipation of revenue must mature no later than one year
5 from their respective dates and notes issued in anticipation
7 of federal or state grants or other aid and renewals thereof
9 must mature no later than the expected date, as determined
11 by the board of directors, of receipt of those grants or
13 aid. The district may adjust the maturity date of notes
15 issued in anticipation of federal or state grants or other
 aid to reflect changes in the expected date of receipt.
 Notes in anticipation of revenue issued to mature less than
 one year from their dates may be renewed from time to time
 by the issuance of other notes, provided that the period
 from the date of an original note to the maturity of any
 note issued to renew or pay the note or the interest thereon
 may not exceed one year.

17 The district may enter into agreements with the State or the
19 United States Government, or any agency of either, or any
21 municipality, corporation, commission or board authorized to
23 grant or loan money or to otherwise assist in the financing of
25 projects of the type which the district is authorized to carry
 out, and to accept grants and borrow money from any such
 government, agency, municipality, corporation, commission or
 board as may be necessary or desirable to accomplish the purposes
 of the district.

27 3. Maturity; interest; form; temporary bonds. The bonds
29 issued under this chapter shall be dated, shall mature at such
31 time or times not exceeding 40 years from their date or dates and
33 shall bear interest at such rate or rates as may be determined by
35 the district or determined pursuant to a formula approved by the
37 district or by a 3rd-party rate-setting agent selected by the
39 district, and may be made redeemable before maturity, at the
41 option of the district, at such price or prices and under such
43 terms and conditions as may be fixed by the district prior to the
45 issuance of the bonds. The district shall determine the form of
47 the bonds, including any interest coupons to be attached, and the
49 manner of execution of the bonds, and shall fix the denomination
51 or denominations of the bonds and the place or places of payment
 of principal and interest, which may be at any financial
 institution having trust powers within or outside the State.
 Bonds shall be executed in the name of the district by the manual
 or facsimile signature of such officer or officers as may be
 authorized in the resolution to execute the bonds, but at least
 one signature on each bond shall be a manual signature. Coupons,
 if any, attached to the bonds shall be executed with the
 facsimile signature of the officer or officers of the district
 designated in the resolution. In case any officer, whose
 signature or facsimile signature appears on any bonds or coupons,
 ceases to hold that office before the delivery of the bonds, the
 signature or its facsimile shall nevertheless be valid and
 sufficient for all purposes, as if that officer had remained in

1 office until the delivery. Notwithstanding any of the other
2 provisions of this chapter or any recitals in any bonds issued
3 under this chapter, all bonds shall be deemed to be negotiable
4 instruments under the laws of this State. The bonds may be
5 issued in coupon or registered form, or both, as the district
6 may determine, and provision may be made for the registration of
7 any coupon bonds as to principal alone and as to both principal
8 and interest, and for the reconversion into coupon bonds of any
9 bonds registered as to both principal and interest. The district
10 may sell the bonds in the manner, either at public or private
11 sale, and for such price as they may determine to be for the best
12 interests of the district. The proceeds of the bonds of each
13 issue shall be used solely for the purpose for which those bonds
14 have been authorized and shall be disbursed in such manner and
15 under such restrictions as the district may provide in the
16 resolution authorizing the issuance of the bonds or in the trust
17 agreement securing the bonds. The resolution providing for the
18 issuance of bonds, and any trust agreement securing the bonds,
19 may contain such limitations upon the issuance of additional
20 bonds as the district may deem proper, and these additional bonds
21 shall be issued under such restrictions and limitations as may be
22 prescribed by that resolution or trust agreement. Prior to the
23 preparation of definitive bonds, the district may, under like
24 restrictions, issue interim receipts or temporary bonds, with or
25 without coupons, exchangeable for definitive bonds when those
26 bonds are executed and are available for delivery. The district
27 may provide for the replacement of any bond which is mutilated,
28 destroyed or lost.

29
30 4. Pledges and covenants; trust agreement. In the
31 discretion of the district, each or any issue of bonds may be
32 secured by a trust agreement by and between the district and a
33 corporate trustee, which may be any financial institution having
34 trust powers within or outside the State.

35
36 The resolution of the district authorizing the issuance of the
37 bonds or the trust agreement may pledge or assign, in whole or in
38 part, the revenues and other money held or to be received by the
39 district and any accounts and contract or other rights to receive
40 the revenues or money, whether then existing or thereafter coming
41 into existence and whether then held or thereafter acquired by
42 the district and the proceeds thereof, and may convey or mortgage
43 the waste facilities or any other properties of the district. The
44 resolution may also contain provisions for protecting and
45 enforcing the rights and remedies of the bondholders, including,
46 but not limited to, covenants setting forth the duties of the
47 district in relation to the acquisition, construction,
48 reconstruction, improvement, repair, maintenance, operation and
49 insurance of its waste facilities or any of its other properties;
50 the fixing and revising of rates, tolls, assessments, rents,
51 tipping fees and transportation charges and other charges; the
application of the proceeds of bonds; the custody, safeguarding

1 and application of revenues; the defining of defaults and
3 providing for remedies in the event thereof, which may include
5 the acceleration of maturities, the establishment of reserves and
7 the making and amending of contracts. The resolution or trust
9 agreement may set forth the rights and remedies of the
11 bondholders and of the trustee, if any, and may restrict the
13 individual right of action by bondholders as is customary in
15 trust agreements or trust indentures securing bonds or debentures
17 of corporations. In addition, the resolution or trust agreement
19 may contain such other provisions as the district may deem
21 reasonable and proper for the security of the bondholders,
23 including means by which the resolution or trust agreement may be
25 amended. All expenses incurred in carrying out the resolution or
trust agreement may be treated as a part of the cost of
operation. The pledge by any such resolution or trust agreement
shall be valid and binding and shall be deemed continuously
perfected for the purposes of the Uniform Commercial Code from
the time when the pledge is made. All revenues, money, rights
and proceeds so pledged and thereafter received by the district
shall immediately be subject to the lien of the pledge without
any physical delivery or segregation thereof or further action
under the Uniform Commercial Code or otherwise, and the lien of
the pledge shall be valid and binding as against all parties
having claims of any kind in tort, contract or otherwise against
the district irrespective of whether those parties have notice
thereof.

27 The resolution authorizing the issuance of bonds under this
29 chapter, or any trust agreement securing those bonds, may provide
31 that all or a sufficient amount of revenues and assessments,
33 after providing for the payment of the cost of repair,
35 maintenance and operation and reserves therefor as may be
37 provided in the resolution or trust agreement, shall be set aside
39 at such regular intervals as may be provided in the resolution or
41 trust agreement and deposited in the credit of a fund for the
43 payment of the interest on and the principal of bonds issued
45 under this chapter as the bonds shall become due, and the
redemption price or purchase price of bonds retired by call or
purchase. The use and disposition of money in or to the credit
of the fund shall be subject to such regulations as may be
provided in the resolution authorizing the issuance of the bonds
or in the trust agreement securing the bonds and, except as may
otherwise be provided in the resolution or trust agreement, the
fund shall be a fund for the benefit of all bonds without
distinction or priority of one over another.

47 5. Trust funds. Notwithstanding any other provision of
49 law, all money set aside for payment of the bonds, or other
51 purposes pursuant to the provisions of any trust agreement
securing the bonds, shall be deemed to be trust funds, to be held
and applied as provided by the trust agreement; provided that
investment or deposit of those funds shall be subject to the

1 provisions applicable to municipal funds under Title 30-A,
3 chapter 223, subchapter III-A. The resolution authorizing the
5 issuance of bonds or the trust agreement securing the bonds shall
7 provide that any officer to whom, or bank, trust company or other
9 financial institution or fiscal agent to which, money shall be
paid shall act as trustee of money and shall hold and apply the
same for the purposes hereof, subject to such regulations as may
be provided in the resolution or trust agreement or as may be
required under this chapter.

11 6. Remedies. Any holder of bonds issued under this chapter
13 or of any of the coupons appertaining to those bonds, and the
15 trustee under any trust agreement, except to the extent the
17 rights given may be restricted by the resolution authorizing the
19 issuance of those bonds or trust agreement, may, either at law or
21 in equity, by suit, action, mandamus or other proceeding,
23 including proceedings for the appointment of a receiver to take
25 possession and control of the properties of the district, protect
27 and enforce any and all rights under the laws of the State or
granted under this chapter or under the resolution or trust
agreement, and may enforce and compel the performance of all
duties required by this chapter or by the resolution or trust
agreement to be performed by the district or by any officer of
the district, including the fixing, charging and collecting of
rates, fees and charges for the use of or for the services and
facilities furnished by the district.

29 7. Refunding bonds. The district, by resolution, may issue
31 refunding bonds for the purpose of paying any of its bonds at
33 maturity or upon acceleration or redemption. The refunding bonds
35 may be issued at such time prior to the maturity or redemption of
37 the refunded bonds as the district deems to be in the public
39 interest. The refunding bonds may be issued in sufficient
41 amounts to pay or provide the principal of the bonds being
43 refunded, together with any redemption premium thereon, any
45 interest accrued or to accrue to the date of payment of those
47 bonds, the expenses of issuance of the refunding bonds, the
expenses of redeeming the bonds being refunded and such reserves
for debt service or other capital or current expenses from the
proceeds of the refunding bonds as may be required by a trust
agreement or resolution securing bonds. The issuance of
refunding bonds, the maturities and other details thereof, the
security therefor, the rights of the holders thereof, and the
rights, duties and obligations of the district in respect of the
same shall be governed by the applicable provisions of this
chapter relating to the issuance of bonds other than refunding
bonds.

49 8. Tax exemption. All bonds, notes or other evidences of
51 indebtedness issued under this chapter, and their transfer and
the income therefrom, including any profit made on the sale

1 thereof, shall at all times be free from taxation within the
2 State.

3
4 9. Bonds declared legal investments. Bonds and notes
5 issued by the district under this chapter are made securities in
6 which all public officers and public bodies of the State and its
7 political subdivisions, all insurance companies and associations
8 and other persons carrying on an insurance business, trust
9 companies, banks, bankers, banking associations, savings banks
10 and savings associations, including savings and loan
11 associations, credit unions, building and loan associations,
12 investment companies, executors, administrators, trustees and
13 other fiduciaries, pension, profit-sharing, retirement funds and
14 other persons carrying on a banking business, and all other
15 persons who are now, or may hereafter be, authorized to invest in
16 bonds or other obligations of the State, may properly and legally
17 invest funds, including capital in their control or belonging to
18 them. The bonds and notes are made securities which may properly
19 and legally be deposited with and received by any state,
20 municipal or public officer, or any agency or political
21 subdivision of the State, for any purpose for which the deposit
22 of bonds or other obligations of the State is now or may
23 hereafter be authorized by law.

24 10. Negotiated or competitive bidding process. Any notes,
25 bonds or other instruments of indebtedness may be the subject of
26 a negotiated or competitive bidding process, or any other process
27 which may be advantageous to the district, and determination of
28 the process to be used shall be made by and at the discretion of
29 the board of the district.

30
31 §2166. Charges

32
33 All persons utilizing district-owned or operated solid waste
34 management facilities shall pay to the treasurer of the district
35 the rates, tolls, assessments, rents, tipping fees,
36 transportation charges and other charges established by the
37 district for services provided by the district. In this
38 subchapter, the words "other charges" include, but are not
39 limited to, interest on delinquent accounts at a rate not to
40 exceed the highest lawful rate set by the Treasurer of State for
41 municipal taxes. The district may submit periodic bills directly
42 to municipalities or to individual users.

43
44 Rates, tolls, assessments, rents, tipping fees,
45 transportation charges and other charges shall be established to
46 provide revenue at least sufficient, together with any other
47 money available to:

48 1. Current operating expenses. Pay the current expenses of
49 operating and maintaining the waste facilities of the district;
50
51

1 2. Payment of interest and principal. Pay the principal,
2 premium and interest on all bonds and notes issued by the
3 district under this chapter when due and payable;

5 3. Payments into reserve funds. Create and maintain such
6 reserves as may be required by any trust agreement or resolution
7 securing bonds and notes;

9 4. Repairs, replacements and renewals. Provide funds for
10 paying the cost of all necessary repairs, replacements and
11 renewals of the waste facilities of the district;

13 5. Payment of obligations. Pay or provide for any and all
14 amounts which the district may be obligated to pay or provide for
15 by law or contract, including any resolution or contract with or
16 for the benefit of the holders of its bonds and notes; and

17 6. Closure and monitoring. Create and maintain such
18 reserves, to be held in escrow, as may be required for closure
19 activities and post-closure monitoring of solid waste disposal
20 facilities in accordance with section 1310-P and reserves
21 necessary for any corrective action.

23 §2167. Collection of unpaid charges

25 The treasurer of the district may collect the rates, tolls,
26 assessments, rents, tipping fees, transportation charges and
27 other charges established by the district and those charges shall
28 be committed to the treasurer. The treasurer may, after demand
29 for payment, sue in the name of the district in a civil action
30 for any rate, toll, rent, assessment, tipping fee, transportation
31 charge or other charges remaining unpaid in any court of
32 competent jurisdiction. In addition, the treasurer may order the
33 termination of service for nonpayment of any amount owed to the
34 district by a private user.

36 SUBCHAPTER V

38 LOCAL WASTE REDUCTION AND RECYCLING

40 §2180. Local recycling responsibility

42 All municipalities shall cooperate in the development and
43 implementation of district recycling plans, and municipal
44 recycling programs shall be consistent with the district's plan
45 and recycling goals. The district shall assist municipalities in
46 designing and implementing source separation and collection
47 programs that, to the maximum extent practicable, utilize
48 regional materials processing centers.

50 §2181. Municipal implementation of recycling programs

1 Each municipality shall establish and implement a source
3 separation and collection program for recyclable materials in
5 accordance with the following schedule, based on the most recent
 population data available, including, but not limited to, census
 data:

7 1. Large towns. By July 1, 1991, each municipality that
 has a population of 10,000 or more people;

9 2. Medium towns. By July 1, 1992, each municipality that
11 has a population of more than 5,000 people but less than 10,000
 people;

13 3. Small towns. By July 1, 1993, each municipality that
15 has a population of less than 5,000 people.

17 For the purposes of this section only, any municipalities
19 currently participating in a regional solid waste management
 program with one or more municipalities, which jointly use a
21 single transfer station, shall be considered a single
 municipality for the purposes of determining population size.

23 §2182. Leaf composting

25 By July 1, 1992, all municipalities, regardless of
27 population, shall establish a program for composting leaf waste,
 either within the municipality or in cooperation with other
 municipalities.

29 §2183. Submission for review; program contents

31 One year prior to the deadline established in section 2181,
33 each municipality shall submit a proposed program to the district
 detailing the source separation and collection program. The
35 program shall include all of the following elements:

37 1. Ordinances. An ordinance adopted by the governing body
 of the municipality, requiring all of the following:

39 A. Household separation of at least 3 materials deemed
41 appropriate by the municipality, chosen from the following:
43 glass, aluminum, steel and bimetallic cans, mixed paper,
45 newsprint, corrugated paper and plastics. An ordinance may
 permit an owner, landlord or agent of an owner or landlord
47 of multifamily rental housing properties with 4 or more
 units to comply with its responsibilities under this section
 by establishing a collection system for recyclable materials
49 at each property. The collection system must include
 suitable containers for collecting and sorting materials,
51 easily accessible locations for the containers, and written
 instructions to the occupants concerning the use and
 availability of the collection system;

1 B. Separation of leaf waste from waste generated by
3 households and other residential establishments until
5 collection unless those persons have otherwise provided for
 the composting of leaf waste; and

7 C. Separation and storage of high grade office paper,
9 corrugated paper, leaf waste and other materials deemed
11 appropriate by the municipality, which are generated at
 commercial, municipal or institutional establishments and
 from community activities.

13 Nothing in the ordinance or regulation may be deemed to impair
15 the ownership of separate materials by the person who generated
17 them unless and until those materials are placed at curbside or
 similar location for collection by the municipality or its agents;

19 2. Collection system. Unless a municipality has a system
21 whereby waste is individually dropped off at a transfer station
23 or landfill by each household, the municipality shall provide for
25 curbside collection of recyclable materials required to be
 separated by each household. The municipality shall provide for
 trucks and related equipment to collect recyclable materials from
 the curbside at least twice per month. Drop-off facilities shall
 provide for reasonable and convenient hours;

27 3. Composting of leaf waste. A program for composting leaf
29 waste, either within the municipality or in cooperation with
 other municipalities;

31 4. Ordinance enforcement. Provisions to ensure compliance
33 with the ordinance, including incentives and penalties;

35 5. Coordination. Provisions for the recycling of collected
37 materials, including processing and marketing of collected
 materials, and how the municipal program coordinates with
 district recycling plans; and

39 6. Collection containers. For curbside programs,
41 collection containers for household separation of recyclables.

43 §2184. Notice

45 Each municipality subject to this section shall establish a
47 comprehensive and sustained public information and education
49 program concerning recycling program features and requirements.
51 As a part of this program, each municipality shall, at least 30
 days prior to the initiation of the recycling program and at
 least once every 6 months thereafter, notify all persons
 occupying residential, commercial, institutional and municipal
 premises within its boundaries of the requirements of the
 ordinance.

1 **§2185. Implementation**

3 A municipality shall implement its responsibilities for
5 collection, transportation, processing and marketing materials
7 under this section in one or both of the following ways:

9 1. **Municipal operation.** Collect, transport, process or
 market materials as required by this section; or

11 2. **Contracted.** Enter into contracts with other persons,
13 including the authority or the district, for the collection,
15 transportation, processing or marketing of materials as required
17 by this subchapter. A person who enters into a contract under
 this subsection shall be responsible with the municipality for
 implementation of this section.

19 **§2186. Preference for established recycling contractors**

21 In implementing its recycling program, a municipality shall
23 accord consideration for the collection, marketing and
25 disposition of recyclable materials to persons engaged in the
 business of recycling on the effective date of this chapter,
 whether or not the persons were operating for profit.

27 **§2187. Facilities operation and recycling**

29 1. **Leaf waste.** After July 1, 1992, no solid waste disposal
31 facility may accept leaf waste for disposal or processing, other
 than composting.

33 2. **Drop-off centers.** After July 1, 1991, no person may
35 operate a waste disposal facility or transfer station for
37 municipal solid waste unless the operator has established a
39 drop-off center for the collection and sale of at least 3
41 recyclable materials. The 3 materials shall be chosen from the
43 following: glass, aluminum, steel and bimetallic cans, high
45 grade office paper, mixed paper, newsprint, corrugated paper and
47 plastics. The center must be located at the facility or in a
 place that is easily accessible to persons generating municipal
 solid waste that is processed or disposed of at the facility, and
 shall be open at least 8 hours per week, including 4 hours during
 evenings or weekends. Each operator shall, at least 30 days
 prior to the initiation of the drop-off center program and at
 least once every 6 months thereafter, provide effective public
 notice of the availability of the drop-off center.

49 3. **Removal of recyclable materials.** After July 1, 1991, no
51 person may operate a waste disposal facility for municipal solid
 waste unless the operator has developed a program for the
 removal, to the greatest extent practicable, of recyclable
 materials, including plastics, high grade office paper, aluminum,

1 ferrous metal, glass and newspaper from the waste to be
2 incinerated.

3
4 4. Removal of hazardous materials. After July 1, 1991, no
5 person may operate an incinerator unless the operator has
6 developed a program for the removal of hazardous materials, such
7 as plastics, corrosive materials, batteries, pressurized cans and
8 household hazardous materials from the waste to be incinerated.

9
10 **§2188. Private sector recycling programs**

11
12 1. Compliance with local ordinances. Any employer shall
13 comply with local source separation and recycling ordinances
14 established under this subchapter and section 1304-B and district
15 recycling plans.

16
17 2. High grade office paper and corrugated paper recycling.
18 Employers within the State shall establish and implement a source
19 separation and collection program for recyclable materials at
20 each site with 15 or more employees. Materials recycled shall
21 include at a minimum, high grade office paper and corrugated
22 paper. The program shall include procedures for collecting and
23 storing recyclable materials, and contractual and other
24 arrangements with buyers. Employers are encouraged to coordinate
25 with local and regional recycling programs for collection and
26 processing services. Employers shall implement this program
27 according to the following schedule:

28
29 A. Employers of 200 or more persons at a site shall
30 implement a recycling program at each site by July 1, 1991;

31
32 B. Employers of 50 or more persons at a site shall
33 implement a recycling program at each site by July 1, 1992;
34 and

35
36 C. Employers of 15 or more persons at a site shall
37 implement a recycling program at each site by July 1, 1993.

38
39 3. Technical assistance. The Office of Waste Reduction and
40 Recycling and the district recycling coordinators shall assist
41 employers in complying with this section by providing technical
42 and market assistance.

43
44 **Sec. 25. Office of Waste Reduction and Recycling; Recycling Advisory**
45 **Council.** The existing staff of the Office of Waste Recycling and
46 Reduction in the Department of Economic and Community Development
47 shall continue as staff to the Office of Waste Reduction and
48 Recycling in the Maine Waste Management Authority created by this
49 Act. The existing membership of the Recycling Advisory Council
50 appointed under the Maine Revised Statutes, Title 38, section
51 1310-L, as repealed in this Act, shall serve the remainder

1 of their terms as members of the Recycling Advisory Council
created by this Act.

3 PART E

5 Sec. 1. 35-A MRSA §102, sub-§13, as enacted by PL 1987, c.
7 141, Pt. A, §6, is amended to read:

9 13. Public utility. "Public utility" includes every gas
11 utility, solid waste disposal utility, natural gas pipeline
13 utility, electric utility, telephone utility, telegraph utility,
15 water utility, public heating utility and ferry, as those terms
17 are defined in this section and each of those utilities is
declared to be a public utility. "Public utility" does not
include the operation of a radio paging service, as that term is
defined in this section. Nothing in this subsection precludes
the jurisdiction, control and regulation by the commission
pursuant to private and special act of the Legislature.

19 Sec. 2. 35-A MRSA §102, sub-§16-A is enacted to read:

21 16-A. Solid waste. "Solid waste" means useless, unwanted
23 or discarded solid material with insufficient liquid content to
25 be free flowing, including, by way of example and not by
27 limitation, rubbish, garbage, scrap materials, junk, refuse,
29 inert fill material and landscape refuse, but does not include
septic tank sludge or agricultural wastes. "Solid waste"
includes fuel, whether solid, liquid or gas, derived from
materials such as those listed.

31 Sec. 3. 35-A MRSA §102, sub-§§16-B and 16-C are enacted to
read:

33 16-B. Solid waste disposal facility. "Solid waste disposal
35 facility" includes all real estate, fixtures and personal
37 property owned, controlled, operated or managed in connection
39 with or to facilitate the disposal of solid waste, as defined in
41 Title 38, chapter 13. A facility which incinerates municipal or
industrial solid waste in small amounts which constitute less
than 2% by weight of its fuel shall not be considered a disposal
facility for the purposes of this subchapter.

43 16-C. Solid waste disposal utility. "Solid waste disposal
45 utility" includes every person, the utility's lessees, trustees,
47 receiver or trustees appointed by any court owning, controlling,
operating or managing any solid waste disposal facility for
compensation within this State.

49 Sec. 4. 35-A MRSA §116, sub-§1, as amended by PL 1987, c. 631,
51 §4, is further amended to read:

1 1. Utilities subject to assessments. Every electric, gas,
3 solid waste disposal, telegraph, telephone and water utility and
5 ferry subject to regulation by the commission shall be subject to
7 an assessment of not more than .25% on its intrastate gross
9 operating revenues to produce no more than \$2,386,000 \$2,436,000
11 in revenues annually beginning in the 1988-89 1989-90 fiscal
13 year. The commission shall determine the assessments annually
15 prior to May 1st and shall assess each utility for its pro rata
17 share. Each utility shall pay the assessment charged to the
19 utility on or before July 1st of each year. Any increase in the
21 assessment that becomes effective subsequent to May 1st may be
23 billed on the effective date of the act authorizing the increase.

25 A. The assessments charged to utilities under this section
27 are just and reasonable operating costs for rate-making
29 purposes.

31 B. For the purposes of this section, "intrastate gross
33 operating revenues" means intrastate revenues derived from
35 filed rates, except revenues derived from sales for resale.

37 C. Gas utilities subject to the jurisdiction of the
39 commission solely with respect to safety shall not be
41 subject to any assessment.

43 D. The commission may correct any errors in the assessments
45 by means of a credit or debit to the following year's
47 assessment rather than reassessing all utilities in the
49 current year.

51 E. The commission may exempt utilities with annual
intrastate gross operating revenues under \$50,000 from
assessments under this section.

Sec. 5. 35-A MRSA c. 34 is enacted to read:

CHAPTER 34

REGULATION OF SOLID WASTE DISPOSAL

§3401. Regulation of rates

1. Solid waste disposal utilities. Notwithstanding any
other provision in this Title, solid waste disposal utilities are
subject to rate regulation by the commission in accordance with
chapter 3. The commission shall regulate the following:

A. The fees, rates, tolls and other charges which the
utility charges for handling, transportation or disposal of
solid waste from its customers; and

B. The fees, rates, tolls and other charges which the utility charges a regional solid waste management district established pursuant to Title 38, chapter 24, for the design, construction, operation or management of a solid waste disposal facility, or for the transportation, handling or disposal of solid waste.

2. Regional solid waste management districts.

Notwithstanding any other provision in this Title, regional solid waste management districts established pursuant to Title 38, chapter 24, are subject to rate regulation by the commission in accordance with chapter 3. This rate regulation shall only apply to the fees, rates, tolls and other charges which a regional solid waste management district charges for the handling, transportation or disposal of solid waste from other districts.

§3402. Rules

The commission shall adopt rules as necessary to ensure conformity with the requirements of this Title and shall order action as necessary to bring all solid waste disposal utilities and regional solid waste management districts into compliance by January 1, 1991.

Sec. 6. Existing contracts. Contracts for disposal of solid waste in existence on the effective date of this Act shall remain in effect, but any proposed change in the fees, rates, tolls or other charges by the solid waste disposal utility shall initiate a full review of the same by the commission under the Maine Revised Statutes, Title 35-A and shall not take effect without commission approval.

PART F

Sec. 7. 5 MRSA §938, sub-§1, ¶¶H to M, as enacted by PL 1987, c. 816, Pt. KK, §9, are repealed.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

The purpose of this bill is to provide a comprehensive and integrated framework for the management of the State's waste. To that end, the bill addresses the topics of waste reduction, recycling and disposal.

The bill is organized into 6 parts as follows:

1 Part A incorporates operational aspects of necessary
recycling initiatives.
3
5 Part B includes an expansion of the existing beverage
container deposit system.
7
9 Part C includes 2 tax provisions which generate revenues
needed to manage the State's waste and, in the case of the
waste stream products tax, provide an economic incentive to
manufacturers to use recyclable packaging.
11
13 Part D includes all provisions necessary to establish a
Maine Waste Management Authority and 7 regional solid waste
management districts, and statewide recycling at the local
and regional levels.
15
17 Part E makes provision for the equitable regulation of the
rates charged for various waste management services.
19
21 Part F repeals provisions of the Civil Service Law that
affect the Department of Environmental Protection.

23 Part A:

25 This part of the bill includes provisions to encourage state
and local procurement of products with recycled content. These
27 provisions expand upon existing statutory and executive
provisions to set aggressive procurement goals together with
29 legislative review to ensure close oversight, and are intended to
spur market development and private sector recycling through
31 government purchasing. These provisions are consistent with
regional efforts to coordinate state procurement.

33
35 This part also includes provisions to encourage the use of
composted materials by state agencies in order to stimulate the
37 market for these materials. Development of these markets is an
essential complement to future municipal leaf composting programs
which will be undertaken in the early 1990's.

39
41 To facilitate the development of recycling markets for
plastics, provisions are included requiring coding of plastic
containers by resin type. These provisions are modeled closely
43 on model legislation developed by the plastics industry. The
provisions of this bill differ from the industry model in 2
45 important ways. First, this bill prohibits the use of the
"chasing arrow" recycling symbol as part of the coding system
47 unless the Office of Waste Reduction and Recycling has determined
that there is actually a market for the particular plastic
49 container in question. This provision is consistent with the
Northeast Recycling Council's recommendation. The 2nd difference
51 concerns exemptions from the coding requirements. This bill

1 provides an exemption for small pharmaceutical product
containers. The industry seeks a broader exemption.

3

5 This part also includes a ban on the sale of 6-pack yokes,
"plastic" cans and multimaterial aseptic packaging also known as
7 "brick-paks." This part also bans the sale of packaging
materials which include lead or cadmium. This part also directs
9 retailers to use paper bags unless the consumer specifically
requests otherwise. These provisions are designed to reduce the
11 toxicity of the waste stream and to remove items from the waste
stream which interfere with recycling programs.

13 This part also establishes a comprehensive recycling program
for state agencies and the University of Maine System.

15

17 Finally, this part directs the Department of Transportation
to undertake a study and demonstration program for the use of
recycled materials such as shredded tires and crushed glass in
19 transportation construction and maintenance projects. These
provisions are intended to develop markets for these materials
21 and to reduce current disposal problems associated with tires.

23 Part B:

25 This part extends the existing beverage container deposit
system to include all beverage containers except for
27 dairy-derived products. This part establishes higher refund
values for wine and liquor bottles to maintain the consumer
29 incentive to return these large containers of higher priced
products. This part also increases the handling fee from 2¢ to
31 4¢ to offset the substantial effects of general inflation since
the 2¢ handling fee was established in 1980. This part also
33 establishes a data collection system to track the volume of
containers and deposits in the bottle bill system. An advisory
35 committee is established to assist the Department of Food,
Agriculture and Rural Resources on the implementation of the
37 expansion.

39 Part C:

41 Part C establishes an advance disposal tax on tires,
lead-acid batteries, white goods and brown goods. This tax is
43 imposed at the point of first sale in the State or the point of
manufacture if manufactured within the State. The tax is set at
45 \$1 per tire; \$15 per white or brown good and \$1 per lead-acid
battery.

47

49 This part also establishes a tax on packaging which is
neither recyclable nor made from recycled material. This tax is
imposed in 2 ways. First, a tax is imposed on the gross revenues
51 (0.05%) on any company which first imports prepackaged consumer
products intended for retail sale in Maine. Second, a tax of 1¢

1 cent per container is imposed on any empty packaging used in the
2 State fast food containers and plastic shopping bags. There is a
3 standard deduction of \$500,000 of gross revenues from the gross
4 revenue portion of the tax, thus exempting most small
5 businesses. A credit of 50% is available on all packaging which
6 is made of 100% material which can be recycled. An additional
7 50% credit is available for packaging which is made of
8 predominantly recycled material.

9
10 All revenues from these taxes are directed to the General
11 Fund minus the costs of administration. This part directs the
12 Bureau of the Budget to estimate the revenues from these 2 taxes
13 and to include these revenues in its recommendations to the
14 Governor for the budget of the Maine Waste Management Authority.

15 Part D:

16
17 This part establishes the Maine Waste Management Authority
18 and 7 regional solid waste management districts. This part also
19 revises a number of provisions of solid waste law to conform it
20 to the management system operated by the authority and the
21 districts. Provision is made to protect the ability of
22 municipalities to recycle waste material while sustaining the
23 ability of those providing disposal services to meet their own
24 contract obligations, specifically to electric utilities.

25
26 This part also limits the authority of the Department of
27 Environmental Protection to regulate the environmental, health
28 and safety aspects of solid waste management. Responsibility for
29 planning, facility development, education and promotion of sound
30 waste management is transferred to the authority. The waste
31 facility licensing process is amended to reflect this change.

32
33 The rights of intervenors in the siting process are slightly
34 modified to allow the Board of Environmental Protection to
35 authorize, on a case-by-case basis, the intervenors to conduct
36 on-site investigations beyond those contemplated under current
37 law.

38
39 This part also directs the operators of landfills to conduct
40 drinking water supply testing for neighboring landowners.

41
42 The Maine Waste Management Authority is composed of 2
43 offices; the Office of Planning and Regional Coordination and the
44 Office of Waste Reduction and Recycling. The Office of Waste
45 Reduction and Recycling is moved to the authority from the
46 Department of Economic and Community Development. The office
47 retains primary responsibility for the development of recycling
48 policy and will provide technical assistance to districts,
49 municipalities and businesses. The office will act as a broker
50 of last resort for recyclable materials. The authority is
51 charged with developing an overall broad plan for the management

1 of solid waste in the State. While the authority is given the
ultimate responsibility to ensure sound waste management, the
3 regional districts are charged with developing detailed
operations plans for actual management activities within their
5 districts including recycling programs and disposal facilities.

7 This part establishes a specific hierarchy of waste
management options favoring waste reduction and recycling over
9 incineration and landfilling to guide the authority in developing
the state plan. The authority is also given ambitious recycling
11 goals toward which to strive. These goals provide for reducing
the solid waste stream by 25% by January 1, 1992, and by 50% by
13 January 1, 1995.

15 This bill requires state and regional management plans to
specifically address the existing and future quantities of waste,
17 the availability of existing capacity, the potential for waste
reduction and recycling and the need for management capacity
19 including recycling, transportation and disposal facilities. As
noted earlier, the regional plans emphasize operational concerns
21 while the state plan provides general guidance to ensure the
coordinated development of a rational, efficient statewide waste
23 management system. The bill requires that regional plans be
reviewed and approved by the authority for consistency with the
25 state plan, the recycling goals and the hierarchy of waste
management options.

27 This part also includes a provision shifting responsibility
for providing waste disposal capacity for household and
29 commercial solid waste from municipalities, as in current law, to
districts. Districts become responsible for accepting wastes
31 generated within their jurisdiction on July 1, 1992.

33 This part also establishes a municipal inspector program,
35 partially funded by the authority, with clear rights for
municipalities to issue cease and desist orders where disposal
37 facilities violated environmental laws or endanger public health
or safety. Municipal rights to obtain DEP and other monitoring
39 data and inspection reports are clarified.

41 Districts are charged with site election and facility
development. Early public input is encouraged in the planning
43 and site selection process. Local advisory groups are
established to provide a liaison and better communications
45 between citizens, municipalities and the districts, and grants
are available to develop mediation and negotiation procedures at
47 the option of the municipality.

49 The municipal zoning and enforcement authority as it exists
under current law is reaffirmed in this bill.

51

1 This part also addresses the problem of waste which is
3 disposed in the State but generated outside Maine. Waste
5 disposal facilities owned by the authority or any district are
7 prohibited from accepting waste generated outside their
9 jurisdiction. Districts may accept out-of-district waste only
11 where regional plans provide capacity for this waste, and where
interdistrict agreements are in place. This part also provides
that new disposal capacity shall be owned and controlled by the
authority or districts, while retaining the option of contracting
with private vendors to design, build or operate these facilities.

13 This part also requires municipalities to implement
15 recycling programs consisting of household separation and
17 collection of recyclable materials. These requirements are
19 phased in over 4 years, based on population size, with towns of
21 10,000 or more population establishing programs by July 1, 1991;
23 towns of between 5,000 and 10,000 population establishing
programs by July 1, 1992; and towns of less than 5,000 population
establishing programs by July 1, 1993. Grants are available to
fund programs which are designed to recycle 3 different materials
and which incorporate implementing ordinances and enforcement
mechanisms.

25 This part also provides that all towns, regardless of
27 population, compost leaf waste in a local or regional program by
29 July 1, 1992. Disposal of leaf waste is prohibited from disposal
31 in landfills or incinerators by this date. Districts are
required to assist municipalities in developing compost programs
and are responsible for providing adequate leaf waste composting
capacity by this date.

33 This part also provides for paper and cardboard recycling by
35 businesses and other employers, phased in over 4 years based on
the number of employees at each site.

37 Part E:

39 This part provides for the equitable regulation of the rates
41 charged for various private sector waste management services.
Contract review and regulation is performed by the Public
Utilities Commission.

43 Part F:

45 This part repeals the provision of existing law which
47 subjects 6 division director positions in the Department of
Environmental Protection to political appointment. This
49 amendment would return those positions into the classified
service under the Civil Service Law.

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THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS

NOTICE OF PUBLIC HEARING

Notice is hereby given, pursuant to the requirements of G.L. c.30A, s.2, that the Executive Office of Environmental Affairs will hold a public hearing on proposed amendments to the existing regulations 301 CMR 4.00 governing the recycling of beverage containers and the requirements for holding devices.

The proposed amendments will require that all by-products resulting from the breakdown of biodegradable and photodegradable plastic holding devices be environmentally benign and nontoxic under the action of normal environmental forces and that the plastic holding devices must be capable of breaking down to a degree whereby they do not pose a threat to wildlife through entanglement within sixty days of exposure to normal sunlight.

The public hearing will be held as follows:

June 21, 1989, at 10:00 A.M.
Conference Room A, 17th Floor
Saltonstall Building
100 Cambridge Street
Boston, Massachusetts 02202

Persons planning to give oral testimony at the hearings are requested to provide a written summary thereof at the hearings or afterward until June 30, 1989, when the hearing record will close. Questions about the hearings and requests for copies of the proposed amendments should be directed to: Jan Smith, Coastal Zone Management, 100 Cambridge Street, 20th Floor, Boston, MA 02202. Telephone (617) 727-9530.

Date: May 22, 1989

BY ORDER OF:

John P. DeVillars
Secretary
Executive Office of
Environmental Affairs

301 CMR 4.00 is hereby amended by striking from section 4.02 the sentence following the word "Biodegradeable" and inserting in place thereof the word "will decompose or otherwise break down into environmentally benign components or subunits under the action of normal environmental forces. These components may include only carbon dioxide, water, inorganic salts, microbial cellular components, miscellaneous by-products characteristically formed from natural materials, or other materials or substances determined by the Secretary to be environmentally benign. These components may not, under any circumstances, include "hazardous materials" as defined in section 2 of Chapter 21E of the General Laws."

301 CMR 4.00 is hereby further amended by striking from section 4.02 the sentence following the word "Photodegradeable" and inserting in place thereof the words "will decompose or otherwise break down into environmentally benign components or subunits when exposed to normal sunlight. These components may include only carbon dioxide, water, inorganic salts, microbial cellular components, miscellaneous by-products characteristically formed from natural materials, or other materials or substances determined by the Secretary to be environmentally benign. These components may not, under any circumstances, include "hazardous materials" as defined in section 2 of Chapter 21E of the General Laws."

301 CMR 4.00 is hereby further amended by adding to section 4.03(1) after the word "biodegradeable" in the fourth line the word "and which is not capable of decomposing or otherwise breaking down to a degree whereby it does not pose a threat to wildlife through entanglement within sixty (60) days of continual exposure to normal sunlight, microbial action, or other natural environmental forces."

Solid Waste Hearings

114th LEGISLATURE

COMMITTEE ON

Energy

LD

892
932
976
102

(Allen-1431)

1417
143

1422

NAME

TOWN/AFFILIATION

FAVOR

OPPOSE

NEITHER

12:30	1. Senator Bost	Sponsor	1143 892	✓		1431
	2. Rep Holt	Sponsor		✓		1457
	3. Dick Gould for Tracy	Greenville	1417	✓		
	4. Rep Coles	Sponsor	1457	✓		
	5. Sen. Pray	Co-Sponsor	1143	✓		
	6. Rep Michaud	Sponsor	932 1431	✓		
	7. Rep Nadeau, Dist 18	Saco	892	✓		
	8. Rep Aikman, Dist 60	Co-Sponsor	932	✓		
called	9. Judy Rock, Selectman, Tray		1431	✓		
	10. Rep. Hook	Sponsor	976	✓		
	11. Allen McEwen	Governor's Office	932	✓		
	12. Rep Allen, Dist	Co-Sponsor	1102	✓		
	13. Sharon Treat	NRC	1431	✓		
	14. Steve Wexler	AB's office		✓		
	15. Paula Clark	DEP	932	✓		
	16. Edward Bernstein	Portland, RWS	all		✓	
	17. Jon Bodger	Washington Co	all			
	18. Geo. Criner, Waste Utilization - WMO		all	✓		
	19. Booth Hemingway	Kittery Cons. Comm	all	1431		
	20. Cheownie Edm			✓		
2:30	21. Chirsten George	Freedom	1431 1102	✓		
	22. ~~Stacy~~ Cynthia Percy		1431			
	23. Rep Patrick McGowan	Approp. Committee	all	✓		
	24. Lionel Strong	Enfield	1431	✓		
	25. John Frole, Pen. Refuse Disposal, Bangor		932 1143	✓		
	26. Stacey Gattlieb	Lewiston	1431 1102	✓		
	27. Vern Herman	Beddington		✓		

892, 932, 976, 1102, 1143, 1417, 1422, 1431?

114th LEGISLATURE

COMMITTEE ON Energy & Nat Res. LD _____

NAME	TOWN/AFFILIATION		FAVOR	OPPOSE	NEITHER
28 1. Albert Soule	So Paris	all	✓		
29 2. Eaul Brooks, Selectman,	Stockton Springs	all	✓		
30 3. Jennifer Smally	Lewiston	1431	✓		
31 4. Keith Heldenbran, Land Reclamation,	Yarmouth	all			
32 5. John Gorrashay	Lewiston	"	✓		
33 6. Nancy Oden	Washington Cty.	"	✓		
34 7. Shirley Fidler, Selectman	mmwac	"		✓	
35 8. Ron Harriman, Mayor	Brewer	"			
36 9. Jim Bennett, Town Mgr.	New Gloucester	"	✓		
37 10. Harry Ricker, Apple Graver - Turner		"	✓	892 \$1036	
38 11. Lin Johnson	Merc Pere	all			
39 12. Terry Crawford	usm	1431 ~~all~~	✓		
40 13. Jeff Jordan	So Portland	"	✓		
41 14. Frank Allen ~~REDA~~ RWS.	Waterboro	"		exempt existing	
42 15. Bill Rodgers	Beth Brunswick region	all	✓		
43 16. Tom Doyle	PIO	all			
44 17. Lisa Miller, Me Pub. Health,	Somerville	1431	✓		
45 18. Patricia Sifers, League of Women Voters,	Hancock		✓		
46 19. Sarah Conley	Seira Club	1102	✓		
47 20. Rich O'Donohue	Me Power	1431	✓		
48 21. Richard Price	Great Portland Council of Governments	use	RPCs		
49 22. Donald Ludgan	Georgetown	1431	✓		
50 23. Roger Bondeson	GPCOG		✓		
51 24. Paul	Mt Vernon	1431	✓		
52 25. Dickson Pike	Wine Institute			exclude wine bottles.	
53 26. Alan Jones	CWS	932	✓		
54 27. Alice Knapp	mcci	all	✓		

NAME	TOWN/AFFILIATION	FAVOR	OPPOSE	NEITHER
55 <u>1.</u> Cathy Lee	MERC PERC	✓ ...	...	
56 <u>2.</u> Peter Cleveland	Westbrook Redemption	✓		
57 <u>3.</u> Paul Frederickson	Western Mtn Alliance	✓		
58 <u>4.</u> Dwight Newman	Norridgewock	✓		
59 <u>5.</u> Peter Welch	RSVP	✓	932/1431	
60 <u>6.</u> Tine Rhul	West Side Restaurant ^{Portland}	✓		
61 <u>7.</u> Bill Seekins (for Comm. Shaw)	Agriculture	✓		
62 <u>8.</u> Elizabeth Lanton	Norridgewock	✓	1431	
63 <u>9.</u> Beedy Parker, MORGAN	of Camden	✓	1431	
64 <u>10.</u> Ken Manhead	Brewer			
65 <u>11.</u> Diane Freeze	Vienna	✓		
66 <u>12.</u> Chas. Noonan	Jay	✓	1431	
67 <u>13.</u> Rick Shappy	Me Assoc of Red. Centers. RSVP	✓		
68 <u>14.</u> Gary Wood	Me. Municipal	✓		
69 <u>15.</u> Patty Aho	James River Corp.	✓		
70 <u>16.</u> Linda Smith-Dyer	Bottlers	✓		
71 <u>17.</u> Karin Tilberg	Audubon	✓		
72 <u>18.</u> Kent Price	" WMO	✓		
73 <u>19.</u> John Madigan		932		
74 <u>20.</u> Barry Springer	Lewiston	all	1431	
75 <u>21.</u> Bunny Egerton	Yankee Roller Bikes, Brunswick	✓		
22. Art Shea	Waterville			
23. John Joyce	Me Grocers Assoc	✓		
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114th LEGISLATURE

COMMITTEE ON ENR LD 1431

NAME	TOWN/AFFILIATION	FAVOR	OPPOSE	NEITHE
1. Rep Michaud	Sponsor			
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271 State Street, Augusta, Maine 04330 207-622-3101

May 8, 1989

**TESTIMONY OF SHARON TREAT
ON BEHALF OF THE NATURAL RESOURCES COUNCIL OF MAINE
IN SUPPORT OF LD 1431, "AN ACT TO PROMOTE REDUCTION,
RECYCLING AND INTEGRATED MANAGEMENT OF SOLID WASTE
AND SOUND ENVIRONMENTAL REGULATION."**

The Natural Resources Council of Maine welcomes this opportunity to testify in support of 1431, "An act to promote reduction, recycling and integrated management of solid waste and sound environmental regulation." The Council strongly supports LD 1341 because it provides a comprehensive, fair and environmentally sound framework for planning and implementation of solid waste disposal and management with a strong focus on waste reduction and recycling.

In reviewing the various legislative proposals on solid waste, we posed a series of questions which we believe establish a framework for the Committee's evaluation of the strengths and weaknesses of the different bills. These criteria are:

(1) **AVOIDANCE OF LANDFILLING:** How effective is the legislation in reducing the state's reliance on landfills for both municipal solid waste (MSW) and waste incinerator byproducts, such as ash? How soon will the legislation achieve results?

(2) **WASTE REDUCTION:** Does the legislation have an effective waste reduction component, and does it address

reducing the toxicity of the waste stream as well as the quantity of waste produced?

(3) **RECYCLING:** Does the legislation insure that Maine will recycle a substantial portion of its waste stream, and does it effectively plan for future recycling? Does it address the potential conflict between recycling and incineration?

(4) **NEW CAPACITY:** Does the legislation effectively plan for and site new waste disposal facilities? Does it bring to siting decisions political credibility through local public participation and enforcement rights?

(5) **ENVIRONMENTAL PROTECTION:** Does the legislation prefer the most environmentally benign methods of waste management? Does it reduce the negative environmental impacts of packaging and other wastes?

(6) **MONOPOLISM:** Does the legislation effectively address the anti-competitive and monopolistic nature of the solid waste disposal industry?

(7) **OUT-OF-STATE WASTE:** How effectively does the legislation address the problem of out-of-state waste?

(8) **FUNDING:** Does the legislation provide for adequate funding, and for fair and effective funding mechanisms?

Of the bills you are considering, LD 1341 best addresses all of these criteria.

(1) **LANDFILL AVOIDANCE.** Landfill avoidance is a question of environmental protection and of avoiding the high economic and social costs of landfilling. As this Committee is well aware, most of the existing landfills in the state are polluting groundwater. Even complex, highly engineered "state of the art" landfills with clay and plastic liners will eventually leak. Finding sites for new landfills is increasingly difficult, due to the scarcity of environmentally sound sites and the public's concern over the negative externalities of landfills as neighbors--

materials. Composting is relatively low-tech and inexpensive, and the rewards are significant in terms of volume reductions. The second way LD 1341 will reduce landfill dependence in the short run is through **expansion of the bottle bill**. According to the Maine Office of Waste Recycling and Reduction, as a direct result of this law, Maine currently recycles 5.5% of its municipal waste stream. The Office estimates that the bottle bill results in the collection, processing and manufacturing of approximately 44,500 tons of plastic, glass, aluminum and cardboard a year. It results in 55% of the glass, 78% of the aluminum, and 50% of the PET (plastic) containers being recycled from the state's total municipal solid waste stream. It is estimated that expanding the law could increase the state's recycling rate to 10%. Given the popularity of the current bottle bill and the strong public support for its expansion (a recent poll conducted by Northeast Research of Orono for the Natural Resources Council found an overwhelming majority of Mainers polled (70.9%) supported expanding the law to include wine, juice and liquor containers), participation and recycling rates from this measure are likely to be high.

(2) WASTE REDUCTION. LD 1341 is the only legislation that comprehensively addresses waste reduction. While everyone agrees that reducing waste generation at the source is the most effective way to reduce waste disposal costs and environmental impacts, there are few proposals which actually try to do something (beyond education) to achieve

including loss of property value, increased truck traffic, noise and odors, and the potential for groundwater pollution.

Thus it is critical that only wastes which cannot be reduced at the source or recycled should be landfilled, and that incinerators should also be limited to reduce the amount of ash and other byproducts which must be landfilled.

LD 1341 addresses this concern by creating a comprehensive planning function at the regional level which will implement the priority system and the 50 percent recycling and composting goal by 1995. The Council cannot support legislation which does not include a waste management priority system clearly preferring waste reduction and recycling over landfilling and incineration, with an effective implementation mechanism. In other words, the preference must be a mandatory element of the legislation, not simply a nice sentiment tucked into the Declaration of Purpose. LD 1341 will also greatly reduce dependence on landfilling in the short run. First, it accomplishes this through a comprehensive yard waste composting program at both local and regional levels, and by banning leaf waste from landfills (and incinerators) by 1992. With yard waste averaging 17% of the municipal waste stream in Maine, this one measure could significantly reduce landfill dependence in the next three years, freeing up valuable and shrinking landfill space for true waste

this goal. LD 1341 addresses waste reduction (both quantity and toxicity) by:

- ** Establishing a tax on packaging, with exemptions for packaging made from recycled content or recyclable materials.

- ** Requiring the Office of Waste Recycling and Reduction to prepare a comprehensive waste reduction plan by 1990.

- ** Banning packaging materials which cannot be recycled or which interfere with recycling programs (the plastic can and aseptic juice packs).

- ** Banning materials which increase the toxicity of incinerator ash (plastic packaging made with lead or cadmium stabilizers; aseptic juice packs).

- ** Requiring that incinerators remove toxic materials, recyclables and household hazardous wastes from the waste stream before combustion.

Of these proposals, the packaging tax is the most controversial and least familiar to this Committee, and so I will discuss it in some detail.

PACKAGING TAX PROPOSAL. Packaging and local landfill costs are inextricably linked, because packaging is a very large proportion of the waste stream; much of it cannot be recycled; and that which can't be recycled often has toxic properties which increase the toxicity of landfill leachate or incinerator ash, and the attendant costs of disposal that municipalities currently are paying. A study by the Worldwatch Institute found that the average American throws away about 662 pounds of packaging each year. Packaging accounts for over half, by volume, and over one-third by weight of municipal solid waste. In other words, if all packaging were removed from municipal waste streams through

recycling, towns would pay one-third less in tipping fees.

Unfortunately for these towns, much packaging cannot be recycled. Why not? Partly because there aren't enough recycling programs, but mostly because a lot of packaging is manufactured from materials which, for one reason or another, are technically or practically non-recyclable. Even more unfortunately for towns, the amount of the non-recyclable packages is actually increasing-- unless we can somehow get manufacturers to change their habits.

Much of the packaging which cannot be recycled is plastic. According to a plastics industry trade group, 11.5% of municipal solid waste by weight is plastic packaging. The percentage expressed in terms of volume would be much higher. Plastic packaging is recycled to a very limited extent. Although a large proportion of industrial plastics wastes are recycled, post-consumer plastics are recycled to a very modest extent. Some polyethylene bottles are being recycled to make products including plastic lumber and traffic cones, but the quantity is very small.

Why aren't these materials more recyclable?

** Some types of plastics (such as those containing polyvinyl chloride, or PVC) contain toxic substances which make them difficult if not impossible to recycle in an environmentally sound manner.

** Packaging which incorporates several layers of different types of plastic or other materials can be difficult if not impossible to recycle in an economical manner, since the technology to separate out the materials may be expensive or not exist at the present time. Although mixed plastic recycling is

technologically possible, it generally doesn't result in a product that has many uses or much consumer interest. Yet multi-layer plastic packaging is becoming increasingly common. Examples of non-recyclable, multi-layered packaging are microwavable fast food containers and plastic toothpaste tubes, which contain up to twelve different types of plastic.

**** Most post-consumer food packaging is prohibited by federal health regulations from being recycled into similar food-related uses. This significantly limits the end markets for recycled packaging.**

And of course, that's where a packaging tax comes in. A tax on packaging which is not recyclable or made from recycled content would change the mix of factors manufacturers consider in developing packaging. Rather than simply consider such factors as how a package looks, consumer appeal, protection of products during transport, and product quality and freshness, manufacturers would also have to consider the cost of designing packaging which has significant environmental and societal costs. A tax on non-recyclable packaging essentially brings these costs into the manufacturers' calculations-- costs which are currently paid by municipalities through property taxes, not by the manufacturer.

The packaging tax concept is not new, and it is currently being used in several states. The packaging tax in this bill is a "waste stream products" tax modeled closely on legislation which was recently voted out of committee in the Vermont House of Representatives (8 to 3 in

favor).¹ New York currently permits large cities to assess a per-container tax, which favors reusable and recyclable containers. A 1988 Florida law establishes an "advance disposal fee" of one-tenth of one cent per container where the material is not recycled at a sustained rate of least 50% by 1992. New Jersey, Nebraska, Washington, and Ohio each have taxes on "litter producing" items, mostly packaging.

These programs use the funds generated to help fund local recycling and/or litter control programs. The New Jersey program generates approximately \$15 million a year, which funds recycling and other programs. The sponsors of the Vermont legislation estimate that between \$5 to \$6 million per year will be raised by the tax (based on a Vermont population figure of 560,000). This estimate is probably low for Maine, which has double Vermont's population.

Key provisions of the proposal include:

TAX MECHANISM. The bill has two tax mechanisms, one for pre-packaged consumer goods and one for on-site packaging (fast food, shopping bags).

Gross receipts tax: Section 4842 of the bill would tax the first company which ships into Maine pre-packaged consumer goods which are intended for resale. A tax of one-half of one percent (0.05%) would be charged on the gross receipts

¹ The Committee may wish to contact the Vermont legislators who helped draft this proposal (it is a committee substitute). The Chair of the House Natural Resources and Energy Committee is Rep. Timothy Burke. The prime sponsor is Rep. Curt McCormack. Both may be reached at the Vermont State House at (802) 828-2228.

of these manufacturers and wholesalers.²

Per-container tax: Section 4843 of the bill would charge a 1 cent tax on empty packaging used on-site in Maine, such as fast food packaging and shopping bags.

CREDIT FOR RECYCLABILITY OR RECYCLED CONTENT. A credit of 50% would be available for products whose packaging is made from 100% recyclable material. These materials are defined in the amendment as: glass, aluminum, paperboard, PET plastic bottles, HDPE plastic bottles, and natural fibers. An additional credit of 50% would be available if at least half of the packaging (by weight) is made from recycled materials. "Recycled materials" are specifically defined. Packaging which is both recyclable and manufactured from at least half recycled material would be exempt from the tax.

DETERMINATION OF RECYCLABILITY OR RECYCLED CONTENT: Section 4845 makes it clear that manufacturers of packaging have the burden of certifying whether their packaging is "recyclable" and/or made from "recycled material." Thus, distributors need not make this determination.

DEDUCTIONS. The first \$500,000 in gross sales would be a standard deduction, practically exempting most small businesses from the gross receipts tax. Casual sales would be exempted from the tax, as would single consumer items priced at \$800 or more. Products shipped outside the state by Maine manufacturers would be exempt, as would prescription drugs and containers already subject to the returnable container law.

(3) RECYCLING. LD 1341 effectively achieves significant recycling through:

****** A recycling goal of 25% in two years and 50% by 1995. This goal is clearly achievable, if there is strong state financial and technical support for municipalities, regional planning and materials recovery facilities, and if the state directly steps in to market recyclables when needed. Seattle, Washington (with a population of over

² A packaging tax applied to the net proceeds of sales of consumer products packaged in a manner contrary to the public's interest would not interfere with the prohibition against retail sales taxes on purchases made with food stamp coupons. Nor would this provision interfere with regional or national efforts to design packaging standards. Finally, because this provision is not administered at the retail level, stores will not have the burden of assisting in the compliance with this section.

500,000) is already achieving a 45% recycling rate after one year of curbside pick-up in a voluntary program. A drop-off program involving several rural towns in New Hampshire is currently achieving a 45% rate.

** Recycling programs in all Maine towns, phased in over four years, with mandatory ordinances at the local level and regional recycling coordinators and facilities. The majority of Mainers want to recycle, and polls show that they favor requiring all towns to have recycling program.³

** Recycling programs in all state agencies, the University of Maine System, and in the private sector.

** Expansion of the bottle bill to include all beverages except dairy products.

** A ban on new incineration capacity in any region until the region has an approved waste management plan which specifically calls for additional incineration. LD 1341 would limit incinerator contracts which require minimum tonnage as well as BTU content, and would permit towns to fall short of contract requirements with incinerators as the result of recycling so long as the incinerator still met its contractual requirements with electric utilities.

Maine already has sufficient incineration capacity to burn 75% of its 1988 waste stream, and will not need additional incineration capacity in the next two years. Massachusetts has already enacted a ban on new incineration capacity, having reached 50% incineration. A ban on new licenses in the next two years will insure that recycling is not prevented by competition from incineration, or that out-of-state waste will not be imported to make up any shortfall caused by recycling.

** A comprehensive state procurement program to fuel new markets for recyclables, including a program to develop paving materials for the DOT from recycled glass and tires, and a plastics coding system to make recycling easier.

³ A December poll conducted for the Natural Resources Council found 62% favored requiring all towns to have a recycling program; only 8.7% opposed such a requirement. 71.3% of those polled stated they were "very likely" to separate out their recyclables, and over 90% were either very likely or somewhat likely to participate in source separation.

(4) **NEW CAPACITY.** LD 1341 insures a fair but more streamlined process for siting new disposal capacity, with decision-making at a regional level. This will insure economies of scale, integration of recycling decisions and siting decisions, and a close link to municipalities. Regions will become responsible for providing waste disposal capacity by 1992, a responsibility currently shouldered entirely by towns. Most states with effective recycling and waste planning functions have adopted a regional structure to carry out planning and facility siting. These include Pennsylvania, New Jersey, Maryland, and West Virginia. Connecticut and Massachusetts have established regional recycling programs.

Regional waste management and recycling plans will be adopted with substantial municipal and citizen input, and potential host communities will retain intervention and local zoning and enforcement rights. The Council strongly opposes the provision in LD 932 which calls for state preemption of all local and LURC solid waste ordinances except those dealing with transportation. In contrast, the Council believes that there should be no change in municipal or LURC authority to enact and enforce environmental ordinances.

LD 1341 provides for municipal inspectors (partially paid with state funds) for host communities, clarifies rights to obtain documents and test data from DEP and facility operators, and provides for testing of wells

contiguous to landfills. These provisions are modeled on Pennsylvania law. The bill also establishes a citizen information and advisory committee to assist in information gathering and to act as liaison between the community and the region, authority, DEP and/or a private operator or contractor during the siting and operation of a waste disposal facility. In addition to the current intervenor funding program, funds would be available if communities wished to participate in a negotiation or other consensus-building process.

(5) ENVIRONMENTAL PROTECTION. LD 1341 protects the environment by limiting landfill and incinerator capacity and the toxicity of incinerator ash. It introduces greater rationality into the siting process by placing site selection in the hands of the public, through regional districts, rather than leaving this important decision up to private applicants. The bill insures that current environmental enforcement efforts are not weakened by retaining the authority of local governments to enact and enforce municipal environmental ordinances. The aggressive recycling goals and priority system insure that the state will substantially decrease its dependence on landfills and incinerators.

LD 1341 also addresses a serious environmental problem created by plastic trash, which fouls our beaches and poses a serious threat to marine wildlife. The bill would reduce the number of plastic bags in the environment by requiring

paper carry out bags unless the customer specifically requested a plastic bag.

The bill would also ban plastic connectors (six-pack yokes). We believe that a clear-cut ban is the only effective way to insure that plastic connectors do not remain a threat to marine wildlife and continue to contribute to a significant litter problem. It is clear that current law must be changed. Current law purports to ban non-degradable plastic connectors, but because it only requires that connectors degrade "within a reasonable period of time" it is virtually meaningless in practice.

There is no question that plastic connectors, even those that comply with current law, pose a significant threat to wildlife and remain a litter problem on Maine beaches and in our parks and roadsides. In the 1988 State Planning Office coastal clean-up, 275 plastic six-pack yokes were collected in one weekend along 114 miles of Maine coastline. A study of Double-crested cormorant nests on Freeman Rock off Jonesport found that sixty had plastics, including plastic connectors, woven into the nests.⁴

It is well established that birds and marine mammals become entangled in plastic connectors and die. The National Wildlife Federation estimates that over one million birds and 100,000 marine mammals die each year as a result of ingesting plastic or becoming entangled in it. Moreover,

⁴ "Plastic world -- ask a cormorant," Maine Times, June 17, 1988.

litter from plastic connectors and other packaging blights our beaches. While this is an aesthetic concern for Mainers, it is also an economic concern for a state like Maine that depends on tourism as a mainstay of its economy.

There are alternatives to plastic connectors, and they are competitively priced. The Secretary of Environmental Affairs for the State of Massachusetts recently acted to ban all plastic six-pack connectors. The time has come for Maine to do likewise, rather than pass legislation, like the current law, which gives the impression of addressing the problem, while in fact the law is unenforceable and window-dressing.

(6) **MONOPOLISM.** The Council strongly supports financial regulation of solid waste disposal facilities, and we believe that regulating waste disposal through the Public Utilities Commission, as in LD 1341, is an appropriate way to achieve this goal. Financial regulation of the solid waste disposal business is needed because:

- | Waste disposal is a utility service. As such, the State needs to insure that this service is available to the public at just and reasonable prices.

- | The waste disposal business is increasingly concentrated and monopolistic in Maine and in the Nation, and all signs are that this trend will continue, particularly as the technical complexity and expense of building state-of-the-art disposal facilities increases. Unregulated monopolies can lead to higher prices and less service.

- | Without financial regulation, the State has been, and will continue to be, unable to enforce the solid waste laws we have on the books. Current law requires waste facilities to establish that they provide a "substantial public benefit" to Maine citizens, yet the Board of

Environmental Protection (BEP) has been unable to get the financial data from applicants needed to make this determination.

| While some towns and citizens believe that waste disposal prices are out of line, the fact is that we don't really know whether these prices are fair and whether costs are as represented to the public. And, as things stand, the public won't be able to get this information. Although we've tried to get this information through the BEP, the BEP simply doesn't have the regulatory tools or staff to obtain this data or to assess it. PUC regulation would solve this problem.

A comprehensive waste management program should include price regulation. This is not a new concept; New Jersey has regulated waste hauling and disposal through its Board of Public Regulation for many years. Two years ago, this Legislature enacted a solid waste law intended to insure that new waste disposal facilities would be designed, located and operated to provide a "substantial public benefit" to the State of Maine. In the committee report accompanying that legislation, this Committee expressed concern over "the monopolistic potential that appears to be latent in the commercial solid waste disposal industry, particularly within geographic regions."⁵

The 1987 legislation required the DEP to include an "assessment of the level of competition in the solid waste disposal industry" in the capacity needs analysis it was to prepare,⁶ and directed the BEP to consider this and other

⁵ Study of Solid Waste Management and Disposal Policy in Maine (June 1987) at p.10.

⁶ This analysis has not been publicly released. A draft states that there has been a 40 percent reduction in the number of solid waste disposal sites in ten years, and that this trend is likely to continue. The draft notes

factors in its determination of whether an application for new or expanded waste disposal facilities provided a "substantial public benefit." 38 MRSA ({1310-N.3, 1310-0.2(F), 1310-0.3.

Unfortunately, the BEP is not set up to assess financial information, and it has no authority to regulate costs or rates. As a result, the Legislature's concerns have not been translated into action. For example, when the Consolidated Waste Services company applied to BEP for a license to expand its landfill in Norridgewock, it represented to the BEP that its practice of disposing of over 50% out of state waste actually provided a public benefit to its Maine customers, because income from out of state waste disposal subsidized the tipping fees charged to the company's Maine customers. Indeed, the company actually argued that it could not operate at a profit by disposing of Maine waste only. When the BEP said "prove it," though, the company didn't provide any financial data supporting its claims.

"(t)he high levels of concentration among incinerators and commercial landfills presents an economic threat to Maine's waste generators: the threat that incinerators and secure landfills ... will charge excessive and noncompetitive fees for the disposal of solid waste."

The draft states that rate regulation is "a generally accepted mechanism for controlling prices to consumers in areas where natural monopolies are predominant, such as electric, telephone and water services. The waste disposal industry which, be[cause] of its nature, may also establish a local monopoly, may also be subjected to such regulation." (Review of Competitive and Capacity Issues, pages 5, 10)

The BEP did not order the production of such information (CWS argued it didn't have the authority to do so), and as a result, had to make the "public benefit" determination with incomplete data. The BEP did not require that the company only accept Maine waste. Although the company has since decided to limit the expansion to in-state waste, if it raises its prices to Maine towns and claims it must in order to cover costs, the State has no way of testing those claims or requiring a price roll-back.

Similarly, the parties seeking to build an ash landfill for the MERC and PERC incinerators have claimed that if the state fails to grant the license for the facility proposed for Township 30 in Washington County, these facilities could go bankrupt. Could they? If so, who bears responsibility for this financial situation, and who should bear the costs? Right now, the municipal members of MERC and PERC, and the state as a whole, have limited ability to get to the heart of these claims.

If tipping fees do increase at incineration facilities, how can we assess whether those increases are due to additional pollution control equipment or internal management disputes between a parent company and a plant operator, for example? We need, as a state, to be able to play with a full deck. Right now, the private operators of these facilities hold too many of the cards, and almost all of the information. For better or worse, the trend towards fewer and fewer companies in the waste disposal industry is

likely to continue. One reason for this is that the type of state-of-the-art facilities that will be required under new state and federal regulations are increasingly complex to design and build, and increasingly costly. Small companies or single municipalities are unlikely to be able to finance these facilities, and economies of scale encourage larger -- and more expensive-- facilities.

There is only one private company building waste-to-energy incinerators in this state; that company has two facilities and is planning a third. Three companies own commercial landfills, but one of these is involved with a joint venture with the incinerator company, and the other two share key personnel.

Why should we care? Besides raising concerns over lack of competition and impacts on tipping fees, monopolism breeds arrogance. Last year, while CWS's application for an expansion was pending before the BEP, the company was discovered to be violating its landfill operating permit and polluting a nearby stream. The company's response? It told all of the Maine municipalities using its landfill that it was temporarily halting their use of the facility, due to the pollution problem. Did CWS stop taking waste from out of state? NO. Did the Company's action reduce or stop the pollution of Mill Stream? NO. Was the Company's action necessary in order to clean up the pollution of Mill Stream? NO. But did the company's action cause town managers from municipalities with CWS contracts to show up at the BEP

meeting to urge that the landfill expansion be approved?

You bet!

Although LD 1341 proposes that future municipal waste disposal facilities be under public ownership, rate regulation will still be needed for the existing privately owned disposal facilities, as will contracts between regional districts and the solid waste authority and private contractors who may provide waste disposal services.

(7) **OUT-OF-STATE WASTE.** LD 1341 effectively addresses the problem of out-of-state waste by prohibiting disposal facilities from accepting waste from outside the district in which they are situated unless the regional plan specifies that the facility may accept the waste and there is an inter-district agreement. The bill also prohibits any publicly owned waste disposal facility from accepting out-of-state waste. LD 932, although it provides for publicly owned facilities, does not contain clear prohibitions on their acceptance of out-of-state waste. Because of the legal constraints imposed by the Commerce Clause of the federal Constitution, such a prohibition is one of the few acceptable proven methods of regulation the acceptance of waste generated outside the state.

It is clear that current law is inadequate, and that significant amounts of waste generated outside Maine continue to use up valuable landfill space and contribute to the need for additional landfills for incinerator ash. In 1988, the MERC incinerator burned 44,677 tons of imported

waste, or 27% of the total waste it burned. PERC imported 14,000 tons of out-of-state waste in 1988, or 12% of the total it burned.⁷ The CWS landfill accepted 51% out-of-state MSW, 79% imported asbestos, and 89% imported oily debris in 1988.⁸ The SERF landfill accepted 81% imported asbestos and 81% imported oily debris in 1988; I have been unable to get figures showing how much MSW SERF imported.⁹

(8) FUNDING. Solid waste disposal is a huge cost to society, and it is a cost which is wholly borne by property taxpayers, because right now, 100% of solid waste disposal costs are paid by municipalities. This is neither fair nor good policy, and it is increasingly a burden that towns are unable to meet. Disposal cost are skyrocketing, as towns shift from local (polluting) dumps to regional incinerators or landfills.

Moreover, solid waste costs do not necessarily correlate with population or tax base. Newfield has a population of 840, and budgeted \$40,000 for waste disposal in 1988; Lyman, with 3,380 in population spent \$50,000 in 1987; Acton, with

⁷ Imported Waste Report for Calendar Years 1987 and 1988, Department of Environmental Protection (February 1989) at pages 4-5. A report compiled by the Maine Office of Energy Resources has somewhat different imported waste figures for these facilities. See, A Survey of Maine's Waste to Energy Plants (January 31, 1989).

⁸ Figure 3b, Imported Waste Report.

⁹ Id., Figure 4b.

a population of 1,640 spent \$113,000 in 1988.¹⁰ Carabassett Valley has a small year-round population, but because of the number of vacationers and recreational users of the region, creates 47 pounds of trash per resident per day.¹¹

The recycling package in LD 1341 will save towns money, as they shift from landfills and incinerators to recycling programs, thereby avoiding tipping fees and transportation costs. But recycling has costs of its own, and the final recycling package will need funding. There are many proposed funding mechanisms, including: a tax on non-recyclable packaging; advance disposal fees on hard-to-dispose items; bonds; and revenue sharing. LD 1341 proposes a packaging tax and pre-disposal fee on hard to dispose of items as mechanisms to raise funding. Several states have used DOE overcharge money to fund some of their recycling programs (for example, Connecticut and Florida.)¹² It is likely that a combination of some or all of these mechanisms will be needed, because financing a major statewide recycling program will be expensive, even though it will save money in the long run.

¹⁰Survey by Southern Maine Regional Planning Commission, correspondence from Caroline Eliot, planner.

¹¹Draft Capacity Needs Analysis, prepared by R.W Beck and Associates for the Department of Environmental Protection (December 1988).

¹²See attached article "Nine States Budget \$300m for Recycling in '89-'90," Recycling Times (January 1989).

RECYCLING COST ESTIMATES. The Natural Resources Council has been doing some research into the costs of a comprehensive statewide recycling program. For comparison purposes, the state of Rhode Island, which has a comparable population to Maine (1 million), although in size and geography it is quite different, has initiated a major statewide recycling program which anticipates providing \$30 million over six years to municipalities in the form of three-year grants. This works out to \$5 per capita per year. This year's recycling planning grants total \$2,734,000, which is going to 18 towns. Rhode Island is also spending \$410,000 this fiscal year for recycling planning staff at the state solid waste management corporation and at the Department of Environmental Management. Funding is through a broad-based litter and solid waste tax.¹³

Connecticut also has statewide mandatory recycling. The state has eight recycling planning regions with a population of approximately 400,000 per region. The state is estimating capital costs at about \$5 million per region, including the cost of developing materials processing facilities (one per region) or upgrading an existing facility, and purchase of collection equipment. The state is financing a major share of this cost through bonds, and

¹³See attached program cost break-downs. For additional information, call Adam Marks, Rhode Island Solid Waste Management Corporation [401-831-4440].

towns pay a local share. Connecticut is currently spending \$235,000 on nine recycling feasibility studies for regional programs. Two of the regions also had grants to do the design component. Grants ranged from \$10,000 to \$25,000 for feasibility study grants, plus \$50,000 to two larger regions for program design. 4-5 five additional design grants are planned in the future, adding up to another \$250,000. Connecticut also spent over \$400,000 this year for state recycling planning staff.¹⁴

EQUIPMENT COSTS IN MAINE¹⁵

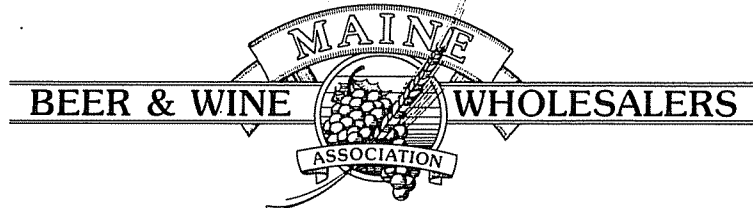
- Multi-material collection truck, such as the one bought by Brunswick: \$50-60,000
- Upright baler: \$8-10,000 (rural areas)
- Horizontal baler: \$25-30,000 (more populated areas)
- Export baler: \$300-400,000 (for regional MRF; includes conveyor and shredder)
- Curbside collection containers: \$5-6 each
- Public awareness/education program (for small region of 5 towns): \$3-4,000 a year; includes fliers, weekly

¹⁴Staff in the budget includes 6 full time professionals and one clerical, plus a seventh professional paid through other funding sources. Staff includes 1 person to coordinate urban recycling programs; 1 person to coordinate local grants; 1 person on market development (plus contract funding of \$150,000 for a marketing study); 1 person to coordinate composting (plus \$50,000 on a composting study). Demonstration projects (funded through federal and state energy grants) cost another \$400,000. For more information, call John Cimochofski, Local Assistance and Program Coordinator, Connecticut DEP [203-566-8722].

¹⁵Figures provided by George MacDonald, Director of the state Office of Waste Recycling and Reduction.

reminders in newspaper, radio announcements, recycling awareness week)

- Labor costs: 2 persons in small (5-town) region
- Compost costs for a low-tech program (call Thomas Outerbridge at Recycling Office for estimate)
- Loader/forklift: \$25,000 (to move and load bales)
- Building (roof, loading docks): depends on size; the Town of Gray spent nearly \$35,000 on its recycling building (see attached budget)
- Rear load rubbish truck (for businesses): \$85-90,000
- Plastics granulator: \$5,000 (for regional programs only)
- Small glass crusher: \$500



14 ALLEN ROAD, BREWER, MAINE 04412 • 207-942-6741/207-989-5035

June 1, 1989

TO: Members of the 114th Maine Legislature.

FROM: Ken MacLeod *KPM*

If so-called plastic beverage connectors are banned by the Maine Legislature, I would like to make you aware of what this means to a representative wholesaler - Nappi Distributors of Portland, Maine.

The following 6-packs would no longer be available for sale to the Maine consumer:

Miller High Life, 16 oz. cans
Miller High Life, 12 oz. cans
Miller Lite, 12 oz. cans
Miller Life, 16 oz. cans
Meister Brau, 16 oz. cans
Milwaukee's Best, 16 oz. cans
Milwaukee's Best, 12 oz. cans
Molson Golden Ale, 12 oz. cans
Lowenbrau Special, 12 oz. cans
Miller Genuine Draft, 16 oz. cans
Miller Genuine Draft, 12 oz. cans
Magnum, 16 oz. cans
Knickerbocker, 16 oz. cans
Knickerbocker, 12 oz. cans

Narragansett, 12 oz. cans
Narragansett, 16 oz. cans
Ballantine, 12 oz. cans
Ballantine, 16 oz. cans
Pabst, 12 oz. cans
Pabst, 16 oz. cans
Colt 45, 16 oz. cans
Black Label, 12 oz. cans
Black Label, 16 oz. cans
Moosehead, 12 oz. cans
Foster's, 12 oz. cans
Kingsbury Non-Alco, 12 oz. cans
Texas Light Non-Alco, 12 oz. cans

Knickerbocker, Narragansett, Magnum, Ballantine, Texas Light, Kingsbury, Milwaukee's Best are available only in 6-pack connectors!

Nappi estimates that if the plastic connectors are banned, his volume would decrease by 20 percent. He employs 80 people full-time and estimates that he would have to reduce his work force by 10 to 15 people.

Plastic connectors are photodegradeable and are less of a litter or solid waste problem than are laminated cardboard packages. No other state has banned plastic connectors, neither should Maine.

Joe Mokarzel, President
NAPPI DISTRIBUTORS

Robert J. Flynn, Treasurer
MAINE DISTRIBUTORS

Kenneth P. MacLeod
Executive Vice President

Scott Oliver, Vice President
COLONIAL DISTRIBUTORS

James Skillings, Secretary
CUMBERLAND & YORK DISTRIBUTORS

KENNETH P. MacLEOD, C.L.U.
14 Allen Road
Brewer, Me. 04412

BOTTLE BILL HANDLING CHARGES

Other States

<u>State</u>	<u>Handling Charge</u>
Connecticut	\$.02 - Soft Drinks \$.01 - Beer
Delaware	20% of refund value (1 cent)
Massachusetts	\$.02
Iowa	\$.01
Michigan	~~\$.00~~ No Charge (in effect since 1978)
New York	\$.015
Oregon	~~\$.00~~ No Charge (in effect since 1972)
Vermont	\$.03 (political arrangement)

Why should a 4¢ Handling
Fee In Maine be required
when other states (with higher
costs of doing business) do it for so
much less!!

My name is Michael Hudson, Vice President of Public Affairs, Illinois Tool Works of Chicago. One of our divisions, Hi-Cone, manufactures the degradable plastic beverage carrier under discussion by this Committee. I appreciate the opportunity to be here today to provide you with information about the carrier and how it is making a positive contribution to reducing litter and solid waste in Maine.

The decision by any regulatory or legislative body to ban a product from commerce, in this case interstate commerce, is a very significant decision with far reaching economic implications in terms of increased cost to the consumer and affected industries and jobs lost by the manufacturer.

In the case of the plastic beverage connector, there are also major environmental implications. Because of these long term implications, the decision to ban this product is one that should not be reached hastily or capriciously. It must be approached in a careful and judicious manner after a thorough review of pertinent facts based on extensive and objective data.

There are several critical criteria that should be used by a legislative body in deciding whether or not to ban a product.

Among these criteria are:

A. What are the facts and how extensive is the data on which they are based?

B. Was the data gathered in a professional, independent and objective manner?

C. What is the nature of the problem and how pervasive is it?

D. How have other legislative bodies addressed this problem?

E. If the product is banned, what are the economic and environmental consequences of the alternative products that will be used?

Before discussing each of these criteria in the context of the degradable Hi-Cone beverage carrier, let me quickly tell the Committee something about the degradable carrier.

Briefly, the Hi-Cone degradable carrier is made from a specially modified, low density polyethylene resin. The photo-sensitive group, actually a ethylene/carbonyl copolymer, is incorporated into the backbone of the polymer chain. As soon as the degradable carrier is exposed to the ultra violet rays contained in sunlight it begins to lose its structural integrity. This process continues until the carrier reaches a state of embrittlement where it is no longer recognizable as either a package or as litter. Natural forces in the environment such as wind, precipitation, humidity, etc., will break the carrier into smaller and smaller pieces of environmentally benign particles or dust.

Now lets review the facts. The Committee has been told that thousands of marine mammals and hundreds of thousands of seabirds die annually on a world wide basis because of entanglement in plastic debris. The implication is that carriers are a major cause of these deaths.

But what are the facts?

In the Environmental Protection Agency's final draft of its report to Congress entitled, "Impacts of Marine Debris on the Environment", it states, " The most common entangling debris items (for marine mammals) are, in decreasing order of importance, fishing nets and net fragments, uncut plastic strapping bands, ropes and plastic sheeting." In another section the report states, "Entanglement in derelict fishing nets is a major concern for seabirds. Studies have shown that large numbers of seabirds are caught and killed in active fish nets, and derelict nets continue to entrap seabirds as they drift."

What impact do plastic carriers have on entanglement?

Listen to the testimony of Robert P. Smith, Deputy Assistant Director for Fish and Wildlife Enhancement, U.S. Fish and Wildlife Service, U.S. Department of the Interior on July 26, 1988 before the U.S. House Committee on Merchant Marine and Fisheries, Subcommittee on Fisheries and Wildlife Conservation and the Environment. Mr. Smith stated, " There is very little scientific data that is specific to plastic yokes; therefore, my testimony will be based primarily on anecdotal information and our perceptions of the magnitude of the 6-pack ring "problem" that this bill addresses. Ten National Wildlife Refuges along all of the nation's coastline were contacted. Six (out of ten) refuges reported occasional sightings of birds and other species entangled in 6-pack rings. The most common species impacted were gulls. The average number of 6-pack ring instances per refuge contact during this informal survey was one observation per year for all types of wildlife." Hardly an epidemic.

Since Mr. Smith was referring to entanglement on a national basis, this would include both degradable and nondegradable carriers. So what would be the effect of degradable carriers on this problem?

Dr. Albert M. Manville II, Ph.D., Senior Staff Wildlife Biologist, Defenders of Wildlife at the same hearing stated, and I quote, " Research Triangle Institute in Research Triangle, North Carolina, has been conducting studies on photodegradable Hi-Cone ECO plastic. ... The test results, however, were quite promising and the plastic performed quite well. During the first week of at-sea exposure of the plastic to sunlight, 70 to 80 percent of the tensile strength of the plastic was lost. If an animal becomes entangled in a yoke during this time period, it very likely could break free from the weakened plastic."

Once again hard, scientific facts present a different view than unsubstantiated stories and anecdotal reports.

Let us now turn our attention to Maine and look at the scope of the problem in the state.

In the fall of 1988 1325 volunteers collected all kinds of litter and debris from 114 miles of Maine beaches. They picked up over 51,000 different items of all types, including more than 21,000 plastic items. They only found 275 carriers or less than 1/2 of 1% of all items found in the 114 miles. 275 carriers in 114 miles. This works out to only one carrier every 2.4 mile or one carrier every 733 yards.

In other words, if you put eight football fields together, on average you would have to walk from the goal line of the first to the thirty yard line of the eighth field before you would find a carrier. I would suggest to you that one carrier per 7.3 football fields does not represent a massive contamination of the Maine environment.

Another factual example of the effectiveness of the degradable carrier in terms of litter reduction.

The fourth criteria I suggested the Committee take into account before reaching a decision was to consider what have other legislative bodies done about the same problem.

Again lets look at the facts. In addition to Maine a number of other states have also investigated this question of the plastic six-pack carrier in a very thorough fashion. I handed out a chart which lists the 19 states that have followed the lead of Maine and have required the use of degradable carriers. In addition to the 20 states that have laws on the books, legislation in three other states has either passed and is waiting the Governor's signature or is in the final stages of passage. This means that twenty three of the fifty states have looked carefully into this issue and, while they could have chosen to ban the carrier outright, they instead took affirmative action to mandate the use of degradable carriers.

At the Federal level, in the fall of 1988 Congress passed and the President signed into law Public Law 100-556, which requires that only degradable carriers can be manufactured for sale and use in the United States. After careful evaluation of the facts based on data presented in formal legislative hearings, The U. S. Congress decided, not to ban the carrier, but to mandate the use of the degradable carrier on a national basis.

As part of the legislative process, Dr. Manville who I quoted before testified on behalf of the Entanglement Network urging the Congress to pass S. 1986 which became PL100-556. The Entanglement Network is a consortium of some 38 wildlife, animal welfare, and conservation organizations, including the Maine Audubon Society.

Dr. Manville closed his testimony with the following statement, "The use of degradable plastic is essential to alleviate the adverse impact of plastic on wildlife. We recognize that degradability is no substitute for the proper disposal of plastic waste. The plastics problem can only be solve ultimately by a combination of efforts including degradability as a critical component in a comprehensive scheme for dealing with plastic waste. Passage of this legislation will show the plastics industry and the general public that Congress considers degradability a viable option in dealing with our massive plastic refuse problem. ... We in the Entanglement Network Coalition strongly endorse this legislation and hope the Members of these Subcommittees will do the same."

One final criteria that should be considered by the Committee is the impact on the Maine environment if the degradable beverage carrier would be banned?

In Maine there are currently three methods of multipacking beverage cans: coated paperboard, plastic shrink film and degradable Hi-Cone carriers. Only one of these three, the degradable Hi-Cone carrier, is designed to degrade in a short period of time when exposed to UV rays from the sun. The other two will be around as aesthetic eye sores for long periods of time because they are not photodegradable. Since it obvious that people who thoughtlessly and carelessly throw away beverage packaging, no matter what kind of material it is made from, will continue to litter, banning the degradable Hi-Cone carrier would only result in a substantial increase in the amount of beverage related litter.

The second effect of a ban on degradable Hi-Cone carriers would be a dramatic increase in beverage related solid waste. In your packet of materials there is a chart comparing the three types of beverage multipack materials from a weight and volume standpoint. You can see that Hi-Cone carriers required to package 1,000 six-packs would weigh only weigh 8.7 pounds and occupy only .17 cubic feet of space; by contrast, plastic shrink film required to package 1,000 six-packs would weigh 21 pounds and occupy .42 cubic feet of space; coated paperboard used to package 1,000 six-packs would weigh 96.9 pounds and occupy 1.71 cubic feet of space or ten times as much as Hi-Cone carriers.

I find it somewhat ironic that at a time when the packaging industry is being asked to reduce the amount of material it uses; and this Committee is considering ways to reduce the amount of solid waste in Maine; the one product that represents a success story in using the least possible amount of material and therefore represents the least amount of solid waste is the one product this committee is asked to consider banning.

The degradable Hi-Cone beverage carrier has proven itself to be an economically acceptable package to the consumer and the beverage industry. It has proven to be an environmentally acceptable package to the U. S. Congress and twenty three states, including the State of Maine. Banning the degradable Hi-Cone carrier would be both an economic and environmental step backward for Maine.

May 18, 1989

The Honorable Senator Judy Kany
The Honorable Representative Michael Michaud
Co-chairs of the Energy and Natural
Resources Committee

Station #115
Augusta, Maine 04333

Dear Senator Kany and Representative Michaud,
I am writing to urge your support
of LD 1431, An Act to Promote Reduction,
Recycling and Integrated Management of
Solid Waste. I feel it is time to aggressively
act now to reduce solid waste before it
becomes an insurmountable problem. Already
landfills are looking to expand due to
over capacity and incinerators are creating
environmental hazards with ash and air
emissions. I feel all Maine people must do
their part to reduce solid waste through
recycling, composting and expanding the
bottle bill^{etc.}. We must realize that once we
throw trash away it does not just disappear
and we all must be responsible for that
trash.

Sincerely,



Liz Timm

400 Cedar Grove Rd.

Dresden, ME. 04342

ENERGY AND NATURAL RESOURCES COMMITTEE HEARING
MAY 8, 1989
TESTIMONY BY KATE GOODRICH
ON LD 1431, section 7

"Senator Kany, Representative Michaud, and members of the Energy and Natural Resources Committee. My name is Kate Goodrich from Falmouth, and I am currently studying the issues of solid waste management with my high school class at the Chewonki Foundation in Wiscasset, Maine.

I am speaking in support of LD 1431, section 7 about the banning of plastic six pack yokes. The present law concerning these plastic rings calls for a "reasonable" degradation period. And LD 181 calls for a 90 day degradation period. Both of these are insufficient. Degradability depends on perfect conditions: extreme sunlight and warm temperatures. Unfortunately, Maine's cold environment is not conducive to this process and, as a result, the six-pack rings remain in our environment for extended periods of time, causing the unsightly pollution of our lands and waters. Consequently, these plastic rings threaten our wildlife, entangling birds, fish, and other marine animals, often producing fatal injuries.

The bio-degradability of the plastic six-pack yokes is extremely controversial. We spoke to Mike Hudson, manager of public affairs of Illinois Tool Works, the producers of six-pack rings, about the degradability of the yokes. He said the average degradation period on dry land was roughly ~~two~~ 90 days, depending on the amount of sunlight. But, we are concerned with the deterioration of the rings in seawater. Because the rings are often submerged in water, or covered with sand and rocks, they are not exposed to direct sunlight. And in addition, the cold temperatures of the water slow down the degrading process even more. Another argument is the fact that algae quickly coats the rings, preventing the photosensitive particles from reacting. As a result of all these factors, the rings may remain in the marine environment for as long as 450 years. (from Environment magazine, Vol.30, February 88)

If, eventually, the plastic rings do breakdown, no longer posing an entanglement threat to animals, the broken down particles continue to remain in the environment. These plastic pellets are ingested by the animals who mistake them for food. These pellets result in serious digestive problems and frequently, death.

The six-pack rings are both consciously and unconsciously left on beaches and tossed into the water by people on fishing boats, passenger ships, recreational vessels, and others. Birds, fish, seals, and still other animals get caught up in the rings in their search for food. Often, the rings get twisted around their limbs, paralyzing the animals so that they starve to death. In one quote from a warden, he states "I have personally had to do away with gulls who have had plastic six-pack holders over their neck and were unable to eat because of it." In other cases, the yokes get caught around the necks of animals, choking

them slowly and painfully. The rings also pose a threat because as soon as an animal becomes ensnared, they are extremely vulnerable to their predators, as they have no way of defending themselves. In still other cases, animals may actually ingest the entire plastic yoke, mistaking it for food. The six-pack yokes are unquestionably detrimental to marine wildlife.

Maine has reached an environmental crisis. With almost all of our landfills closed, or filled to near capacity, immediate action must be taken to raise the level of Maine's consciousness concerning its trash. There are many options to be taken in reducing our waste problem, including composting, source reduction, and most importantly, recycling. We believe that the passage of this bill would be one further stride towards a cleaner environment for Maine. If the plastic rings were to be banned, companies could resort to cardboard boxes and containers. Not only is the cardboard fully recyclable, but if the box were to be thrown into the sea, the animals would not be threatened. As a result, Maine would be cutting down on its plastic usage and pollution, while encouraging recycling.

Constantly, seals and birds suffer unreported deaths from yokes, whether they are technically biodegradable or not. A young seal or gull loses its magical gift of life -- that same gift that every person here is most thankful for. How long do we continue allowing these animals to die in the name of convenience? Today, we have the choice to make the Earth a more inhabitable place for all creatures. We urge you to recommend the passage of this bill in the legislature. Thank you.

STATE OF MAINE

Inter-Departmental Memorandum Date 8-16-88

To Maj. Perley Sprague
From Robert L. Burns
Subject Plastic Debris

Dept. DMR

Dept. DMR

I have personally had to do away with Gulls who have had plastic six pack holders over their neck and were unable to eat because of it. (2) I have had several boats in my area become disabled when a plastic salt bag covered their propellor.

RECEIVED

AUG 19 1988

BUREAU OF MARINE
PATROL

Robert L. Burns

RECEIVED

AUG 17 1988

DIV. III
HQ.
ELLSWORTH



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SOLARITE INSULATION

A DIV. OF BARRY N. SPRINGER, INC.
36 GREENE STREET SABATTUS, ME 04280
(207) 375-4279

Senator Kany, Representative Michaud, and members of the Energy and Natural Resources Committee, my name is Barry Springer, president of Barry N. Springer Inc., located in Sabattus Maine. I am here to testify in regards to LD 1431.

Our company has been in the cellulose insulation business for the past 25 years. During this time we have converted and sold over 40,000 tons of recycled newspaper made into cellulose insulation under the brand name of SOLARITE*.

The majority of newspaper we purchase comes directly from organized groups, charities, towns and individuals. The balance we purchase from brokers all over New England. This we feel puts us in the position of having considerable working knowledge of newspaper recycling. Any of what we are saying is supported by published statements from paper dealers.

I would be willing to make an educated guess that when mandatory recycling gets fully underway in all towns and cities in the northeast that there should be an increase, conservatively, of 2 to 300 % in newsprint for sale.

If, as predicted, markets do not exist, this will inflate your cost of operations considerably in the form of tip fees.

We would be interested in buying more newspaper from area towns at fair market prices, but demand for our product, which is used largely in retrofit is declining. We are operating at only a fraction of our capacity.

The cellulose insulation market is still a good market, about 6 to 8 million dollars in Maine alone. We ship to six other states, but our share is still only 2 to 3 % of the market. The entire cellulose industry is barely 200 million dollars. This is due to the superior marketing skills of cellulose insulation's competition, the mineral fiber industry, which does 3 to 5 billion dollars per year nationally. You've seen the "Pink Panther" commercials, plus the dozens of new releases prepared by their industry and printed by major daily papers.

A lot of their marketing is subliminal. For example, the local utility only shows pink insulation through out their "Good Cents" literature. And when the state of Maine retrofited most of their public buildings and university buildings, they specified mineral fiber insulation. Even the Maine Housing Authority specifies mineral fiber insulation or its equivalent.

The people that are going to control the demise of the recycled newspaper market are the ultimate user of the product that is made from newspaper. These people are the state purchasing agents, architects, developers, builders and home owners and buyers. They are the ones who need encouragement and incentive to use a recycled product that doesn't create contamination or toxic waste and will support the programs that the Governor wants made mandatory.

In order to maintain a market for newsprint we must find ways of giving people the incentive to consider using a time proven product of recycling. We need your help for our industry to survive. We are willing to meet with any of the committees at anytime. Can you help?

Recycling process is just that----using recycled products completes the circle.

May 9, 1989

Testimony supporting An Act to Promote Reduction, Recycling, and Integrated Management of Solid Waste (L.D. 1431), 8 May 1989

Senator Kany, Representative Michaud, and members of the Energy and Natural Resources Committee, my name is Donald Ludgin. I am from Georgetown, where I chair our Solid Waste Action Committee. I am here to testify in favor of L.D. 1431 as the only act comprehensive enough and strong enough to provide real solutions to the problems of solid waste in Maine.

My focus is regional planning, which has two distinct facets, NIMBY and IMBY. The first is familiar and understandable: few of us want an ash dump or a transfer station sited in our back yards. The second, IMBY, may be less familiar, but I think it is at the heart of the problem of getting towns to work together. IMBY stands for: It's already in my back yard, and I'm used to it. Each town has its own way to get rid of solid waste and cannot see the benefit of any regional cooperation until its own dump must close.

That's the situation Georgetown is in: we have a dump, and few of us could be bothered thinking about solid waste until we discovered that our dump would be overflowing within weeks after we stopped open burning. No burning means essentially no dump for us, so we looked for alternate sites for a landfill. We could find no land. Not even land for a stump dump.

That fact led us to take our first regional steps. Members of our committee asked our neighbors in Arrowsic whether we could share a stump dump with them. They had no land, either, but were willing to go with us to talk to their neighbors in Woolwich, who have enough land for the three of us.

So we called a public meeting in Bath and invited town officials and others from the three towns to discuss whether anyone (meaning Woolwich) had enough land for a regional stump dump. When I phoned Crispin Connery, selectman of Woolwich, to invite him to the meeting, he told me he had just begun discussions about a regional transfer station in West Bath. We quickly widened our list to include Bath, West Bath, and Phippsburg.

All these towns had been active in BBARDD, the Bath-Brunswick Area Refuse Disposal District. All had been willing to consider a regional solution to a looming, but not pressing, problem. All were willing to let BBARDD go last year when it couldn't offer a regional solution at a reasonable cost. Besides, the town officials could look at their dumps and say, "It's already in my back yard, and I'm used to it."

About 30 of us met in January to discuss a regional solution. Those of us from Georgetown could count the life of our dump in weeks; Phippsburgers have about two years, as do the people of Woolwich. The people of Bath, whose dump also serves Arrowsic and West Bath, have ten to twelve years. But we agreed that a committee of selectmen from Bath and its neighbor towns would talk about a regional center in West Bath.

We are now working on plans for a regional transfer station, recycling center, and stump dump, subject to approval at the various town meetings. The waste from five towns is more economical to dispose of than the waste from one town, even if it must be hauled to someone else's back yard. We in the Bath area will welcome a regional landfill or incinerator closer than Norridgewock or Orrington, but for now we are working on regionalization on a smaller scale.

Senator Kany, Representative Michaud and members of the Energy and Natural Resources Committee, my name is Patricia Cyphers and I am from Hancock, Maine. I hold the environmental chair on the Maine State Board of the League of Women Voters. I am here today to testify in favor of waste reduction and recycling.

The League of Women Voters supports the reduction of the nonreducible part of the waste stream, recovery of its nonreducible portion and the safe disposal of the rest. We continue to support adequate budgets for solid waste programs and regional cooperation in resources recovery programs as well as extending mandatory deposits on beverage containers except for those contain^{ing} milk and dairy-derived products.

We feel that LD 1431^{SVS} will strengthen the League's position, reached after study and consen^{sus} of solid waste problems, by reducing the amount of waste, give direction to recycling operators as well as guidance and financial help to municipalities for creating regional programs.

It is our belief that if the toxicity of the ash could be reduced through removal of toxic materials prior to incineration, we could have an end result of a safe product that could be marketed for use in anyone's back yard!

If plastic containers were coded as to their components, it would facilitate their ability to be recycled and hopefully, markets could then be found for their use.

The Maine League of Women Voters has been very active this winter addressing Hazardous Household Wastes^{and}, explaining what they are, how they should be handled and disposed of/alternatives that could be used in their place. Besides panel discussions in Augusta, Portland and Bangor, the Brunswick League's pilot Household Hazardous Waste collection program was so successful, that it had to close earlier than planned and people had to be turned away! We favor more public education followed by the collection and disposal of these Household Hazardous Wastes.

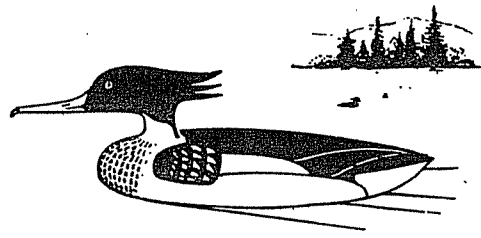
We realize that there are many bills before you addressing waste reduction and recycling and we want to go on record in support of those that strengthen our environmental positions previously stated.

Thank you,

Patricia Cyphers

MID-COAST AUDUBON SOCIETY

Chapter of National Audubon Society



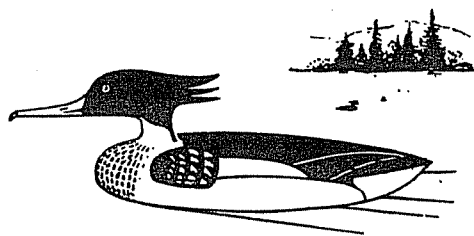
Reply to: Doris Balant
RR 1, Box 726
Newcastle, ME 04553

Senator Kany, Representative Michaud, members of the Energy and Natural Resources Committee:

I am here to express my support for LD 1431, because it addresses the problem of solid waste management at "both ends": not only by mandating recycling of what has been used, but by reducing the amount of materials entering the waste stream.

I support the bill overall, but my particular interest is in the reduction of problem packaging, especially plastics. For the past four years I coordinated the annual COASTWEEKS coastal cleanup in the Mid-Coast area for the local chapter of the National Audubon Society of which I am a member. In cooperation with the State Planning Office and the UMO Extension Service in Rockland we offered a slide program on marine littering and entanglement to interested groups, especially in schools, followed by many local beach cleanups during COASTWEEKS. The record of the kinds and amounts of trash found was collected by the State Planning Office and became part of the state-wide and national data. A once-yearly effort like this is useful for educating the public on this issue but is only a small sampling of the overall amount of litter in the ocean. In 1988 over 1,400 Mainers participated, collecting 7.5 tons of trash on this one occasion. This is 2.5 times as much trash per person as was collected four years ago. 40% of the litter was plastic which is known to have lifespans of from 20 to 400 years. Scientists estimate that 1 million seabirds and 100,000 marine mammals die annually from ingesting or becoming entangled in plastics. Plastic entanglement is also a serious and often costly problem to commercial marine interests and recreational boaters. A recent Annex to the Marpol Treaty attempts to reduce

MID-COAST AUDUBON SOCIETY



Reply to: D. Balant

dumping of wastes, especially plastics, in the ocean. However, since all trash comes from land, from us, we need to do more than just move it around!

We need to reduce the amount of plastics ~~manufactured~~^{we use} to an absolute minimum. It will involve inconvenience and some sacrifice. We cannot forego the essential uses of plastics in science, medicine and technology. It is all the more important for us to change our habits ~~and~~ and live with a little less plastic in our daily lives. Potatoes and apples can come home from the store just as well in paper. We don't need plastic magazine wrappers, unbreakable objects smothered in styrofoam packaging or dogfood cans held together by plastic yokes.

I commend Representative Michaud and his co-sponsors for proposing this strong and comprehensive bill. I know that "mandatory" is a dirty word to some, but unless everyone reduces the amount of waste we generate and participates in recycling the intent of this bill will not be achieved. We need to accept this problem which is our own creation and to deal with it before it literally buries us.

May 8, 1989

To the Joint Committee on Energy and Natural Resources:

Testimony on LD 1431

"An Act to Promote Reduction, Recycling and Integrated Management of Solid Waste."

My name is Beedy Parker and I live in Camden, Maine. I am a member of the Public Policy Committee of the Maine Organic Farmers and Gardeners Association (MOFGA). I would like to speak in favor of LD 1431, "An Act to Promote Reduction, Recycling and Integrated Management of Solid Waste," and especially to address the proposal to mandate the municipal composting of leaves within three years.

Leaf composting at the municipal and institutional level is an effective way of reducing solid waste to be landfilled or incinerated. Nationwide, yard wastes, including leaves, grass clippings and brush, are estimated to be 17 percent (by weight) of the total solid waste stream. Leaves are usually delivered in large quantities during a relatively short period of a few weeks during the fall. At that time, they can be immediately formed into long windrows to compost, using widely available existing machinery. During the following year, the windrows are turned a few times until the leaves are digested, after which the compost can be stockpiled and used.

Composted leaves can be used by landscapers, farmers and home gardeners to improve their soils, and by contractors and highway maintenance to stabilize eroding banks. Composting turns leaves into very useful soil conditioners, with none of the smelly and

flammable methane gas that can be a by-product of leaf breakdown in the anaerobic conditions present in a landfill. Leaves are a valuable source of mineral nutrients and organic matter and should not be wasted in landfills.

Where the solid waste is going to an incinerator, the removal and composting of the leaves improves the BTU value of the waste stream, because of the high moisture content of the leaves.

In Camden, our transfer station manager, David Eaton, expects to have a leaf composting system working in the next few years. Making composting mandatory will make it all the easier for the towns to get organized and do it. In some towns the job might be contracted out to the landscapers, farmers or institutions who could use or market the finished product.

Leaf composting is an easy, relatively trouble-free, ecologically sound first step to municipal composting of organic solid waste. The sooner we start, the better.

Testimony by Diane Friese, resident Vienna, Maine
Presented to Energy and Natural Resources Committee
Public Hearing May 8, 1989

Supporting Mandatory Recycling in LD 1431

Senator Kany, Representative Michaud and members of the Energy and Natural Resources Committee, my name is Diane Friese, and I am testifying as a private citizen from Vienna, Maine. In particular, I am testifying in favor of mandatory recycling as stated in LD1431.

As a member of the Vienna dump committee, I have been experiencing first hand the many facets of finding solutions to dealing with solid waste in our town. Vienna is a small town with a population of approximately 600 people. Although we only generate about 165 tons of trash per year, we are facing the same solid waste problems as larger towns. Our dump committee is putting forth recommendations to town officials to implement within the next month, a recycling program for three items - glass, newspaper and cardboard. Recycling will help our town reduce the total bulk waste produced and therefore save in costs for hauling the non-recyclables to a landfill or incinerator. We are looking forward to having access to and support from a state solid waste authority and a regional solid waste district. We will be looking to these organizations to assist us in implementing ways to recycle additional items, and thereby enable us to further reduce our total bulk waste.

I have taken the time to speak to you today because I feel that every town in Maine is capable of collecting items to be recycled. Citizens in small towns are just as important to the process of reducing waste on a statewide basis as are people who live in large towns. There are approximately 430 towns in Maine with a population of 5,000 or less. There are only 50 towns in Maine with a population greater than 5,000. Obviously, the larger towns produce more waste. However without recycling occurring in the 430 small towns in Maine, the state will not be reducing a sizeable percentage of the waste stream.

If regional solid waste districts are established, large and small towns within each district will be able to coordinate collecting recyclables on a equal basis. A small town like Vienna cannot afford expensive compactors for plastic or newspaper bales. However, we can inexpensively collect recyclables and truck them to a larger recycling center. Please consider all Maine citizens when drafting your recycling bill, not just people who live in towns with a population of 5,000 or greater.

Thank you for your time.

Senator Kany, Representative Michaud, and members of the Energy and Natural Resources Committee, my name is John Garesche; I am from Lewiston; and I am here today to testify in favor of Legislative Document 1431.

The fast approaching waste crisis is forcing many communities to jump on the incineration band wagon as Lewiston almost did. But the problems facing today's society will only be made worse by this trend. The build up of carbon dioxide in the atmosphere can not continue as almost all scientists agree, and incineration will only make this problem worse. A new bill in congress, The Global Warming Prevention Act, may even come into conflict with many of the proposed incinerators, since it asks for a twenty percent cut in carbon dioxide emissions by the year 2000. Along with this, there is the rapidly decreasing space for landfills, and their tendency to leak. Well, incinerators don't solve either of these problems since they still need around forty percent of the original landfill area, and the ash is much more toxic; resulting in more complex handling problems, as many of us know the story of Philadelphia's toxic ash barge traveling the seas for twenty seven months trying to find a place to dump its cargo. As a young person, I am also very concerned with the serious problems in the future that we will most likely have with leaking toxic dumps.

The only answer to all this with any fore sight at all is integrated waste management, including source reduction, recycling, composting, problem waste control, and landfilling. In order to respond to the problem of decreased landfill space, these other aspects must be pursued rigorously. The fifty percent goal of recycling in five years is a practical, realistic, and very necessary goal. Let us take a look at some other recycling plans: Philadelphia has just passed an ordinance mandating fifty percent recycling in five years, Seattle has one of the most successful recycling programs (thirty percent in less than one year) with a goal of sixty percent. North Hempstead, New York on Long Island, had a study showing that they could move to seventy-one percent recycling in five years. Fifty percent recycling in five years can happen, but only if we want it. What this country needs are some progressive approaches to the waste problem. The way to do that is mandatory state levels of recycling, now. Let us be progressive, let us be an example, Let us recycle Maine.

Thank You.

Sources:

The New York Times: April 11, 1989; "L.I. Town's Waste Crisis: Burn or Recycle?" Page B1.

Greenpeace, Vol. 14, No. 1. Jan/Feb 1989. Ken Stump and Kathy Doiron, "The System Works: Seattle's Recycling Success" Page 16.

Greenpeace, Vol. 14, No. 2. Mar/April 1989. Econotes, "The Saga of the Leper Ship" Page 4.

Behold the letterhead of JOHN W. BRAINERD a naturalist-at-large perilously perched on our Planet Earth at a momentous moment in the adventures of our Human Race, delighted to try to help as educator, ecologist (Ph.D.), author, illustrator, lecturer-photographer, and a gardener of sorts; husband, father, grandfather, dog-and-cat-lover, and, and, oh yes: retiree! a bit tired, but can we help each other?

Home: Box 245 Varnum Road, West Brooksville, Maine ... 207-326-8846

In summer, often at shore cottage nearby on Cape Rosier ... 326-4594

(Sometimes away in Barbara's and my telephoneless VW camper)

Senator Judy Kany, Ch.

05 May 1989

Energy & Natural Resources committee

Station # 115, Augusta ME 04333

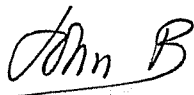
Dear Senator Kany:

I find belatedly that I cannot attend the hearing on May 8 on L.D. 1431, L.D. 932, and other bills dealing with RECYCLING.

Many years ago I helped get a bottle bill through the Massachusetts legislature in spite of the misinformation and lobbying by container manufacturers and distributors, and again with the Maine Bottle Bill. I know further efforts to recycle are long overdue.

I have studied our Governor's proposals and those of the Natural Resources Council and strongly prefer the Council's. If wish I could hear all sides expressed at the hearing and express my own views there, possibly though pot probably modified by what I might hear. Since I cannot, please hear me in this letter as preferring L.D. 1431.

Sincerely,



John W. Brainerd, Ph.D.

Janet Redfield

Harborside, Maine 04642

May 4, 1989

Senator Kany and Rep. Michaud

Co-chairs of the Energy and Natural Resources Committee

Dear Senator Kany and Rep. Michaud:

I am writing to express my support for L.D.1431. I am unable to attend the public hearing on recycling and solid waste next week, but would like to urge you^{to} pass this bill into law. Most people are not willing to give up any personal convenience voluntarily, and I think the state of Maine must take control of a rapidly deteriorating condition of waste production by uninformed and/or selfish businesses and individuals, and set legal standards for production and disposition of garbage.

Mandatory recycling is not something that can wait to be phased in over a long period of time. Of particular interest in L.D. 1431 is the way it addresses packaging. I would like to see all unnecessary packaging either banned or heavily taxed in the very near future.

Thank you for allowing me to vent some wrath in your direction.

Yours,

A handwritten signature in cursive script that reads "Janet Redfield". The signature is written in dark ink and is positioned below the typed name "Yours,".

Testimony of
PAUL B. FREDERIC
WESTERN MOUNTAINS ALLIANCE

before the
JOINT STANDING COMMITTEE ON ENERGY & NATURAL RESOURCES

in Public Hearing
Monday, May 8, 1989

SENATOR KANY, REPRESENTATIVE MICHAUD, MEMBERS OF THE ENERGY & NATURAL RESOURCES COMMITTEE...

MY NAME IS PAUL FREDERIC, AND I AM A MEMBER OF THE BOARD OF DIRECTORS OF THE WESTERN MOUNTAINS ALLIANCE. THE ALLIANCE IS AN ASSOCIATION OF CITIZENS FROM FRANKLIN, OXFORD, PISCATAQUIS AND SOMERSET COUNTIES, DEVOTED TO RESEARCH AND PUBLIC EDUCATION THAT WILL ENCOURAGE PRACTICAL, APPROPRIATE AND SUSTAINABLE GROWTH IN MAINE'S WESTERN MOUNTAINS REGION.

AS YOU KNOW, WESTERN MAINE IS ESSENTIALLY RURAL MAINE IN ITS PUREST SENSE. THE FOUR COUNTIES WHICH COMPRISE OUR REGION REPRESENT 38 PERCENT OF THE STATE'S AREA, YET FEWER THAN 145,000 PEOPLE, ABOUT 12 PERCENT OF MAINE'S POPULATION, LIVE IN WESTERN MAINE.

WESTERN MAINE PEOPLE GENERALLY RESIDE IN SMALL TOWNS AND VILLAGES, IN REMOTE SETTLEMENTS, THE OPEN COUNTRYSIDE, OR ON FARMS. MOST OF THE REGION'S RESIDENTS LIVE IN 110 ORGANIZED TOWNS AND PLANTATIONS. THERE IS NOT A SINGLE INCORPORATED CITY IN THE REGION. THE AREA'S LARGEST TOWNS (SKOWHEGAN, FARMINGTON AND RUMFORD) EACH HAVE POPULATIONS NUMBERING BETWEEN 7,000 and 8,000. NO TOWN HAS MORE THAN 9,000 PEOPLE.

DURING MARCH, THE ALLIANCE CONDUCTED A SURVEY OF THESE 110 MUNICIPALITIES, ASKING THEM FOR SOME BASIC BACKGROUND INFORMATION ON THEIR CURRENT SOLID WASTE MANAGEMENT PRACTICES AND QUERYING THEM ABOUT THEIR ATTITUDES TOWARD POTENTIAL FUTURE WASTE MANAGEMENT OPTIONS. WE ALSO TOOK THIS OPPORTUNITY TO ASK FOR THEIR OPINIONS REGARDING ELEMENTS OF SOLID WASTE LEGISLATIVE PROPOSALS, PRESENTLY BEFORE THIS COMMITTEE AND THE LEGISLATURE.

EXACTLY 50 PERCENT OF THOSE SENT SURVEYS -55 TOWNS AND PLANTATIONS - HAVE COMPLETED AND RETURNED THEM TO DATE. WHILE OURS IS NOT A SCIENTIFIC OPINION POLL, IT DOES REPRESENT THE REACTIONS OF THOSE ON THE "FRONT LINES" OF SOLID WASTE MANAGEMENT IN RURAL WESTERN MAINE: TOWN MANAGERS AND/OR SELECTMEN.

THE QUESTIONNAIRE ADDRESSED FOUR ASPECTS OF THE SOLID WASTE ISSUE: 1. GENERAL PRACTICES, 2. LOCAL DISPOSAL OPTIONS, 3. RECYCLING AND 4. OPINIONS ON LEGISLATIVE PROPOSALS. I WILL SUMMARIZE THE HIGHLIGHTS OF EACH OF THESE AREAS.

GENERAL PRACTICES: TWO-THIRDS OF THE RESPONDING MUNICIPALITIES USE SANITARY LANDFILLS TO DISPOSE OF THEIR SOLID WASTE; HALF OF THE TOWNS ENJOY HOUSE-TO-HOUSE COLLECTION PROVIDED BY THE TOWN OR THROUGH PRIVATE COLLECTION; AND MANY COMMUNITIES, ONE-THIRD, REPORT THAT OVER 25 PERCENT OF THEIR SOLID WASTE STREAM COMES FROM SEASONAL RESIDENTS.

LOCAL DISPOSAL OPTIONS: FORTY-THREE PERCENT OF THE COMMUNITIES INDICATED THAT THEIR PRESENT DISPOSAL SITES HAVE LESS THAN THREE YEARS OF USE LEFT, WHEREAS, ONLY FIVE PERCENT HAVE ALTERNATIVE LANDFILLS READY FOR USE; MOST COMMUNITIES (72%) ARE INTERESTED IN WORKING WITH OTHER MUNICIPALITIES TO FIND SOLUTIONS, HOWEVER, ONLY FIVE PERCENT OF THE TOWNS INDICATED A WILLINGNESS TO HOST A REGIONAL LANDFILL.

RECYCLING: ONE-QUARTER OF THE TOWNS ARE RECYCLING NEWSPAPERS AND A FEW PLACES ARE DEALING WITH OTHER MATERIALS: FORTY-SEVEN PERCENT OF THE COMMUNITIES BELIEVE THAT RECYCLING DROP-OFF CENTERS WOULD BE DESIRABLE IN THEIR TOWN AND HALF THE RESPONDENTS BELIEVE COMPOSTING OF BIOLOGICALLY DEGRADABLE MATERIALS SHOULD BE PART OF LOCAL PROGRAMS.

OPINIONS ON LEGISLATIVE PROPOSALS: FIFTY-FIVE PERCENT FEEL THAT RECYCLING COULD REDUCE THE WASTE STREAM BY MORE THAN TWENTY-FIVE PERCENT BY 1993, WHEREAS, ONLY SEVEN PERCENT THOUGHT MORE THAN FIFTY PERCENT OF THE STREAM COULD BE REACHED IN THAT TIME; SEVENTY-EIGHT PERCENT SUPPORT AN EXPANDED BOTTLE BILL; ABOUT FIFTY PERCENT SUPPORT THE CONCEPT OF A SOLID WASTE AUTHORITY WITH REGIONAL DISTRICTS, BROAD POWERS TO SET POLICY, LOCATE FACILITIES, PROVIDE TECHNICAL ASSISTANCE, SET FEES, ISSUE REVENUE OBLIGATION SECURITIES AND SECURITIES FOR MORTGAGE LOANS TO FINANCE SOLID WASTE MANAGEMENT FACILITIES AND MANAGE SOLID WASTE FUNDS TO MEET TECHNICAL AND CLEAN-UP NEEDS.

THIS INFORMATION INDICATES A CRITICAL NEED FOR THE STATE OF MAINE TO TAKE ACTION TO DEAL WITH THE SOLID WASTE ISSUE. IT IS CLEARLY BEYOND

THE ABILITY OF MOST TOWNS IN WESTERN MAINE TO MANAGE. COMMUNITY LEADERS RECOGNIZED THIS AND SUPPORT, TO A SIGNIFICANT DEGREE, A STRONGER LEADERSHIP ROLE BY THE STATE. THE WESTERN MOUNTAINS ALLIANCE ENCOURAGES YOU TO TAKE THE NECESSARY STEPS TO DEVELOP A COMPREHENSIVE PROGRAM THAT WILL MEET THE NEEDS OF MAINE CITIZENS.

THANK YOU FOR THIS OPPORTUNITY TO ADDRESS THE COMMITTEE. I WILL TRY TO ANSWER ANY QUESTIONS YOU MAY HAVE.

KITTERY CONSERVATION COMMISSION

KITTERY MAINE 03904

May 8, 1989

Senator Kany and Representative Michaud--Members of the Energy and Natural Resources Committee:-

1. My name is Booth Hemingway. I live in Kittery and am here to testify on behalf of the Kittery Conservation Commission of which I am a ten year member.
2. The Kittery Town Council in January 1989 revived a moribund recycling program at Commission urging, and we hope before the end of 1989 to see it become a mandatory program.
3. We do urge the Energy and Natural Resources Committee to support a strong recycling and solid waste bill as outlined in L.D. 1431.
4. Above all, we do ask your committee and the Legislature not to adjourn this years session without some bill giving State support and direction to all the struggling towns and cities now being overwhelmed by the solid waste problem. The time has long passed for further studies to search for the perfect solution.

Thank you,

Booth Hemingway

Booth Hemingway

Kittery Conservation Commission

GOOD AFTERNOON SENATOR KANY, REPRESENTATIVE MICHAUD AND MEMBERS OF THE ENERGY AND NATURAL RESOURCES COMMITTEE. MY NAME IS PAUL BIRD AND I AM THE TOWN MANAGER OF THE TOWN OF MONMOUTH. I AM HERE TO TESTIFY SUBSTANTIALLY IN SUPPORT OF LD. 1431.

ONE OF THE UNIQUE PROBLEM SOLVING "OPPORTUNITIES" MUNICIPAL OFFICIALS GENERALLY CONFRONT IS SOLID WASTE MANAGEMENT. FOR ME, THIS OPPORTUNITY COMMENCED IN 1973. AS YOU WILL RECALL, THE LEGISLATURE ENACTED A LAW REQUIRING MUNICIPALITIES ABOVE CERTAIN POPULATION THRESHOLDS, TO ABANDON OPEN BURNING DUMPS AND CREATE LANDFILLS. HOWEVER, DURING THIS PERIOD OF TRANSITION, A COMBINATION OF TIMETABLES WERE EITHER PUSHED BACKED OR RELAXED. THE

INTERPRETATION OF THIS "POLICY" SIGNALLED A CONFUSING IMPLEMENTATION STANDARD TO SOLVE WHAT WAS ENACTED TO BE A SIGNIFICANT ENVIRONMENTAL CONCERN. IF YOU WILL, IT WAS A "FALSE START"; ON THE ONE HAND, MUNICIPALITIES WERE REQUIRED TO TAKE STEPS TO CONTAIN AN ENVIRONMENTAL ISSUE AND THE MANDATE TO CHANGE IN DIRECTION AND OPERATION WAS BEING COUNTERMANDED.

THE PROBLEM IN THE CURRENT PUBLIC POLICY DISCUSSION OVER THE POPULATION THRESHOLD AS IT RELATED TO RECYCLING RECALLS THE "FALSE START" AS I MENTIONED EARLIER. PLEASE CONSIDER THE COMPARISONS OF VARIOUS RECYCLING AND WASTE REDUCTION EFFORTS IN BOTH LD 932 AND LD 1431. LD 1431, PROVIDES FOR MANDATORY RECYCLING, AN INCENTIVE FOR ALL TOWNS TO ACTIVELY REDUCE THE WASTE STREAM. LD 932 PROVIDES

A POPULATION THRESHOLD OF 5,000 TO ACTIVELY RECYCLE.

I OFFER FOR YOUR CONSIDERATION, AN ACCELERATED PHASED RECYCLING EFFORT FOR ALL COMMUNITIES. THIS ELIMINATES PUBLIC POLICY CONFUSION AND GENERATES PRUDENT ² POSITIVE PUBLIC POLICY GOALS. ^{STAFF} SIGNALS AN ENTREPRENEURIAL COMMITMENT FOR NEW AND POTENTIAL RECYCLING MARKETS.

IT FURTHER OFFERS, MUNICIPALITIES ADEQUATE TIME TO ADOPT STRATEGIES IN A PRUDENT AND CAREFUL TIME FRAME WITHOUT HESITATION OR UNCERTAINTY.

THE ESSENCE OF THE OBJECTIVE OF RECYCLING IS TO RECLAIM DISPOSED MATERIAL AND RELIEVE FINITE LANDFILL SPACE FOR FUTURE USE. THE INCENTIVE TO RECYCLE WILL BENEFIT SMALLER COMMUNITIES BECAUSE OF THE IMPACT OF BUDGET PRESSURE AND INFLEXIBILITY COMPARED TO LARGER COMMUNITIES WHO ARE BETTER CAPABLE TO ABSORB CAPITAL COSTS.

ON MARCH 9, 1989, THE TOWNS OF GREENE, LEEDS, LITCHFIELD, MONMOUTH WALES, WEST GARDINER AND WINTHROP MET IN MONMOUTH TO DISCUSS THE IMPORTANCE OF RECYCLING. ALL OF THE PARTICIPANTS, ARE COMMITTED TO RECYCLING, UNDERSTAND ITS SIGNIFICANCE AND BENEFITS. THE TOWN OF MONMOUTH AND THE TOWN OF WALES ARE IN THE PROCESS OF DEVELOPING A COMPREHENSIVE MANDATORY RECYCLING PROGRAM AND WILL VOTE ON AN ORDINANCE AT THE ANNUAL TOWN MEETING. WE BELIEVE, BY THE ATTACHED EXHIBITS, WE CAN REACH AN ACHIEVABLE GOAL OF 20% BY 1992.

AT THE CURRENT RATE, WE ARE ONLY RECYCLING 10%.

SINCE THERE ARE REAL COSTS RELATED TO RECYCLING IT IS IMPORTANT TO RAISE THE PARTICIPATORY LEVEL TO AN ACCEPTABLE STATURE

TO ADEQUATELY RECOUP SOME OF THE CAPITAL COSTS. VOLUNTARY EFFORTS
RESULT IN LESS THAN A TOTAL COMMITMENT. WITHOUT INCENTIVES THERE
IS NO INDUCEMENT TO RECYCLE. THE COST PER TON OF RECYCLES
INCREASES PROPORTIONATELY TO THE COST OF CAPITAL.

I OFFER FOR YOUR FINAL CONSIDERATION, THAT RECYCLING WILL BENEFIT
ALL OF US DIRECTLY THROUGH ECONOMIC INCENTIVES. MUNICIPALITIES ARE
ON THE CUTTING EDGE OF SOLID WASTE MANAGEMENT. MUNICIPALITIES BY
DEFAULT ARE COMPELLED TO MANAGE; WE CANNOT MANAGE WITHOUT SUPPORT
AND COOPERATION, MUNICIPALITIES NEED TO HAVE THE RESOURCES TO
CONTROL THE VOLUME OF SOLID WASTE.

I WOULD APPRECIATE THE OPPORTUNITY OF BEING INFORMED WHEN YOU
SCHEDULE A WORK SESSION ON THIS BILL.

TESTIMONY OF KARIN R. TILBERG, MAINE AUDUBON SOCIETY, REGARDING
PROPOSED SOLID WASTE LEGISLATION

The Maine Audubon Society urges the Energy and Natural Resources Committee to endorse initiatives that will truly "re-do" our everyday consumption of materials and generation of trash. In considering the numerous bills on this subject we urge the following provisions be adopted.

I. A state-mandated recycling program.

Mandatory recycling should not be instituted as a last resort but rather used as preventative action. We support establishing state and regional recycling goals, to be implemented at the local level. A number of the bills suggest this approach. LD 1431 contains the most specific provisions.

II. Strong linkage between recycling and source reduction.

While the importance of aggressive recycling cannot be emphasized too much, it is equally important that the waste stream contain materials that can be recycled. This is no idle concern as more and more products and packages are composed of materials that are incompatible with recycling efforts.

Therefore, we strongly support a packaging tax as suggested in LD 1431. This tax would encourage the use of recyclable and recycled packaging materials and would generate funds for state solid waste reduction programs. It would also apply pressure on manufacturers and distributors who make the decisions on how products are to be packaged.

To complement recycling efforts and a packaging tax, a plastics coding system is also very important. Such a system is proposed in LD's 942 and 1431.

III. Credible siting process for solid waste disposal facilities.

There is a serious lack of confidence in the siting process for solid waste facilities in Maine. While this may be alleviated to some extent given the DEP's recent adoption of new solid waste siting regulations, the siting process still suffers from being reactive, privately run and out of the control of Maine citizens.

Therefore, we urge the following provisions be seriously considered:

- * Similar to the concept proposed in LD 144 concerning the siting of transfer stations, there should be some criteria adopted for ranking alternative sites. LD 932 suggests such criteria as well.

- * It is essential that communities be involved in deciding how their solid waste will be disposed of. If solid waste siting is too far removed from the local level, we exacerbate out-of-site, out-of-mind thinking and fail to take responsibility for our

garbage habits. Any comprehensive solid waste scheme must actively solicit local participation.

* The legislation should seek to ensure fair disposal rates that accurately reflect true costs. A number of the proposals address this goal. The rationale is simple; if solid waste disposal options are concentrated in a few private companies, there can develop monopolistic pricing. The counter concern is that disposal rates truly mirror all the costs, both long-term and short-term, of safe disposal.

* Frequent, independent and local inspection of solid waste facilities is a fundamental component of a tenable system.

* The solid waste system should assure that limited solid waste disposal space benefit Maine citizens.

IV. A set of priorities, accountability and flexibility.

The legislation should list the State's preference for addressing our solid waste problems. For this reason, we support the following goals in order of priority: source reduction, waste reuse, waste recycling, waste composting, waste volume reduction and land disposal. We do not support waste incineration above land-filling all the time. Because of the economies of scale involved for waste incineration it is relatively inflexible and may result in locking communities into one disposal option for long periods of time.

Responsibility for providing disposal solutions must be clearly defined. To involve individuals in solving disposal problems close to home, we support a regional approach for siting with state oversight, coordination, marketing leadership and education.

V. Important, but miscellaneous provisions.

Specific provisions we believe deserve special consideration are composting of leaves and yard waste programs (LD 1431), focus on the marine debris problem (LD 932), collection of household hazardous waste and removal from normal waste stream (LD's 932 and 1431), favoring paper bags at retail counters, and development of a Department of Transportation recycling program.

Two areas of concern are the proposed restrictions of the Land Use Regulation Commission and municipal authority relating to solid waste in LD 932 and on a more general level, the importance of a smooth transition to whatever is finally adopted. The "rough" transition following the solid waste law passed two years ago has led in part to the pressing concerns behind many of these proposals.

Thank you for your consideration.

Senator Kany, Representative Michaud, and members of the Energy and Natural Resources Committee,

My name is Hildie Lipson, I live in Wayne and work in Freeport as the Director of Recycling and Solid Waste for the Town of Freeport. I am here to testify in favor of LD 1431.

Among the many options and proposals, there are three issues that are of particular importance to me.

1) Plastic container coding. We recycle High density plastic in Freeport and enthusiastic recyclers try to bring everything in to add to the collection.. I end up refusing items that I cannot positively identify as HDPE. Plastic coding of containers would ensure our plastic bales are not contaminated with mixed plastics and ensure prospective buyers that they are getting a high quality product. Plastic coding is necessary for a successful plastic recycling program.

2) I am in full support of extending the deposit law for beverage containers.. Even though that would cut down on the amount of glass coming into our recycling program, I would be secure in the knowledge that more glass will be taken out of the waste stream and be sent through the recycling and reuse stream.

3) I favor mandatory recycling. However, if the state is going to require recycling the State should also provide the necessary funding to towns to get new programs off the ground and to keep established program expanding. The amount of money initially allocated by LD 932 will not be adequate. There is such an increase in pressure from local residents for towns to keep spending down in an effort to keep property taxes down.. It is necessary for the State to provide adequate funding for towns or groups of towns to afford these programs. I recommend a substantial increase in proposed funding levels to make recycling work for all towns.

Thank you for your time.

May 5, 1989

Chairwoman Senator Kany
Chairman Representative Michaud
Members of the Energy & Natural Resources Committee

My name is Peter Welch. I am a director for the Maine Association of Redemption Centers and part owner of R.S.V.P. Discount Beverage and Redemption Center. I am here representing R.S.V.P. Redemption in Portland.

I am here to testify as a supporter of solid waste management and specifically L.D. 932 and L.D. 1431. I am in hopes of convincing this committee to look thoroughly at the tremendous value of the bottle bill. I hope the committee will maintain and further the bottle bill in the interest of our environment by addressing the needs for expansion and a handling fee increase.

The public sought the bottle bill by referendum in 1975 as an important environmental action. The legislature enacted this desire. While debating and reviewing the measure, the legislature determined in it's wisdom to place an incentive for outlets, retail stores and redemption centers. This incentive was so that outlets would operate for the convenience of the user of deposit beverages to return those containers as a necessity to a functioning system. The legislature reviewed these issues and called for a handling fee of "at least 1 cent". I am quoting the "at least 1 cent" from the enabling legislation of the bottle bill. All through this process the beverage industry said this idea can't work. We owe a great debt to those legislators who overcame the objections of the beverage lobby in order to enact the will of the citizens of Maine. That farsighted decision has been saving 5% - 7% of our solid waste each year. Can you estimate what the landfill and solid waste dilemma would be now if the doomsayers had prevailed? This legislation that saves taxpayer dollars, has been the single most effective statewide solid waste initiative. Shortly afterward the beverage industry sought to have the bottle bill repealed and eliminated. The citizens of Maine rebuked this by 84% - 16%. I believe this vote stands as the single largest majority on any statewide vote in the history of Maine. The legislature reaffirmed its commitment to a functioning bottle bill by raising the handling fee to 2 cents through vote in June of 1979. Again, the legislature had come to grips with the issues, debated the merits, examined the evidence and determined that the handling fee needed to be 2 cents.

Based on this strong support of the bottle bill and the environment by both the citizens and legislature, I started to investigate opening a redemption center. I opened a center in Portland in 1981 with my partners because there was a lack of

convenient locations for beverage users to return containers. Our redemption center in Portland is the largest of the presently licensed 53 redemption centers in Maine. The number of licensed centers was obtained from the Department of Agriculture. As of December 31, 1988, our annual container return was 12 million units. Our cost for handling each empty was 2.8 cents. This was our break even point without any incentive in 1988. I am now faced with another business decision. What is the future for handling empties and what should our participation be?

For example, we are faced with a 19% increase for health insurance. To drop health insurance is a difficult decision, due to the labor shortage. Last year we employed a total of 41 people for 9 positions. This is what you call turnover! If we get rid of our insurance, which we split with our employees, our turnover will be worse. I, like the rest of the redemption centers who handle the 40% - 50% of all the empties in Maine, am hanging on to see what the legislatures commitment is.

I urge you in the interest of solid waste, to pass these provisions as embodied in L.D. 932 and L.D. 1431, as it has been a DECADE since the handling fee was adjusted. I have included wage and space costs for our Portland store. Labor, which accounts for 45% of our costs, has increased 70% from an average wage of \$3.60 to \$6.12 per hour from 1982 to 1989. As you can see, labor costs and the related expenses, as well as the other labor driven expenses are a huge factor. You can certainly see there are no economies of scale by adding new items. More units added to the system mean more loss and more disincentive. We are losing money per unit NOW! The inclusion of heavier and more difficult items further beckons an increase. We will need more space, more sorts, more everything. We are fortunate to have a very efficient operation in Portland. I subscribe to the notion that our redemption center in Portland is the most efficient and mechanized center in Maine and perhaps New England. This is not just my own testimony, but that of many industry people that have viewed our set-up. Our reputation for efficiency has caused many large stores like the Kappy's chain in Massachusetts to solicit our services when deposit legislation was instituted there. A second large expense and cost for redemption centers is space. The space costs of our business is 17% of our total redemption expenses. The costs of having the space required to sort and store empties, while having a CONVENIENT LOCATION AS IS CALLED FOR BY REGULATION UNDER THE DEPARTMENT OF AGRICULTURE has been escalating. The costs per square foot has moved from \$2.15 in 1983 to \$8.85 per square foot in 1989. Where is the position of the beverage industry on these issues? They are using the same arguments against the bottle bill now that were used in 1975, 1979, 1980 and on.

I would like to review some of those arguments. The beverage industry likes to compare us to N.H. The industry stated that

the consumption of beer increased 21.6% in N.H. while only increasing 4.8% in Maine since 1978. The implication was that the bottle bill was responsible for this disparity. However, they failed to note the population changes in each state, which clearly is the single largest factor. During the period from 1978-1989, New Hampshire population increased 21.1% and Maine increased 7.7%. I have included supporting material in the M.A.R.C. handout. The beverage industry fails to mention social and demographic changes, health consciousness, alcohol awareness and Maine's tough O.U.I. laws. The beverage industry talks about increased prices due to the bottle bill and therefore diminished sales causing lost sales taxes, premium taxes and excise taxes on beer. The industry talks about lost revenue on liquor sales, if it is included in the bottle bill. I've included sales from state gallonage reports as well as industry reports. Beer sales in Maine have been growing despite the fact that New Hampshire is still there. Even more interesting is to look at liquor sales in Maine. The sales of liquor in Maine increased last year by .12% despite national trends showing decreases. These sales come at a time when the national trend is down and Maine added a 5% sales tax on liquor. On a \$5.00 bottle of liquor, the sales tax added 25 cents. On a \$10.00 bottle of liquor, the sales tax added 50 cents, but sales are going up. I think it is important to understand that alcohol products have a unknown amount elasticity to allow for price increases in Maine. Also, Maine unlike many states is bordered not by 4 states competing for business, but really by only 1.

Another popular and ageless argument from the beverage industry is the shrinking number of wholesale beverage distributors. I've included an industry article portraying why the beverage industry is consolidating. This article indicates how the industry has merged and sold for profit and it curiously doesn't mention bottle bills. Think for a second about merger mania. I don't think the bank consolidation in Maine is a result of the bottle bill. The beverage industry says that an expansion to wine won't work because there are thousands of wine labels and there is no way of sorting these brand. Well, there are 16 wholesale wine licenses in Maine. Like Iowa, the wine products can be stickered by distributor indicating whether the label is the responsibility of national Distributors or whoever.

Another tired argument goes like this. If the bill is expanded, you'll rob trash from the towns and cities. The towns need that trash to defray their costs of dealing with trash. The absolute best position for a municipality is to have no trash and no expense. I have included letters from Mr. Eric Roet of Regional Waste Systems in Portland and Mr. Randy Parenteau from K.T.I. which highlight this point. Regional Waste Systems represents twenty towns and cities.

The beverage industry has used the statement that New Hampshire

retail prices are similar to our wholesale prices in Maine. I set out to study this statement. I went to the Super Shop & Save in Dover, N.H. and bought a basket full of soda. I also bought the exact same quantity and type of soda at the Super Shop & Save in Portland. I have included copies of those receipts for the committee. As we all know, N.H. doesn't have a deposit on containers and Maine does. As you can see from the receipt the total cost in N.H. was \$40.45 and Maine was \$46.83 for the exact same quantity and types of soda. The important question is where is the difference? Our sales tax accounts for \$1.88. Also, the consumers in Maine pay a refundable deposit of 5 cents per container and N.H. consumers do not. I purchased a total of 84 containers for a total refundable deposit of \$4.20. Excluding sales tax and the refundable deposit, the difference was a mere and negligible 30 cents more in Maine than N.H. I'd say Mainers got a great deal here. Mainers not only paid the same as their counterparts in N.H. but also received all the benefits of the bottle bill and reduced solid waste to boot.

I next looked at beer in these two stores. I was puzzled because beer prices were much higher in Maine. For example, a six pack of Bud in Maine sold at Shop & Save for \$3.79, while the same six pack sold in Dover, N.H. for \$3.09 for a 70 cents difference per six pack. Obviously, the impact of the bottle bill should be similar on a can of beer as it is on a can of soda. I am familiar with beer distributor complaints about taxes in Maine so I thought that this would be the answer. My office spoke to Mr. Leng of the N.H. Liquor board who indicated that N.H. has no state imposed alcohol tax. Maine has an excise tax of 25 cents per gallon of beer and a premium tax of 10 cents per gallon, per the Maine Bureau of Alcohol. This works out to be about 20 cents per six pack. That still leaves a 50 cents difference in those prices between that six pack of Budweiser and the Shop & Save in Dover and Shop & Save in Portland. We know that the bottle bill didn't seem to effect soda prices as our receipts show. Well, maybe the beer industry will say that it added the 2 cents handling fee into the costs of can. On our six pack that will account for another 12 cents. Where did the remaining 38 cents per six pack come from. I think it is fair to assume that the Super Shop & Save will price similarly in each store. I was unable to explain why Maine consumers pay an extra 38 cents for a six pack of beer.

Another argument is that the bottle bill drives customers to N.H. We've already talked about the fact there is no deposit on containers in N.H. Well, when I did my price check, I also found something else out. Many beverage containers listed a deposit in N.H. 49 of the 84 containers I purchased had deposit markings. I know one big temptation for a Maine consumer who lives on the border. A consumer could buy his or her soda in N.H. for the same price as Maine and get the bonus of can or bottle stickered for a refundable 5 cents deposit. For every case of soda with

deposit markings that a Mainer buys in N.H., they can redeem those deposit containers in Maine and get a free \$1.20. As you can see, in this case the beverage industry actually drives the business to N.H. itself. I do not think the industry ought to posture about consumers buying in N.H. or N.H. containers coming back through the Maine system if it conducts business this way and doesn't police itself. In all fairness, I did not find any beer containers that listed a Maine deposit at the Dover Shop & Save. Obviously, the beer industry has been conscious of this problem.

Well, I've never answered you on my business decision. My business decision if this bill doesn't pass is to minimize our returns. I will cut my staff and our hours. Unfortunately, I will refuse bottle drives, which offer many non-profit groups an opportunity to raise needed money. I will strictly adhere to the cleanliness and quantity guideline. I believe that within one year I can cut down my returns by more than half. If that plan doesn't work, then I am out of business. The twenty people I employ will be out a job, the city will get the landfill burden of those containers and attendant property taxes and most of all the environment losses.

You see, I can not financially continue to support the bottle bill and the environmental effort it makes. I have done that for the last couple of years. As much as I believe in the bottle bill and want it to work, if you don't believe in the bottle bill then it is finished. I may be accused of being a tree hugger. I am proud of that description. I hope that once again as in the past the legislature will side with the citizens of Maine and support the bottle bill. And once again, as I did in 1981, I can be a tree hugger by helping make the bottle bill work to reduce between 10% - 14% of solid waste under the expansion. I urge you to support the positions in the Governor's bill L.D. 932 and the Natural Resources Council bill L.D. 1431.

Cordially yours,

Peter E. Welch
R.S.V.P. Discount Beverage & Redemption Center, Inc.
887 Forest Avenue
Portland, ME 04103
Phone (207)773-8808

MANDATORY SPIRITS CONTAINER DEPOSITS - LD 932 & 1431

TESTIMONY

PRESENTED BEFORE THE

114th MAINE LEGISLATURE

JOINT COMMITTEE ON ENERGY & NATURAL RESOURCES

By

Ralph Buchanan Pears

New England Area Director

Distilled Spirits Council of the United States, Inc.

17 Hillsdale Street

Auburn, Maine 04210

May 1989

STATEMENT OF
RALPH B. PEARS, AREA DIRECTOR
FOR THE
DISTILLED SPIRITS COUNCIL OF THE U.S., INC.

On behalf of the Distilled Spirits Council of the U.S. (DISCUS) and our member companies which represent over 90% of the spirits marketed in the United States, I wish to express our strong opposition to any proposal which would impose mandatory deposits on spirits containers and mandate their return as is currently done with empty beer, soft drink, and wine cooler containers.

DISCUS is steadfastly opposed to such proposals for a variety of reasons including cost, inefficiency, discrimination, and others. To begin with, distilled spirits products are neither a significant segment of the litter stream or the solid waste stream in Maine. In fact, a survey by the National Academy of Sciences disclosed that in combination, distilled spirits and wine containers account for less than 1% of the litter stream. From a solid waste perspective, spirits containers represent no more of a problem than do containers for mayonaise, ketchup, cooking oil, or instant coffee. These products are every bit as much a part of the solid waste stream as are spirits containers, yet they are not being singled out as targets for deposits. Neither these products nor spirits containers should be discriminated against by the arbitrary imposition of deposits on their

containers. The solution to our solid waste problems rests elsewhere. Additionally, from the standpoint of actual consumption of beverage products, imposition of deposits on spirits and wine is particularly discriminatory when viewed from the perspective of actual consumer choices and consumption of all beverage products. (see attached documentation of consumption rates)

From a historical perspective, laws to require deposits on beer and soft drink containers developed primarily as a vehicle for dealing with litter problems. Additionally, at the time many of the the deposit laws were being adopted, the recycling industry was still largely in its infancy. Admittedly, deposit laws have had the effect of stimulating the development and expansion of fledgling recycling efforts. However, with the current major (and growing) concern about all solid waste issues and dwindling landfill space, deposit systems , such as the current one applied to beer and soft drinks, do not lend themselves in an efficient manner to addressing overall solid waste disposal problems. The reason is simple: because the deposit law requires empty containers to be returned ultimately to wholesale distributors, all of the revenues from the sale of recycled beverage materials (aluminum, glass, cardboard, PET, etc.) accrue in the hands of private industry. The result is that any profit potential are not available to subsidize any expansion of the commodities being recycled, thus further reducing the volume of solid waste remaining for disposal or incineration. Nor can any of these revenues/profits be used to help offset disposal costs to the state or municipalities. In short, the deposit system has placed control of the most valuable elements of the recyclable waste stream in the

of private business, and thus outside of the control of those segments of the public domain which bear the greatest burden and responsibility for dealing with solid waste disposal problems, including volume/source reduction, recycling, incineration, etc. As a result, revenues from the recycling of more profitable components of the waste stream remain unavailable to help subsidize any further reduction in the waste stream or to reduce disposal costs.

In terms of dealing with overall solid waste problems, strategies such as curbside collection, community collection/dropoff systems, or publicly controlled buy-back centers where recyclable items are purchased from consumers make far better sense from an efficiency standpoint than does the current deposit system. While deposit systems may have been effective in stimulating greater recycling initially, the current system is not an efficient method for dealing with total solid waste concerns.

Requiring the payment of deposits on spirits containers and mandating their return will impose significant costs and inefficiencies on suppliers (both distillers and the State of Maine) and retail outlets, who will ultimately pass on these costs to consumers in the form of higher prices.

The cost for labeling spirits containers alone will amount to approximately \$.96 per case, based on experience with specialized labeling requirements in several other states. For your reference and review, I am attaching to this testimony a copy of a worksheet describing how the \$.96 per case figure was arrived at. Based on FY-88 sales volumes for Maine, the projected cost to the State of Maine would amount to approximately \$854,000

just in labeling costs. This figure, of course does not include the cost of retailer handling fees, additional costs for extra retail storage space for empty containers, additional collection and transportation costs, as well as potential costs to the Bureau of Alcoholic Beverages for possible MSEA contract adjustments or increases in workers compensation costs directly attributable to the deposit proposal. These are not insignificant expenses, and the full financial burden will ultimately be passed on to consumers in the form of higher prices, with a likely result of decreased sales and revenues for the state from spirits sales.

Such costs as these seem particularly unnecessary for Maine consumers, especially in light of the fact that spirits are most frequently consumed either within a licensed premises or within the home, where containers almost never end up as litter, but where the containers could readily be diverted into an appropriate, cost-effective, and efficient collection/recycling program involving household or business separation of recyclable wastes. The solid waste problem in Maine is not just a matter of beverage containers, it involves all of our solid wastes.

Finally, I would like to stress the fact that the spirits industry has been experiencing a serious decline in consumption for over a decade. During the past ten years, spirits consumption nationally has declined by 14%, and in Maine, during the last seven years, even though total sales volumes have continued to rise slightly as a result of improved marketing, population growth, and tourist expansion, per capita consumption has steadily declined.

The point to be made is that anything which artificially and unnecessarily increases the price of distilled spirits will

worsen the current downward trend in consumption, and will hasten a decline in spirits revenues for the State of Maine. The imposition of deposits on spirits containers will significantly increase consumer prices, while having a truly negligible affect on solid waste or litter problems.

Accordingly, DISCUS would respectfully urge this Committee to reject any proposals to apply mandatory containers deposits to distilled spirits containers. DISCUS and its member companies, however, support cost-effective recycling strategies and the development of community collections systems and commercial end-markets for recycled materials, as well as efforts to encourage positive attitudes towards recycling and source separation. DISCUS member companies will support non-discriminatory multi-materials solid waste management and litter reduction programs at the community level.

I thank you for the opportunity to present out views, and will be happy to answer any questions I am able to or provide any data the Committee might request.

THANK YOU.

1988 NATIONAL PER CAPITA BEVERAGE CONSUMPTION

(IN GALLONS)

Soft Drinks	45.9
Coffee	25.0
Beer	23.6
Milk	20.9
Tea	7.3
Bottled Water	6.4
Juice	6.1
Powdered Drinks	5.2
Wine	2.3
Liquor	1.6
Water	38.2

Source: Beverage Industry Magazine 2/89

Liquor Bottle Identification Stamps
Cost to the Spirits Industry

Overview

The Distilled Spirits Council of the U.S., Inc. estimates that it would cost distilled spirits suppliers approximately \$1.16 million annually to implement a state identification stamp program. This would include \$544,000 to maintain a separate Iowa inventory within warehouse facilities and administer the program and \$613,000 to purchase, inventory and affix the stamps. The average cost would be \$0.96 per case. The costs can be broken down into five categories: Administrative, Stamp Purchases, Stamp Inventory, Product Inventory and Labor. These costs are explained in detail below.

Administrative Cost

Six states (four license and two control) currently require suppliers to affix stamps on bottles delivered to their states. They are:

<u>License</u>	<u>Control</u>
Georgia - (Excise)	Alabama - (Identification)
Kansas - (Identification)	Mississippi - (Identification)
Maryland - (Excise)	
Tennessee - (Identification)	

The annual cost estimate of \$21,000 is based on past expenditures of DISCUS member companies.

Cost of Stamps

We assume a cost of \$1.50 per 1,000 stamps based on experience with other states. Sales to Iowa in 1985 were 3.18 million wine gallons. At 6.11 stamps per wine gallon (the federal strip stamp to wine gallon ratio in 1984), this equals 19.4 million stamps. Thus total annual cost is \$29,000.

Stamp Inventory Cost

This represents the finance charge (or opportunity cost) of purchasing and holding on average a 4 month supply of stamps. Assuming financing charges or opportunity costs of 10%, this annual cost (10% of \$29,000 divided by 3) is approximately \$1,000.

Product Inventory Cost

Products stamped for delivery to Iowa would have to be held separate from the supplies destined for all other states. They also would be held physically in the company warehouse for an average of three months. One-fourth of the 1985 gallonage shipped to Iowa is equal to 795,000 wine gallons. The supplier cost (excluding federal excise tax) averages \$6.58 per wine gallon. This figure multiplied by the average warehouse supply of 795,000 wine gallons yields the value of the supply \$5.23 million. Applying financing (or opportunity) costs of 10% annually results in an inventory cost of \$523,000.

Labor Cost

Based on information from our companies, we find that the labor cost for affixing the stamps is approximately \$0.4813 per case. Sales to Iowa in 1985 were 1,211,000 cases; thus labor costs would total \$583,000 annually.

Summary Table

Annual Cost of Supplier Affixed Identification Stamps in Iowa

<u>Type</u>	<u>Amount (\$1,000)</u>	<u>Percent of Total</u>
Administrative Costs	\$ 21	1.8
Cost of Stamps	29	2.5
Stamp Inventory Costs	1	.1
Product Inventory Costs	523	45.2
Labor Costs	<u>583</u>	<u>50.4</u>
TOTAL	\$1,157	100.0
Average Cost Per Case	\$ 0.96	

STATEMENT OF MAINE BOTTLER'S OF CARBONATED BEVERAGES
PRESENTED TO
ENERGY AND NATURAL RESOURCES COMMITTEE
RE: LD 932 and 1431
MAY 8, 1989

The Maine Bottlers of Carbonated Beverages heartily support comprehensive resource recovery. There is much in the proposals presented here today that we support: We support banning plastic cans. We have no objections to banning aseptic beverage packs.

There are a number of proposals that MBCB does not support. We oppose the ban on plastic connectors. This is not a solid waste issue. In fact, federal legislation has already addressed and preempted this area.

MBCB opposes the data collection provisions in LD 1431. The only information which is readily available is total dollars refunded and not by type of containers.

Finally, MBCB opposes any increase in the handling fee. An increase in the handling fee will not increase the redemption nor recycling by one bottle or can. The only effect of an increase is to raise the cost of beverages to consumers.

The reasons are stated in detail in Remarks presented to the Business Legislation Committee on April 12, 1989. In order to shorten our testimony today, these Remarks are Attached.

May 8, 1989

Po Box 653

Unity, ME 04988

948-2434

Dear Senator Kany, Representative Michaud and
members of the Energy and Nat. Resources Committee,

I am writing to express my very strong
support for L.D. 1431, the recycling legislation
introduced by the Natural Resources Council of Maine.

We are trying to start up a recycling program
here in Unity and although many people are
enthusiastic in theory, there is much missing
at the town level and at the state level to make it
a really viable option to the solid waste problem.
L.D. 1431 addresses some of our problems head on.
Specifically:

1) The elimination of the minimum tonnage
requirements would help solve some of our problems.
If we are to go beyond the volunteer stage with
this recycling program we will need to consider
our contract with Sawyer and what it would mean
to the town finances to break this contract.

We already heard resistance from members of

my community. "Why worry about recycling?" ^②
We have to give it to Sawyer for 20 years anyway."
Another important point on incinerators in
LD 1431 is the banning of new incinerators in
Maine for 2 years. Another argument I've heard
in Unity is that: "if we pull our newspapers
out of the waste stream, they'll just have to cut
down forests to meet the energy needs of the
incinerators." I don't know if that's true or not,
but incinerators seem like a vicious circle; and
one headed completely in the wrong direction.

Expanding the bottle bill to include all beverage
containers (except dairy products) ~~is~~ is another
provision of LD 1431 that would impact Unity
favorably. People are used to returnable bottles -
expanding the program would be a relatively easy
and fast way to reduce our waste stream. It's
worked great for pop and beer - why not include
all beverages?

I think the composting part of LD 1431 is
also important. All towns need to compost leaves
and yard waste - either on a town wide plan
or at individual homes. Including composting

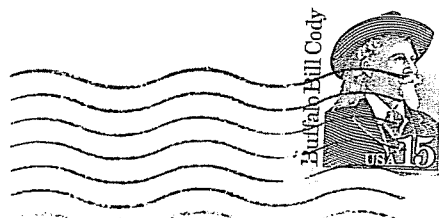
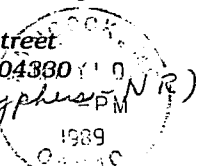
in a solid waste program is of utmost importance. ③

Making recycling mandatory for all towns (not just large towns) is very important. It would sure help our recycling effort in Unity. And along with mandatory recycling is the creation of regional districts. Unity tried to get together with surrounding towns on the closing of our dump and there's still lots of touchy feelings about it. Unless regional districts are set up, Unity may resist a "voluntary" joint venture into recycling with nearby towns.

I personally support all of the provisions in LD 1431 and urge you to pass a very strong recycling bill which would encourage people to recycle/reduce + compost as much of their waste as possible as quickly as possible.

Sincerely,
Sue Anderson

League of Women Voters of Maine
335 Water Street
Augusta, ME 04330
(Patricia Cyphus NR)



Senator Judy Kang
Senate of Maine
State House Station #3
Augusta,
Maine

04333



LEAGUE OF WOMEN VOTERS OF MAINE

May 9, 1989

Dear Senator Kany and Representative Michaud,

In regard to my testimony on
May 8th before your committee, after
further research I feel that milk and
dairy-derived products should not be
exempt from the mandatory deposits
on beverage containers.

Yours truly,
Patricia Cyphers
Natural Resource Chair

May, 11, 1989

WE THE UNDERSIGNED, MEMBERS OF THE WISCASSET GARDEN CLUB, WISH TO
EXPRESS OUR VERY STRONG SUPPORT FOR LD 1431 "AN ACT TO PROMOTE
REDUCTION RECYCLING AND INTEGRATED MANAGEMENT OF SOLID WASTE".

NAME

ADDRESS

Marguerite Rafter	Bath Rd, Wiscasset
Mollie Reed	91 High St "
Joe Reed	" "
Patti Menon	Westport Island, Me
Morton Menon	" " "
Sara Ann Howe	Westport Island, Maine
Christina Albee	R. 2. Box 48, Wiscasset, Me.
Bob Shuch	Water St Wiscasset
Betty Weeks	Summer St Wiscasset
Sean Mitchell	Young's Pt. Wiscasset-
Joan Leslie	Wiscasset, Me.
Ellen Rley	1011 High St, Bath
Muriel Sousa	Woolwich
Theresa Kennedy	Wiscasset
Elaine K. Howard	Wiscasset
Mary-Helen Page	Young's Pt. Rd. Wiscasset, Me
Betty Gordon	RR3 Box 2691 Wiscasset
Jean Smith	Westport 25 land - Me
Joanna Bards	Wiscasset, Maine
Benjamin Kirkland	Daybreak, Wiscasset, ME 04578
Anne L. Beattie	P.O. Box 236 " "
Ruth Quintead	D.A. Box 310 " "

Replying -

Abie Mung R-1 - Box 890 - W. Edgemoor Me. 04556

Belma Oxtom RR 3 Box 916 Wiscasset

Bill Phinney Lee St. Wiscasset

Dora B. Sma Lee St. Wiscasset.

Peggy Cate Fort Hill St. Wiscasset

SENATE

MICHAEL D. PEARSON, DISTRICT 6, CHAIR
JOSEPH C. BRANNIGAN, DISTRICT 29
THOMAS R. PERKINS, DISTRICT 12

STAFF

OFFICE OF FISCAL AND PROGRAM REVIEW
BENT SCHLOSSER, DIRECTOR
JAMES A. CLAIR, PRINCIPAL ANALYST



HOUSE

DONALD V. CARTER, WINSLOW, CHAIR
LORRAINE N. CHONKO, TOPSHAM
JOHN LISNIK, PRESQUE ISLE
PATRICK K. MCGOWAN, CANAAN
VINTON T. RIDLEY, SHAPLEIGH
ROGER M. POULIOT, LEWISTON
DONNELL P. CARROLL, GRAY
LINWOOD M. HIGGINS, SCARBOROUGH
RUTH S. FOSTER, ELLSWORTH
JUDITH C. FOSS, YARMOUTH

STATE OF MAINE

ONE HUNDRED AND FOURTEENTH LEGISLATURE

COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

STATEMENT OF REPRESENTATIVE PATRICK MCGOWAN

PRESENTED TO

COMMITTEE ON ENERGY AND NATURAL RESOURCES

MAY 8, 1989

I am here to present an innovative idea that will:

- Reduce or eliminate the need for Maine taxpayers to subsidize municipal recycling programs;
- Reduce inefficiencies and expenses currently built into the Bottle Bill;
- Prevent grocery stores from becoming mini solid waste facilities;
- Maximize the value of the scrap which municipal recycling centers will be recycling; and
- Maximize the convenience to Maine citizens by merging the disposal of beverage containers within the system of disposing other household solid waste.

My proposal will accomplish several important objectives:

1. It mandates resource recovery for all municipalities regardless of size, in much the same way that this Legislature mandated minimum shoreland zoning a number of years ago;
2. It will provide for resource recovery in the most economical and efficient manner possible, which I believe will be virtually self-supporting;
3. It will minimize bureaucratic expansion which is proposed under virtually all the bills before you today;
4. It will maintain a deposit on an expanded group of beverage containers and it will minimize the cost of the return system because the empty containers will no longer be handled at stores and distributors.

Fundamental to the system which I propose are amendments to the bottle bill to do the following:

1. Expand the coverage of the bottle bill to all beverage containers which are one gallon or less;
2. Deposits will be collected by the distributors as they are now, but all of the deposits are paid to a State fund;
3. The State will distribute 90% of this fund to the municipalities on a per-capita basis;

4. The municipalities would provide a system to refund the deposit value on containers when the containers are brought to a municipal facility;
5. The remaining 10 percent of the State fund can be used to offset State costs of solid waste management and for special reimbursement to municipalities that can demonstrate that they accept an unusually high number of containers per capita.

An examination of the finances will quickly prove to you that my proposal makes economic sense. The following numbers are annual figures:

Beverage Containers With Refund Value	620,000,000
Additional Containers Through Expansion	48,000,000
TOTAL	668,000,000
Total State Fund at 3¢ Refund Value	\$20,040,000.00
Amount Returned to Municipalities at	
90%/10% Ratio	\$18,036,000.00
Municipality Would Receive Per Person,	
Per Year	\$15.03
Amount Retained in State Fund Each Year	\$2,004,000.00

Recycling revenue is currently estimated by the Administration to be \$7.4 million by 1993-1994. National studies show that beverage containers make up 49 percent of the scrap value of household recyclables (primarily aluminum cans).

If the municipalities receive all of the beverage containers, then the recycling income should be over \$14.5 million.

The Administration also projects local recycling costs to be \$15.1 million for 1993-1994. With the inclusion of beverage containers in the municipal recycling system, the system would be nearly self-supporting.

There are other advantages:

- Stores are no longer mini-solid waste facilities;
- The consumer will no longer have to pay to have each beverage container handled, sorted and transported at two or three levels;
- The system is more efficient. All recyclable material will go through one system, rather than some to a store, some to a dump;

I want to make some comments about a recycling system. I believe that the State level - the Administration and the Legislature are being left behind by the municipalities. Many municipalities have instituted recycling programs without a lot of assistance from Augusta and without much bureaucracy.

As a matter of policy, the State should require that every community develop a comprehensive resource recovery system. It also makes no sense to me to exempt small communities.

Small communities can work together to create regional facilities. If the small communities need extra assistance, then the State should provide that assistance, but these communities should not be excluded from the recycling effort.

It makes no sense to me to limit the type of items that should be recycled.

If the capital investment is made for resource recovery systems, the incremental costs to include all commodities in a resource recovery system must be minimal.

If you find merit in my idea, that beverage containers should be returned to the municipal resource recovery center, then there needs to be a time set by which every community will either have such a center or participate in a regional center.

Since more and more communities are initiating recycling independent of the various bureaucracies proposed in the bill before you today, I urge you to get on with recycling.

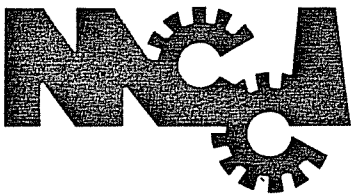
There is ample evidence of successful recycling programs across the United States and Canada. Maine does not need to re-create the wheel, but there are no comprehensive recycling programs in states with traditional bottle bills.

Maine needs to be bold. If we are going to recycle municipal solid waste, then we cannot leave the most valuable commodities for someone else. Those beverage containers must become part of the municipal system to set off costs.

There is much that is still unknown about the costs of recycling for municipalities. Unquestionably there are significant costs.

To fund the costs of solid waste disposal, I would support and propose the following:

1. Advanced disposal fee on the hard-to-dispose-of items, like tires, brown goods, white, goods;
2. A per ton fee for newsprint which is sold for printing in Maine and distribution in Maine;
3. A gross receipts fee on distributors of products for sale in Maine with certain exceptions. Every group will give ample reason why their product should be exempt. I urge you to be restrained in your exceptions. Practically everything that is sold will require some form of disposal and if fees are not collected, the cost of disposal or cost of recycling will be borne by the property tax payer; and
4. A gross receipts fee on distributors of non-food items to fast food establishments.



Copy for [signature]

Maine's Business Advocate

126 Sewall Street ■ Augusta, Maine 04330 ■ (207) 623-4568

Testimony of the Maine Chamber of Commerce & Industry
regarding proposed comprehensive Solid Waste Management
Legislation:

The Maine Chamber of Commerce and Industry is pleased to see a number of initiatives before this committee today dealing with the pressing need for the state to address current deficiencies in solid waste management in Maine. It should come as no surprise to those familiar with the Chamber's efforts in this area that our focus of concern continues to lie with the impending solid waste disposal capacity crisis which we as a state will face in the near future if immediate and appropriate action is not taken.

That crisis initially emerged as a result of our growing awareness in recent years of the unacceptable environmental impacts associated with substandard landfills. The Maine Department of Environmental Protection has responded by slating substandards landfills for closure leaving a substantial number of Maine communities in urgent need of disposal alternatives.

A very few communities currently operate continually viable municipal landfills, and a significant number now rely on waste incinerators for the bulk of their solid waste disposal needs.

The second phase of the crisis, and the point we hope to drive home today, lies with the current breakdown in the siting and licensing of solid waste facilities. Under the current political and regulatory climate it has become virtually impossible to site and permit a secure solid waste landfill.

Although a number of the proposals before you address the need for the state to take responsibility for siting landfills, we feel current licensing difficulties, exacerbated by the stringent requirements of the newly enacted solid waste regulations, are insufficiently addressed.

Notably LD 1143 attempts to deal with the immediacy of the capacity need by requiring the development of a priority list of sites with an accelerated timetable for the development of those sites. However, simply mandating deadlines without sufficiently addressing the underlying problems which are currently bogging down the process is an approach doomed to failure.

It is important to recognize that existing facilities were licensed under the old less stringent solid waste regulations and now face serious obstacles as they go before the DEP seeking relicensing and permitting for the expansions contemplated by their initial project applications. This is a particularly important point when looking at the DEP's 1988 Solid Waste Disposal Capacity Needs Analysis which identifies only four existing landfills as having remaining long term disposal capacity.

A landfill designed and licensed for long term capacity is developed in stages, requires relicensing every five years and requires a permit for each expansion. Thus when the DEP estimates that a landfill has 20 years of life

remaining, this does not take into account that that life expectancy is contingent upon successful relicensing and permitting, both of which are currently proving to be enormously problematic for the affected facilities. And I stress that these difficulties face municipal facilities every bit as much as they do commercial facilities, and perhaps more so given the enormous costs of compliance under the new regulations.

Any new projects that might be willing and able to meet the stringent technological requirements of developing a state of the art secure landfill would at this point be deterred by the impossibility of siting such a facility under the existing political climate.

Lastly in considering capacity needs one must consider that even if siting and permitting were achievable, a facility does not become operational overnight and it is commonly accepted that at best any new facility would take from 3 to 5 years to develop.

Therefore, we support the urgent need for a state authority to take responsibility for siting the landfills that the state must develop to meet its capacity needs. That authority must also take an active role in taking a site through the DEP licensing process. To the extent that a municipality or region would prefer to take that initiative upon itself it should be allowed to do so if in keeping with the state established plan and timetable, but we prefer the approach that presumes state responsibility for the function over that under which the state will only step in where a designated region fails to meet its responsibilities.

Because of our belief in the immediacy of the need for state action in siting and licensing solid waste facilities, we are concerned about the start-up time necessary to bring up to speed an authority of the magnitude of the one proposed. We feel it might be more sensible to activate a state authority responsible solely for the siting and licensing functions already discussed, leaving for the time being responsibility for planning with

the State Planning Office, financing with the legislature and Finance Authority of Maine and leaving the Office of Waste Reduction and Recycling where it is currently located in the Office of Economic and Community Development.

We firmly believe that municipal preemption, to the extent that it is necessary to meet state needs, is absolutely critical. Municipal interests should be adequately protected by their automatic intervenor status, representation on the proposed advisory councils, and eligibility for state assistance and appropriate host municipality benefits.

We support realistic mandatory recycling goals and source reduction recognizing that it is in everybody's interest to minimize that which must be landfilled. We would add the cautionary note that while recycling must be a necessary component of solid waste management, it is not an easy fix and will be costly to implement given the existing deficiencies in markets and utilization technologies for recycled materials.

We believe the State must take an active role in promoting education in order to ensure a successful solid waste management strategy.

We are opposed to state regulation of waste disposal fees as we are convinced that this regulatory mechanism would ultimately increase the costs of disposal and would discourage competition.

We are opposed to any state interference with existing solid waste disposal contracts.

Lastly we are concerned by the fee schedule proposed by the Governor's bill which appears to penalize the disposal of waste by way of incineration in so far as it appears that municipal solid waste would be charged an initial \$1.50 per ton at the time of disposal at the incinerator facility and then once again in the form of a \$6 per ton fee for the disposal of any ash by product of the incineration process. The logic for thus penalizing waste-to-energy disposal is particularly curious given the

stated waste management policy objective that places resource recovery before landfilling in its order of preference.



CITY OF SACO

OFFICE OF THE CITY ADMINISTRATOR
Saco City Hall
300 Main Street, Saco, Maine 04072

Telephone: (207) 282-4191

May 5, 1989

Senator Judy Kany
Representative Michael Michaud
Chairpersons,
Energy and Natural Resources Committee
State House Station #115
Augusta, ME 04333

Dear Senator Kany and Representative Michaud:

Consolidated Waste Services has requested that I comment on their operation in the City of Saco. I am happy to do so.

The City of Saco, faced with the closing of their landfill and lack of personnel and equipment to operate a transfer station, contracted with Consolidated Waste Service to develop and operate a transfer station to meet the needs of the community for disposal of demolition material, brush, etc... (Saco sends it's household waste to the MERC facility in Biddeford) until a regional site is established.

The City's relationship with CWS has been cooperative and successful. CWS has been responsive to the needs of the City and has run an efficient, environmentally sound operation.

The initial operation was for demolition waste for the municipalities of Saco and Kennebunk. Currently, CWS is negotiating with additional communities as well as exploring the availability of land to build a regional demolition transfer station.

In conclusion, Consolidated Waste and the City of Saco have enjoyed a good working relationship that I expect will continue into the future.

Sincerely,

Harvey R. Rosenfeld

HRR/hs

TESTIMONY OF CONSOLIDATED WASTE SERVICES, INC.

In favor of L.D. 932, An Act to Improve the Management of Solid Waste in Maine. Presented by Alan Jones, Vice-President of Engineering, for CWS.

Before the Joint Standing Committee
on Energy and Natural Resources.

Hearing Date: May 8, 1989

SENATOR KANY, REPRESENTATIVE MICHAUD AND MEMBERS OF THE COMMITTEE ON ENERGY AND NATURAL RESOURCES, MY NAME IS ALAN JONES. I AM VICE-PRESIDENT OF ENGINEERING FOR CONSOLIDATED WASTE SERVICES. I AM TESTIFYING IN SUPPORT OF L.D. 932. I HAVE THREE POINTS TO MAKE IN SUPPORT OF THIS BILL.

FIRST, MANDATORY RECYCLING IS AN IMPORTANT COMPONENT OF SOLID WASTE MANAGEMENT; SECOND, A STATE SITING AUTHORITY IS NEEDED AND; THIRD, A PARTNERSHIP BETWEEN THE PUBLIC AND PRIVATE SECTORS IS NECESSARY TO SOLVE THE SOLID WASTE PROBLEMS IN THE STATE.

1. CWS SUPPORTS MANDATORY RECYCLING.

CWS BELIEVES THAT RECYCLING IS AN ESSENTIAL PART OF WASTE MANAGEMENT AND STRONGLY SUPPORTS MANDATORY RECYCLING. CWS HAS BEEN SUCCESSFUL IN FINDING MARKETS AND DEVELOPING A RECYCLING PROGRAM AT ITS LANDFILL IN NORRIDGEWOCK. DURING 1988 AND 1989, CWS HAS SEPARATED AND RECYCLED THE FOLLOWING MATERIALS:

- * 55 TONS OF CARDBOARD
- * 675 TONS OF HIGH GRADE PAPER
- * 16 TONS OF NEWSPRINT
- * 2754 TONS OF WOODWASTE
- * 3450 TONS OF WHITE GOODS
- * 597 TONS OF TIRES

AT THIS TIME CWS IS EXPLORING THE POSSIBILITIES OF RECYCLING:

- * OIL CONTAMINATED SOILS - WHICH CAN BE PROCESSED THROUGH AN ASPHALT BATCHING PLANT AND USED AS SHOULDER AND SUB-BASE MATERIAL FOR ROADWAYS.
- * CLEAN DEMOLITION DEBRIS - WHICH CAN BE USED AS AN ALTERNATIVE AGGREGATE BASE MATERIAL FOR PRIVATE AND SECONDARY ROADS.
- * STUMPAGE - WHICH CAN BE USED FOR HORTICULTURAL PRODUCTS, LANDSCAPING MULCH AND TOP SOIL.

2. CWS SUPPORTS A STATE SITING AUTHORITY.

A STATE AUTHORITY IS NEEDED TO OVERSEE THE SITING AND LICENSING OF LANDFILLS. THE GOAL OF ANY SOLID WASTE MANAGEMENT PROGRAM MUST BE THE PROTECTION OF THE PUBLIC HEALTH AND THE ENVIRONMENT. STRICT LAWS AND REGULATIONS - AND THE ENFORCEMENT OF THEM - ARE NEEDED TO ENSURE THIS GOAL. HOWEVER, THE PERMITTING PROCESS WHICH PRESENTLY EXISTS UNDER STATE LAW TO SITE AND CONSTRUCT LANDFILLS CAUSES UNNECESSARY DELAYS.

THE LANDFILL SITE AT NORRIDGEWOCK IS SITUATED ON APPROXIMATELY 300 ACRES. GEOLOGICALLY, THE LANDFILL SITE IS ONE OF THE MOST DESIRABLE IN THE STATE DUE TO THE UNDERLYING DEEP DEPOSITS OF THICK, LOW PERMEABILITY CLAY. HOWEVER, IT HAS TAKEN CWS OVER TWO AND A HALF YEARS TO OBTAIN THE NECESSARY PERMITS FROM THE STATE AND THE TOWN OF NORRIDGEWOCK TO BEGIN CONSTRUCTION OF THE

FIRST PHASE OF THE LANDFILL EXPANSION.

THE SECURE LANDFILL, WHICH WILL BE CONSTRUCTED ON THE 12 1/2 ACRE EXPANSION SITE, WILL CONSIST OF A TRIPLE LINER SYSTEM WITH A LEACHATE COLLECTION AND MONITORING SYSTEM. THIS EXPANSION WILL INCREASE THE LANDFILL CAPACITY BY 678,000 CUBIC YARDS OF MUNICIPAL SOLID WASTE AND 200,000 CUBIC YARDS OF SPECIAL WASTE.

THE PROJECTED LIFE OF THIS EXPANSION CAPACITY IS APPROXIMATELY 5 YEARS. HOWEVER, SEVERAL FACTORS COULD EXTEND ITS LIFETIME. FIRST, AGGRESSIVE RECYCLING - WHICH WE SUPPORT - WILL CONSERVE THE LANDFILL CAPACITY; SECOND, THE AMOUNT OF MUNICIPAL SOLID WASTE WHICH WE CAN DIVERT TO WASTE-TO-ENERGY FACILITIES WILL REDUCE THE AMOUNT WHICH NEEDS TO BE LANDFILLED.

IF CONSTRUCTION AT THE SITE CANNOT BEGIN IMMEDIATELY SO THAT CONSTRUCTION CAN BE COMPLETED DURING THE 1989 CONSTRUCTION SEASON, THIS CAPACITY WILL NOT BE AVAILABLE TO THE STATE FOR ANOTHER EIGHTEEN MONTHS. A SHORTAGE OF LANDFILL CAPACITY POSES A SERIOUS THREAT TO THE PUBLIC HEALTH AND ENVIRONMENT, AS WELL AS TO THE ECONOMY OF THIS STATE. WE FEEL THAT THE STATE MUST BE SOLELY RESPONSIBLE FOR THE SITING AND LICENSING OF LANDFILLS IN ORDER TO OVERCOME THE DELAYS WHICH EXIST UNDER THE PRESENT SYSTEM.

3. CWS SUPPORTS PUBLIC/PRIVATE PARTNERSHIP.

A PUBLIC/PRIVATE PARTNERSHIP IS NECESSARY TO SOLVE THE STATE'S SOLID WASTE PROBLEMS. WE BELIEVE THAT THE PRIVATE SECTOR HAS AN IMPORTANT ROLE TO PLAY IN SOLID WASTE MANAGEMENT. CWS PROVIDES SERVICE TO OVER 40 MAINE COMMUNITIES. IN ADDITION, CWS

TAKES OVERSIZED BULKY WASTE WHICH CANNOT BE INCINERATED IN THE WASTE-TO-ENERGY FACILITIES. FURTHER, CWS LANDFILLS PULP AND PAPER SLUDGE, INCINERATOR ASH, PETROLIUM CONTAMINATED SOILS, WASTE WATER TREATMENT SLUDGE AND ASBESTOS. CWS IS COMMITTED TO HAVING IT'S SITE SERVE THE NEEDS OF THE PEOPLE OF MAINE AND HAS MADE A DECISION AT THIS TIME NOT TO ACCEPT ANY OUT-OF-STATE WASTE IN THE EXPANSION UNIT OF THE LANDFILL.

WE BELIEVE THAT IN WORKING TOGETHER WE CAN SOLVE SOLID WASTE PROBLEMS IN MAINE. CWS LOOKS FORWARD TO WORKING WITH THE COMMITTEE ON THESE ISSUES.

I WOULD BE HAPPY TO ANSWER ANY QUESTIONS THAT YOU MIGHT HAVE AT THIS TIME.

Legislator Committee Members

Please find with the chairperson a copy of over 1200 signatures which were collected in 1987. At that time we never had a chance to present to a committee a stamp of approval by the constituency. This representation clearly states that our position for a request for a two cent handling fee increase is supported by the Voters of Maine.

Sincerely,

Brighton Avenue Redemption

Portland, Maine

Dale Miles, Owner

April 12, 1989

BRIGHTON AVENUE REDEMPTION

1980 LABOR???

THESE ARE THE WAGES FROM 1984
FOUR EMPLOYEES

EMPLOYEE #1=3.75 PER HOUR \$150.00 PER WEEK

EMPLOYEE #2=3.50 PER HOUR \$140.00 PER WEEK

EMPLOYEE #3=3.35 PER HOUR \$140.00 PER WEEK

EMPLOYEE #4=3.35 PER HOUR \$134.00 PER WEEK

TOTAL COST FOR YEAR \$29,328

1989 LABOR COST

EMPLOYEE #1=8.50 PER HOUR \$340.00 PER WEEK

HE HAS WORKED AT THE BRIGHTON AVENUE REDEMPTION FOR OVER SIX YEARS. HE HAS
A FAMILY OF TWO CHILDREN. I CAN'T AFFORD TO OFFER THIS EXCELLENT EMPLOYEE
NO BENEFITS OTHER THAN TEN PAID VACATION DAYS A YEAR.

EMPLOYEE #2=6.25 PER HOUR \$250.00 PER WEEK RETIRED

EMPLOYEE #3=6.00 PER HOUR \$240.00 PER WEEK RAISE DUE

EMPLOYEE #4=6.00 PER HOUR \$240.00 PER WEEK

EMPLOYEES #2,3,4, NO BENEFITS

April 12, 1989

TOTAL LABOR COST PER YEAR \$55,640.00

BASED ON PRESENT WAGES ALL EMPLOYEES WILL EXPECT COST OF LIVING INCREASES BEFORE THE END OF THE YEAR.

DIFFERENCE IN LABOR COST

1980	\$55,640.00
1984	\$29,328.00

DIFFERENCE: \$26,312.00

SPACE LEASED (SAME EXACT SPACE)

1981	\$750.00 PER MONTH	COST \$9000.00 PER YEAR
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1989	\$1750.00 PER MONTH	COST \$21,000.00 PER YEAR
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TRASH REMOVAL

ORIGINALLY IN 1980	\$3.50 PER WEEK	\$158.00 PER YEAR
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1989	\$307.00 PER MONTH	\$3,684.00 PER YEAR
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SINCE 1987 TRASH REMOVAL HAS INCREASED FROM \$120.00 A MONTH TO \$307.00 A MONTH WITH PROMISES OF MORE INCREASES SOON.

UTILITIES:

ELECTRICITY:	\$120.00 PER MONTH	LAST MONTH: \$289.00
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THESE REPRESENT A PARTIAL LIST OF BY BUSINESS INCREASES SINCE 1980. JUST THESE ALONE REPRESENT OVER \$43,000.00 MORE IN THE COST OF DOING BUSINESS. NOT TO MENTION OTHER COST INCREASES THAT ARE NOT AS SUBSTANTIAL BUT STILL

April 12, 1989

ADD UP TO THOUSANDS MORE DOLLARS.

FOR EXAMPLE: INSURANCES, VEHICLE, LIABILITY, WORKMANS COMP, ACCOUNTANT,
ATTORNEYS, ADVISORS, BUSINESS SUPPLIES, ETC.

PLEASE TAKE INTO CONSIDERATION THE ADDITIONAL COSTS ALSO IF THE BOTTLE BILL
IS INCREASED TO INCLUDE WINE, JUICE, AND LIQUOR BOTTLES. I AM IN FAVOR OF
SEEING THESE INCLUDED IN THE BOTTLE BILL BUT TO MAKE IT WORK WE MUST GET
THE \$.02 HANDLING FEE INCREASE.

May 8, 1989

TESTIMONY OF PAULA M. CLARK
DIRECTOR OF THE BUREAU OF SOLID WASTE MANAGEMENT
DEPARTMENT OF ENVIRONMENTAL PROTECTION
SPEAKING IN SUPPORT OF L.D. 932

AN ACT TO IMPROVE THE MANAGEMENT OF SOLID WASTE IN MAINE

SPONSORED BY: REPRESENTATIVE MICHAUD

CO-SPONSORED BY: SENATOR LUDWIG

REPRESENTATIVE AIKMAN

REPRESENTATIVE JACQUES

SENATOR KANY, REPRESENTATIVE MICHAUD, AND MEMBERS OF THE ENERGY AND NATURAL RESOURCES COMMITTEE, I AM PAULA CLARK, DIRECTOR OF THE BUREAU OF SOLID WASTE MANAGEMENT OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION SPEAKING IN SUPPORT OF L.D. 932, AN ACT TO IMPROVE THE MANAGEMENT OF SOLID WASTE IN MAINE.

SOLID WASTE MANAGEMENT HAS BECOME AN EXTREMELY COMPLEX ISSUE IN MANY DIFFERENT WAYS AND IT IS APPARENT THAT MAINE, LIKE MANY OTHER STATES CURRENTLY, HAS RECOGNIZED THE NEED TO EMPLOY NEW MECHANISMS WITH WHICH TO MAKE SOME IMPORTANT SOLID WASTE MANAGEMENT DECISIONS. I WOULD LIKE TO DISCUSS TWO IMPORTANT ASPECTS OF THE SOLID WASTE ISSUE THIS AFTERNOON WHICH ARE ADDRESSED IN LD 932: FACILITY AND CAPACITY PLANNING, AND FACILITY SITING.

IN THE PAST, THE PRIMARY RESPONSIBILITY FOR SOLID WASTE FACILITY PLANNING AND FINANCING RESTED WITH INDIVIDUAL MUNICIPALITIES. EACH MUNICIPALITY IS CURRENTLY OBLIGATED BY STATUTE TO PROVIDE FOR DISPOSAL OF THE SOLID WASTE GENERATED WITHIN THAT TOWN OR CITY. THIS APPROACH PROVIDED THE FRAMEWORK FOR FACILITY AND CAPACITY PLANNING FOR MANY YEARS. THERE HAVE BEEN A NUMBER OF SUCCESSFUL FACILITY PLANS, BOTH REGIONAL AND MUNICIPAL, DEVELOPED UNDER THE PRESENT SYSTEM. BUT THERE HAVE ALSO BEEN MANY FAILURES TO KEEP PACE WITH CHANGING SOLID WASTE DISPOSAL NEEDS THROUGH ADEQUATE PLANNING AND IMPLEMENTATION. THE SOLID WASTE DISPOSAL

CAPACITY NEEDS ANALYSIS RECENTLY PREPARED THROUGH THE DEPARTMENT INDICATES THAT MANY AREAS IN THE STATE HAVE NOT BEEN ABLE TO ADEQUATELY PLAN FOR LONG TERM SOLID WASTE DISPOSAL, AND THAT THE CAPACITY REMAINING FOR MANY MUNICIPALITIES WILL ONLY CARRY THEM THROUGH THE SHORT TERM.

MOST OF THE SUCCESSFUL SOLID WASTE PLANNING EFFORTS THAT THE DEPARTMENT HAS SEEN DEVELOP OVER THE PAST FEW YEARS HAVE BEEN REGIONAL APPROACHES. IN MOST CASES, IT IS NO LONGER PRACTICAL, POSSIBLE, AND/OR ECONOMICALLY FEASIBLE FOR INDIVIDUAL MUNICIPALITIES TO DEVELOP THEIR OWN SOLID WASTE DISPOSAL FACILITIES. CURRENT DISPOSAL TECHNOLOGIES ARE SOPHISTICATED AND EXPENSIVE, AND ENVIRONMENTAL REGULATORY REQUIREMENTS HAVE TIGHTENED SUBSTANTIALLY IN RESPONSE TO THE RISKS THAT THESE TECHNOLOGIES MAY POSE. IN ADDITION, THERE ARE A LIMITED NUMBER OF SITES THAT CAN MEET ALL REQUIREMENTS FOR DISPOSAL FACILITIES AND ARE ACCEPTABLE FOR THIS TYPE OF DEVELOPMENT.

LD 932 PROVIDES A STRUCTURE FOR COMPREHENSIVE SOLID WASTE PLANNING THAT IS BASED UPON STATEWIDE SOLID WASTE MANAGEMENT GOALS. THIS STRUCTURE OPTIMIZES USE OF THE REGIONAL SOLID WASTE PLANNING CONCEPT, BUT AT THE SAME TIME RECOGNIZES THAT DIFFERENCES EXIST BETWEEN REGIONS AND THAT THEIR NEEDS AND PLANS WILL VARY. AT THIS POINT IN MAINE'S "SOLID WASTE MANAGEMENT HISTORY" THE DEPARTMENT FEELS THAT COMPREHENSIVE PLANNING AND THE ESTABLISHMENT OF GOALS ON THE

STATE, REGIONAL AND LOCAL LEVELS IS CRITICAL TO THE SUCCESSFUL IMPLEMENTATION OF AN INTEGRATED SOLID WASTE MANAGEMENT SYSTEM IN MAINE.

THE SITING OF SOLID WASTE FACILITIES IS THE SECOND MAJOR ISSUE I WOULD LIKE TO ADDRESS TODAY. SITING HAS BECOME A VERY DIFFICULT AND SOMETIMES CONTENTIOUS ISSUE. THE DECISION MAKING PROCESS IS DIFFICULT FOR ALL CONCERNED PARTIES: ABUTTING PROPERTY OWNERS, CITIZENS LIVING IN THE AREA OF THE PROPOSED FACILITY AND THE DEVELOPER. TO CITIZENS AFFECTED BY THE DEVELOPMENT OF A NEW WASTE FACILITY IT OFTEN SEEMS THAT DECISIONS RELATED TO SITING ARE MADE HAPHAZARDLY WITHOUT CLEAR ANALYSIS OF THE BEST AVAILABLE SITE CHOICES. DEVELOPERS OF FACILITIES ON THE OTHER HAND, ARE FREQUENTLY FRUSTRATED BY LENGTHY PROCEDURAL REQUIREMENTS ON A VARIETY OF GOVERNMENTAL LEVELS WITH DIFFERING RULES. LD 932 ADDRESSES THESE AND OTHER FACILITY SITING CONCERNS IN A VARIETY OF WAYS. FIRST, THE PLANNING PROCESS SET FORTH IN 932 AS DISCUSSED EARLIER, WOULD REQUIRE EACH SITING CHOICE TO BE MADE IN THE CONTEXT OF A COMPREHENSIVE PLAN WHICH RECOGNIZES STATE, REGIONAL AND LOCAL GOALS AND NEEDS. SITE SELECTION WOULD BE GUIDED BY THE ACCEPTED GOALS AND OBJECTIVES ARTICULATED IN THE STATE AND REGIONAL PLANS. WITH COMPREHENSIVE PLANS IN PLACE IT WOULD BE CLEAR WHERE INDIVIDUAL SITING DECISIONS FIT INTO THE BIG PICTURE. UNDER ANY SOLID WASTE MANAGEMENT SYSTEM SOME MUNICIPALITIES OR REGIONS WILL BE SELECTED TO HOST FACILITIES AND OTHERS WILL

NOT. LD 932 PROVIDES FOR A PACKAGE OF BENEFITS FOR COMMUNITIES OR REGIONS THAT HOST NEW FACILITIES, IN ORDER TO PROTECT FROM AND COMPENSATE FOR, THE VARIOUS POSSIBLE IMPACTS.

FINALLY, LD 932 CLARIFIES AND CONSOLIDATES REGULATORY AUTHORITY, PARTICULARLY IN THE AREA OF PERMITTING. THE BILL PLACES PRIMARY RESPONSIBILITY FOR REGULATING SOLID WASTE FACILITIES TO PROTECT THE PUBLIC HEALTH, SAFETY AND THE ENVIRONMENT WITH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION. MUNICIPAL AUTHORITY TO REGULATE SOLID WASTE FACILITIES IS LIMITED AND CLEARLY DEFINED, AS IS THAT OF THE LAND USE REGULATION COMMISSION. IT IS ABSOLUTELY NECESSARY TO SITE NEW WASTE FACILITIES IN MAINE. IT HAS BECOME APPARENT THAT A SINGLE, CONSISTENT AND FAIR REGULATORY PROCESS WILL FACILITATE EFFECTIVE SITE SELECTION AND DEVELOPMENT IN ORDER TO MEET MAINE'S PRESSING DISPOSAL NEEDS. TWO OR THREE SEPARATE REGULATORY PROCESSES WHICH USE DIFFERENT STANDARDS AND CRITERIA WILL NOT RESULT IN SOUND AND EFFECTIVE DECISION MAKING ON SOLID WASTE FACILITY SITING, DESIGN AND CONSTRUCTION ISSUES. THE CURRENT SYSTEM ALLOWS FOR THIS MULTIPLE PERMITTING APPROACH WHICH FREQUENTLY RESULTS IN CONFUSION AND INEFFICIENCY. THE BOARD OF ENVIRONMENTAL PROTECTION RECENTLY ADOPTED NEW SOLID WASTE MANAGEMENT REGULATIONS WHICH REFLECT CURRENT, STATE OF THE ART APPROACHES TO SOLID WASTE MANAGEMENT ACTIVITIES. WE ARE CONFIDENT THAT THESE REGULATIONS IN CONJUNCTION WITH THE

STATE AND REGIONAL PLANNING PROCESSES AND HOST COMMUNITY BENEFITS WILL PROVIDE A FAIR AND EFFECTIVE APPROACH TO SITING AND FACILITY PERMITTING.

IN CONCLUSION, I WOULD LIKE TO STRESS THE DEPARTMENT'S POSITION THAT A SOLID WASTE MANAGEMENT SYSTEM DESIGNED FOR THE 1990'S MUST INCLUDE NOT ONLY A SOUND REGULATORY AND TECHNICAL PROGRAM BUT A COMPREHENSIVE PLANNING AND IMPLEMENTATION STRUCTURE. SOLID WASTE MANAGEMENT HAS BECOME AN EXTREMELY IMPORTANT ISSUE OF STATEWIDE SIGNIFICANCE. WE HAVE OUTGROWN THE CURRENT STRUCTURE WHICH PLACES PRIMARY RESPONSIBILITY FOR SOLID WASTE MANAGEMENT WITH INDIVIDUAL MUNICIPALITIES. WASTE MANAGEMENT ACTIVITIES HAVE STATEWIDE IMPLICATIONS, ARE OF STATEWIDE CONCERN AND SHOULD BE ADDRESSED COMPREHENSIVELY ON THE STATE, REGIONAL AND LOCAL LEVELS. LD 932 PROVIDES A FRAMEWORK FOR COMPREHENSIVE PLANNING AND SITING WHICH ARE ESSENTIAL TO THE COMPLETE IMPLEMENTATION OF AN INTEGRATED SOLID WASTE MANAGEMENT SYSTEM.

PC/LD932/LC

TESTIMONY
OF GARY C. WOOD
DIRECTOR OF STATE & FEDERAL RELATIONS
FOR MAINE MUNICIPAL ASSOCIATION
IN SUPPORT OF LD 932, "AN ACT TO IMPROVE THE MANAGEMENT
OF SOLID WASTE IN MAINE"

SENATOR KANY, REPRESENTATIVE MICHAUD, OTHER MEMBERS OF THE ENERGY AND NATURAL RESOURCES COMMITTEE, MY NAME IS GARY WOOD. I AM THE DIRECTOR OF STATE AND FEDERAL RELATIONS FOR MAINE MUNICIPAL ASSOCIATION. MAINE MUNICIPAL ASSOCIATION'S SOLID WASTE SUBCOMMITTEE AND ITS LEGISLATIVE POLICY COMMITTEE, BOTH OF WHICH CONTAIN MEMBERS FROM ALL OVER THE STATE, ESTABLISHED A NUMBER OF PRIORITIES WHICH ARE REPRESENTED IN LD 932. AMONG THEM ARE:

- (1) THE CREATION OF A STATE LEVEL WASTE AUTHORITY TO PROVIDE PLANNING, TECHNICAL ASSISTANCE, AND SITING AND LICENSING ASSISTANCE WITH SOLID WASTE APPLICATIONS. THE AUTHORITY SHOULD ASSIST MUNICIPALITIES FINANCIALLY BY CREATING A MATCHING GRANT PROGRAM FUNDED WITH STATE BONDS OR SOME OTHER SOURCE. THE HIERACHY THAT OUR ORGANIZATION FAVORS IS NOT THE SAME AS THAT EXPRESSED IN LD 932 TO THE EXTENT THAT WE BELIEVE THAT SITING AND LICENSING NEW SOLID WASTE FACILITIES SHOULD BECOME THE IMMEDIATE AND TOP PRIORITY OF THE NEW AUTHORITY. THE AUTHORITY WILL OBVIOUSLY HAVE TO DO A FAIR AMOUNT OF PLANNING BEFORE SITING AND LICENSING CAN ACTUALLY TAKE PLACE, BUT WE DO THINK THESE SPECIFIC ACTIVITIES SHOULD

BE THE AUTHORITY'S TOP PRIORITY. THIS CONCLUSION RESTS ON THE FACT THAT AS MANY AS 85 MUNICIPALITIES HAVE LESS THAN ONE YEAR OF DISPOSAL CAPACITY LEFT. ANOTHER 100 HAVE LESS THAN 5 YEARS OF CAPACITY LEFT. OVER 100 MUNICIPALITIES WILL BE CLOSING THEIR LANDFILLS WITHIN THE NEXT 3 YEARS.

- (2) THE CREATION OF REGIONAL DISTRICTS BASED ON WASTE SHED FACTS ALSO TO ASSIST MUNICIPALITIES WITH PLANNING, TECHNICAL ASSISTANCE AND FUNDING FOR THE SITING, LICENSING AND CONSTRUCTION OF NEW FACILITIES. THE REGIONAL DISTRICTS MUST RECOGNIZE AND ENCOURAGE EXISTING REGIONAL EFFORTS. THEY MUST NOT INTERFERE WITH EXISTING CONTRACTS. THEY MUST NOT BE CONTROLLED BY COUNTY COMMISSIONERS. TO THAT EXTENT, WE RECOMMEND THAT THE BILL BE AMENDED TO PROVIDE JUST ONE COUNTY COMMISSIONER ON THE REGIONAL WASTE BOARD.

OTHER KEY ISSUES:

- (1) SITING AND LICENSING NEW SOLID WASTE FACILITIES. THE STATE AUTHORITY SHOULD SITE AND APPLY FOR PERMITS FOR NEW SOLID WASTE FACILITIES. THIS ACTIVITY SHOULD TAKE PLACE AT THE STATE LEVEL IN ORDER TO REMOVE IT FROM THE PRESSURES OF LOCAL POLITICS. MAINE MUNICIPALITIES ARE WILLING TO GIVE UP A CONSIDERABLE AMOUNT OF THEIR HOME RULE ORDINANCE AUTHORITY IN ORDER TO TRY TO STREAMLINE SITING DECISIONS. HOST MUNICIPALITIES WILL BE PROTECTED BY THE PUBLIC INTERVENOR

STATUS IN 38 MRSA §1310-N, AS AMENDED BY LD 10 THIS YEAR.

IN ADDITION TO INTERVENOR STATUS, THE HOST MUNICIPALITY WILL RECEIVE ADDITIONAL BENEFITS SUCH AS THE TRAINING OF LOCAL INSPECTORS AND ACCESS TO DATA FROM THE SOLID WASTE SITE.

- (2) THE STATE SHOULD SITE AND CONSTRUCT SITES FOR DIFFICULT TO DISPOSE OF WASTES INCLUDING HAZARDOUS WASTE, SPECIAL WASTE, ASH, AND WHITE GOODS.
- (3) RECYCLING. MUNICIPALITIES, AS WELL AS THE PEOPLE OF THE STATE OF MAINE, ARE READY FOR RECYCLING. MUNICIPALITIES DO NOT OPPOSE MANDATORY RECYCLING SO LONG AS THE GOAL IS REASONABLE. THE GOAL OF LD 932 IS TO ACHIEVE 25% RECYCLING OVER THE NEXT FOUR YEARS. THAT IS A REASONABLE GOAL. LET'S USE A REASONABLE GOAL SO THAT THE PROGRAM GETS OFF THE GROUND ON THE RIGHT FOOT. AN UNREASONABLE GOAL WILL BE DETRIMENTAL TO THE RECYCLING EFFORT.

IN RELATION TO THE COSTS OF RECYCLING, MUNICIPALITIES DO NOT WANT THE COST OF RECYCLING TO EXCEED THE COST OF DISPOSAL. FURTHERMORE, THERE IS NO QUESTION THAT RECYCLING WILL BE EXPENSIVE AND THAT CONSIDERABLE STATE AID WILL BE REQUIRED TO PAY FOR THE COST OF SUCH ITEMS AS STORAGE FACILITIES, EQUIPMENT, TRANSPORTATION, AND PERSONNEL. MMA'S BASIC POSITION IS THAT THE STATE SHOULD BE RESPONSIBLE FOR SETTING UP REGIONAL REPOSITORIES FOR RECYCLED GOODS SO THAT THE STORAGE REQUIREMENT AT THE LOCAL LEVEL IS KEPT TO A MINIMUM.

WE WILL SORT THE TRASH AND TRANSPORT IT TO THE FACILITIES PROVIDED BY THE STATE.

- (4) THE COSTS OF SOLID WASTE DISPOSAL. THE COST OF SOLID WASTE DISPOSAL HAS RISEN ENORMOUSLY IN THE PAST FEW YEARS. THE 1983 ANNUAL COST WAS APPROXIMATELY \$23,000 FOR MAINE MUNICIPALITIES. THAT HAD RISEN TO ALMOST \$39,000 BY 1987. IN 1988, THE INCREASES WERE EVEN MORE ASTRONOMICAL AS MUNICIPALITIES BEGAN CLOSING LANDFILLS. THE TOWN OF DURHAM, FOR EXAMPLE, HAD ITS SOLID WASTE BUDGET INCREASE FROM \$18,000 IN 1988 TO \$142,000 IN 1989. SUCH AN INCREASE WILL BECOME THE RULE RATHER THAN THE EXCEPTION AS MORE MUNICIPALITIES HAVE TO CLOSE LANDFILLS. THE NEW 300 PAGES OF SOLID WASTE REGULATIONS DEVELOPED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION WILL MAKE THE PROCESS EVEN MORE COSTLY AND TIME-CONSUMING. MUNICIPALITIES ARE WILLING TO PAY THEIR FAIR SHARE FOR SOLID WASTE DISPOSAL, AS THEY HAVE TRADITIONALLY BORNE ALL OF ITS COSTS. AS THE STATE RECOGNIZES SOLID WASTE AS A STATEWIDE PROBLEM, IT IS REASONABLE FOR THE STATE TO ISSUE BONDS TO ASSIST MUNICIPALITIES WITH THE CONSTRUCTION OF REGIONAL FACILITIES. NONE OF THE BILLS BEFORE THE COMMITTEE TODAY REALLY CALLS FOR SUFFICIENT FINANCIAL ASSISTANCE FROM THE STATE, AND THAT IS ONE ISSUE THAT WE WOULD LIKE THE COMMITTEE TO FOCUS ON. SOLID WASTE DISPOSAL FALLS ON THE PROPERTY TAX, AND THAT FACT NOT ONLY CREATES A SIGNIFICANT PROBLEM IN THIS YEAR OF

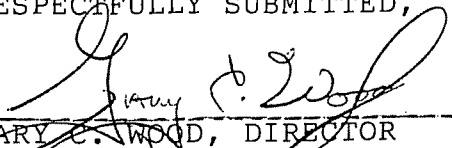
PROPERTY TAX REFORM, BUT ALSO PRESENTS AN OPPORTUNITY TO ADDRESS TWO SIGNIFICANT ISSUES AT ONE TIME.

MUNICIPALITIES WILL COOPERATE WITH A FEE STRUCTURE THAT CHARGES USERS OF THE SOLID WASTE DISPOSAL SYSTEM. HOWEVER, WE DO NOT THINK THAT ANY FUNDS GENERATED BY SUCH AS SYSTEM SHOULD BE USED TO FUND DEP'S LICENSING OR ENFORCEMENT COSTS. ALL FUNDS GENERATED FROM THE DISPOSAL OF SOLID WASTE SHOULD BE RETURNED TO THE SOLID WASTE AUTHORITY TO BE DISBURSED AS DEDICATED REVENUE BACK TO THE SOLID WASTE DISPOSAL ARENA.

IN RELATION TO RATES, MMA'S POSITION IS THAT THERE IS NO NEED TO IMPOSE PUC REGULATION OR A REGULATORY PROCESS LIKE THE PUC AT THIS POINT IN TIME. WHEN CONTRACTS THAT CURRENTLY EXIST BETWEEN MUNICIPALITIES AND THE PRIVATE SECTOR GET CLOSE TO THEIR EXPIRATION DATE, MUNICIPALITIES WILL BE MORE INTERESTED IN THE RATE REGULATION PROCESS.

IN CONCLUSION, WE SUPPORT THE GENERAL STRUCTURE CREATED BY LD 932 AND MANY OF ITS PROVISIONS. WE KNOW THAT THE PROCESS OF CREATING A NEW STATE AGENCY WILL NOT BE POPULAR WITH EVERYONE IN THE STATE, BUT WE DO SEE IT AS A NECESSARY INGREDIENT TO OVERALL PLANNING AND MANAGEMENT. WE ALSO KNOW THAT THE COMMITTEE WILL DEAL WITH SEVERAL BILLS AND THAT THE COMMITTEE WILL WORK HARD TO COMBINE THE BEST ASPECTS OF THOSE BILLS. WE ARE MORE THAN WILLING TO WORK WITH THE COMMITTEE AT WORK SESSIONS.

RESPECTFULLY SUBMITTED,



GARY C. WOOD, DIRECTOR
STATE & FEDERAL RELATIONS
MAINE MUNICIPAL ASSOCIATION

DATE: May 8, 1985


TESTIMONY OF
REPRESENTATIVE ROSALIE AIKMAN
POLAND
IN SUPPORT OF
LD 932
AN ACT TO IMPROVE THE MANAGEMENT OF SOLID WASTE IN MAINE
BEFORE THE
JOINT STANDING COMMITTEE ON ENERGY AND NATURAL RESOURCES
May 8, 1989

SENATOR KANY, REPRESENTATIVE MICHAUD, MEMBERS OF THE COMMITTEE, I AM REPRESENTATIVE ROSE AIKMAN, HOUSE DISTRICT 60, REPRESENTING MECHANICS FALLS, MINOT AND POLAND. I AM HERE TODAY TO URGE YOUR CAREFUL CONSIDERATION AND SUPPORT OF LD 932 AN ACT TO IMPROVE THE MANAGEMENT OF SOLID WASTE IN MAINE.

SOLID WASTE MANAGEMENT IS AN INCREASING CONCERN OF PUBLIC AND LOCAL OFFICIALS. TOWNS ACROSS THIS STATE ARE FACED WITH LIMITED DISPOSAL OPTIONS AND RAPIDLY ESCALATING COSTS. THEIR EFFORTS TO DEAL WITH THE ISSUE HAVE BEEN COMMENDABLE, BUT THEY NO LONGER HAVE THE ABILITY TO PROVIDE SOLID WASTE SERVICES ON AN INDIVIDUAL BASIS. AS A RESULT WE HAVE SEEN INTERLOCAL AND REGIONAL ALLIANCES FORM, LARGELY ON AN AD HOC BASIS, TO PROVIDE WASTE DISPOSAL SERVICES.

THE TIME HAS COME TO RECOGNIZE THAT TOWNS CAN NO LONGER MANAGE THIS ISSUE ALONE. IT IS TIME TO RECOGNIZE THOSE REGIONAL EFFORTS THAT NOW EXIST AND TO BUILD ON THEM. AND IT IS TIME TO ENCOURAGE THOSE TOWNS WHICH HAVE NOT JOINED WITH THEIR NEIGHBORING

COMMUNITIES IN JOINT PROGRAMS, TO DO SO.

LD 932, THE GOVERNOR'S BILL, BUILDS ON THIS FOUNDATION BY ESTABLISHING A REGIONAL APPROACH TO PLAN FOR OUR WASTE MANAGEMENT NEEDS AND TO COORDINATE LOCAL, MULTI-TOWN, OR PRIVATE RECYCLING PROGRAMS. THE PROPOSED DISTRICTS ARE CHARGED WITH WORKING WITH TOWNS, INTERLOCAL WASTE MANAGEMENT ORGANIZATIONS, AND PRIVATE PROVIDERS TO PLAN FOR AND IMPLEMENT A WASTE MANAGEMENT STRATEGY DESIGNED TO MEET LOCAL AND REGIONAL NEEDS.

THERE ARE SEVERAL IMPORTANT REASONS FOR RE-THINKING OUR TRADITIONAL METHODS OF MANAGING SOLID WASTE.

FIRST, THE COSTS ARE TOO HIGH FOR TOWNS TO GO IT ALONE. AND THE COSTS ARE TOO HIGH FOR THOSE TOWNS THAT ARE LEFT BEHIND. THE IMPROVED APPLICATION STANDARDS, INTENDED TO REDUCE THE EFFECTS ON PUBLIC HEALTH AND THE ENVIRONMENT, AND THE HIGHLY CHARGED PUBLIC REACTION TO PROPOSED WASTE SITES ADD TO THE COST AND THE TIME NECESSARY TO DEVELOP WASTE MANAGEMENT FACILITIES. THESE COSTS ARE BEST SHARED AMONG SEVERAL MUNICIPALITIES.

IN MY PART OF THE STATE, WE HAVE AN EXCELLENT EXAMPLE OF HOW TOWNS HAVE COME TOGETHER TO DEVELOP A RESOURCE RECOVERY FACILITY, MID-MAINE WASTE ACTION CORPORATION, KNOWN TO MANY AS M-WAC. THE DISTRICT APPROACH PROPOSED IN THE GOVERNOR'S BILL SUPPORTS THIS MULTI-TOWN INITIATIVE AND THOSE DEVELOPED BY THE PRIVATE SECTOR, AND SEEKS TO BUILD ON THEM, NOT REPLACE THEM OR SUPPLANT THEM.

SECONDLY, COSTS ARE BEST CONTROLLED IF WE UNDERSTAND OUR WASTE MANAGEMENT NEEDS BOTH TODAY AND IN THE FUTURE. WE CANNOT MAKE SOUND PUBLIC OR PRIVATE INVESTMENTS WITHOUT SOME UNDERSTANDING OF OUR FUTURE NEEDS. ANY EXPENDITURE OF FUNDS OR ANY SITING OF WASTE DISPOSAL FACILITIES WITHOUT A GOOD AND THOROUGH PLANNING PROCESS IS LIKELY TO RESULT IN ADDITIONAL COSTS AND CAUSE FUTURE PROBLEMS. THE PRIMARY PURPOSE FOR THE DISTRICTS IS TO DEVELOP THE PLANS WHICH WILL HELP TOWNS UNDERSTAND THEIR OPTIONS AND THE ASSOCIATED COSTS. THIS IS THE BEST WAY TO ASSURE MAINE TAXPAYERS THAT PUBLIC FUNDS ARE WELL SPENT OR MAINE CONSUMERS THAT SERVICES ARE REASONABLY PRICED.

AND FINALLY, THERE IS NO MORE EFFECTIVE SOLUTION TO WASTE MANAGEMENT THAN RECYCLING. IN THIS, MORE THAN ANY OTHER AREA OF WASTE MANAGEMENT, TOWNS NEED ASSISTANCE, *and* NEED TO WORK TOGETHER - TO IDENTIFY AND ACCESS MARKETS, TO SHARE THE COSTS OF EXPENSIVE RECYCLING FACILITIES, TRANSFER STATIONS, AND OTHER RECYCLING TECHNOLOGY. THE DISTRICT APPROACH OUTLINED IN THE GOVERNOR'S BILL IS ESSENTIAL TO ASSURING THE SUCCESS OF OUR RECYCLING GOALS.

THE CHALLENGE BEFORE US IS TO ADDRESS SOLID WASTE MANAGEMENT COMPREHENSIVELY, RECOGNIZING THAT ALL OF US - INDIVIDUALS, BUSINESSES, AND PUBLIC OFFICIALS - HAVE A RESPONSIBILITY FOR ITS SOLUTION. LET US NOT BE TEMPTED TO DEAL WITH ONLY ONE ASPECT OF THIS PROBLEM OR A SIMPLE SOLUTION AND THINK WE HAVE ADDRESSED THE ISSUE.

THANK YOU FOR THE OPPORTUNITY TO SPEAK WITH YOU TODAY. THE TASK BEFORE YOU IS LARGE, YET THE OPPORTUNITY FOR POSITIVE CHANGE IS GREAT. I WILL ANSWER ANY OF YOUR QUESTIONS AND AM WILLING TO ASSIST IN ANY WAY I CAN IN THE WEEKS AHEAD.



State of Maine
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

TESTIMONY OF
ALAN D. MACEWAN
IN SUPPORT OF
LD 932
AN ACT TO IMPROVE THE MANAGEMENT OF SOLID WASTE IN MAINE
BEFORE THE
JOINT STANDING COMMITTEE ON ENERGY AND NATURAL RESOURCES
MAY 8, 1989

Senator Kany, Representative Michaud, Members of the Energy and Natural Resources Committee, I am Alan MacEwan, the Governor's Legal Counsel, and I am here today to speak in support of LD 932, "AN ACT to Improve the Management of Solid Waste in Maine."

Solid waste management has become a compelling issue; increases in the amount of waste we generate, increases in the cost of disposing of this waste and the dwindling capacity to dispose of it safely have forced us to take another look at how we are managing this problem.

This is an issue which deserves our attention now for several reasons:

First, and most importantly, people are ready for change. Maine people appreciate the problems currently facing us regarding waste disposal and have expressed a strong willingness to participate in its solution.

Secondly, we still have time to address the issue responsibly. The threat of having no place to take our waste is still just that - a threat, not yet a reality.

Finally, we are in an era of relative prosperity - the reason, in part, for the volume of waste we generate, but this prosperity allows us the resources to deal with the issue responsibly and thoughtfully without reacting to the immediate pressures or adopting short term, stop-gap solutions.

The Governor's proposal evolved from careful consideration, much internal debate, and many subsequent individual conversations and meetings with interested and affected parties. That proposal, contained in LD 932 "AN ACT to Improve Solid Waste Management in Maine", is designed to address five important objectives.

1. We must begin to reduce the waste stream through source reduction and recycling. The most effective way of managing our waste is to generate less of it and recycle more. We therefore are proposing statewide recycling goals, mandatory recycling for both local governments and business, and financial and technical assistance for both to assist in meeting the new requirements. We also are proposing an expansion of the bottle bill to include single serving juice containers and wine and liquor bottles.

2. We must develop a mechanism for siting and investment decisions.

Today we have little, if any, idea of our long term collective waste management needs and how best to meet them. Our legislation requires the development of state and regional solid waste management plans to guide and direct siting and public investment decisions. It recognizes that communities, through a regional approach which recognizes the importance of local issues, will have the first opportunity to plan for the management of their solid waste.

3. We must move to a system that more clearly addresses the costs of waste management and disposal and allocates it to the user. We can learn a lesson from the history of energy and electricity costs - namely, that people will save if we provide an economic incentive to do so. The revenue system, which we are proposing to pay for the costs of recycling and waste management, is based up on the amount and type of waste disposed.

The responsibility and associated administrative costs for raising the revenue for solid waste management should not, in our view, be shouldered by the small businesses or retailers of this state. Additionally, and equally importantly, the strongest incentive for recycling and waste reduction arises when people and businesses realize the actual costs of sound disposal. Consumer or business behavior is less likely to change if these costs are hidden in the purchase price of the item.

4. The delivery system and programs we design must include incentives for public, local and private participation in the accomplishment of our waste management objectives. We have requested \$2.7 million in general fund monies for the next two years to provide the financial and technical assistance. We also are proposing the establishment of a revolving loan fund in FAME, a tax credit for business which invest in recycling equipment, and we are proposing the use of revenue bonds to help finance local and district capital needs. The fee system which we are supporting would be deposited in a Solid Waste Management Fund, allocated by the Legislature, to assist municipalities and districts in meeting the state recycling goals and to develop the necessary disposal capacity for the future.

5. The success of any solid waste management initiative is dependent on the establishment of an integrated solid waste management delivery system. We are proposing the creation of a State Solid Waste Authority and seven regional districts with broad responsibility to plan for and manage waste management activities. The responsibilities of the Authority and districts are, in order of importance, to initiate and coordinate recycling programs, to develop and implement waste management plans, and to designate candidate sites sufficient to meet identified needs. Let me emphasize our view that the regional approach, which has already begun to evolve naturally, is necessary to assure that local control and local needs are maintained, while also acknowledging that the state stands ready to step in to assist if the regional effort falters.

I would conclude with the observation that the bills before you today have many common elements. We are convinced that there is far more agreement than disagreement on how best to address this issue. The Governor is optimistic that by working together we can address those few areas of concern and agree on an ambitious program for solid waste management. Much is at stake, and the people of Maine are anxious for solutions. Those solutions indeed are inevitable.

Thank you very much. I will be happy to answer any of your questions. I also want to assure you that members of the Administration will be available during all work sessions to assist the Committee in its deliberations.

TESTIMONY OF JOHN FRAWLEY

CHAIRMAN, PENOBSCOT VALLEY REFUSE DISPOSAL DISTRICT

Senator Kany, Representative Michaud and Members of the Committee, my name is John Frawley. I am the City Engineer for the City of Bangor, and I also serve as the Chairman of the Board of Directors of the Penobscot Valley Refuse Disposal District. Our District was organized in 1986 pursuant to certification by the Maine Board of Environmental Protection and now consists of a total of 29 communities in the Counties of Hancock, Penobscot, Piscataquis, and Waldo, representing a total population in excess of 120,000 people. Our Board of Directors met last week to discuss the bills which are before you, and I have been authorized to speak in their behalf. I am here specifically to support certain provisions in L.D. 1143, but also to offer our general support of many of the provisions in L.D. 932.

I will be primarily addressing two issues: The extremely critical need for secure landfill space to take care of the immediate needs of many areas of the State; and recycling. Other representatives of our District are present and will be giving testimony on other aspects of these bills.

First, the draft Capacity Needs Analysis prepared for the DEP by R.W. Beck clearly points out the immediate need for additional landfill space. According to the report, the current total annual solid waste quantities in the State are awesome: 877,350 tons of residential and commercial solid waste, over 270,000 tons of bulky waste, and over 1,000,000 tons of special waste, including close to 200,000 tons of incinerator ash. Of the 185 landfills in the State, 151 are substandard

and 30 have short-term remaining capacity, ranging from one to five years. By 1995 approximately 300,000 tons per year of additional disposal capacity will be needed, plus at least an equal amount of additional capacity to handle and dispose of bulky waste. Further, additional capacity will be needed to handle and dispose of special wastes. Even assuming that a goal of 25% reduction can be made through recycling within five years, there will still remain more than 1.6 million tons of excess waste, most of which will require landfilling. I do not know how many landfill applications have been submitted to the DEP within the past five years, nor do I know how many of those applications have been processed; however, I feel that it is safe to say that the rate of establishment of new disposal facilities in no way comes close to filling the demand.

It is for this reason that our District strongly supports L.D. 1143, since it appears to be the only bill to date which sets forth strong mandates for locating, permitting, constructing and operating landfill sites necessary to satisfy our current and future needs. L.D. 1143 would place such responsibility with a State authority, which would appear to offer the only possibility of an expeditious process to develop new sites. It is thought that a State authority might have better success than private or local government entities in dealing with the Maine Department of Environmental Protection to obtain timely approval of such sites.

The siting of a regional landfill in any area is generally not well received by the residents of that area. If the applicant is a private company, there is local suspicion that the motives are primarily

profit-oriented. If the applicant is perhaps a group of towns or a solid waste district, then ill feelings develop against the applicant towns. Clearly, a State authority would be able to better overcome these biases and would generally be better accepted as a siting agency, such as is the Maine Department of Transportation in the location of highways, or the selection of Federal military base closings by a non-partisan independent authority. In summary, the costs, local politics, and bureaucratic process of siting landfills have clearly gone beyond the ability of most communities to cope with in a timely manner, and we feel that it is time that the State of Maine took an active role in siting of solid waste landfills to fulfill statewide needs. A state authority would provide consistent monitoring and regulation of the use of such sites, could plan for and develop future sites as the need develops, and would be the logical agency to provide for closure and post-closure monitoring indefinitely.

On the topic of source reduction and recycling, the Penobscot Valley Refuse Disposal District offers its complete support and co-operation. We encourage public education and the expansion of the bottle bill to encourage source reduction. We also support mandatory recycling as proposed in L.D. 932; however, we do not feel that mandatory recycling should be required only by municipalities with populations greater than 5,000 people. Only 54 communities out of a total of 535 communities in the State of Maine have a population of more than 5,000 people, and their combined population represents only about 1/2 of the total State population. Therefore, the recycling effort would only apply to between 1/2 and 2/3 of the total State municipal and commercial

solid waste. This would place a far greater burden on the communities of more than 5,000 people to meet the District goal of 25% reduction by 1995 as suggested by L.D. 932.

One further caution regarding recycling: It can only be successful if suitable transportation facilities and a strong marketplace are established, and it is felt that the State must take the lead role in establishing and maintaining a disposal market for recycled goods. Many communities who have experimented with recycling, including Bangor, have found extreme difficulty in finding marketplaces, and if such marketplaces are not established and maintained, then the program will be undoubtedly doomed to failure.

All of the solid waste bills being discussed today seek objectives and goals that the District endorses; however, greater responsibility by the State of Maine to provide disposal sites and markets is critical, which is why we especially favor L.D. 1143.

ENERGY AND NATURAL RESOURCES COMMITTEE HEARING
MAY 8, 1989
TESTIMONY BY KIRSTIN GEORGE
ON LD 1102 & LD 1431(sec.9, subsection 1606)

"Senator Kany, Rep. Michaud, and members of the Energy and Natural Resources Committee, my name is Kirstin George. I am from Freedom, Maine. I am currently attending a high school program at the Chewonki Foundation in Wiscasset. We have been studying Maine's solid waste crisis this semester.

I am here to testify in favor of LD 1102 as well as LD 1431, (subsection 1606 on page 9). In my studies at Chewonki I've developed a growing awareness of the magnitude of environmental problems, especially the solid waste crisis and marine pollution. I see LD 1102 and LD 1431 as a step toward alleviating these crises.

When I began researching the debate between paper and plastic bags, I did not know which material was better. After contacting many researchers, companies, and conducting a survey at Shaw's and Shop 'n Save, I found that not only are paper bags less harmful to the environment than plastic bags, but that there is an exciting new door opening for recycling brown paper bags in Maine.

One of the largest problems plastic bags pose to the environment is litter and marine pollution. The Maine Coastal Program reported collecting 3,723 plastic bags from 114 miles of coastline on their 1988 shore clean-up day. The collectors in Rockland also found and photographed an endangered loggerhead turtle dying from eating a plastic bag which it had apparently mistaken for a jellyfish. Plastic bags kill and injure sea birds, turtles, and marine mammals along the Maine coast. Exact numbers are not known, however almost every Maine turtle that was autopsied at the Boston Aquarium was determined to have died from plastic bag ingestion.

Recently a new cause of death in marine animals has been determined: the build-up of tiny pieces of biodegradable plastics in the digestive system. When biodegradable or photodegradable plastic bags degrade, the material does not become organic matter as with paper, instead the plastic is broken down into smaller pieces that are more easily ingested by birds and small animals. One and a half years ago, degradable plastics seemed like an ecologically sound alternative to ordinary plastics. However, recent studies show otherwise. These bags, which are made by adding cornstarch to a plastic resin, are not yet recyclable, even when separated. They make recycling more difficult when grouped with other plastics. Another problem with biodegradable plastic bags is that there are no national standards for biodegradable plastics: Neither for how quickly they degrade nor for how completely they degrade. Lastly, biodegradable plastic bags have been called the "feel good" solution. People feel like they are helping the environment by using them when the vast majority of their bags will still end up in valuable and fast-disappearing landfill space where nothing can degrade.

The issue of diminishing landfill space and the solid waste crisis brings me to my key message: We must recycle our bags. At this point the door is open for Maine to begin recycling paper bags statewide. Recycling plastic is a much further reach. Research is in its infancy and there appear to be many complications. Identifying and separating the hundreds of kinds of plastics is not the least of them. The products currently made from recycled plastics are of low quality and there is little demand for them. In planning for the future it is important to note that trees are considered to be a renewable natural resource, while petroleum is not.

The next question: How will these changes effect Maine people and businesses? My classmates and I conducted a survey of Maine's two leading supermarket chains: Shop'n Save and Shaw's. We surveyed 50 customers and their store managers at the Brunswick stores. This pamphlet reports our results. In short, the managers told us: We want to make the customers happy. Indeed, it was pressure from the customers that caused them to be the first two supermarket chains in the country to begin using biodegradable plastic bags about a year and a half ago. 94% of the customers we polled said they either preferred paper bags to plastic or were indifferent. A large majority said they would return their bags to the store to be recycled and more than half said they would be willing to bring back their own bags for reuse. The managers indicated that there is a possibility of having a drop-off site at the supermarket for recycling used paper bags. In addition they did not reject the suggestion of encouraging customers to bring their own bags for reuse.

So the Maine people are ready for the change. What about the recyclability of brown paper bags. Is there a market for the used bags? Can the bags themselves be made from recycled material? Currently craft paper is made from approximately 6% recycled material and 94% fresh wood. In the past there has been a misconception that this high percentage of wood content is necessary to provide strength. I learned from Yorktowne Recycling Mills in Gardiner that there would be tremendous economic value for bales of used craft paper bags if they were collected. I am not aware of any recycling mills or collection centers in Maine who collect brown paper bags separately. Stone Container, the largest manufacturer of craft paper in the U.S. (and a supplier to many Maine supermarkets), has recently realized the recycling value of their bags and have begun a new pilot project in an effort to collect and recycle them. The Sack-Back program is being organized in Chicago's Catholic churches. The church members save their paper bags, are paid \$200/ton by Stone Container, and the company recycles the bags back into bags! The percentage of recycled material in the bags is expected to rise from the current 6%, to between 40 and 100%. Not only will these Catholic churches earn \$4 million per year for selling used paper bags, they are saving Chicago tax payers a tremendous amount of money in avoided solid waste disposal costs.

This brand new recycling program could not be more timely for Maine. It would be a shame to turn from such a wide open door. LD 1102 and LD 1431 (sec.9,subsec.1606), which promote the use of paper bags, are only a beginning step toward improving Maine's environment. It is vital that they go hand-in-hand with a recycling plan so that expensive landfill space is not filled, and more trees are not cut down. I am therefore proposing that you consider amending LD 1102 to require stores to buy bags that contain at least 40% recycled material and to provide a collection site where used paper bags can be returned for recycling.

SURVEY of Wiscasset grocery stores.

Chewonki Foundation
MCS

On April 27, 1989, we visited local Shaw's and Shop-N'-Save grocery stores and took a survey of fifty customers. The questions dealt with the use of paper instead of plastic bags, returning bags to the stores for recycling, and the use of personal bags.

94 percent supported being given paper bags instead of plastic.

92 percent were willing to return bags to the store for recycling.

68 percent would bring their own bags instead of using new ones.

These stores use an average of 17,000 paper bags and 12,000 plastic bags each per week. The average price of plastic bags is about one-half that of paper bags.

TESTIMONY OF EARLE BROOKS

Senator Kany, Representative Michaud, members of the Committee: My name is Earle Brooks. I am a Selectman for the Town of Stockton Springs. I have been appointed by the Town to serve as a member of the Board of Directors of the Penobscot Valley Refuse Disposal District. I am also on the Executive Committee of the Penobscot Valley Council of Governments, and I serve as the Chairman of the Waldo County Opportunity Zone advisory committee.

As an elected official serving on the various regional bodies that I have just mentioned, I feel that I am qualified to comment on how best to structure and organize the regional solid waste districts that are envisioned in the bills we are discussing today. The bill that the Penobscot Valley Refuse Disposal District supports, L.D. 1143, proposes solid waste regions that coincide with those that currently exist for regional planning commissions and councils of governments.

I don't know about the rest of the state, but in the Penobscot Valley, towns and cities have become used to cooperating within the regional council regions that have been in place for nearly two decades. Waldo County is a bit unusual in that it is divided up into three different planning districts. Five towns along the Penobscot River belong to the Bangor based organization, twelve along the coast and in central Waldo County work with the Rockland based regional council, and the remaining eight belong to the Waterville/Winslow area. These divisions, as unusual as they may look on the map, really reflect how these communities are oriented.

If we are trying to encourage regional cooperation, let's not confuse the issue by asking communities to get used to a whole new scheme for dividing up the state. A solid waste region that throws all of Waldo County in with Penobscot and Piscataquis Counties is going to have a hard time getting anything done because these communities are just not used to working together. Let's use regional planning boundaries that have served us very well for the past twenty years.

In keeping with this theme, let's also use the regional agency that already exists, that communities have worked with and supported over many years. Regional councils have a long and successful history of dealing with solid waste management. Our efforts in the Penobscot Valley are a direct result of programs established by our regional planning agency back in the early 1970's. We use the regional council personnel to staff our refuse disposal district. Regional councils are also involved in other programs such as transportation planning, water quality protection, and growth management, all of which have direct impact on solid waste management.

Municipalities in a solid waste management region should have the option of choosing which organizational structure best fits their needs. I'm not saying that the regional council is the best model in every case. In certain instances, a regional authority, or county government might be preferred. But the towns and cities that make up a region should make that choice.

In conclusion, we should focus on the goal of regional solid waste management planning underway as quickly and efficiently as possible. The current regional council structure works. Let's not fix what isn't broke.

TESTIMONY
OF
VERN LEEMAN
PENOBSCOT VALLEY REFUSE DISPOSAL DISTRICT
MAY 8, 1989

Senator Kany, Representative Michaud, members of the Committee, My name is Vern Leeman. I am a Selectman for the Town of Eddington. I am also a member of the Board of Directors of the Penobscot Valley Refuse Disposal District, representing the Town of Eddington on that board. In addition I am Chairman of the District's Standing Committee on Demolition Debris which is overseeing a landfill siting study currently being conducted.

The Town of Eddington is located northeast of Brewer and one of our Town's boundaries abuts Hancock County. As a member of the Penobscot Valley Council of Governments and of the Penobscot Valley Refuse Disposal District, Eddington has developed some very useful cooperative relationships with other communities in the area.

Cooperation between communities, particularly in matters concerning financial expenditures, does not come easily or naturally. One thing that does foster cooperation is familiarity.

If several communities have worked together in the past, and it was a positive relationship, they are that much more likely to work together successfully in the future.

We are so effective at regional cooperation in the Penobscot Valley, specifically in the area of solid waste management, because there is a history of success in mutual efforts. Our communities know and trust each other.

The District supports Senator Bost's bill, L.D. 1143, because it builds upon existing relationships that have developed between communities over many years. The regional solid waste districts in this bill conform to current regional planning boundaries. Communities have the option of designating the regional council as the solid waste advisory committee. This is simply consolidating solid waste management into the other planning functions that these agencies have played in the past, and do today.

Regional solid waste management planning, at least in the Penobscot Valley, has been effectively pursued for many years. It has been hampered by limited resources and by the lack of a integrated policy at the state level. We should not be trying to create an entirely new mechanism to deal with this problem. We

need to encourage and build upon the regional structures that already exist and then provide a cohesive, state level organization to take responsibility for what is, in fact, a state problem.

Items marked with D
indicate it was deposited in N.H.

SUPER SHOP 'N SAVE
DOVER, NEW HAMPSHIRE
05/03 3:22PM STORE 373
CUST 69 REG 5 OPR 170

✓	YOO HOO 11 Z CAN	3.19*	
	2 @ 5/1.20		
✓	AM DRY COLA 12OZ	.40*	D
✓	DT COKE 16OZ P/S	3.29*	D
✓	DT COKE 16OZ P/S	3.29*	D
✓	CD G A 18 Z PLSH	2.49*	D
✓	CD G-ALE 1 LITER	.99*	D
✓	7-UP 12 OZ CANS	2.19*	
✓	POLAND LIME 10OZ	2.19*	D
✓	CL COKE 10Z PLST	2.59*	D
	1 @ 2/1.89		
✓	SNS LEMON SELTZ	.45*	D
✓	COKE 12 OZ CAN	2.19*	D
✓	MONIE 1 LITER	.99*	D
✓	MONIE 1 LITER	.99*	D
✓	R CRWN COLA 2 LT	1.39*	D
✓	COKE 12 OZ CAN	2.19*	D
✓	COKE CLASSIC CAN	3.89*	
✓	DT COKE 12 OZ ON	2.19*	
✓	PEPSI 12PK CANS	5.55*	
	TOTAL \$	40.45	
	CHECK TND	40.45	

.00 CHANGE

SHOP 'N SAVE THANKS YOU!

SUPER SHOP 'N SAVE
DOVER, NEW HAMPSHIRE
05/03 3:22PM STORE 373
CUST 70 REG 5 OPR 170

.00 CHANGE

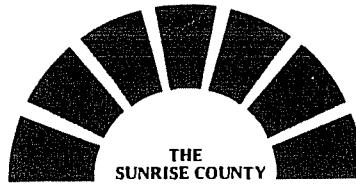
SUPER SHOP 'N SAVE
PORTLAND, MAINE
05/04 1:00PM STORE 351
CUST 88 REG 5 OPR 101

YOO HOO 11 Z CAN	3.19*
1 @ 6/1.20	
AM DRY COLA 12OZ	.20*TI
DEPOSIT	.05*
DT COKE 16OZ P/S	3.19*TI
DEPOSIT	.30*
DT COKE 16OZ P/S	3.19*TI
DEPOSIT	.30*
CD G A 18 Z PLSH	2.79*TI
DEPOSIT	.30*
CD GINGER ALE	.99*TI
DEPOSIT	.05*
7-UP 12 OZ CANS	2.89*TI
DEPOSIT	.30*
POLAND LIME 10OZ	2.69*TI
DEPOSIT	.30*
COKE 10OZ 6PK	2.79*TI
DEPOSIT	.30*
1 @ 2/1.89	
SNS LIME SELTZER	.45*TI
DEPOSIT	.05*
COKE 12 OZ CANS	1.85*TI
DEPOSIT	.30*
MONIE 1 LITER	.99*TI
DEPOSIT	.05*
MONIE 1 LITER	.99*TI
DEPOSIT	.05*
R CRWN COLA 2 LT	1.39*TI
DEPOSIT	.05*
COKE 12 OZ CANS	1.85*TI
DEPOSIT	.30*
COKE CLASSIC CAN	3.69*TI
DEPOSIT	.05*
COKE DIET 12 OZ	1.85*TI
DEPOSIT	.30*
PEPSI 12PK CANS	5.77*TI
DEPOSIT	.60*
TOTAL \$	46.83
TOTAL \$	46.83
CHECK TND	46.83

SUBTOTAL 44.95
TAX PAID 1.88

.00 CHANGE

THANK SPRING!!!!



WASHINGTON COUNTY REGIONAL PLANNING COMMISSION

63 MAIN STREET MACHIAS, MAINE 04654 TEL. (207) 255-8686

May 5, 1989

Senator Judy C. Kany
Representative Michael H. Michaud
Co-Chairmen
Committee on Energy and Natural
Resources
State House Station 2
Augusta, ME 04333

Subject: Solid Waste Management.

Unfortunately I will be unable to attend your hearing Monday May 8, 1989 beginning at 12:30.

The Washington County Regional Planning Commission's Executive Committee believes that an integrated approach is required; that the State should invest whatever funds will be required to develop a truly comprehensive solid waste management plan.

I support L.D. 976 and urge that its salient features be preserved in any compromise legislation.

I also urge that the existing structure of regional districts and regional councils for regional solid waste management planning be preserved. Towns and cities have become used to cooperating within the regional council regions that have been in place for nearly two decades. Regional councils have a long and successful history of dealing with solid waste management. Regional councils are also involved in other programs such as transportation planning, water quality protection, and growth management, all of which have direct impact on solid waste management.

However, municipalities in a solid waste management region should have the option of choosing which organizational structure best fits their needs. The regional council may not be the best model in every case. In certain instances, a regional authority, or county government might be preferred. But the towns and cities that make up a region should make that choice.

Thank you for your consideration of these comments.

Sincerely,



Lanier C. Greer
Executive Director

LCG/as

cc: Representative Theone F. Look

Behold the letterhead of JOHN W. BRAINERD a naturalist-at-large perilously perched on our Planet Earth at a momentous moment in the adventures of our Human Race, delighted to try to help as educator, ecologist (Ph.D.), author, illustrator, lecturer-photographer, and a gardener of sorts; husband, father, grandfather, dog-and-cat-lover, and, and, oh yes: retiree! a bit tired, but can we help each other?

Home: Box 245 Varnum Road, West Brooksville, Maine ... 207-326-8846

In summer, often at shore cottage nearby on Cape Rosier ... 326-4594

(Sometimes away in Barbara's and my telephoneless VW camper)

Representative Michael Michaud 05 May 1989
Energy & Natural Resources committee
Station # 115, Augusta ME 04333

Dear Representative Michaud:

I find belatedly that I cannot attend the hearing on May 8 on L.D. 1431, L.D. 932, and other bills dealing with RECYCLING.

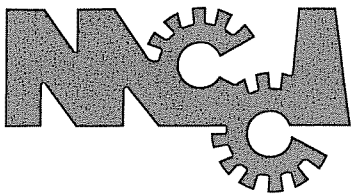
Many years ago I helped get a bottle bill through the Massachusetts legislature in spite of the misinformation and lobbying by container manufacturers and distributors, and again with the Maine Bottle Bill. I know further efforts to recycle are long overdue.

I have studied our Governor's proposals and those of the Natural Resources Council and strongly prefer the Council's. If wish I could hear all sides expressed at the hearing and express my own views there, possibly though pot probably modified by what I might hear. Since I cannot, please hear me in this letter as preferring L.D. 1431.

Sincerely,



John W. Brainerd, Ph.D.



Copy for JG

Maine's Business Advocate

126 Sewall Street ■ Augusta, Maine 04330 ■ (207) 623-4568

Testimony of the Maine Chamber of Commerce & Industry
regarding proposed comprehensive Solid Waste Management
Legislation:

The Maine Chamber of Commerce and Industry is pleased to see a number of initiatives before this committee today dealing with the pressing need for the state to address current deficiencies in solid waste management in Maine. It should come as no surprise to those familiar with the Chamber's efforts in this area that our focus of concern continues to lie with the impending solid waste disposal capacity crisis which we as a state will face in the near future if immediate and appropriate action is not taken.

That crisis initially emerged as a result of our growing awareness in recent years of the unacceptable environmental impacts associated with substandard landfills. The Maine Department of Environmental Protection has responded by slating substandards landfills for closure leaving a substantial number of Maine communities in urgent need of disposal alternatives.

A very few communities currently operate continuingly viable municipal landfills, and a significant number now rely on waste incinerators for the bulk of their solid waste disposal needs.

The second phase of the crisis, and the point we hope to drive home today, lies with the current breakdown in the siting and licensing of solid waste facilities. Under the current political and regulatory climate it has become virtually impossible to site and permit a secure solid waste landfill.

Although a number of the proposals before you address the need for the state to take responsibility for siting landfills, we feel current licensing difficulties, exacerbated by the stringent requirements of the newly enacted solid waste regulations, are insufficiently addressed.

Notably LD 1143 attempts to deal with the immediacy of the capacity need by requiring the development of a priority list of sites with an accelerated timetable for the development of those sites. However, simply mandating deadlines without sufficiently addressing the underlying problems which are currently bogging down the process is an approach doomed to failure.

It is important to recognize that existing facilities were licensed under the old less stringent solid waste regulations and now face serious obstacles as they go before the DEP seeking relicensing and permitting for the expansions contemplated by their initial project applications. This is a particularly important point when looking at the DEP's 1988 Solid Waste Disposal Capacity Needs Analysis which identifies only four existing landfills as having remaining long term disposal capacity.

A landfill designed and licensed for long term capacity is developed in stages, requires relicensing every five years and requires a permit for each expansion. Thus when the DEP estimates that a landfill has 20 years of life

remaining, this does not take into account that that life expectancy is contingent upon successful relicensing and permitting, both of which are currently proving to be enormously problematic for the affected facilities. And I stress that these difficulties face municipal facilities every bit as much as they do commercial facilities, and perhaps more so given the enormous costs of compliance under the new regulations.

Any new projects that might be willing and able to meet the stringent technological requirements of developing a state of the art secure landfill would at this point be deterred by the impossibility of siting such a facility under the existing political climate.

Lastly in considering capacity needs one must consider that even if siting and permitting were achievable, a facility does not become operational overnight and it is commonly accepted that at best any new facility would take from 3 to 5 years to develop.

Therefore, we support the urgent need for a state authority to take responsibility for siting the landfills that the state must develop to meet its capacity needs. That authority must also take an active role in taking a site through the DEP licensing process. To the extent that a municipality or region would prefer to take that initiative upon itself it should be allowed to do so if in keeping with the state established plan and timetable, but we prefer the approach that presumes state responsibility for the function over that under which the state will only step in where a designated region fails to meet its responsibilities.

Because of our belief in the immediacy of the need for state action in siting and licensing solid waste facilities, we are concerned about the start-up time necessary to bring up to speed an authority of the magnitude of the one proposed. We feel it might be more sensible to activate a state authority responsible solely for the siting and licensing functions already discussed, leaving for the time being responsibility for planning with

the State Planning Office, financing with the legislature and Finance Authority of Maine and leaving the Office of Waste Reduction and Recycling where it is currently located in the Office of Economic and Community Development.

We firmly believe that municipal preemption, to the extent that it is necessary to meet state needs, is absolutely critical. Municipal interests should be adequately protected by their automatic intervenor status, representation on the proposed advisory councils, and eligibility for state assistance and appropriate host municipality benefits.

We support realistic mandatory recycling goals and source reduction recognizing that it is in everybody's interest to minimize that which must be landfilled. We would add the cautionary note that while recycling must be a necessary component of solid waste management, it is not an easy fix and will be costly to implement given the existing deficiencies in markets and utilization technologies for recycled materials.

We believe the State must take an active role in promoting education in order to ensure a successful solid waste management strategy.

We are opposed to state regulation of waste disposal fees as we are convinced that this regulatory mechanism would ultimately increase the costs of disposal and would discourage competition.

We are opposed to any state interference with existing solid waste disposal contracts.

Lastly we are concerned by the fee schedule proposed by the Governor's bill which appears to penalize the disposal of waste by way of incineration in so far as it appears that municipal solid waste would be charged an initial \$1.50 per ton at the time of disposal at the incinerator facility and then once again in the form of a \$6 per ton fee for the disposal of any ash by product of the incineration process. The logic for thus penalizing waste-to-energy disposal is particularly curious given the

stated waste management policy objective that places resource recovery before landfilling in its order of preference.

SCOTT PAPER COMPANY

L.D. 932

SENATOR KANY, REPRESENTATIVE MICHAUD, MEMBERS OF THE ENERGY AND NATURAL RESOURCES COMMITTEE, MY NAME IS DEBRA HART AND I'M TESTIFYING ON BEHALF OF SCOTT PAPER COMPANY IN SUPPORT OF L.D. 932. JOE FULMER IS WITH ME TODAY AND WOULD BE HAPPY TO TRY TO ANSWER ANY TECHNICAL QUESTIONS YOU MIGHT HAVE.

SCOTT PAPER COMPANY IS SUPPORTIVE OF A COMPREHENSIVE SOLID WASTE PLAN FOR THE STATE WHICH INCLUDES RECYCLING, SOURCE REDUCTION AND LANDFILL AND/OR INCINERATION. SCOTT BELIEVES THAT WHAT IS NEEDED IS AN INTEGRATED APPROACH OR COMBINATION OF THESE ELEMENTS IN ACHIEVING A PLAN WHICH WILL NOT SET UP UNFAIR COMPETITION BY MEANS OF A PURCHASE PREFERENCE PLAN.

AS SOME OF YOU MAY RECALL FROM THE TOUR OF THE WINSLOW FACILITY, THERE IS A TREMENDOUS EFFORT INVOLVED IN THE RECYCLING PROCESS. WINSLOW IS PRESENTLY RECYCLING APPROXIMATELY 220 TONS OF RECYCLED FIBER EACH DAY; APPROXIMATELY 40 TONS A WEEK COMES FROM GRO INDUSTRIES HERE IN AUGUSTA. SCOTT IS CURRENTLY THE LARGEST RECYCLER IN THE STATE BETWEEN BOILER ASH, SLUDGE AND SECONDARY PAPER.

ONE ELEMENT WHICH DOES CONCERN US IS THE SECTION ON CODING OF PLASTIC CONTAINERS. WHILE WE FEEL THAT CODING OF PLASTICS IS PROPER, WE WOULD ASK THAT YOU ACCEPT THE NATIONAL CODE.

WE LOOK FORWARD TO WORKING WITH YOU IN YOUR WORK SESSIONS ON THESE PIECES OF LEGISLATION AND WOULD OFFER ANY TECHNICAL EXPERTISE OR RESOURCES TO THE COMMITTEE.



CITY OF SOUTH PORTLAND

25 Cottage Road
South Portland, Maine
04106

JERRE R. BRYANT
City Manager

March 8, 1989

JEFFREY K. JORDAN
Assistant City Manager

Senator Judy Kany, Chair
Energy and Natural Resources Committee
Maine State Senate
Augusta, ME 04333

Representative Michael Michaud, Chair
Energy and Natural Resources Committee
Maine State House of Representatives
Augusta, ME 04333

Dear Senator Kany and Representative Michaud,

I am writing on behalf of the South Portland City Council to express our support of the State Legislatures concerns for our environment and protection of our environment through the development of a more efficient and resourceful method of disposing of solid waste in the State of Maine. The South Portland City Council has particular concerns on LD1143, An Act to Establish the Maine Solid Waste Authority, and LD932, An Act to Improve the Management of Solid Waste, that we feel necessary to bring to the attention of the Energy and Natural Resources Committee.

Approximately fifteen years ago, the Cities of Portland and South Portland and the Towns of Cape Elizabeth and Scarborough founded Regional Waste Systems, an inter-governmental agency handling regional disposal of solid waste. In 1981, Regional Waste Systems reorganized to include an additional sixteen communities from around Cumberland and York counties. In 1982, RWS began the planning and design of a resource recovery facility for the incineration of solid waste which became fully operational in September 1988. This highly successful project was financed by the issuance of an \$85 million revenue operation bond which RWS is committed to repay through revenue from the sale of electricity to Central Maine Power and from fees paid by member municipalities for disposal of their waste.

In addition, in April of 1989, the RWS Board of Directors purchased a 14 acre site in the Town of Gorham for the development of a regional stump dump. Clearly, RWS and its member communities have for some period of time been very successful in providing for regional programs for handling solid waste. The South Portland City Council is very concerned that the proposed legislation would have a serious and detrimental effect upon the successful operation of this twenty member community joint venture. These legislative

proposals will have serious impact upon the bonding capability of RWS, as well as adding a significant level of unnecessary administration and oversight of an already successful program of solid waste disposal.

Please find attached, a copy of a Resolution passed by the South Portland City Council on April 3, 1989.

Thank you for your time and consideration.

Sincerely,


Jeffrey K. Jordan
Assistant City Manager

JKJ/d

pc: Mayor & Members of the South Portland City Council
Jerre R. Bryant, City Manager



CITY OF SOUTH PORTLAND

SHARON B. BENOIT
Mayor

JERRE R. BRYANT
City Manager

Linda C. Cohen
City Clerk

STEVEN C. FLETCHER
Corporation Counsel

RESOLVE #7

SOLID WASTE MANAGEMENT RESOLUTION

District One
J. MALLON LASHAY

District Two
GARRY N. FERRELL

District Three
JAMES A. SOULE

District Four
ROBERT W. FICKETT

District Five
LINDA B. JOHNSON

At Large
RALPH D. HOWARD

At Large
SHARON B. BENOIT

WHEREAS, Governor McKernan has circulated a summary of proposed solid waste management legislation; and

WHEREAS, the proposed legislation establishes a solid waste authority and solid waste management districts by county with the responsibility for construction and operation of waste management facilities including the exercise of the power of eminent domain and development of regulations regarding waste management facilities in the district; and

WHEREAS, Regional Waste Systems, Inc. (RWS) is a non-profit, quasi-public corporation composed of twenty (20) municipalities which entered into an interlocal agreement and waste handling contracts for the management of solid waste in their communities; and

WHEREAS, RWS has managed solid waste disposal on a regional basis for the past twelve (12) years; and

WHEREAS, RWS issued 20-year revenue obligation securities in the sum of \$85,000,000 for the planning, design and construction of a resource recovery facility which became fully operational in September 1988; and

WHEREAS, the City of South Portland and other member municipalities of RWS have entered into agreements for handling of waste, operation of the facility and payment of the debt service on the bonds in reliance upon existing statutory provisions; and

WHEREAS, the proposed legislation would create waste districts which are not consistent with the regional organization of RWS and would impose restrictions on RWS that may infringe upon management and operation by RWS of its solid waste facilities and may jeopardize the financing of the RWS facility and may subject RWS and its member municipalities to unnecessary and unreasonable regulation and additional costs.

THEREFORE, BE IT RESOLVED THAT:

1. The City of South Portland is opposed to proposed solid waste management legislation which would result in an unreasonable threat to the orderly and long-term operation of the solid waste facilities owned by RWS.

2. The City of South Portland is opposed to proposed solid waste management legislation which would unduly affect and otherwise unreasonably jeopardize existing financing for existing RWS regional solid waste facilities.

3. The City of South Portland is opposed to proposed solid waste management legislation which result in unreasonable restrictions on use of its facilities or otherwise unduly infringe upon operation and management by RWS of its existing solid waste facilities.

Tyler Stuart

Why make plastic milk
cartons? When you get your
milk and the sun shines
through it. The A and D vitamins
evaporate. We're totally
questioned. NOT ONLY
are vitamins being lost
it's NOT effective!

From
~~the~~
Tyler
Stuart

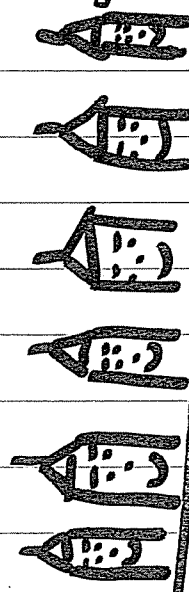
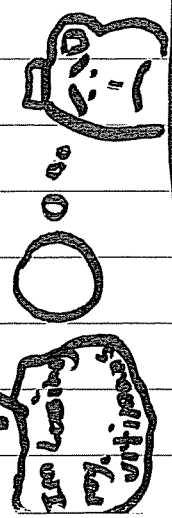
What do you mean
Recycle and cut down
on Plastic. This
is plastic!
Wake up!

Why on earth even
make them!

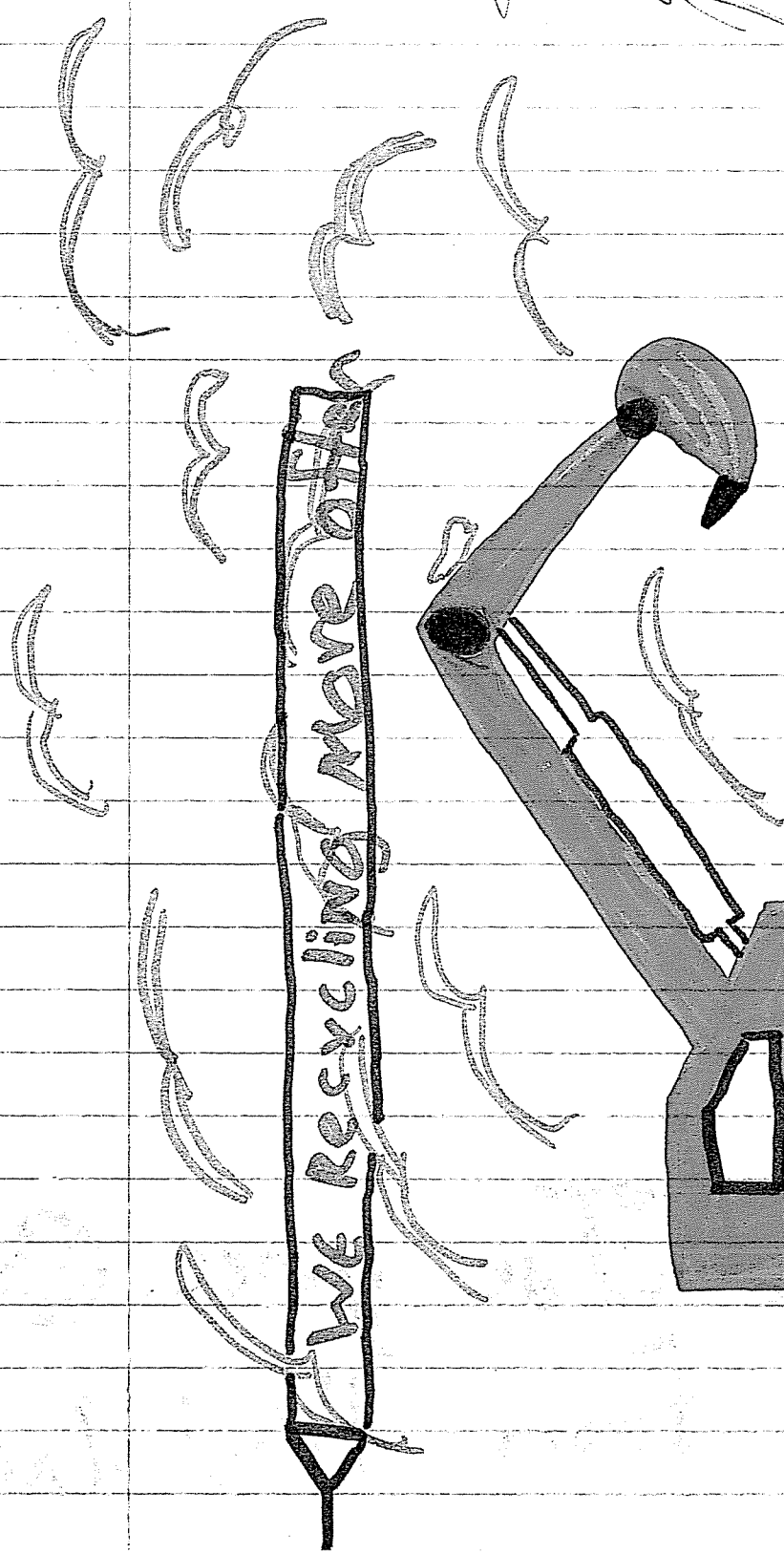


For Response
our address
is Riley School
Glen Cove ME
PO Box 91 04841
from
Riley students
who care
Marius
Tyler
David

The Dairy Milk Section



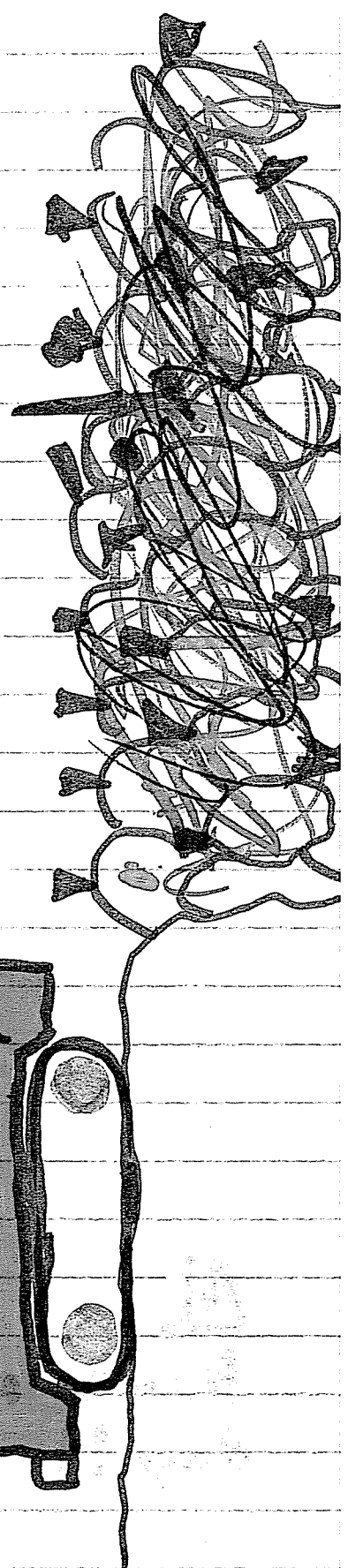




We Recycle more often

Thank
you.
M.L.L.

We need to Recycle.



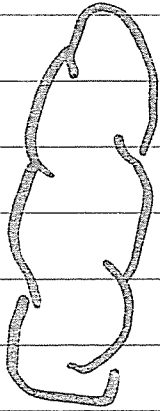


Ski at
Recycle
Mount.

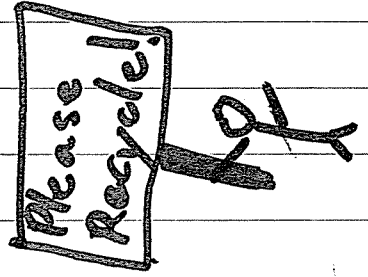
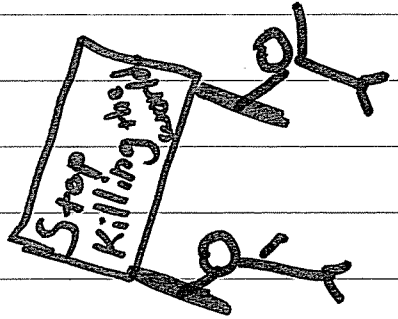
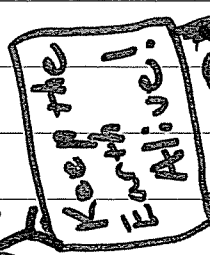
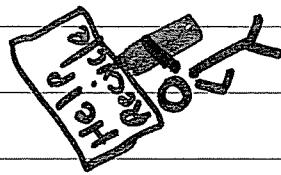
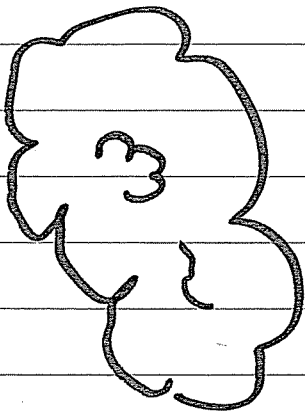
Please Recycle

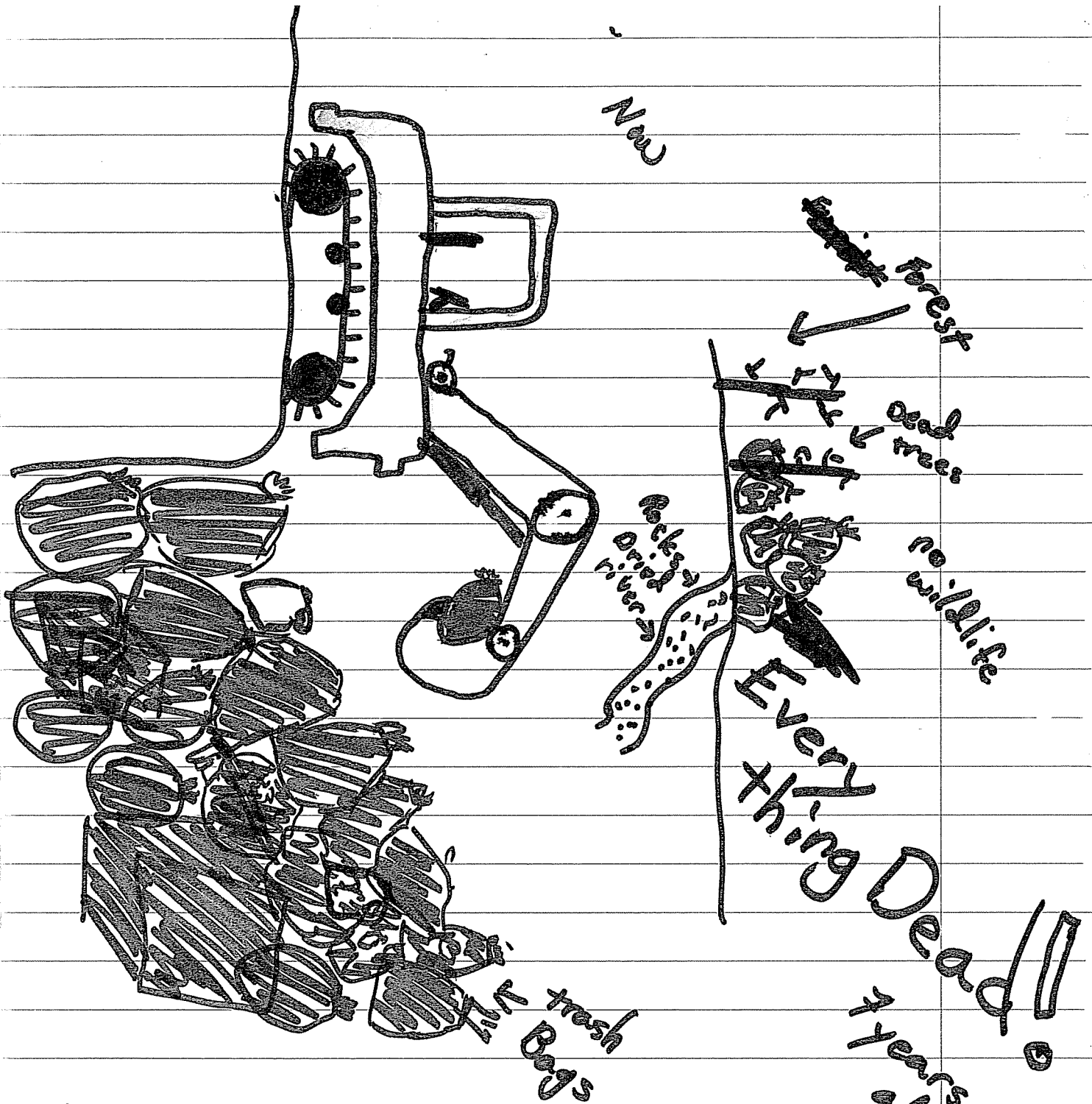
tyler Stuart

Recycle!!!

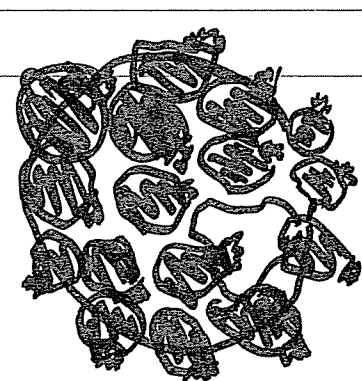


Please





20 years later
↓
Everything Dead!!



earth.

Tyler Stuart

