

# MAINE STATE LEGISLATURE

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SOLID WASTE - FEES & REVENUES 6/1/89

1 WPP93

3 COLUMN 1 LD 932  
FEES

5  
General fee authority for the Authority  
7 (§1761-D)

2. Charge fees for waste disposal  
9 services. Charge fees as just and reasonable  
for the planning, design, construction,  
11 operation and other related costs of waste  
facilities and waste disposal services provided  
13 by the authority or provided by the authority on  
behalf of one or more districts;

15

17 General fee authority for districts  
(§1762-D)

19 7. Rates and charges. A district may  
establish and collect rates and charges for the  
21 facilities and services provided by the district  
and may negotiate and collect rates and charges  
23 for facilities and services contracted for by  
the district. Rates and charges shall be  
25 subject to subchapter VI, article 1.

27

Specific fee authority  
29 SUBCHAPTER VI

31 FINANCE, FEES AND CONTRACTS

33 Article 1.

35 Fees and Contracts

37 §1766-A. Just and reasonable fees

39 The authority and the districts shall  
establish just and reasonable fees for waste  
41 disposal services provided by the authority or  
any district.

COLUMN 2 LD 1431  
FEES

General fee authority for the Authority  
(§2102, sub-§1)

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

General fee authority for districts  
(§2142, sub-§1)

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

Specific fee authority for district (Authority  
may assume powers of district)  
§2151. Setting fees and other charges

The district board may from time to time  
establish and adjust a structure for fees,  
including penalty charges, for collection  
services and transportation and for disposal of  
solid waste in and upon facilities operated by,  
on behalf of or under contract with, the  
district, subject to section 2166.

§2153. Surplus revenues

COLUMN 3 LD 1548  
FEES

General fee authority for the Authority  
(§2104)

8. Fees. Establish and collect fees,  
assessments and other charges and expend money  
received as provided in this chapter;

Specific fee authority for the Authority  
SUBCHAPTER III

FEES AND BUDGETS

§2131. Fees and other charges

The authority shall establish, by rule, fees  
and other charges sufficient to fund the costs  
of all solid waste disposal activities required  
by this chapter, including sufficient reserves  
to cover the costs of operation, including debt  
payment, closing and post-closure monitoring of  
the facility and any cost of reasonably

§1766-B. Purposes of the fees

The fees established by the authority or the districts pursuant to this Act shall provide revenue for the following purposes:

1. Current expenses. To pay the current expenses, either directly incurred or through contractual agreements with another party or parties, for operating and maintaining the facility or delivering the service and to provide for normal maintenance and replacement of equipment;

2. Interest. To provide for the payment of interest on the indebtedness created or assumed by the authority or district;

3. Indebtedness. To provide an annual sum equal to not less than 2% nor more than 10% of the term indebtedness represented by the issuance of bonds created or assumed by the authority or the district, which sum shall be turned into a sinking fund and there maintained to provide for the extinguishment of term indebtedness. The money set aside in this sinking fund shall be devoted to the retirement of the term obligations of the authority or district and may be invested in such securities as savings banks in the State are allowed to hold;

4. Principal payments. To provide for annual principal payments on serial indebtedness created or assumed by the authority or district;

5. Contingency reserve fund allowance. To provide for a contingency reserve fund allowance by providing rates to reflect up to a 5% addition to yearly revenues over what is required to operate the facility;

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

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

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

foreseeable remedial activity. All users of a solid waste disposal facility shall be assessed a user fee. The authority may design its fee structure to provide incentives for recycling and waste reduction.

§2132. Obligations of the authority; use of revenue

1. Payment. All expenses incurred in carrying out this chapter shall be paid solely from funds provided in accordance with this chapter and no obligation may be incurred beyond the extent to which money has been provided in accordance with this chapter.

2. Limitation on expenditures. Expenditure of all revenues received by the authority shall be limited to the purposes of this chapter.

§2133. Grants

The authority may accept and expend for any of the purposes of this chapter grants or donations of money, equipment, supplies, materials and services from the United States or a political subdivision of the United States, this State or a political subdivision of this State, any other state or a political subdivision of any other state, any interstate agency or any person.

§2134. Supplemental fee

Except for costs attributable to negligence by the authority or its contractors, if the cost of post-closure care and long-term institutional control, including mitigation of any environmental problems that may develop at the site, exceeds the available funds, including enforcement of a judgment, federal assistance and the reserve for contingencies provided in

6. Closing reserve fund. To provide for a closing reserve fund by providing rates which over the expected life span of the facility will generate the amount determined to be necessary by the department in its licensing process; and

7. Compliance costs. To provide for the costs associated with licensing, compliance and enforcement efforts of the department.

#### §1765-C. Uniform fees

The authority and the districts shall establish fees which are uniform within the region receiving waste disposal services except as follows.

1. Regional costs in excess of average. If the cost of construction and maintenance or the cost of service in a section of the region exceeds the average, the district or the authority may establish higher fees for that section, but these higher fees shall be uniform throughout that section.

2. Host community. The authority or the district may set fees for the host community at a level lower than the fees charged to other communities or users, provided that such lower fees are set in a manner consistent with the rules promulgated by the authority.

3. Extra-district fees. Districts may set fees to be paid by other districts at a level higher than the fees paid by communities within the territorial jurisdiction of the district providing the waste disposal services, provided that higher fees are set in a manner consistent with the rules promulgated by the authority.

section 2131, the authority may assess generators of solid waste a supplemental fee to cover that cost, in proportion to the volume of the waste generated by each generator which remains in the waste stream. If any owner pays more than that owner's proportional share of the costs under this subsection, that owner shall have a cause of action to recover that excess from other owners who paid less than their share.

#### §2135. Solid Waste Facility Fund

There is created a nonlapsing, revolving fund known as the Solid Waste Facility Fund to be used to pay for the planning, siting, construction, operation, maintenance, closure and post-closure costs of facilities undertaken by the authority and the administrative and operational costs of the authority.

1. Revenue deposited. Unless otherwise provided, all revenue collected by the authority or the disposal facility to be used for planning, siting, construction, operation, maintenance, closure and post-closure costs of a disposal facility and administrative and operational costs of the authority shall be deposited in the Solid Waste Facility Fund. All other funds received by the authority whether by grant, gift, appropriation or other means shall also be deposited in the fund.

2. Expenditure of funds. Unless otherwise provided, all activities described in this chapter, including administrative and operational costs of the authority, shall be funded from the Solid Waste Facility Fund. Expenditures from the fund shall not require allocation by the Legislature.

1  
3 §1766-D. Filing of fees and contracts

5 Every district shall file with the  
7 authority, within a time to be fixed by the  
9 authority by rule, the following:

11 1. Schedules of fees. Schedules of fees  
13 for any waste disposal service performed by the  
15 district or contracted for by the district; and

17 2. Contracts. All contracts between any  
19 district and a commercial waste facility or a  
21 commercial operator.

23 The schedules and contracts filed pursuant  
25 to this section shall be open for public  
27 inspection at the authority. The schedule of  
29 fees for waste disposal services performed by  
31 the authority, or contracted for by the  
33 authority, shall also be open for public  
35 inspection.

37 §1766-E. Review of fees

39 The authority shall be authorized to review  
41 and approve all fee schedules filed pursuant to  
43 section 1766-D to determine if the schedules  
45 comply with the rules promulgated pursuant to  
47 section 1766-H, subsections 1 to 4.

49 §1766-F. Review and approval of contracts

51 The authority shall have the authority to  
53 review and approve contracts between districts  
55 and commercial waste facilities or commercial  
57 operators to determine if the terms of the  
59 contract are just and reasonable and are  
61 consistent with the rules established pursuant  
63 to section 1766-H, subsections 1 to 4. The  
65 authority shall hold a hearing to review the

3. Surplus revenues. Surplus revenues in  
the Solid Waste Facility Fund shall be carried  
forward and used to reduce the assessments or  
fees for the following year.

1 contracts whenever a hearing is requested by  
2 either the district or the commercial waste  
3 facility or commercial operator or on its own  
4 initiative.

5  
6 §1766-G. Hearings and appeals

7  
8 The authority shall establish rules  
9 governing the procedures for hearings and  
10 appeals pursuant to sections 1766-E, 1766-F,  
11 1766-K and 1766-L. The provisions of the Maine  
12 Administrative Procedure Act, Title 5, chapter  
13 375, shall apply to this article.

14 §1766-H. Rules

15  
16 The authority shall establish rules which  
17 set forth the following:

18  
19 1. Contingency reserve fund. Various  
20 contingencies for which the fund must be  
21 expended, the methodology for determining the  
22 amount to be maintained in the fund and those  
23 conditions which will require expenditures of  
24 the money contained in the fund;

25  
26 2. Closing reserve fund. Various  
27 contingencies for which the fund must be  
28 expended, a methodology for determining the  
29 amount to be maintained in the fund and those  
30 conditions which will require expenditure of the  
31 money contained in the fund;

32  
33 3. Fees charged to host communities.  
34 Criteria to be used in determining any reduction  
35 in fees charged to host communities;

36  
37 4. Fees charged by one district to another  
38 district. Criteria to be used in determining  
39 the fees to be charged by one district to  
40 another district; and  
41

1     5. Contracts between districts and  
      commercial waste facilities or commercial  
3 operators. Criteria by which contracts will be  
      reviewed by the authority.

5

SOLID WASTE - FEES & REVENUES 6/1/89

1 COLUMN 1 LD 932  
OTHER REVENUES

COLUMN 2 LD 1431  
OTHER REVENUES

COLUMN 3 OTHER BILLS  
OTHER REVENUES

3

5 State fees on certain items  
Article 2.

No counterpart for Fund

No substantially different proposals

7

Maine Solid Waste Management Fund

9

§1766-I. Maine Solid Waste Management Fund  
11 established

13 The Maine Solid Waste Management Fund,  
referred to in this section as the fund, is  
15 established as a nonlapsing fund to support  
programs administered by the Solid Waste  
17 Management Authority and the Department of  
Environmental Protection. All fees established  
19 under this article shall be credited to the  
fund, and administrative expenses directly  
21 related to the authority's and the department's  
programs shall be charged to the fund.

23

Money in the fund not currently needed to  
25 meet the obligations of the authority shall be  
deposited with the Treasurer of State to the  
27 credit of the fund and may be invested as  
provided by law. Interest on these investments  
29 shall be credited to the fund.

31 Money in the fund sufficient to meet the  
administrative costs of the department as  
33 allocated by the Legislature shall be  
transferred to the Maine Environmental  
35 Protection Fund on a quarterly basis.

37 Money in the fund may only be expended in  
accordance with allocations approved by the  
39 Legislature. These allocations shall be based  
on estimates of the actual costs necessary for  
41 the authority and the department to administer  
its programs, to provide financial assistance to

1 districts and to provide other financial  
2 assistance necessary to accomplish the purposes  
3 of this chapter. Allowable expenditures include  
4 Personal Services, All Other and Capital  
5 Expenditures associated with planning, finance  
6 and technical services, licensing, enforcement  
7 and compliance activities.

9 §1766-J. Fees

11 1. Fees established. The authority shall  
12 establish procedures to charge only those fees  
13 specified in this article and pursuant to the  
14 requirements of this article. All fees  
15 collected by the authority shall be deposited  
16 into the Maine Solid Waste Management Fund.

17  
18 2. Application. Fees established under  
19 this article become effective on October 1,  
20 1989, with the first payment due on January 20th.

21 §1766-K. Fee on special waste

22  
23 There are imposed fees of the following  
24 amounts to be levied per ton or per cubic yard  
25 for special waste processed at resource recovery  
26 facilities and for all special waste from a  
27 resource recovery facility that is disposed of  
28 at commercial, municipal, district or state  
29 landfills. The fee shall be paid by the  
30 operator of each municipal landfill and resource  
31 recovery facility in the same manner provided  
32 for in section 1766-L for municipal solid waste.

33  
34 Asbestos  
35 \$2

36  
37 Oil spill debris  
38 \$4

39  
40 Waste water facility sludge  
41 \$2

Ash, coal and oil

\$4

Paper mill sludge

\$1

Industrial waste

\$6

Sandblast grit

\$6

Miscellaneous special waste

\$4

Municipal solid waste ash

\$6

§1766-L. Municipal solid waste fee

There is imposed a fee for all solid waste

processed at resource recovery facilities and

for all solid waste except process residue and

nonprocessable waste from a resource recovery

facility that is disposed of at commercial,

municipal, district or state landfills.

1. Fee calculation. The fee shall be paid

by the operator of each municipal, district or

state landfill and resource recovery facility.

The fee shall be calculated in one of 2 ways:

A. For operators of landfills and resource

recovery facilities that weigh solid waste

when it is received, the fee shall be \$1.50

per ton of waste; or

B. For operators of landfills that do not

weigh solid waste when it is received, the

fee shall be calculated as if 3 cubic yards

were equal to one ton of solid waste.

§1766-M. Disposal fees

Alternative to disposal fees - Advance disposal fees

There are imposed fees on the following hard to dispose of items delivered to resource recovery facilities or commercial, municipal, district or state landfills. The fee shall be paid by the operator of each landfill and resource recovery facility.

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

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

Tires  
\$2.00

Lead-acid batteries  
\$1.50

White goods  
\$10.00

Brown goods  
\$10.00

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

CHAPTER 719

SOLID WASTE ADVANCE DISPOSAL TAX

§4831. Definitions

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

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

2. Business. "Business" means any trade, occupation, activity or enterprise engaged in

§1766-N. Fee payments

Each operator of a landfill or resource recovery facility shall make the fee payment quarterly. The fee shall be paid on or before the 20th day of April, July, October and January for the 3 months ending the last day of March, June, September and December.

1. Quarterly reports. Each fee payment shall be accompanied by a form prepared and furnished by the authority and completed by the operator. The form shall state the total weight or volume of solid waste received by the facility during the payment period and provide any other aggregate information deemed necessary by the authority to carry out the purposes of this chapter. The form shall be signed by the operator.

2. Timeliness of payment. The operator

shall be deemed to have made a timely payment of  
the fee if the operator complies with all of the  
following:

A. The enclosed payment is for the full  
amount owed pursuant to this section and no  
further authority action is required for  
collection;

B. The payment is accompanied by the  
required form and the form is complete and  
accurate; and

C. The letter transmitting the payment that  
is received by the authority is postmarked  
by the United States Postal Service on or  
prior to the final day on which the payment  
is to be received.

3. Discount. Any operator that makes a  
timely payment of the fee as provided in this  
section shall be entitled to credit and apply  
against the fee payable, a discount of 1% of the  
amount of the fee collected.

4. Refunds. Any operator who believes the  
fee was overpaid by the operator may file a  
petition for refund to the authority. If the  
authority determines that the operator has  
overpaid the fee, the authority shall refund to  
the operator the amount due the operator,  
together with interest at a rate established by  
the authority.

5. Alternative proof of payment. For  
purposes of this section, presentation of a  
receipt indicating that the payment was mailed  
by registered or certified mail on or before the  
due date shall be evidence of timely payment.

selling or distributing tires, white goods,  
brown goods or lead-acid batteries in this State.

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

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

B. A person engaged in the business of  
selling tires, white goods, brown goods or  
lead-acid batteries in this State who  
brings, or causes to be brought, into this  
State any tires, white goods, brown goods or  
lead-acid batteries for sale to a retailer;  
or

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

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

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

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

6. Interest. If an operator fails to make a timely payment of the fee, the operator shall pay interest on the unpaid amount due at the rate established by the authority, from the last day for timely payment to the date paid.

7. Additional penalty. In addition to the interest provided in subsection 8, if an operator fails to make timely payment of the fee, there shall be added to the amount of fee actually due 5% of the amount of the fee, if the failure to file a timely payment is for not more than one month, with an additional 5% for each additional month, or fraction of a month, during which the failure continues, not exceeding 25% in the aggregate.

8. Assessment notice. If the authority determines that any operator has not made a timely payment of the fee, the authority will send the operator a written notice of the amount of the deficiency, within 30 days of determining the deficiency. When the operator has not provided a complete and accurate statement of the weight or volume of waste received at the facility for the payment period, the authority may estimate the weight or volume in the notice.

The operator charged with the deficiency shall have 30 days to pay the deficiency in full or, if the operator wishes to contest the deficiency, forward the amount of the deficiency to the authority for placement in an escrow account with the Treasurer of State or any bank in the State, or post an appeal bond in the amount of the deficiency. The bond shall be executed by a surety licensed to do business in the State and be satisfactory to the authority. Failure to forward the money or appeal bond to the authority within 30 days shall result in a waiver of all legal rights to contest the deficiency.

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

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

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

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

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

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

13. Unclassified importer. "Unclassified importer" means any person, firm, corporation or association within this State, other than a distributor, as defined in subsection 3, who imports, receives or acquires from outside the State, tires, white goods, brown goods or lead-acid batteries for use or sale within the State.

1 If, through the administrative or judicial  
3 review of the deficiency, it is determined that  
the amount of deficiency shall be reduced, the  
5 authority shall within 30 days remit the  
appropriate amount to the operator, with any  
7 interest accumulated by the escrow deposit.

9 The amount determined after administrative  
hearing or after waiver of administrative  
11 hearing shall be payable to the authority and  
shall be collectible.

13 If any amount due under this subsection remains  
15 unpaid 30 days after receipt of notice of the  
deficiency, the authority may order the operator  
17 of the facility to cease receiving any solid  
waste until the amount of the deficiency is  
19 completely paid.

21 9. Filing of appeals. Notwithstanding any  
other provision of law, all appeals of final  
23 authority actions concerning the fee shall be  
filed with the authority pursuant to section  
25 1766-G.

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

A. To preserve or cook food;

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

C. To cool or heat air or water.

#### §4832. Licenses

A person engaging in the business of selling  
tires, white goods, brown goods or lead-acid  
batteries as a distributor shall secure a  
license from the State Tax Assessor before  
engaging in that business. A license  
application shall be made on a form prescribed  
by the State Tax Assessor and shall state the  
name and address of the applicant, address of  
the applicant's principal place of business and  
such other information as the State Tax Assessor  
may require for the proper administration of  
this chapter. The application shall be  
accompanied by a fee of \$25. A person outside  
the State who ships or transports tires, white  
goods, brown goods or lead-acid batteries to  
retailers in this State shall make application  
as a distributor and be granted by the State Tax  
Assessor a license subject to all the provisions  
of 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.

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1       An unclassified importer before importing,  
3       receiving or acquiring tires, white goods, brown  
5       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.

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

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

21      §4833. Solid waste advance disposal tax on  
23      tires, white goods,  
      brown goods or lead-acid batteries

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

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

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

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

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

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

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

23           §4834. Returns: payment of tax and penalty

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

1  
3       The monthly reports must contain any further  
5       information as the State Tax Assessor prescribes  
7       and must show a credit for any tires, white  
9       goods, brown goods or lead-acid batteries  
11       exempted as provided in section 4833, subsection  
13       3. Records must be maintained to substantiate  
15       the exemption. Tires, white goods, brown goods  
17       or lead-acid batteries previously taxed that are  
19       returned to a manufacturer because the produce  
21       has become unfit for use or unsalable may be  
23       taken as a credit on a subsequent return upon  
25       receipt of the credit notice from the original  
27       supplier.

17       If the monthly report required by this  
19       chapter is not filed, or payment is not rendered  
21       by the last day of the month, the distributor or  
23       unclassified importer is subject to a forfeiture  
25       of \$1 a day for each day in arrears or 10% of  
27       the tax liability, whichever is the greater,  
29       together with interest at the rate of 1% per  
31       month or the fraction of the interest due on  
33       demand by the State Tax Assessor, and is  
35       recoverable in a civil action. The State Tax  
37       Assessor may waive the forfeiture for cause.

29       §4835. The State Tax Assessor may estimate  
31       liability

31       Whenever a distributor or unclassified  
33       importer neglects or refuses to file a report  
35       required by this chapter or files an incorrect  
37       or fraudulent report, the State Tax Assessor,  
39       from such information as the State Tax Assessor  
      may obtain, shall fix the amount of taxes,  
      forfeitures and interest payable and proceed to  
      collect the amount fixed.

SOLID WASTE - FEES & REVENUES 6/1/89

1           In an action or proceeding for collection of  
3           the solid waste advance disposal fee, any  
5           forfeitures and interest imposed in connection  
7           with an assessment by the State Tax Assessor of  
9           the tax, forfeiture or interest due the State  
11           constitutes prima facie evidence of the claim of  
13           the State. The burden of proof is on the  
15           distributor or unclassified importer to show  
17           that the assessment was incorrect and contrary  
19           to law.

21           **§4836. Disposition of taxes**

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

See also PACKAGING TAX

There appears to be agreement in the committee that some form of integrated, waste management planning is necessary on a statewide basis. While all of the comprehensive bills before the committee call for this sort of planning, there are several different approaches proposed.

This packet includes the proposed language on waste management planning from the various bills before the committee. The packet is organized by the following questions:

1. Who will do the planning?
2. What should be the content of the plan(s)?
3. What is the schedule for planning activity?
4. Who, if anybody, will review plans?
5. How is planning tied into operations (recycling & disposal)?

WPP78

QUESTION 1  
COLUMN 1

From general powers & duties for Authority  
(§1761-D)

6. Plan development, approval and implementation. Develop, approve, update and implement solid waste management and recycling plans. The authority shall adopt and revise the state solid waste management and recycling plan and review and approve regional solid waste management and recycling plans;

§1763-A. State plan adoption; goals

1. Plan generally. The authority shall adopt and revise a comprehensive solid waste management plan for the State which sets forth state policies, goals and strategies regarding the efficient, cost-effective and environmentally sound management of wastes generated in the State. This plan shall provide guidance and direction to the authority, districts and municipalities in planning and implementing waste management and recycling alternatives. The plan shall be adopted after consultation and cooperation with the department, the solid waste management districts and the Solid Waste Management Advisory Council. The plan shall be the basis for the authority in making its finding of consistency in facility siting decisions as provided in subchapter V, article 1. The plan shall also serve as a guide for commercial entities interested in developing waste facilities in the State.

QUESTION 1  
COLUMN 2

From general Powers & Duties of Authority  
(§2102)

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

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

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

QUESTION 1  
THIRD COLUMN

Alternative for SPO coordinated planning

(Title 5)

§3308. Comprehensive solid waste planning and management

1. Interdepartmental coordination. There is established the Interdepartmental Council on Waste Management, referred to in this chapter as the "council." The council shall consist of the Commissioner of Environmental Protection, the Commissioner of Economic and Community Development, the Chair of the Maine Solid Waste Authority and the Director of the State Planning Office who shall serve as the chair of the council.

2. Council responsibilities. The council is responsible for conducting ongoing and comprehensive planning to meet the State's solid, special and hazardous waste needs including, without limitation, waste reduction, recycling and disposal capacity needs.

3. Agency responsibilities. The respective member agencies of the council shall undertake the following responsibilities.

A. The State Planning Office is responsible for coordinating all solid, special and hazardous waste planning and management programs undertaken by the member agencies and shall provide staff support to the council.

B. The Department of Environmental Protection is responsible for the regulation of the environmental aspects of solid, special and hazardous waste management but shall have no responsibility for waste facility development or solid waste disposal.

C. The Department of Economic and Community Development through the Division of Waste Reduction and Recycling is responsible for all technical and financial assistance programs promoting waste reduction and recycling.

D. The Maine Solid Waste Authority is responsible for providing adequate disposal capacity for all domestic and commercial solid waste and may provide disposal capacity for industrial and special waste.

4. Report. The council shall report annually by January 1st to the Governor and to the joint standing committee of the Legislature having jurisdiction over natural resource matters.

§3309. State solid waste planning and management

The council shall complete and adopt by rule, by January 1, 1990, a solid waste management plan for the State.

District powers & duties (§1762-D) has general statement which includes planning.

§1763-G. Regional solid waste management plans

A solid waste management district, either individually or in cooperation with another district, shall develop a solid waste management plan by January 1, 1991. The plan shall be developed according to criteria developed by the authority and shall meet the following guidelines.

No counterpart; planning responsibility in Authority

From general Powers & Duties of Districts

(§2142)

2. Duties. Each district shall:

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

No counterpart; planning responsibility in Authority

No counterpart

**General Planning Authority for SPO**

Sec. 1. 5 MRSA §3302, sub-§1, as repealed and replaced by PL 1987, c. 534, Pt. A, §§7 and 19, is amended to read:

1. **Comprehensive planning.** "Comprehensive planning" includes, but is not limited to:

A. Preparation of strategic and long-range plans and goals for human and physical resources development and utilization, but does not include preparation of an economic development strategy pursuant to chapter 383;

B. Standards and procedures for programming and financing plans for capital improvements;

C. Coordination of related departmental plans;

D. Intergovernmental coordination of related planning activities;

E. Preparation of regulatory and administrative measures in support of paragraphs A to D; and

F. Continuing analysis of the economy of the State in conjunction with the Department of Economic and Community Development; and

G. Interdepartmental coordination of solid waste management planning.

QUESTION 2  
COLUMN 1

Waste Management Hierarchy  
(§1763-A)

2. Waste hierarchy. The plan shall address the State's waste management needs in the context of the following waste hierarchy:

- A. Waste reduction;
- B. Recycling;
- C. Resource recovery and conservation; and
- D. Land disposal.

**PLAN CONTENTS**

Authority  
§1763-C. Initial plan

The initial state solid waste management plan shall be developed by the department and the Office of Recycling and Waste Reduction by September 30, 1989, in accordance with the following provisions.

QUESTION 2  
COLUMN 2

Waste Management Hierarchy

§2100. Solid waste management hierarchy: recycling goals

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

- A. Reduction of waste generated at the source, including both amount and toxicity of the waste;
- B. Reuse of waste;
- C. Recycling of waste;
- D. Composting of biodegradable waste;
- E. Waste processing which reduces the volume of waste needing land disposal, including incineration; and
- F. Land disposal of waste.

**PLAN CONTENTS**

Authority  
No "initial plan". Authority directed to use info available in current Capacity Needs Analysis and State Recycling Plan

QUESTION 2  
COLUMN 3

No hierarchy

**PLAN CONTENTS**

No Authority or District Plans  
No "initial plan"

1. Capacity needs analysis. Information collected and developed by the department during the preparation of the initial capacity needs analysis completed pursuant to section 1310-0 shall be incorporated into the initial state solid waste management plan if that information is determined to be current and accurate.

2. State recycling plan. The state recycling plan developed pursuant to section 1310-K shall be incorporated into the initial solid waste management plan.

#### §1763-D. Plan components

The initial plan and subsequent revisions shall address solid, special and hazardous wastes, including the following components.

1. Waste characterization. The authority shall develop and maintain a comprehensive data base on waste generated or disposed of in the State as part of the plan. The types of data collected shall include:

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

B. The source of the waste;

C. The type of waste;

D. The costs and types of treatment or disposal technologies currently employed, including, without limitation, recycling, composting, landspreading, incineration or landfilling; and

E. The costs of transporting waste to disposal facilities.

#### §2122. Plan contents

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

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

B. The source of the waste;

C. The type of waste;

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

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

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

State Plan (Coordinated by SP0)  
(Title 5)

#### §3309. State solid waste planning and management

The council shall complete and adopt by rule, by January 1, 1990, a solid waste management plan for the State.

NOTE: Structure of this alternative is somewhat different than columns 1 & 2. "Data" and "Waste Characterization" steps are included in Disposal Capacity Needs listed below. The following section also covers projected demand for capacity which is covered several pages down in columns 1 & 2.

2. Estimate of existing capacity. The authority shall develop an inventory and assessment of existing capacity to accommodate waste. The authority shall rely on existing studies and analyses to the maximum extent. The inventory shall include:

- A. The capacity of licensed waste facilities;
- B. A survey of the waste generators and the recycling and disposal facilities they utilize;
- C. The extent to which the State relies on solid waste disposal capacity outside of its jurisdiction; and
- D. Additional capacity anticipated to become available within the next 2 to 5 years.

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

- A. The capacity of existing licensed solid waste management and disposal facilities receiving waste generated within the State. This assessment shall identify the regional availability of capacity, including consideration of transportation costs;
- B. The capacity of existing licensed solid waste management and disposal facilities which is being utilized to dispose of waste generated outside the State;
- C. A survey of the solid waste generators and the recycling and disposal facilities they utilize;
- D. Identification of projected facility closures with a projected timetable for the closures and an estimate of the amount of capacity these facilities represent;
- E. The extent to which the State relies on solid waste disposal capacity outside its jurisdiction; and
- F. Additional disposal capacity anticipated to become available within the next 2 to 5 years.

2. Disposal capacity needs component. The council shall develop and incorporate into the state plan an assessment of disposal capacity needs. The council shall revise the plan as necessary, but in no case less than once every 5 years.

A. The Department of Environmental Protection, which shall be referred to as the "department," is responsible for the necessary data collection and analysis. The department shall develop and maintain a comprehensive data base on solid waste generated or disposed of in the State. The types of data collected shall include:

- (1) The amount of solid, special and hazardous waste generated, handled or transported within the State;
- (2) The source of the waste;
- (3) The type of waste;
- (4) The costs and types of treatment or disposal technologies currently employed, including, without limitation, recycling, composting, landspreading, incineration or landfilling;
- (5) The capacity of existing licensed solid, special and hazardous waste treatment and disposal facilities receiving waste generated within the State;
- (6) The costs of transporting solid, special and hazardous waste to disposal facilities; and

4. Projected demand. The authority shall project the amount and type of waste that will be generated at least 5 years into the future. This component shall include a needs analysis for current and future expansions of waste treatment and disposal capacity by type of waste. The analysis shall include, but not be limited to:

A. An estimate of waste generation by region and waste type over the next 10-year period and 20-year period based on the best available forecasts of population growth, economic activity within the State, estimates provided by the waste generators and other available information;

B. A comparison of the projected waste generation levels with existing waste generation levels, including consideration of expected facility closures;

C. Identification of wastes by types that are capable of being reused or recycled in an economically and environmentally sound manner and the preferred technologies to be utilized;

D. Identification of the regional availability of waste disposal capacity, including consideration of transportation costs; and

E. Assessment of the level of competition in the solid waste disposal industry and its effect on waste generation and disposal needs.

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

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

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

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

D. Identification of regional differences in available disposal capacity and recycling facilities. The office 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.

(7) The extent to which the State relies on solid, special and hazardous waste disposal capacity outside its jurisdiction.

B. The council shall identify the need in the State for current and future expansions of solid, special and hazardous waste treatment and disposal capacity by type of waste. The analysis shall include, but not be limited to:

(1) Identification of solid, special and hazardous wastes by type which are capable of being reused or recycled in an economically and environmentally sound manner and the preferred technologies to be utilized;

(2) Estimation of waste generation by region and waste type over the next 10-year and 20-year periods based on the best available forecasts of population growth, economic activity within the State, estimates provided by the solid, special and hazardous waste generators and other available information;

(3) Comparison of the projected waste generation levels with existing capacity, including consideration of expected facility closures under this chapter;

(4) Identification of the regional availability of solid, special and hazardous waste disposal capacity, including consideration of transportation costs; and

(5) Assessment of the level of competition in the solid, special and hazardous waste disposal industry.

3. Recycling. The authority shall conduct an assessment of recycling activities that includes the following elements:

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

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

C. The potential for recycling in the solid waste management districts, including estimates of the types and quantities of waste available for recycling and an

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

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

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

C. The council shall consult with industrial waste generators, regional councils and municipal officials concerning the specific needs of their locales. The council shall identify areas of the State which are underserved with regard to waste treatment or disposal capacity or which have capacity in excess of regional needs. In determining regional needs, the council may consider economic criteria, including disposal and transportation costs, population densities, regional differences in current industrial mix and the potential for economic growth, the level of competition in the solid, special and hazardous waste disposal industry and any other factors as the council deems relevant.

1. Waste reduction and recycling component. In consultation with the Recycling Advisory Council, municipalities, regional councils and the private sector, the council shall develop and incorporate into the state plan an assessment of waste reduction and recycling opportunities. The council shall revise the plan or components of the plan as necessary, but in no case less than once every 5 years. The Division of Waste Reduction and Recycling, referred to in this chapter as the "division," is responsible for the necessary data collection and analysis.

A. The plan shall include investigation and assessment of the following elements:

(1) The current level of public recycling efforts, including the quantities and categories of waste currently recycled;

analysis of the economic and institutional obstacles to increased recycling;

D. The categories of industrial waste which present opportunities for reuse; and

E. Opportunities to reduce waste quantities by reducing generation at the source.

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

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

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

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

Similar programs established in Authority; see Recycling packet.

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

(3) The potential for recycling in various regions of the State, including estimates of the types and quantities of waste available for recycling and an analysis of the economic and institutional obstacles to increased recycling;

(4) The categories of industrial waste which present opportunities for reuse; and

(5) Opportunities to reduce waste quantities by reducing generation at the source.

B. The state recycling plan shall also include the development of the following program elements in the form of specific recommendations, including, when necessary, additional legislative authority for implementation and for estimated staff, operating and capital costs.

(1) The division shall design a program of public education in support of the state recycling plan to promote waste reduction, source separation and feasible recycling efforts at the individual, local, regional and state level.

(2) The division shall design a market development strategy consistent with the state recycling plan which shall include, without limitation, the following elements:

(a) Methods of collecting and marketing of recyclable materials, including those with a direct state role, to achieve necessary economies of scale and product quality specifications. The strategy shall include a plan for source separation of recyclable materials at the household, municipal, regional or state level, as appropriate;

(b) An incentive program to encourage end users of recyclable materials to locate or expand their operations within the State. The division shall consult with the Finance Authority of Maine in developing this element;

(c) A program for facilitating the marketing of recyclable materials consistent with this paragraph. The program may include a clearinghouse of information for municipalities and recycling businesses to improve the flow of recyclable materials in the market, as well as direct state involvement in marketing recyclable materials where private sector capacity is inadequate; and

(d) The establishment of an industrial materials exchange to promote the reuse of industrial waste which may be suitable raw materials for other processes. The division shall coordinate those efforts with other waste exchanges in the northeastern United States.

(3) The division shall develop a program of assistance for municipalities, groups of municipalities and regional councils. This program shall include, without limitation, technical assistance and grants to:

(a) Study the feasibility of local or regional recycling programs consistent with the state recycling plan; and

(b) Implement the feasibility studies developed under this section when the proposed activities are consistent with the state recycling plan. The division shall establish a preference for proposals under this subparagraph from individual municipalities or groups of municipalities which have enacted mandatory recycling ordinances.

(4) The division, after consulting with the Commissioner of Administration, shall assess the status of recycling efforts undertaken directly by the State for its own solid waste and shall develop a proposal for a program of recycling to reduce the generation of solid waste by the State. The program shall include, without limitation, recycling of office papers, cardboard, used motor oil, yard waste and other materials used by the State for which recycling markets exist or may be developed.

(5) The division shall develop, after reviewing waste and source reduction programs in other countries and states, a recommended waste reduction strategy for this State.

C. The division shall coordinate its efforts with the Department of Environmental Protection to ensure consistency with the disposal capacity needs analysis developed pursuant to this section and to ensure compatibility with state and local environmental requirements. The Department of Environmental Protection shall provide the office with any information it possesses on the quantities of waste materials recycled and any other relevant information developed pursuant to this section. The division shall develop the recycling plan, including the interim progress report and any revisions to the plan, with the advice of the Recycling Advisory Council.

5. Examination of options. The authority shall examine various waste management options for dealing with the projected waste stream, available or anticipated disposal capacity and waste reduction and recycling activities.

6. State management goals and objectives. The authority shall establish the following, including recommendations for waste management:

A. Goals and strategies that promote the maximum reduction of waste, the maximum feasible recycling utilization of waste, the recovery of resources and the safe and cost-effective management and disposal of those wastes that remain:

B. Strategies designed to accomplish the state recycling goals, encourage and promote waste reduction and utilization research and initiatives, innovative pilot recycling or utilization programs, development of recycling-related businesses and industry and public understanding and participation in recycling; and

C. Goals and strategies for the regional achievement of sound and cost-effective waste reduction and management. These goals and strategies shall be the guidelines for the development of district solid waste management plans.

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

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

7. Candidate sites. Six months after the adoption of the state plan, the authority shall develop a list of candidate sites sufficient in capacity and suitable for siting of waste determined to be a state responsibility. Criteria for the designation of sites are described in subchapter V.

See "initial plan" above

#### §1763-E. Reports

The authority shall submit the adopted plan to the Governor, the department and the joint standing committee of the Legislature having jurisdiction over natural resource matters.

No detailed provisions for hazardous waste planning. Generally included in state plan. However, this state plan is referred to throughout as a "solid waste" plan.

No counterpart in planning. Handled in siting process. See Siting packet.

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

No counterpart

#### §2123. Hazardous waste planning

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

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

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

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

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

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

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

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

3. Facility needs plan. The office shall, prior to January 1st of each year, prepare a plan which shall consider the need for new hazardous waste facilities. Specifically, it shall include:

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

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

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

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

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

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

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

## PLAN CONTENTS

## Districts

§1763-G. Regional solid waste management plans

A solid waste management district, either individually or in cooperation with another district, shall develop a solid waste management plan by January 1, 1991. The plan shall be developed according to criteria developed by the authority and shall meet the following guidelines.

1. Inventory of existing waste management practices. The plan shall describe existing collection, processing and disposal systems, including schedules of rates and charges, financing methods, environmental acceptability and opportunities for improvements in the systems. The inventory shall include municipal systems, interlocal systems and private facilities. The inventory shall not include special waste facilities owned or operated by the generator of the wastes managed in those facilities. The plan may otherwise address hazardous waste.

2. Future solid waste disposal needs. The plan shall include an estimate of land disposal capacity which will be needed through the next 10 years on the basis of current and projected waste generation practices. The estimate shall be based on information supplied by the authority, the department, local data and based on the anticipated increase due to projected growth and reductions due to recycling efforts.

## PLAN CONTENTS

## Districts

§2155. Content of regional solid waste management plans

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

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

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

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

If special wastes are addressed in the plan, the plan shall describe those special wastes, existing or proposed generators of those wastes, volumes, projected disposal capacities, the costs of collection, processing, management and disposal of those wastes, existing collection, processing and disposal systems, including rates and charges, environmental acceptability and opportunities for improvements in those systems. The plan shall accommodate these needs using the same powers authorized in this Act for solid waste, including, by example and not by limitation, assisting in siting of generator-owned solid waste facilities; locating, developing or financing new or expanded solid waste facilities or services; contracting with private parties on behalf of these generators; or through any other appropriate means.

3. Recycling. The plan shall address waste reduction, separation and resource recovery, shall include objectives, immediately and over specified time periods, for reducing land disposal of solid waste and shall describe how the recycling goals of the State will be met.

4. Plan implementation. The plan shall describe specific functions to be performed and activities to be undertaken to address current and future solid waste management needs. The plans shall include a comparison of costs of the activities to be undertaken, including capital and operating costs, and the affect of the activities on the cost to generators and on persons currently providing solid waste collection, processing and disposal services. The plan shall address the role of private disposal providers and identify out-of-region disposal options if relevant. The plan shall describe how the district is to achieve its solid waste management objectives.

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

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

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

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

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

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

5. Public education; compliance. The plan shall designate how public education and compliance may be accomplished.

6. Siting. The plan shall establish a siting procedure and development program to ensure the orderly location, development and financing of new or expanded solid waste facilities and services sufficient for a prospective 10-year period, including estimated costs and implementation schedules, proposed procedures for operation and maintenance, estimated annual costs and gross revenues and proposals for the use or closure of facilities after they are no longer needed or usable.

7. Enforcement and compliance. The plan shall describe how existing or proposed county and municipal ordinances, licenses and permit requirements relating to solid waste management contribute to accomplishing the district's solid waste management objectives and shall describe existing and proposed regulations and enforcement procedures.

8. Local participation. To assist in the development of the plan, a solid waste advisory committee shall be constituted in each district and shall include local elected officials, persons engaged in the collection and disposal of solid waste, citizens and other interested persons.

D. Proposed or existing collection methods for recyclable materials;

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

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

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

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

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

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

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

9. Application. The plans shall be developed and approved by January 1, 1991. Within 90 days of the effective date of this Act, each district shall make the necessary personnel, financial and legal arrangements to ensure development and formulation of the plan. Each solid waste management plan shall be developed and effective for a period of not less than 10 years and updated every 5 years.

10. Public notice. The district board of directors shall conduct all of its meetings in open, public session with prior notice posted in one or more conspicuous places designed to provide public notice. The board shall hold at least one public hearing on its proposed solid waste management plan. Notice of any public hearing shall be published in a newspaper of general circulation at least twice, with the date of the first publication to be at least 30 days prior to the hearing date.

disposal capacity needed for the solid waste that will be generated in the district during the next 10 years. The estimate shall describe the primary variables affecting this estimate and the extent to 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.

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

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

B. Describe alternative facilities or programs, including, but not limited to, waste reduction or recycling facilities or programs that were considered and provide reasonable 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;

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

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

existing and reasonably anticipated future recycling has been made in designing the size of any proposed facility; and

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

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

8. Alternative sites. If the district determines under 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 a copy of that notice to the authority and the department. The district shall include in the plan a list of alternative sites for the needed facilities identified under this section. The district shall notify the municipal officers of each municipality within which the alternative sites are located.

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

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

provides for the processing or disposal of waste generated within its borders by facilities located within other districts, the plan shall include an interdistrict agreement implementing this provision. The plan shall also include interdistrict agreements providing for the disposal or processing of waste generated outside of the district at facilities located within the district, and shall explain how such agreements are consistent with the state waste management and recycling plan.

**12. Copies of ordinances and resolutions.**

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

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

QUESTION 3  
COLUMN 1

QUESTION 3  
COLUMN 2

QUESTION 3  
COLUMN 3

Planning schedule - Authority

§1763-B. State plan implementation; revisions

The authority shall adopt the initial solid waste management plan by rule pursuant to Title 5, chapter 375, subchapter II, on or before January 1, 1990. The authority shall revise the plan or components of the plan as necessary, but in no case less than once every 5 years. The department shall be an integral part of the revision process and shall present its recommendations to the authority for consideration.

§1763-C. Initial plan

The initial state solid waste management plan shall be developed by the department and the Office of Recycling and Waste Reduction by September 30, 1989, in accordance with the following provisions.

1. Capacity needs analysis. Information collected and developed by the department during the preparation of the initial capacity needs analysis completed pursuant to section 1310-0 shall be incorporated into the initial state solid waste management plan if that information is determined to be current and accurate.

2. State recycling plan. The state recycling plan developed pursuant to section 1310-K shall be incorporated into the initial solid waste management plan.

Planning schedule - Authority

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

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

2. Revisions. The office shall revise the analysis at least every 2 years to incorporate changes in the waste generation trends, changes in waste recycling and disposal technologies, the development of new waste generating activities and other factors affecting solid waste management as the office finds

Planning schedule - State Plan (SPO coordinated)  
§3309. State solid waste planning and management

The council shall complete and adopt by rule, by January 1, 1990, a solid waste management plan for the State.

(with 5 year revisions)

appropriate. If the office finds that rapidly changing conditions necessitate more timely revisions of the analysis, it may make those revisions pursuant to the rule-making provisions of Title 5, chapter 375, subchapter II, including emergency rulemaking if necessary.

#### Planning schedule - districts

##### §1763-G. Regional solid waste management plans

A solid waste management district, either individually or in cooperation with another district, shall develop a solid waste management plan by January 1, 1991. The plan shall be developed according to criteria developed by the authority and shall meet the following guidelines.

(also from this section)

9. Application. The plans shall be developed and approved by January 1, 1991. Within 90 days of the effective date of this Act, each district shall make the necessary personnel, financial and legal arrangements to ensure development and formulation of the plan. Each solid waste management plan shall be developed and effective for a period of not less than 10 years and updated every 5 years.

#### Planning schedule - Districts

##### §2154. Schedule for submission of regional waste management plans

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

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

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

B. When otherwise required by the authority.

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

QUESTION 4  
COLUMN 1

Review responsibility of Authority  
§1763-F. State review and support of district plans

1. Designated agency. The authority shall conduct a program of waste management assistance and review to support the development and implementation of district waste management plans, provide technical and financial assistance to accomplish this objective and ensure consistency with state waste management objectives. The authority shall review the preliminary district solid waste management plans for consistency with the state plan, approve the final district plan if consistent with the state plan and review district compliance with plan goals at least every 2 years thereafter.

2. Review and approval of district solid waste management plans; schedule. Each district shall submit for review a district solid waste management plan which addresses the guidelines contained in this subchapter within one year of the adoption of the state plan.

A. The authority shall review all district solid waste management plans for consistency with the goals and objectives established in the state plan and with the objectives of this Act. In conducting its review, the authority shall solicit written comments from other state agencies, as well as from the department, regional councils, municipalities and interested parties. The comment period shall extend for 30 days after the authority's receipt of the proposed plan.

QUESTION 4  
COLUMN 2

Review responsibilities of Authority  
§2124. Regional review and coordination

The office shall review each regional solid waste management plan submitted pursuant to section 2154 for consistency with the goals and policies of this chapter and with the state waste management and recycling plan.

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

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

QUESTION 4  
COLUMN 3

No corresponding provisions

B. Each regional council as defined in Title 30-A, chapter 119 shall review and submit written comments on the proposed plan of a district any part of which lies within its planning region. The comments shall be submitted to the authority within the 30-day comment period and shall address how the plan meets regional needs.

C. The authority shall prepare all written comments from all sources in a form to be forwarded to the district board of directors within 45 days after the close of the comment period along with its findings, if warranted, describing the deficiencies in the proposed plan and the recommended measures for correcting the deficiencies.

D. The authority shall provide 60 days for the district to correct the deficiencies and resubmit the plan.

E. Upon finding the plan consistent with stated objectives, the authority shall issue an approval of the plan. Approval of the district solid waste management plan authorizes the district to exercise its solid waste management authority and to participate in state-supported solid waste management assistance programs.

F. If the district solid waste management plan is found to be inconsistent with the state plan or if the district board of directors fails to adopt a district solid waste plan, the authority shall develop a plan for the district.

3. Final agency action. The authority's decision on approval constitutes final agency action.

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

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

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

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

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

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

A. The plan is complete and accurate;

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

C. The plan provides for the maximum feasible development and implementation of

4. District plan reports. Each district shall file with the authority a copy of its adopted and approved district plan and all subsequent revisions, updates or amendments.

5. Planning assistance. The authority shall develop and administer a grant program to provide direct financial assistance to districts in the preparation of district solid waste management plans. Grants may be expended for any purpose directly related to the preparation of a district solid waste management plan as the district and the authority may agree, including data-gathering activities, hiring of planning staff and other technical staff, retaining of planning consultants, contracting with regional councils for planning services and other related purposes.

6. Implementation grants to districts. The authority shall administer grants to assist regional solid waste management districts with implementation of solid waste management objectives after authority approval of the regional solid waste plan. Matching grants may be used in assisting districts to locate and design facilities; hire technical, legal and financial expertise; conduct marketing studies and feasibility studies; and to negotiate or obtain the permits, agreements and financing necessary prior to construction of regional waste facilities.

7. Rule-making authority. The authority may adopt rules necessary to carry out the purposes of this subchapter subject to the provisions of Title 5, chapter 375, subchapter II.

recycling programs and will meet the statewide recycling goal under section 2100;

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

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

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

B. Award grants under this section for feasibility studies and project development for publicly owned solid waste 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.

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

D. Award grants to districts and proposed host communities for the purpose of establishing a process, including, but 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.

Review responsibilities of District  
§1763-H. District responsibility for solid  
waste planning

Each solid waste management district is responsible for the development, adoption and implementation of a regional solid waste management plan and its subsequent amendments or revisions. The preparation and amendment of the plan are governed by this section.

1. Plan preparation. Pursuant to the schedule established in section 1763-F, each district shall prepare a regional solid waste management plan consistent with the goals, guidelines and other provisions of this subchapter and also consistent with the overall goals and regional objectives contained in the state solid waste management plan.

2. Plan submission. Each region shall submit its proposed solid waste management plan to the authority for review, according to the schedule established in section 1763-F.

3. Comment period. At least 60 days prior to the public hearing required in section 1763-G, subsection 10, the district board of directors shall forward its proposed plan to the authority and to the applicable regional council for review and comment.

4. Revision. The authority shall submit its comments and suggested revisions to the district board of directors within 60 days of the receipt of the proposed plan.

5. Comment incorporation. The board of directors shall incorporate the comments of the authority in its proposed plan before conducting the public hearing.

Review responsibilities of district  
§2154. Schedule for submission of regional  
waste management  
plans

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

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

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

B. When otherwise required by the authority.

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

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Recycling Office

SUBCHAPTER IV

RECYCLING AND WASTE REDUCTION

Article 1.

General Provisions

§1764-A. Office of Recycling and Waste Reduction established

The Office of Recycling and Waste Reduction is established within the authority to carry out the purposes of this subchapter. The Director of the Office of Recycling and Waste Reduction shall administer the office in accordance with the policies of the authority and consistent with the state solid waste management plan and its recycling component.

§1764-B

2. Technical and financial assistance program. The office shall manage a program of technical and financial assistance for municipalities and solid waste management districts. This program shall include, without limitation:

A. Grants to districts to hire recycling coordinators to assist in the development of the recycling component of the regional solid waste management plan, initiate and conduct recycling feasibility studies, coordinate regional recycling activities and educate the private sector regarding the benefits of recycling;

Recycling Office

SUBCHAPTER III

OFFICE OF WASTE REDUCTION AND RECYCLING

§2130. Office of Waste Reduction and Recycling: established

The Office of Waste Reduction and Recycling is established to carry out the purposes of this subchapter. The director of the office shall administer the office in accordance with the policies of the authority and consistent with the state waste management and recycling plan. The director shall serve at the pleasure of the executive director. The office shall administer programs of financial, technical and planning assistance to regional authorities, local governments, state agencies and businesses in planning for and achieving waste reduction and recycling objectives.

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

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

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

Recycling office - duties

Sec. 4. 5 MRS 13076 to 13079 are enacted to read:

§13076. Program established; goals

The Division of Waste Reduction and Recycling, referred to as the "division," is established in the Office of Community Development to encourage the recycling of waste materials and the reduction of waste volumes generated within the State to the maximum extent possible to conserve the natural resources of the State, reduce the detrimental effects of waste disposal on the environment, safeguard the public health and welfare, reduce the disposal costs incurred by municipalities and waste generators and reduce the amount of waste requiring incineration and landfilling.

§13078. Technical and financial assistance

The division shall undertake a program of technical and financial assistance to municipalities and private parties to promote recycling and waste reduction efforts. All the division's programs under this section shall be consistent with the waste management plan adopted by the Interdepartmental Council on Waste Management.

1. Recycling information clearinghouse. The division shall establish and administer a clearinghouse on recycling markets information. The division shall make its information on recycling services available to municipalities and private solid waste generators seeking markets or services for materials to be recycled.

B. Technical assistance and grants to study the feasibility of local or regional recycling programs consistent with the recycling component of the state and regional solid waste management plans; and

C. Technical assistance and grants to implement the feasibility studies developed under this section when the proposed activities are consistent with the recycling components of the state and regional solid waste management plans.

3. Incentive program. The office may reimburse municipalities that have designed or implemented recycling programs prior to the enactment of this Act. The office may also offer an incentive program for municipalities that implement a local or regional recycling program prior to their target date.

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

D. Grants to purchase collection and storage equipment and 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. Recycling feasibility studies. The division shall provide professional technical assistance to municipalities or groups of municipalities in the planning and design of local and regional recycling programs. The purpose of this assistance program is to further the goals established in the state recycling plan. This assistance shall include:

A. The assessment of economically feasible recycling potential including the supply of materials which can be recycled, probable markets for these materials and the avoided costs of solid waste disposal;

B. The planning for the logistical, administrative and financial management requirements of a recycling program;

C. The design of flow control or other ordinances necessary for the implementation of a recycling program; and

D. The coordination of the proposed recycling program with overall solid waste management.

3. Recycling capital investment grants. The division may make grants to eligible municipalities and groups of municipalities for the construction of public recycling facilities and the purchase of recycling equipment. The division may establish requirements for local cost sharing of up to 25% of the total grant amount. The local share of costs may include in-kind services provided by the grant recipient.

§1764-F. Market development

The office shall design and implement a market development strategy, consistent with the recycling component of the state solid waste management plan, which shall include, without limitation, the following elements:

1. Collection. Methods of collecting and marketing of materials to be recycled, including those with a direct state role, to achieve necessary economies of scale and product quality specifications. The strategy shall include a plan for source separation of materials to be recycled at the household, municipal, regional or state level, as appropriate;

2. Incentive program. An incentive program to encourage end users of materials to be recycled to locate or expand their operations within the State. The office shall consult with the Finance Authority of Maine in developing this element;

3. Marketing. A program for facilitating the marketing of materials to be recycled consistent with this section. The program may include a clearinghouse of information for municipalities, regional solid waste districts and recycling businesses to improve the flow of marketing materials to be recycled, as well as direct state involvement in marketing materials to be recycled when private sector capacity is inadequate; and

4. Reuse of waste. Assisting industries in promoting the reuse of industrial wastes that are suitable raw materials for other processes. The office shall coordinate those efforts with waste exchanges in the northeastern United States.

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

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

C. On or before July 1, 1990, the office shall submit to the joint standing committee of the Legislature having 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 include:

4. Technical assistance and special services. The division shall develop a pilot program to provide grants for the identification, design and development of tire and white goods recycling and disposal facilities, including pickup of these items, and stump and demolition debris disposal facilities by municipalities, county governments and regional planning agencies.

Alternative - Recycling office - responsibilities  
Sec. 16. 38 MRSA §1310-X is enacted to read:

§1310-X. Office of Waste Recycling and Reduction; financial and technical assistance for recycling activities

Consistent with the state recycling plan, the Office of Waste Recycling and Reduction shall implement a program of financial and technical assistance to support recycling activities which reduce the volume of solid waste requiring disposal.

1. Recycling information clearinghouse. The office shall establish and administer a clearinghouse on recycling markets information. The office shall maintain a current list of municipalities which have established or are seeking to establish recycling programs together with a description of the recycled materials available through the programs. The office shall also maintain a list of brokers, handlers, processors, transporters and other persons providing services and potential markets for recycled materials. The office shall actively market the services of the clearinghouse and shall seek to match municipal recycling programs

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

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

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

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

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

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

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

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

with appropriate recycling businesses. The office shall make its information on recycling services available to private solid waste generators seeking markets or services for materials to be recycled.

2. Recycling feasibility studies. The office shall provide professional technical assistance to municipalities or groups of municipalities in the planning and design of local and regional recycling programs. The purpose of this assistance program is to further the goals established in the state recycling plan. The office may contract with regional councils and individual municipalities to provide services under this subsection in order to encourage regional strategies for recycling. The office shall give priority to applications that involve regional approaches. This assistance shall include:

A. The assessment of economically feasible recycling potential including the supply of materials which can be recycled, probable markets for these materials and the avoided costs of solid waste disposal;

B. The planning for the logistical, administrative and financial management requirements of a recycling program;

C. The design of any flow-control or other ordinances necessary for the implementation of a recycling program;

D. The coordination of the proposed recycling program with overall solid waste management; and

§1764-H. Participation in regional and national recycling and waste reduction initiatives

The Legislature shall encourage cooperative activities among the authority, other states and the Federal Government for the improved management of solid waste, recycling and waste reduction initiatives; improvement and, when practicable, of uniform state laws relating to the management, recycling and reduction of solid waste; and compacts between the State and other states for the improved management, recycling and reduction of solid waste.

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

4. Waste reduction. By July 1, 1990, the office shall submit to the joint standing committee of the Legislature having jurisdiction over natural resources a waste reduction report. The report shall be utilized in preparing the state waste management and recycling plan.

A. The report shall include:

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

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

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

E. The assessment of the advantages of participation in a regional recycling effort versus a local recycling program.

The office may develop a priority list of municipalities and regions of the State in need of assistance under this subsection. The office shall consult with the Recycling Advisory Council in the development of the priority list.

3. Recycling capital investment grants. The office may make grants to eligible municipalities and regional councils for the construction of public recycling facilities and the purchase of recycling equipment. The office may establish requirements for local cost sharing of up to 25% of the total grant amount. The local share of costs may include in-kind services provided by the grant recipient. The office shall encourage recycling programs which require the participation of the waste generators served.

A. The office shall establish grant priorities based on the following objectives:

(1) The development of regional recycling programs to capture the economies of scale in both materials handling and marketing;

(2) The expansion of existing, successful recycling programs at the levels of both individual municipalities and regions; and

(3) The promotion of the recycling goals and any other factors identified in the state recycling plan as necessary for successful implementation.

§1764-G. Public education

The office shall design a program of public education in support of the state recycling goals to promote waste reduction, source separation and feasible recycling efforts at the individual, local, regional and state levels.

1. Media campaign. The office shall develop and disseminate educational material designed to establish broad public understanding and compliance with the State's recycling and waste reduction goals.

2. Kindergarten to grade 12 curriculum. In cooperation with the Department of Educational and Cultural Services, the office shall develop a curriculum suitable for use in programs at various grade levels, kindergarten through high school.

No counterpart

NOTE: This language from §1764-A sets the stage for both state and local programs established in §1764-B.

The Office of Recycling and Waste Reduction shall assist solid waste management districts, local governments and businesses in planning for and achieving recycling and waste reduction objectives. The office shall:

1. Local assistance program. Administer programs of financial, technical and planning assistance to solid waste management districts and municipalities to assist in achieving the goals and requirements of this subchapter;

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

No counterpart.

B. The office shall structure the grants program to ensure the development of successful recycling programs which represent:

(1) Rural, suburban and urban areas of the State;

(2) Curbside pick-up and drop-off systems of solid waste collection; and

(3) Mandatory and voluntary forms of recycling program participation.

C. The office may develop a priority list of municipalities and regions of the State in need of assistance under this subsection. The office shall consult with the Recycling Advisory Council in the development of the priority list.

4. Recycling avoided-cost program. The office may enter into annual agreements with a municipality or group of municipalities to reimburse a portion of the direct costs of transporting material to a recycling facility for intermediate processing or final use.

A. The office, in consultation with the Recycling Advisory Council, shall designate specific materials which are eligible for the program established by this subsection. In making these designations, the office shall rely on the goals and objectives identified in the state recycling plan.

B. The office shall determine the difference between the projected costs of recycling the material, including

2. Business assistance program. Administer programs of financial, technical and other types of assistance to businesses to assist in achieving the goals and requirements of this subchapter;

3. Market development. Identify and develop markets for materials to be recycled and assist both businesses and solid waste management districts in market research and development;

4. Public education. Develop and conduct general and specific educational and informational programs;

5. State Government recycling and waste reduction. Design, promote and coordinate, in cooperation with the Department of Administration, State Government recycling and waste reduction programs;

6. Regional recycling programs. Oversee and administer regional recycling activities, assisting municipalities and businesses in accomplishing state and regional recycling and waste reduction goals and requirements; and

7. Broker of last resort. Serve as the broker of last resort for items to be recycled collected within the district through regional recycling initiatives.

transportation costs, and the avoided costs of disposing of the same material at a solid waste disposal facility which is operated in substantial compliance with the requirements of this chapter. If the costs of recycling, including transportation, are less than the avoided disposal costs, the office shall not make any reimbursement. The office shall review the cost differentials established for each agreement at least quarterly.

C. The office shall limit reimbursements to the lesser of the following amounts:

(1) The amount derived under paragraph B; or

(2) Thirty percent of the actual transportation costs.

D. If the office is unable to determine the cost differential under paragraph B because no suitable solid waste disposal facility exists within the State, the office may make matching grants in an amount which matches the disposal or acceptance fee imposed by the municipality originally accepting the material to be recycled. The office shall condition matching grants under this paragraph on the use of the fee and the matching grant to recycle the material in question.

E. The costs of transporting unseparated or mixed municipal solid waste are not eligible for reimbursement under this subsection.

F. The office shall adopt rules, in consultation with the Recycling Advisory Council, necessary for the implementation of this subsection, including procedures for the determination of cost differentials under paragraph B.

## Recycling Goals and Local Responsibilities

Counterpart below under §1764-B.

Basic goal is 25% by 1995 w/ some phase-in for smaller communities.

No direct counterpart.

## Recycling Goals and Local Responsibilities

### State Goal

(§2100)

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

### General Duties

(§2102, sub§2)

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

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

(Similar duties at district level)

## Recycling Goals and Local Responsibilities

### State Goal

### §State recycling goal

The office shall develop and implement programs to recycle, on a statewide basis, 25% of the municipal solid waste stream by 1994.

### General Duties

(§2102)

2. Goals. Establish and promote regional and state recycling goals for specific waste materials;

3. Recycling districts. Coordinate the development of recycling districts throughout the State;

6. Waste surcharge program. Administer and enforce the municipal surcharge for recycling program;

8. Waste reduction. Develop and promote waste reduction programs for municipalities and other waste generators; and

9. Maximize recycling. Assist municipalities and other waste generators to achieve maximum levels of waste material recycling.

Article 2.

SUBCHAPTER V

Local and Regional Recycling and Waste Reduction

LOCAL WASTE REDUCTION AND RECYCLING

§1764-B. Local and regional recycling and waste reduction

1. Local recycling responsibility. All municipalities shall cooperate with the solid waste management district in the development of regional recycling plans and in their implementation.

A. By July 1, 1994, all municipalities with populations greater than 5,000, as determined by the most recent population estimates of the Department of Human Services, shall establish and implement source separation, collection and recycling programs sufficient to achieve a 25% waste reduction goal within their territorial jurisdiction.

B. By July 1, 1995, all municipalities regardless of population shall recycle at least one of the following items:

- (1) Newsprint;
- (2) Corrugated cardboard;
- (3) Mixed paper;
- (4) Glass, including all 3 colors;

§2180. Local recycling responsibility

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

§2181. Municipal implementation of recycling programs

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

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

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

§2103. Municipal recycling programs

Each municipality shall, by January 1, 1991, establish an active recycling program and enact an ordinance which requires the separation and recycling of cardboard, newspaper, glass, aluminum and at least one other waste material.

1. Violation. A municipality is in violation of this section for the preceding year if it does not have a recycling ordinance and active recycling program by January 1, 1992, or on each succeeding January 1st. Municipalities in violation of this section are subject to the provisions of section 2110.

2. Active recycling program. The office shall consider a recycling program active if:

A. Waste materials are being separated and collected; and

B. Separated waste materials have been removed for reuse or reprocessing and a contract for future removals exists, except that the office shall make provision for interruptions in service for which a municipality or recycling district is not at fault.

(5) Leaf and yard waste;

(6) Plastics; or

(7) Others as determined by the municipality.

C. By July 1995, each district shall, in cooperation and coordination with the businesses, commercial operators and municipalities within the district, coordinate, establish, implement or assist in the delivery of recycling programs sufficient to achieve a 25% waste reduction goal within their jurisdiction.

§1764-B

4. Implementation of local recycling and waste reduction programs. Local implementation of recycling and waste reduction programs shall include the following elements.

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

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

§2182. Leaf composting

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

§2183. Submission for review; program contents

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

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

Other options have no similar provision.

§2110. Waste surcharge; restriction

A municipality in violation of section 2103 shall forfeit for each year the municipality is in violation an amount equal to \$500 per 100 residents as determined by the Federal Decennial Census. The forfeiture shall be paid to the Treasurer of State by June 30th of the year following a violation.

A. The governing bodies of municipalities of a population of 5,000 and more shall adopt a recycling program that includes all of the following:

(1) An ordinance requiring households to separate at least 3 materials, determined appropriate by the municipality, from other municipal waste generated at their homes, apartments and other residential establishments and either to deposit these separated items at a locally designated facility or to store these materials until collection. Nothing in the ordinance may be deemed to impair the ownership of separated materials by the person who generated them unless and until the materials are placed at curbside or designated locations for collection by the municipality;

(2) At least one scheduled day per month when separated materials are to be placed at curbside or a designated location for collection. The scheduled day shall be designated through public notice;

(3) A system including trucks and related equipment sufficient to accomplish the recycling program;

(4) Provisions to ensure compliance with the ordinance, including incentives and penalties;

A. Household separation of at least 3 materials deemed appropriate by the municipality, chosen from the following: glass, aluminum, steel and bimetallic cans, mixed paper, newsprint, corrugated paper and plastics. An ordinance may permit an owner, landlord or agent of an owner or landlord 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 at each property. The collection system must include suitable containers for collecting and sorting materials, easily accessible locations for the containers, and written instructions to the occupants concerning the use and availability of the collection system;

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

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

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

(5) Provisions for the recycling of collected materials, including how the municipal programs coordinate with district recycling objectives and programs; and

(6) Suitable containers, if curbside collection is practiced, for household separation of designated materials.

B. The governing bodies of all other municipalities shall adopt source separation programs that are consistent with the district's recycling and waste reduction goals. The district, to the extent practicable, shall assist municipalities in designing and implementing source separation programs that utilize regional processing and recycling centers.

2. Collection system. Unless a municipality has a system whereby waste is individually dropped off at a transfer station or landfill by each household, the municipality shall provide for 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;

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

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

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

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

#### §2184. Notice

Each municipality subject to this section shall establish a comprehensive and sustained public information and education program concerning recycling program features and requirements. 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.

§2185. Implementation

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

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

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

§2186. Preference for established recycling contractors

In implementing its recycling program, a municipality shall accord consideration for the collection, marketing and 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.

§2187. Facilities operation and recycling

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

2. Drop-off centers. After July 1, 1991, no person may operate a waste disposal facility or transfer station for municipal solid waste unless the operator has established a drop-off center for the collection and sale of at least 3 recyclable materials. The 3 materials shall be chosen from the following: glass, aluminum, steel and bimetallic cans, high grade office paper, mixed paper, newsprint, corrugated paper and 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.

3. Removal of recyclable materials. After July 1, 1991, no 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, ferrous metal, glass and newspaper from the waste to be incinerated.

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

No counterpart.

Recycling & waste management contracts

Sec. 10. 38 MRSa §1304-B, sub-§4-A, ~~TTA~~ and B, as enacted by PL 1987, c. 517, §17, is amended to read:

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

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

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

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

Sec. 11. 38 MRSa §1304-B, sub-§4-A, ~~TTD~~ and E are enacted to read:

D. Notwithstanding paragraphs A, B and C, a municipality or district with a contract with an incineration facility for 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:

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

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

E. No renewal of any contract upon termination or expiration of the original term and no new contract for municipal waste disposal, processing or collection may be entered into after the effective date of this chapter, if 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.

General counterpart included in Authority Structure packet. Existing Recycling Advisory Council converted to a general Solid Waste Management Advisory Council.

§2131. Recycling Advisory Council

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

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

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.

(Title 5)

§13077. Recycling Advisory Council

There is established a Recycling Advisory Council to provide the division with information and advice concerning the recycling and waste reduction needs and opportunities of the State.

1. Membership; terms. The Governor shall appoint 12 members, with 2 members each representing municipal governments, statewide and local environmental organizations, the recycling industry and the waste disposal industry; one member representing industrial waste generators; and 3 members from the general public. The Commissioner of Environmental Protection shall serve as an ex officio member. All members, except the commissioner, shall be appointed for a term of 3 years. For the initial appointments, however, 4 members shall be appointed for terms of one year; 4 members shall be appointed for terms of 2 years; and 4 members shall be appointed for terms of 3 years. A vacancy shall be filled for the unexpired portion of the term.

(Silent on selection of chair)

Same

Same

Same

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

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

Counterpart included in Authority Structure  
packet. Recycling Advisory Council converted to  
a general Solid Waste Management Advisory  
Council.

Sec. 25. Office of Waste Reduction and  
Recycling; Recycling Advisory Council. The  
existing staff of the Office of Waste Recycling  
and Reduction in the Department of Economic and  
Community Development shall continue as staff to  
the Office of Waste Reduction and Recycling in  
the Maine Waste Management Authority created by  
this Act. The existing membership of the  
Recycling Advisory Council appointed under the  
Maine Revised Statutes, Title 38, section  
1310-L, as repealed in this Act, shall serve the  
remainder of their terms as members of the  
Recycling Advisory Council created by this Act.

No counterpart.

#### Article 4.

##### Public Recycling and Waste Reduction Programs

##### §1764-E. State Government recycling and waste reduction program

The office, in cooperation with the  
Department of Administration, shall assess the  
status of recycling efforts undertaken directly  
by the State for its own solid waste and shall  
develop programs for and evaluate existing  
programs of recycling to reduce the generation  
of solid waste by the State. The programs shall  
include, without limitation, recycling of office  
papers, cardboard, used motor oil, yard waste  
and other materials used by the State for which  
recycling markets exist or may be developed.

Specific programs and directives for DOT, the  
University System, the Dept. of Administration  
and political subdivisions are included in the  
recycled product procurement packet (the pink,  
yellow and blue packet).

No counterpart.

**District recycling duties**

**§2159. Recycling planning and coordination**

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

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

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

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

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

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

**§2101. Definitions**

4. Recycling district. "Recycling district" means:

A. Five or more contiguous municipalities that provide residents the opportunity and the incentive to recycle, and have formed a compact of interlocal cooperation in accordance with Title 30-A, chapter 115; a public waste disposal corporation in accordance with section 1304-B, subsection 5; or a refuse disposal district in accordance with chapter 17; or

B. A municipality with a population during the most recent Federal Decennial Census of 10,000 or more that provides residents both the opportunity and incentive to recycle.

Under this alternative, a municipality must be part of a recycling district to qualify for technical and financial assistance programs provided by the Office of Waste Reduction and Recycling.

set-aside funds not obligated under this paragraph for grants to any municipality otherwise eligible under this subsection.

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

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

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

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

Private Sector Recycling Requirements  
Article 3.

Business Recycling and Waste Reduction

§1764-D. Business recycling and waste reduction program

1. Office paper recycling mandated.

Companies within the State shall recycle office paper at sites with 15 or more employees according to the following schedule.

A. Companies employing 200 or more persons at a site shall have an office paper recycling program by July 1, 1991;

B. Companies employing 50 or more persons at a site shall have an office paper recycling program by July 1, 1992; and

C. Companies employing 15 or more persons at a site shall have an office paper recycling program by July 1, 1993.

The office shall provide technical and market development assistance and direction to businesses within the State in order to assist those businesses in meeting this schedule. District recycling coordinators are directed to assist the businesses in their districts in attaining the objectives of this section.

2. Certification of tax credit. The office, in cooperation with the State Tax Assessor, shall assist in the administration of tax credits for the purchase of machinery, equipment and materials used by businesses in new or expanded recycling and waste reduction programs pursuant to Title 36, section 5219-C by certifying that the machinery, equipment and materials are eligible for the credit.

Private Sector Recycling Requirements  
§2188. Private sector recycling programs

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

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

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

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

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

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

3. Financial assistance programs. The office shall administer other financial assistance programs for projects which reduce the waste stream or increase recycling that the authority determines appropriate, including assisting the Finance Authority of Maine in determining eligible projects for low-interest loans.

4. Technical assistance program. The office shall provide technical assistance to businesses to assist them in meeting the requirements of this subchapter and to further the purposes of this Act.

5. Technology transfer. The office, in cooperation with the Maine Science and Technology Commission, shall develop recommendations and a strategy for technology transfer. The office may offer financial and technical assistance in the form of pilot or innovative grants to businesses or individuals engaged in waste reduction or recycling product development or application.

6. Industrial sludge reduction. The office shall consult with the districts and the private sector to identify and examine acceptable solutions to the problems of industrial sludge, the first priority being to reduce its volume and toxicity.

FAME Provisions

No counterparts for Sec. 4 - 8.

FAME LD 139

Sec. 4. 10 MRSA §963-A, sub-§10, ¶J, as amended by PL 1987, c. 846, §2, is further amended to read:

J. Any underground oil storage facility replacement project; ~~or~~

Sec. 5. 10 MRSA §963-A, sub-§10, ¶K, as enacted by PL 1987, c. 846, §3, is amended to read:

K. Any overboard discharge replacement project; or

Sec. 6. 10 MRSA §963-A, sub-§10, ¶L is enacted to read:

L. Any hazardous waste or solid waste recycling or reduction project.

Sec. 7. 10 MRSA §963-A, sub-§32, as enacted by PL 1985, c. 344, §7, is amended to read:

32. Manufacturing enterprise.

"Manufacturing enterprise" means knowledge, skill or labor applied to giving of new shapes, new qualities or new combinations to matter as material products and includes assembling, fabricating, making, creating, working, preparing, milling, processing, recycling, manufacturing, finishing, fashioning, producing, storing, warehousing, preserving, distributing, handling or transporting in any manner goods, wares, merchandise, metals, fabrics, materials, substances, product or matter of any kind or nature including materials recovered from solid and hazardous wastes.

Sec. 8. 10 MRSA §963-A, sub-§45-A is enacted to read:

45-A. Recycling or waste reduction project.  
"Recycling or waste reduction project" means any building, structure, machinery, equipment or facility which may be considered necessary for recovery, separation, remanufacture or reuse of materials contained in solid or hazardous waste or for the reduced generation of solid or hazardous waste, together with all land, property, rights, rights-of-way, franchises, easements and interests in lands necessary or convenient for the construction or operation of the project.

Sec. 9. 10 MRSA §1023-F is enacted to read:

§1023-F. Waste Reduction and Recycling Loan Fund

1. Creation. The Waste Reduction and Recycling Loan Fund is created under the jurisdiction and control of the authority.

2. Sources of money. There shall be paid into the fund the following:

A. All money appropriated for inclusion in the fund;

B. Subject to any pledge, contract or other obligation, all interest, dividends or other pecuniary gains from investment of money of the fund;

C. Subject to any pledge, contract or other obligations, any money which the authority receives in repayment of advances from the fund; and

D. Any other money available to the authority and directed by the authority to be paid into the fund.

Sec. 1. 10 MRSA §1023-F is enacted to read:

§1023-F. Recycling and Waste Reduction Loan Fund.

1. Creation. The Recycling and Waste Reduction Loan Fund is created and established under the jurisdiction and control of the authority.

2. Sources of money. There shall be paid into the fund the following:

A. All money appropriated for inclusion in the fund;

B. Subject to any pledge, contract or other obligation, all interest, dividends or other pecuniary gains from investment of money of the fund;

C. Subject to any pledge, contract or other obligations, any money which the authority receives in repayment of advances from the fund; and

D. Any other money available to the authority and directed by the authority to be paid into the fund.

Proposals to right & left are equivalent.

Proposals to right & left are equivalent.

3. Application of fund. Money in the fund may be used for direct loans for all or part of any project when the authority determines that:

A. The project is designed to reduce substantially or eliminate the production in a trade or business of solid waste or hazardous waste, as defined in Title 38, section 1303, subsections 5 and 10 or is a manufacturing project devoted to resource recovery, as defined in Title 38, section 1303, subsection 8;

B. There is a reasonable likelihood that the applicant will be able to repay the loan;

C. The amount and terms of the loan are reasonable in order to provide an incentive to the applicant to undertake the project, which may include a below-market interest rate, and the project will not result in a net increase in solid or hazardous waste to be disposed within the State; and

D. The project will contribute to the achievement of the goals identified in the state solid waste management plan adopted under the Waste Reduction, Recycling and Waste Management Act of 1989, and is determined by the Maine Solid Waste Management Authority to be consistent with that plan and the district solid waste plan pursuant to Title 38, chapter 18, subchapter III.

NOTE: ¶A (left) (right) are different. ¶A (left) allows use for "resource recovery"; sub¶(1) allows similar use with the exception of waste compustion. "Resource recovery" has historically meant "waste-to-energy" although the term has broader literal meaning.

NOTE: The 2 ¶Bs are equivalent.

NOTE: ¶C (left) is equivalent to ¶C and D (right).

NOTE: ¶D (left) incorporates ¶E (right) and adds role for state authority in determining eligibility for FAME-supported projects.

NOTE: Left and right ¶s are equivalent.

The authority, pursuant to Title 5, chapter 375, subchapter II, shall adopt rules for determining eligibility, feasibility, terms, conditions and security for the loans. Money in the fund not needed currently to meet the obligations of the authority as provided in this section may be invested in such a manner as permitted by law.

3. Application of fund. Money in the fund may be used for direct loans for all or part of any project when the authority determines that:

A. The project is:

(1) Designed to substantially reduce or eliminate the production in a trade or business of solid waste or hazardous waste as defined in Title 38, section 1303; or

(2) A manufacturing project devoted to resource recovery, as defined in Title 38, section 1303, subsection 8, except that the combustion of solid or hazardous waste shall not be considered resource recovery for the purposes of this section;

B. There is a reasonable likelihood that the applicant will be able to repay the loan;

C. The amount and terms of the loan are reasonable and provide an incentive, which may include a below-market interest rate, to the applicant to undertake the project;

D. The project will result in a net decrease in solid or hazardous waste generated within the State; and

E. The project will help achieve the goals identified in the state recycling plan approved under Title 38, section 1310-M.

The authority, pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II, shall adopt rules for determining eligibility, feasibility, terms, conditions and security for the loans. Money in the fund not needed currently to meet the obligations of the authority, as provided in

4. Accounts within fund. The authority may divide the fund into such separate accounts as it determines necessary or convenient for carrying out this section, including, but not limited to, accounts reserved for direct loan funds.

NOTE: Left and right ¶s are equivalent.

5. Revolving fund. The fund shall be a nonlapsing, revolving fund. All money in the fund shall be continuously applied by the authority to carry out this section.

NOTE: Left and right ¶s are equivalent.

NOTE: Sec. 10 (left) is technical and needed to accomodate new sub§18 proposed by both.

this section, may be invested as permitted by law.

4. Accounts within fund. The authority may divide the fund into separate accounts as it determines necessary or convenient for carrying out this section, including, but not limited to, accounts reserved for direct loan funds.

5. Revolving fund. The fund shall be a nonlapsing, revolving fund. All money in the fund shall be continuously applied by the authority to carry out this section.

Sec. 10. 10 MRSA §1041, sub-§§16 and 17, as enacted by PL 1985, c. 344, §61, are amended to read:

16. **Energy conservation.** Provide financial assistance for energy conservation. The Office of Energy Resources shall provide assistance to the authority in determining technical eligibility and merit of applications for energy conservation loans. Each recipient of a loan under this section shall provide the authority, within one year, with detailed information on energy consumption before and after the completion of the energy conservation project; and

17. **Electricity.** Provide financial assistance for electricity generation projects. Any municipality, firm or corporation producing electricity by means of projects described in section 1044, subsection 12, or by means of a pollution-control project, recreational project, multi-level parking facility or combined project may, without the approval of and regulation by the Public Utilities Commission, generate and distribute electricity solely for its own use or the use of its tenant, but may not, without proper approval, sell electricity to other than

Sec. 2. 10 MRSA §1041, sub-§18 is enacted to read:

18. Recycling and waste reduction. Provide financial assistance to businesses for recycling and waste reduction projects that are consistent with the management goals and objectives outlined in the state and district plans under Title 38, chapter 18, subchapter III. The Maine Solid Waste Management Authority shall provide assistance to the authority in determining consistency, technical eligibility and merit of application for recycling loans.

Sec. 3. 10 MRSA §1043, sub-§ 2, ¶E-1 is enacted to read:

E-1. In the case of recycling and waste reduction projects, the proposed facility must be consistent with the state and district solid waste management plans under Title 38, chapter 18, subchapter III and will reduce the amount of solid or hazardous waste requiring disposal.

Sec. 4. 10 MRSA §1063, sub-§ 2, ¶I-1 is enacted to read:

I-1. In the case of recycling and waste reduction projects, the proposed facility is consistent with and will contribute to the management goals and objectives outlined in the state and district solid waste management plans under Title 38, chapter 18, subchapter III and will reduce the amount of solid or hazardous waste requiring disposal. The Maine Solid Waste Management

NOTE: Sub§18 (left and right) are roughly equivalent. Left incorporates role for new Authority and requires consistency with state plan for eligibility for FAME support.

NOTE: ¶E-1 (left and right) are roughly equivalent. Left requires consistency with state plan for eligibility for FAME support.

NOTE: ¶I-1 (left and right) are roughly equivalent. Left requires consistency with state plan for eligibility for FAME support.

an electric public utility corporation or cooperative authorized to make, generate, sell and distribute electricity; and

Sec. 11. 10 MRSA §1041, sub-§18 is enacted to read:

18. Recycling and waste reduction. Provide financial assistance for recycling and waste reduction projects. The Office of Waste Recycling and Reduction shall assist the authority in determining technical eligibility and merit of applications for recycling loans.

Sec. 12. 10 MRSA §1043, sub-§2, ¶E-1 is enacted to read:

E-1. In the case of recycling and waste reduction projects, the proposed facility will contribute to the achievement of the goals identified in the state recycling plan adopted under Title 38, section 1310-M, will reduce the amount of solid or hazardous waste requiring disposal;

Sec. 13. 10 MRSA §1063, sub-§2, ¶I-1 is enacted to read:

I-1. In the case of recycling and waste reduction projects, the proposed facility will contribute to the achievement of the goals identified in the state recycling plan adopted under Title 38, section 1310-M and will reduce the amount of solid or hazardous waste requiring disposal. The Office of Waste Recycling and Reduction shall provide assistance to the authority in determining

Authority shall provide assistance to the authority in determining consistency, technical eligibility and merit of applications for assistance under this subchapter.

technical eligibility and merit of applications for assistance under this subchapter;

#### Tax Incentives

Sec. 13. 36 MRSA §5219-C is enacted to read:

No similar proposal.

#### §5219-C. Solid waste reduction investment tax credit

1. Credit allowed. A taxpayer constituting an employing unit who purchases resource recovery equipment, source separation equipment or other equipment used exclusively by that unit, in the implementation of a solid waste reduction, reuse or recycling program, shall be entitled to a credit against the tax imposed by this Part equal to 30% of the cost of the machinery or equipment.

2. Eligible machinery and equipment. Purchases eligible for the credit allowed by this section include machinery and equipment used exclusively for the purpose of reducing, reusing or recycling solid waste generated principally by the employing unit, with the exception of machinery and equipment associated with waste incineration.

3. Definitions. As used in this section, the following terms have the following meanings:

A. "Employing unit" has the same meaning as in Title 26, section 1043;

B. "Solid waste" has the same meaning as in Title 38, section 1760-C;

C. "Resource recovery equipment" means structures, machinery or devices, singly or in combination, designed and required to separate, process, modify, convert, treat or repair solid waste generated by the employing unit so that component materials or substances or recoverable resources may be used as a raw material or for productive use.

D. "Source separation equipment" means:

(1) Add-ons or trailers designed to modify collection vehicles and dedicated to sorting and separating of collected wastes generated by the employing unit and held for the purpose of recycling; or

(2) Containers for the source separation and temporary storage of recycle-wastes by the employing unit or its employees.

4. Carryover; carryback. The amount of the credit that may be used by a taxpayer for a taxable year may not exceed the amount of tax otherwise due under this section. Any unused credit may be carried over to the following year or years for a period not to exceed 15 years or may be carried back for a period not to exceed 3 years.

## RECYCLED PRODUCT PROCUREMENT

### RECYCLED PAPER PROCUREMENT LANGUAGE

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

The terms "services," "supplies," "materials" and "equipment" as used in this chapter, ~~shall be used to mean~~ any and all services, articles or things which shall be used by or furnished to the State or any department or agency thereof, and any and all printing, binding, publication of laws, journals and reports. Except as provided in chapters 141 to 155, any and all services, supplies, materials and equipment needed by one or more departments or agencies of the State Government shall be directly purchased or contracted for by the State Purchasing Agent, as may be determined from time to time by rules adopted pursuant to chapters 141 to 155, which rules the Department of Administration is authorized and empowered to make. It is the intent and purpose of this chapter that the State Purchasing Agent shall purchase collectively all services, supplies, materials and equipment for the State or any department or agency thereof in a manner that will best secure the greatest possible economy consistent with the grade or quality of the services, supplies, materials and equipment best adapted for the purposes for which they are needed. Whenever supplies and materials are available for purchase which are composed in whole or in part of recycled materials and are shown by the seller, supplier or manufacturer to be equal in quality and are competitively priced, except for paper and paper products, the State Purchasing Agent shall purchase such recycled supplies and materials. For the purposes of this section and section 1812-B, "recycled materials" means materials that are composed in whole or in part of elements that are reused or reclaimed.

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

#### §1812-A. Report on purchase of recycled products

The State Purchasing Agent shall report on or before January ~~1/1988/~~ 1st of the First Regular Session of each Legislature to the joint standing committee of the Legislature having jurisdiction over natural resources ~~and the joint standing committee of 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.

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

§1812-B. Purchasing of paper and paper products

1. Purchase of paper and paper products with recycled 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:

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

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

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

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

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

## ADDITIONAL LANGUAGE

### §1812-C. Use of composted materials

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

### §1812-D. Coordination of procurement information and policies

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

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

### §5656 Procurement of recycled goods

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

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

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

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

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

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

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

#### §1764-E. State Government recycling and waste reduction program

The office, in cooperation with the Department of Administration, shall assess the status of recycling efforts undertaken directly by the State for its own solid waste and shall develop programs for and evaluate existing programs of recycling to reduce the generation of solid waste by the State. The programs shall include, without limitation, recycling of office papers, cardboard, used motor oil, yard waste and other materials used by the State for which recycling markets exist or may be developed.

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

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

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

3. Waste reduction and recycling plan. Each state agency shall prepare a waste reduction and recycling plan addressing the requirements of subsections 1 and 2. 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 section and with the state waste management and recycling plan. The plan shall be updated on an annual basis to increase the amount of material recycled by taking advantage of any changed circumstances. Each department will complete an analysis of additional materials to determine recycling potential, and shall incorporate these materials into plan updates. Updated plans shall be submitted to the office for approval prior to adoption.

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

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

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

B. By January 1, 1991, each campus of the University of Maine System shall establish and implement a waste reduction 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. 10. Department of Transportation recycling project.** The Department of Transportation shall undertake a comprehensive program to evaluate the use of secondary recyclable materials in construction.

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

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

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

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

D. Recycled glass and glass aggregates.

2. By January 1, 1992, the department shall report to the Joint Standing Committee on Natural Resources, the Joint Standing 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.

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;

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

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

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

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

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

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

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

2209 May 8, 1989

## SOLID WASTE LEGISLATION BY SUBJECT AREA AND LD

COMMITTEE:

Energy &amp; Natural Resources

| Energy & Natural Resources |       | LD  | LD  | LD  | LD  | LD   | LD   | LD    | LD   | LD  | LD  | LD    | LD    | LD   | LD    | LD   | LD  | LD   | LD   | LD   | LD   |
|----------------------------|-------|-----|-----|-----|-----|------|------|-------|------|-----|-----|-------|-------|------|-------|------|-----|------|------|------|------|
|                            |       | 139 | 892 | 932 | 976 | 1143 | 1431 | 10    | 144  | 145 | 339 | 351   | 477   | 590  | 692   | 784  | 827 | 886  | 957  | 1102 | 1200 |
| STATUS                     | May 8 | PH  | PH  | PH  | PH  | PH   | PH   | ENACT | OTPA | TAB | PH  | ENACT | ENACT | ONTP | ENACT | ONTP | OTP | ONTP | ONTP | PH   | ONTP |

## ISSUES

|                              |   |   |   |   |   |
|------------------------------|---|---|---|---|---|
| Bottle Bill                  | X | X | X |   |   |
| Packaging Tax                |   |   | X |   |   |
| Recycled Product Procurement | X | X | X |   |   |
| Plastic Container Coding     | X | X | X |   |   |
| Packaging Bans               | X |   | X | X | X |

|                                  |   |   |   |   |   |   |
|----------------------------------|---|---|---|---|---|---|
| Recycling Goals                  |   | X | X |   | X |   |
| Recycling Assistance             | X | X | X | X | X |   |
| Recycling Demonstration Projects | X | X |   |   | X |   |
| Waste Reduction                  | X | X | X | X | X | X |

|                        |   |   |   |   |   |   |  |  |   |   |   |   |   |  |
|------------------------|---|---|---|---|---|---|--|--|---|---|---|---|---|--|
| Solid Waste Planning   |   | X | X |   | X | X |  |  |   |   |   |   |   |  |
| Solid Waste Management | X | X | X | X | X | X |  |  | X | X | X | X | X |  |
| Authority Proposals    |   |   | X |   | X | X |  |  |   |   |   |   |   |  |
| Regional Proposals     | X | X | X | X | X | X |  |  |   |   |   |   |   |  |

[illegible]

|                      |   |   |   |   |  |   |
|----------------------|---|---|---|---|--|---|
| Cost/Rate Regulation |   | X |   | X |  | X |
| Taxes/Revenues       | X | X | X | X |  |   |

## Energy & Natural Resources

[illegible]

## ISSUES

|                              |   |
|------------------------------|---|
| Bottle Bill                  |   |
| Packaging Tax                |   |
| Recycled Product Procurement |   |
| Plastic Container Coding     |   |
| Packaging Bans               | X |

|                                  |   |   |
|----------------------------------|---|---|
| Recycling Goals                  |   |   |
| Recycling Assistance             | X | X |
| Recycling Demonstration Projects |   |   |
| Waste Reduction                  | X |   |

|                        |   |   |  |   |   |   |   |   |
|------------------------|---|---|--|---|---|---|---|---|
| Solid Waste Planning   |   |   |  |   |   | X | X | X |
| Solid Waste Management | X | X |  | X | X | X | X | X |
| Authority Proposals    |   |   |  |   |   |   | X | X |
| Regional Proposals     |   | X |  |   |   | X |   |   |

|                                |   |   |
|--------------------------------|---|---|
| Environmental Regulation       | X |   |
| Public Participation in Siting |   | X |

|                      |   |   |
|----------------------|---|---|
| Cost/Rate Regulation | X |   |
| Taxes/Revenues       | X | X |



5/6/89

# MUNICIPAL SOLID WASTE DISPOSAL IN MAINE

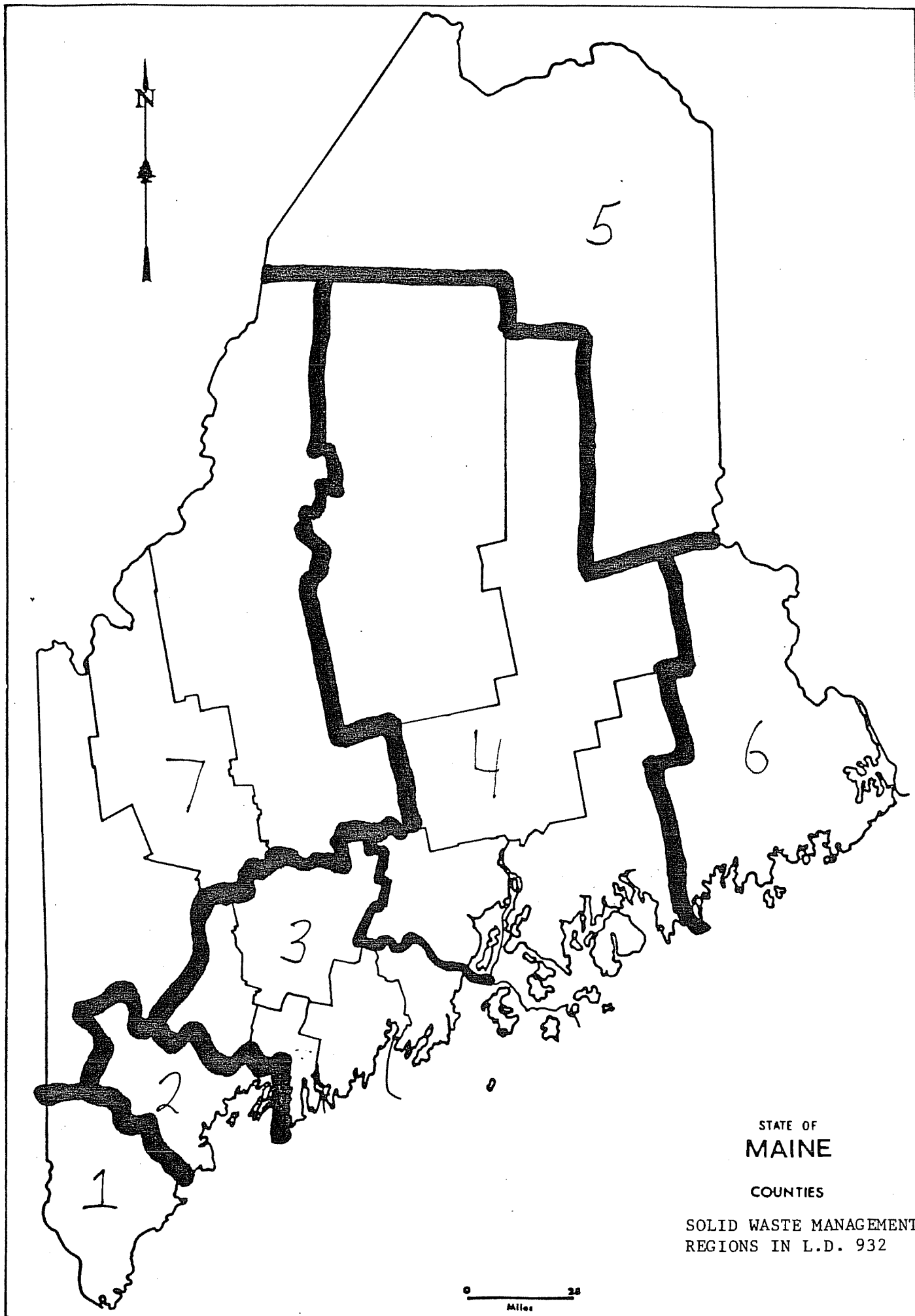
Disposal Practices - Percent 1988 Generation by Regions in LD 932

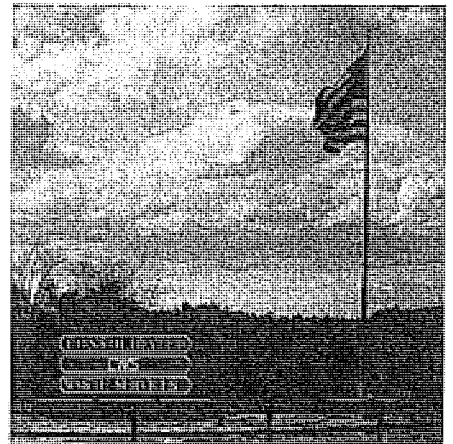
| DISPOSAL<br>PRACTICES                   | ----- % by Region ----- |          |          |          |          |          |          | % OF STATE<br>TOTAL |
|-----------------------------------------|-------------------------|----------|----------|----------|----------|----------|----------|---------------------|
|                                         | REGION 1                | REGION 2 | REGION 3 | REGION 4 | REGION 5 | REGION 6 | REGION 7 |                     |
| Incinerators                            | 93                      | 88       | 41       | 76       | 16       | 0        | 20       | 60                  |
| Municipal<br>Land Disposal<br>& Unknown | 1                       | 11       | 54       | 17       | 84       | 66       | 43       | 32                  |
| Commercial<br>Landfills                 | 0                       | 1        | 5        | 7        | 0        | 34       | 37       | 7                   |
| Exports*                                | <u>5</u>                | <u>0</u> | <u>0</u> | <u>0</u> | <u>0</u> | <u>0</u> | <u>0</u> | <u>1</u>            |
| TOTAL WEIGHT<br>(TONS)                  | 127,048                 | 193,370  | 246,796  | 146,280  | 67,492   | 18,343   | 77,300   | 876,629             |
| % OF STATE                              | 14                      | 22       | 28       | 17       | 8        | 2        | 9        | 100                 |

SOURCE: Data obtained from Draft Capacity Needs Analysis, Dec. 1988, R.W. Beck. Actual waste disposal at facilities may differ significantly from data presented due to changes in disposal practices during 1988. Data does not include bulky waste generation or the unorganized territories.

\* Imports of municipal solid waste in 1988 totaled 101,000 tons. This waste went to Maine Energy Recovery Corp., Consolidated Waste Services, Penobscot Energy Recovery Corp. and Regional Waste Systems.

2411





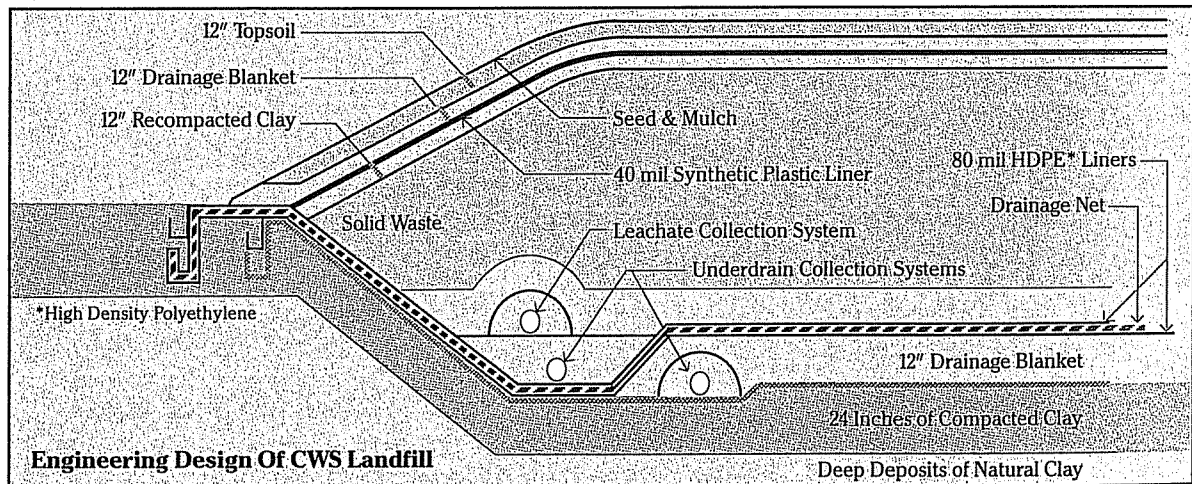
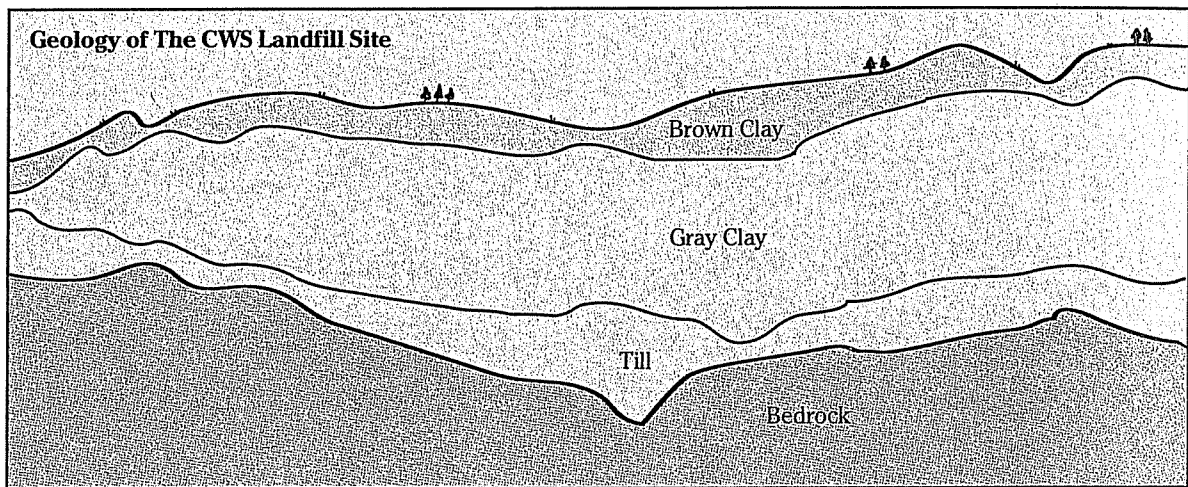
**The CWS Landfill.**

An essential partner in Maine's waste  
management solution.

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### CWS: Part of the solution

Consolidated Waste Services is a key partner in Maine's comprehensive waste management plan. Maine residents generate over one million tons of waste annually—and that number is growing. Methods for dealing with this waste include source reduction, recycling, waste to energy and landfilling. The CWS landfill is an integral part of the overall solution to Maine's waste problems.



### Geology and state-of-the-art design.

Geology is the most critical factor in the selection of a landfill site. The CWS landfill in Norridgewock is one of the most desirable sites in the state because of its location on thick deposits of low permeability marine clay. This greatly reduces the risk of groundwater contamination.

The original CWS secure landfill design incorporated a double liner, consisting of high density polyethylene material and recompacted clay, to provide for ground and surface water protection. This design utilizes a leachate and water collection and monitoring system.

CWS's expansion incorporates a state-of-the-art triple liner system.

The closure design for these facilities will provide for both clay and synthetic plastic materials.

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*The CWS landfill utilizes the most advanced solid waste equipment available, such as the specially designed 25-ton compactor shown.*



**The CWS landfill accepts three kinds of waste.**

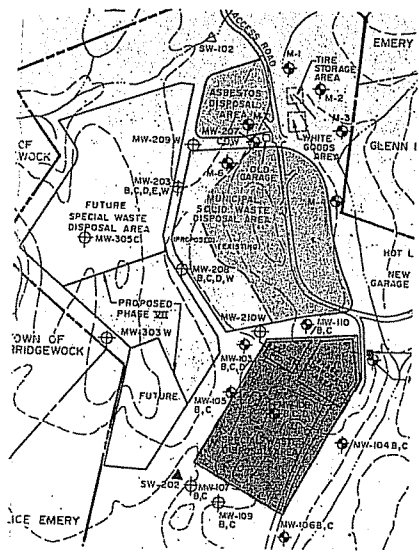
The CWS landfill processes municipal solid waste (blue); special waste such as sludge, ash and contaminated soil (red); and asbestos (green). In addition CWS recycles white goods, such as refrigerators, stoves, dryers, and other appliances, as well as wood, paper and cardboard.

**Landfill operations.**

The landfill is operated and maintained by a staff of professional managers and licensed engineers. Incoming waste loads are analyzed before acceptance and the waste is disposed and covered in accordance with federal, state and local requirements.

CWS monitors in excess of 25 groundwater wells, nine surface water sampling stations, and maintains an air quality system.

The company maintains a full time site engineer and compliance officer to ensure an environmentally sound operation.



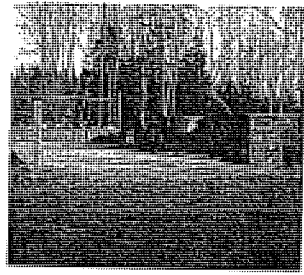
*The CWS Landfill Site Plan.*



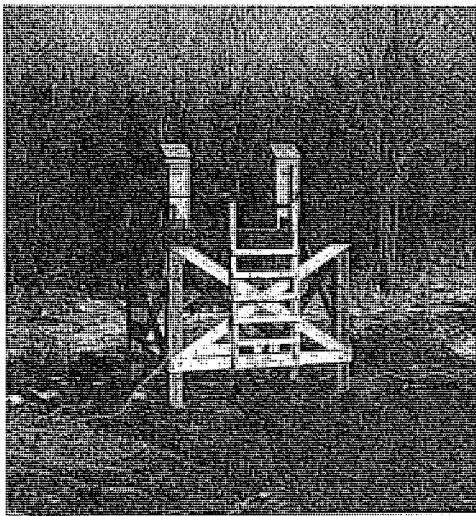
*The construction of two cells of the lined special waste landfill adjacent to the leachate collection pond is shown in the photo above.*

CWS employs a security force during all non-operating hours to provide site inspections and to ensure that unauthorized personnel do not enter the facility.

Working closely with the town of Norridge-wock, CWS has developed an emergency response manual to provide additional operating guidelines.



*Shown above is the recycling and municipal solid waste area for the town of Norridge-wock.*



*The CWS facility utilizes a high volume air quality monitoring station.*

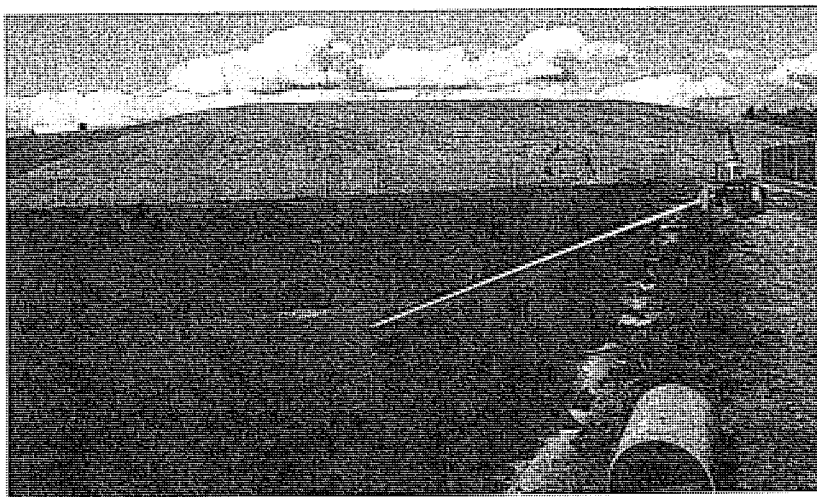
### **Independent consultants provide outside perspective.**

In addition to its own professional staff, CWS regularly uses outside consultants to provide focused expertise in certain critical areas. A sample list of consultants is provided below:

Robert Gerber, Inc.—Hydrogeology and Geotechnical Engineering  
Sevee and Maher, Inc.—Engineers  
Dr. Raymond Paynter—Ornithologist  
C.E. Environmental/EC Jordan—Ground and Surface Water Monitoring Program  
Squaw Bay Corp.—Erosion Control Consultants  
Eco Analysts, Inc.—Biologists



*CWS engineering staff employs sophisticated groundwater monitoring equipment.*



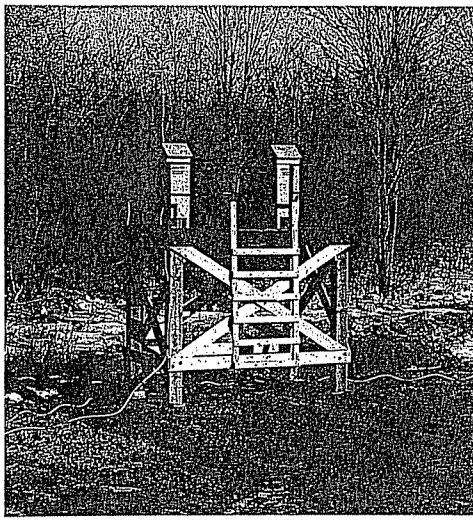
*The leachate collection pond provides for ground and surface water protection. In the background is the municipal solid waste landfill.*

### **CWS: Solid waste partner and good neighbor.**

CWS is providing a very important service to Maine. We have the expertise and technology to provide an environmentally safe solution for the disposal of municipal solid waste and special waste. As responsible professionals, we will continue to conduct our business with full consideration for the needs of our customers and the state of Maine.

**CWS**

**CONSOLIDATED  
WASTE SERVICES, INC.**



### **Independent consultants provide outside perspective.**

In addition to its own professional staff, CWS regularly uses outside consultants to provide focused expertise in certain critical areas. A sample list of consultants is provided below:

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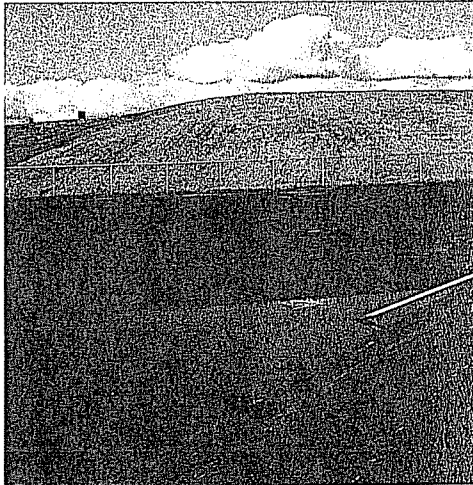
Sevee and Maher, Inc.—Engineers

Dr. Raymond Paynter—Ornithologist

C.E. Environmental/EC Jordan—Ground and Surface Water Monitoring Program

Squaw Bay Corp.—Erosion Control Consultants

Eco Analysts, Inc.—Biologists



### **CWS: Solid waste partner and good neighbor**

CWS is providing a very important service to and technology to provide an environmental of municipal solid waste and special waste. A will continue to conduct our business with fu of our customers and the state of Maine.

### **Consolidated Waste Services maintains its corporate offices at:**

33 Rigby Road  
South Portland, Maine  
04106

Phone: (207) 773-1122

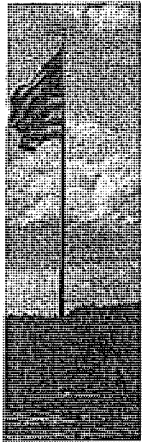
Fax: (207) 773-5919

### **CWS also has engineering offices at:**

218 Water Street  
Gardiner, Maine 04345

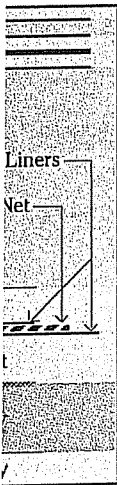
Phone: (207) 582-5633

Fax: (207) 582-4981



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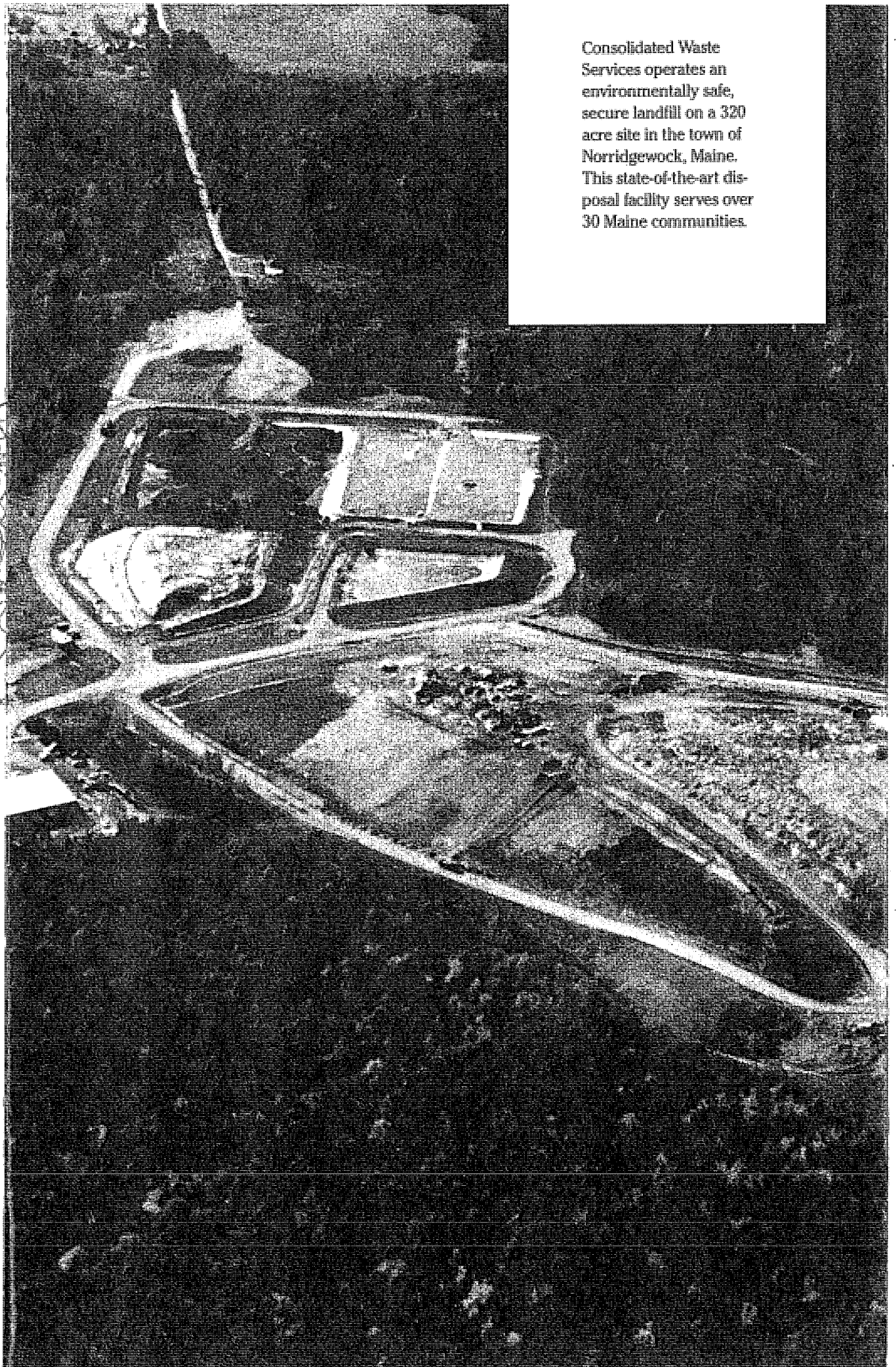


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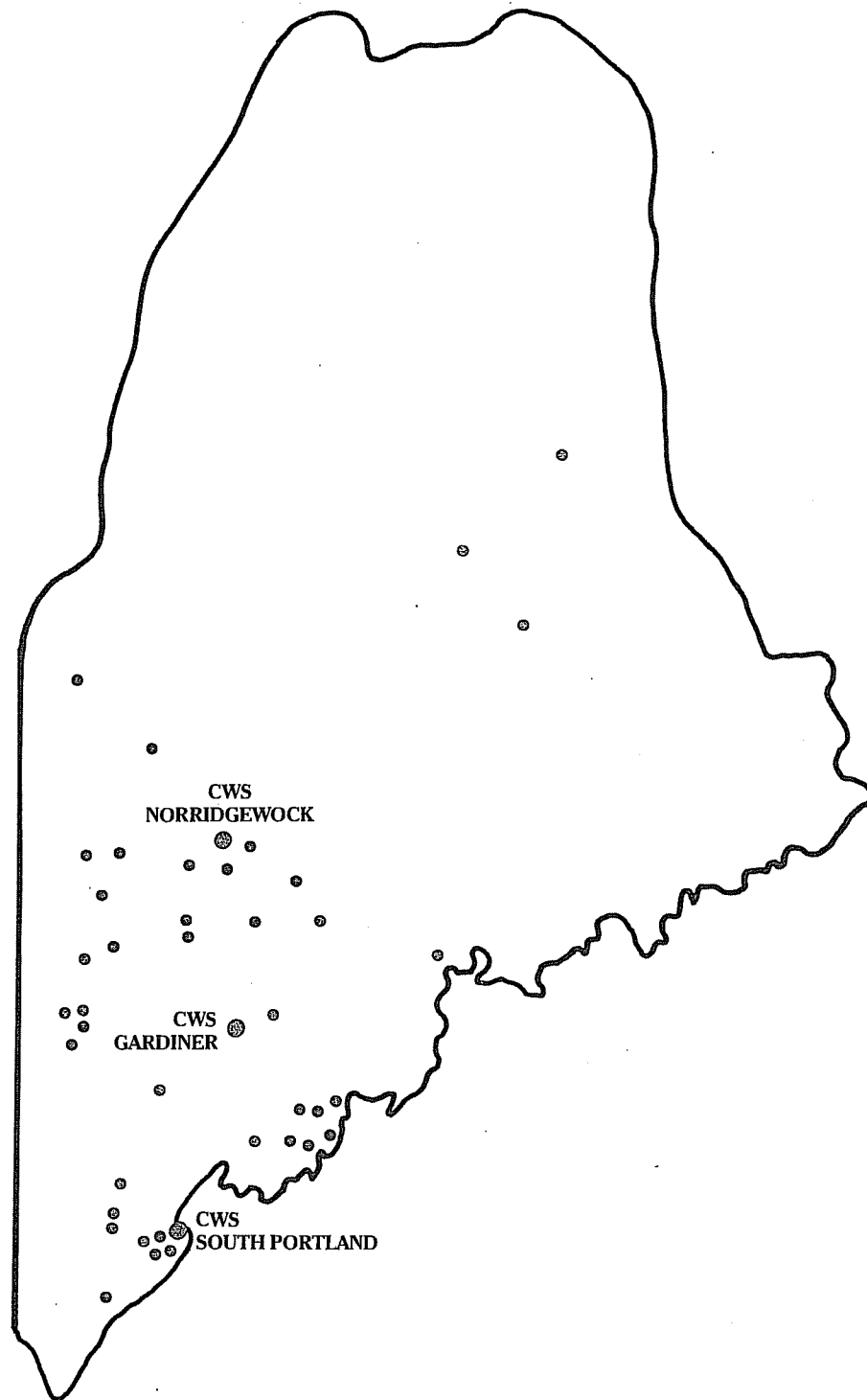
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Consolidated Waste Services operates an environmentally safe, secure landfill on a 320 acre site in the town of Norridgewock, Maine. This state-of-the-art disposal facility serves over 30 Maine communities.



The CWS landfill serves over 25 major industries statewide including, ship building, paper mills, water and sanitary districts, and over 30 towns and municipalities.



**Industrial Users •**

**Municipal Users •**

## **Nine States Budget \$300m For Recycling in '89-'90**

**By Kathleen Meade**

More than \$300 million could be spent by just nine states this year and next on recycling programs and local program subsidies, according to a survey by **Recycling Times**.

One surprising result of this research is that the states with the largest waste streams and recycling goals aren't the ones allocating the most money.

Some of this may be attributed to the source of funds. New York has the highest waste generation of the nine states (note that the figure includes commercial wastes). Yet it has allocated less money than Connecticut whose municipal waste stream is only a fraction of New York's. One reason for this: New York has designated the state's general fund as its only source of recycling monies—and because the state is currently experiencing a budget crisis, it can't even predict how much will be available for recycling in 1989.

Connecticut, meanwhile, will pay for recycling from three sources; A state trust fund's surplus, a U.S. Department of Energy oil charge refund, and the proceeds of bond sales. The state has sold \$10 million in bonds for 1988-89, and plans to sell \$16 million more for 1989-90.

Michigan, too, will have \$86 million to spend on recycling in the next five years—thanks to bond sales approved by voters in the November election.

Other states, such as New Jersey and Pennsylvania, are finding a source of recycling funds in tip fee surcharges on municipal solid wastes (MSW) at

*Continued on page 5*

# State Fees, Funds & Budgets

Continued from p. 1

landfills. New Jersey also charges its \$1.50/ton fee at transfer stations on MSW headed for out-of-state disposal facilities.

Florida has taken disposal fees one step further, and will charge newsprint users 10 cents for every ton of newsprint they use that is not recycled. Consumers will be charged 50 cents for every tire they buy. These funds will help pay for the state's \$38 million-per-year program.

But extra disposal fees, if not carefully applied, can generate lawsuits. That's been the case in Illinois, where a lawsuit against the state's graduated landfill surcharge (about

Those states with more money allocated for recycling are spending it on more than just municipal program grants. Connecticut, for example, is using the bulk of its budget to establish eight regional materials recovery facilities (MRFs) by 1991.

Massachusetts is also using a major portion of its funding in 1988-89 to construct a regional processing facility. About \$3 million will be spent on the Springfield MRF, which will serve 64 municipalities in the southwestern part of the state.

Both Illinois and Michigan will set aside a good portion of their recycling budgets for technical research

## Nine States' Budgets For Recycling

—A Recycling Times survey—

| State                | MSW Tpy | Recycling Goal              | 88-89 Funds | 89-90 Funds | Source                                                                           |
|----------------------|---------|-----------------------------|-------------|-------------|----------------------------------------------------------------------------------|
| <i>(in millions)</i> |         |                             |             |             |                                                                                  |
| CONN                 | 2.6     | 25% by 1991                 | \$20        | \$16        | DOE overcharge fund<br>bonds<br>state trust fund                                 |
| FLA                  | 15      | 30% by 1994                 | \$38        | \$38        | sales tax roll-back<br>DOE overcharge fund<br>50 cents/tire fee<br>newsprint fee |
| ILL                  | 17      | 25% by 1996                 | \$8         | \$16        | landfill surcharge                                                               |
| MASS                 | 6       | 25% (no mandate)            | \$3-\$4     | NA          | bonds (\$35 million for 3-5 years)                                               |
| MICH                 | 11.8    | 2005                        | NA*         | NA*         | bonds (\$86 million for 5-10 years)                                              |
| NJ                   | 10      | 15% in 1 yr<br>25% in 2 yrs | \$12        |             | landfill/transfer station surcharge                                              |
| NY                   | 20.2*   | 40% by 1997                 | \$15        | NA          | state general fund                                                               |
| PA                   | 9.2     | 25%                         | \$7         | \$18.5      | landfill surcharge                                                               |
| RI                   | .42     | 15% by 1991                 | \$6.2*      | \$8         | solid waste management fund                                                      |

NA — figures not available at this time

\*Michigan has designated \$86 million to be spent on recycling in the next five to 10 years, but has not determined how much it will spend in each fiscal year.

New York's figure of 20.2 tpy of waste generated includes commercial and municipal solid waste.

Rhode Island figure does not include the Johnston materials recovery facility, which the state is funding.

95 cents per ton) could end that source of income, and keep the state from getting some of the money it has made from the surcharge thus far.

and market development. Florida, with a bigger budget than most of the other states, can afford to give grants for innovative ways to manage such things as old tires and used oil.

## Plastic Six-Pack Yokes Banned in Massachusetts

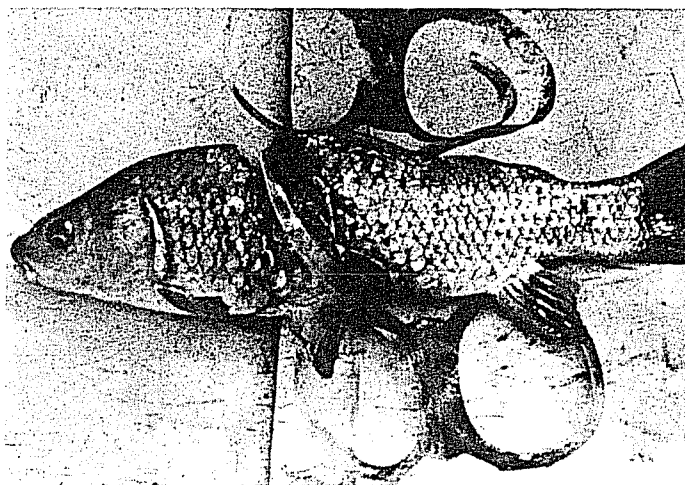
Walk along any beach in Massachusetts and inevitably you will come across the ubiquitous plastic six-pack yoke. If you're lucky, the rings will have been cut and the device holds nothing but algae or sand. Unfortunately, all too often, these rings, when done with their primary purpose, become traps for marine animals.

In an effort to clean up Commonwealth shores and make them safer for seabirds, marine mammals, fish and other creatures, Secretary of Environmental Affairs John P. DeVillars has proposed amending existing regulations of the state's bottle bill to mandate that six-pack yokes degrade 60 days after disposal. (Current regulations, while requiring the yokes be degradable, have no specific time limit.)

"By this action, we are once again sending the message that when it comes to environmental protection, Massachusetts intends to lead the way. There are 17 states -- including ours -- which have restrictions on the type of "six-pack" rings that can be sold. When our proposal is adopted, no state in the union will have a more far-sighted and environmentally sound standard than the Commonwealth," DeVillars said at a March 1 "Plastics in the Marine Environment" Conference.

(Florida now has the most stringent restrictions, with degradation times of 120 days.)

As a result of this action, manufacturers are expected to explore using new,



*Fish entangled in plastic six-pack holder.*

Ohio Department of Natural Resources.

cornstarch-based plastics that can quickly degrade or return to packaging with cardboard.

"Society needs to re-think its views on garbage in order to move from a "throw-away" society to an environmentally-responsible society," the Secretary added.

According to DeVillars, the amendments would take effect in June, after being formally proposed in mid-March, reviewed by the public and published in the *Environmental Monitor*.

The six-pack yoke announcement was made during a half-day conference, sponsored by the Massachusetts Audubon Society, MCZM, and the Urban Harbors Institute of U Mass/Boston, that looked at degradable plastic technologies and recycling programs.

Of particular concern among participants was the end products of various bio-, chemical/photo-, and physically degradable plastics -- whether the new products are just transferring the problem down to a lower level on the

food chain. Questions were raised as to terminology, with several speakers suggesting use of the term *disintegration* rather than *degradation*.

According to a report from the Society for the Plastics Industry, "Biodegradation is not relevant to the decay of litter because it is a slow process and requires moisture and burial; biodegradation in landfills may have only marginal benefit since it does not remove all materials or even all biodegradable materials in a reasonable time; and while photodegradation may have limited value in reducing litter, it is not relevant to landfills because of the lack of UV radiation." The marine environment compounds these problems. Populations of organisms necessary for biodegradation cannot be supported and attached debris can sink lightweight plastic out of the light zone necessary for photodegradation.

Speakers representing recycling concerns, expressed

## PLASTICS SYMPOSIUM

continued from page 3

their concerns that reliance on degradable/disintegratable plastics would lessen public interest in recycling and recovery programs. While technology is now available to reprocess plastics into new products, degradable plastics cannot be included. The cost factor also figured into the picture, with plastics now proving to be a cheaper alternative to paper or glass -- thereby reducing costs to packagers.

In an effort to stem the tide of plastic packaging, Rep. Mark Roosevelt of Boston has proposed legislation that would provide an economic incentive to use recycled or

recyclable materials. His bill, H.1783 (Comprehensive Packaging Reduction and Recycling Program) would impose a three cent fee on most containers of products sold in the Commonwealth. No fee would have to be paid by the seller or supplier who makes the first sale, if the package is made of 50% recycled materials or if the package's predominant material is being recycled at a rate of over 50%. At a March 2 Natural Resources and Agriculture Committee hearing, positive and negative arguments were about even in number.

Speakers at the March 1 conference included Rep. Roosevelt; Sec. DeVillars; Dr. Gerard Bertrand, Presi-

dent of the Mass. Audubon Society; Dr. Richard P. Wool of the University of Illinois, a developer of corn-starch-based degradable plastics; Dr. R. Clinton Fuller of the University of Massachusetts-Amherst, who has been studying the biochemistry of "natural" plastics that would truly biodegrade into carbon dioxide and water (these plastics would be synthesized by bacteria); Tom Tomaszek, Manager of Recycling Operations for Plastics Again, in Leominster, MA; and Ralph Earle III of the Department of Environmental Quality Engineering, Division of Solid Waste.

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# Coastlines

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# ENFORCING MANDATORY RECYCLING ORDINANCES

**T**HERE'S a knock at the door! Standing outside is a woman in a blue uniform with a badge that reads RECYCLECOP. "You've been reported for not recycling," she says. "If we find recyclables in your trash next week, you'll receive a summons and could be fined up to \$500."

"What, are you crazy?" asks the householder in disbelief. "No, sir," comes the reply. "It's the law."

The scene, something that could be out of a B movie, may seem a little farfetched, but as communities become more serious about developing recycling programs, they are also becoming more serious about their citizens participating in them.

In many areas, particularly in the eastern United States, local municipalities are establishing mandatory recycling ordinances that require citizens not to throw specified recyclables into the trash. They must either participate in the community's recycling program or some other recycling effort. These ordinances are being developed in an effort to stimulate participation and reduce the amount of materials going to other disposal alternatives.

While some municipalities have had such ordinances on the books for a long time, in reality, they were taken about as seriously as the one that required all horses to be tied at an appropriate hitching rail. There was no enforcement, so it was an ordinance in name only.

One of the first municipalities in the United States to take its recycling ordinance seriously was Woodbury, New Jersey. Under the direction of Councilman Don Sanderson, Woodbury developed a recycling program, established its mandatory ordinance and *actually enforced it*. If people put recyclables in their trash, they were warned. If they persisted, they were fined! But Woodbury was the exception not the norm in the early 1980's.

With more than a thousand municipalities in the northeastern U.S. obligated to developing mandatory recycling ordinances, there are a lot of people asking questions. Should we worry about enforcing it? How do we

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*As communities become more serious about developing recycling programs, they are also becoming more serious about their citizens participating in them.*

Jim Glenn

know if a person is recycling? Who is responsible for checking? If people don't comply, what do we do?

## WHY WORRY ABOUT ENFORCEMENT?

It is generally recognized that passing a mandatory recycling ordinance will increase participation in a program. To be sure there are many good voluntary efforts in this country, but mandating participation provides that extra level of support that can mean a lot in terms of diverting materials. Just the act of passing the ordinance helps the program by publicizing and giving it legitimacy. While passing an ordinance helps establish its legitimacy at the outset, enforcement is important because it shows citizens the municipality is serious about recycling and means to sustain the program.

Enforcement procedures also help to educate the public, not those who want to recycle, but those who need a little extra push. One example of what an effective enforcement program can do is illustrated in Islip, New York. Islip developed a mandatory recycling program in the early 1980's that met with a fair amount of success. At that time, it was probably the largest mandatory program in the country. Participation at first was estimated to be close to 50%, but as the program matured participation declined, reaching by some estimates 30 to 35% by 1987. After evaluation, the town decided to upgrade its enforcement efforts as part of a package aimed at increasing participation. The results have been spectacular, with participation now estimated at 90 to 95%.

## HOW DO YOU KNOW IF A PERSON RECYCLES?

The most basic question in ordinance enforcement is how do you determine if a person or business is recycling? In most cases, the answer is, "Look in the trash," and that is where the people involved in enforcement usually look. For residential collections, communities either perform a random check of trash containers or rely on the garbage collectors to monitor the trash.

Most communities start the monitoring process by checking on the trash set out, but in Islip the first check is on the recycling container. If a house does not have a container

out when the area is checked, it is noted by an inspector and the next trash day that residence's trash is checked for recyclables.

While enforcement emphasis is generally on trash containing recyclables, communities also are concerned that the recyclables are prepared properly. As Gerald Knoll of Hamburg, New York notes: "Having trash in your recyclables is just as bad as having recyclables in your trash. We check for both."

Where commercial sector recycling has been mandated, inspection of the trash stream is a bit more difficult. Because most commercial sector trash and recycling collection is handled by the private sector, it may be difficult to determine where recycling is taking place. In many instances, commercial loads are taken to "dump and pick" operations where the recyclables, particularly corrugated cardboards, are taken out. Therefore, looking in the trash receptacle (if that is possible) may not even indicate if recycling is taking place.

One approach is to monitor each commercial establishment, as in Hanover, New Jersey, where they all are required by ordinance to submit quarterly recycling reports. Recycling coordinator Joe Manning tracks those reports and is beginning to perform site visits to those that don't comply. In Prairie du Sac, Wisconsin, the city's hauler collects trash and recyclables from both the residential and commercial sectors, so he can keep tabs on both with relative ease. With the full backing of the city, the hauler is able to monitor compliance.

Larger jurisdictions would have a more difficult time visiting each of its commercial establishments. To overcome the problem of policing the commercial sector, several counties in New Jersey, including Monmouth and Morris Counties, have placed inspection teams at either the landfill or transfer station to identify those companies that don't comply. "We're looking for commercials that are dumping significant amounts of recyclables," says Lori Scozzafava, Morris County Recycling Coordinator. What are "significant" amounts you may ask? "That's a bit difficult to define," answers Lori, "But we've had firms try to dump bales of corrugated here. Now that's significant."

#### **WHO IS RESPONSIBLE FOR CHECKING AND ENFORCING?**

Responsibility for enforcing a mandatory ordinance ultimately rests with the municipality, with either the collector of the recyclables/trash or an inspector performing the monitoring function. Where trash containers are inspected, the collection crews would be the obvious choice to complete the work. And when municipal crews do the pickups they usually do the policing. Although the inspection may slow the collection process, in most cases it is not a major time consumer.

However, when private crews collect the

## **Responsibility for enforcing a mandatory ordinance ultimately rests with the municipality.**

trash, particularly when they contract directly with homeowners, things aren't quite so simple. Private firms may become involved in enforcement, although it is not something they usually do willingly. According to Darlene Snow, Recycling Program Manager at the National Solid Waste Management Association, the NSWMA has suggested to its members that they work with communities on enforcement and do everything they are willing to do to help make a program successful. "Some companies will be more than willing to help. Some will view including enforcement in their programs as a marketing tool and will help, while others would prefer that the municipalities handle the job," says Snow.

That range of opinion is echoed by individual haulers. Barbara O'Brien of O'Hara Sanitation in suburban Philadelphia believes that private haulers can provide monitoring services as part of a full service collection package. A spokesman for another firm says his company is willing to work with municipalities in monitoring compliance, but doesn't want to get involved in the actual enforcement. "After all, it's the town's law, not my company's."

An alternative to using the collectors to perform monitoring activities is to utilize enforcement officers. While it's not likely the municipality's police department will be saddled with the task, in some places municipal code enforcement officers have been used. Other towns, including Vineland and Woodburg, NJ, have hired a full time recycling enforcement officer. Islip uses its eight existing code enforcement officers to monitor participation. Inspectors are also being used at transfer stations and landfills to inspect loads (particularly commercial loads) for recyclables and identify the offenders so that they can be notified.

#### **WHAT TO DO IF THEY DON'T COMPLY?**

The high participation rates of recycling programs that have recently been implemented suggest that the majority of people will recycle if they are informed about the program and it's made convenient for them. However, there are still a great many folks out there who will find some excuse for not taking part. With a mandatory ordinance in place, the municipality has an opportunity to do more than suggest people cooperate. It can *insist* that they cooperate.

Even with an ordinance in place, most municipalities still place heavy emphasis on education prior to taking any type of enforcement action. For instance, in Evesham Township, New Jersey, when a person is found not to be recycling they are sent a letter informing them of the program and are provided information on how to become involved.

The first action against a non-recycler in many cases is to leave their garbage behind with a note attached explaining the reason.

The same is true for those who don't prepare the recyclables properly. The material is left behind, with a notice that explains they were not prepared properly. In some instances, the notice also states that the person is in violation of the municipal ordinance.

A stepped approach to enforcement is usually followed—first educating, next warning (in many cases, several times), and finally taking enforcement action. That is the type of approach taken in Haddonfield, New Jersey. At the first violation, the trash collection crew places a tag on the trash container and provides the township manager with a copy to track the monitoring actions. If the prob-

"The first year we enforced the ordinance we fined nine people. We haven't had to fine anyone since."

lem isn't corrected the second week, the container is again tagged and a sanitation supervisor makes a site visit. Should the problem continue (which has never happened), the person can be summoned at that point.

The idea of summoning and fining citizens for not recycling is something that most municipalities would like to avoid. In fact, even in those communities that actively monitor compliance, few have ever had to resort to summons and fines. Charles Williams—Vineland, New Jersey's Recycling Coordinator—notes that his community's approach includes a four step attack: First a notice on the trash container, then a mailed notice for the second violation. The third time a certified letter requiring compliance is sent, and finally a summons. According to Mr. Williams, most people comply after the second letter. "We've only gotten to the summons stage twice since 1983." In Islip, "the first year we enforced the ordinance we fined nine people," says Elizabeth Gallagher, the Commissioner in charge of the recycling program. "We haven't had to fine anyone since."

#### COMMERCIAL ENFORCEMENT

While most communities with mandatory residential programs have settled into a similar pattern of enforcement, the enforcement of commercial mandates are less clearly established. In Morris County, after a violating company has been identified by the inspectors at the transfer station, Scozzafava's office sends a letter to the violator. "We've probably had an 80% compliance rate with our letter," she notes. "We estimate that our efforts have led to more than 200 commercial programs being developed." When the violators can't be identified, as in the case of a mixed load, the county reports what information it has to the municipal coordinators from where the collection came and puts the hauler on notice as well.

One approach that Morris County may also begin using is to require its health officials to include an inspection of the trash practices of commercial establishments when they make their regular inspections. Another approach to the enforcing commercial mandates is being used by Islip. When a hauler shows up at the landfill with a load that contains recyclables, they are refused dumping privileges until the recyclables are removed. "It's a strong incentive for the haulers to get their customers to comply," notes Gallagher.

Like most legislation, mandatory recycling ordinances are easier to pass than to enforce. Are they worth the effort? You be the judge. The communities listed below have all made conscious decisions to monitor and enforce mandatory ordinances.

| Municipality       | Participation Rate |
|--------------------|--------------------|
| Evesham, NJ        | 90%                |
| Haddonfield, NJ    | 95%                |
| Hamburg, NY        | 98%                |
| Islip, NY          | 90-95%             |
| Prairie du Sac, WI | 97%                |
| Vineland, NJ       | 85%                |

# OPINION

## Editorial

# The PUC as solid waste regulator of choice

We don't buy the objections of the Public Utilities Commission to a bill that would require the PUC to regulate the Maine Energy Recovery Co. and the rest of the solid waste industry.

We are also skeptical of the objections of Kuhr Technologies, which owns waste-to-energy incinerators in Biddeford and Orrington.

And we're not sure, in the end, whether a proposal by the McKernan administration to create a rate-regulating solid waste board is really an acceptable alternative.

The PUC objection was delivered by General Counsel Joseph Donoghue, who said the commission opposes the bill because it would open the PUC up to "a whole new area of regulation ... which traditionally has been an environmental area."

In a subsequent interview, Donoghue observed that those calling for regulation of waste-to-energy incinerators and other solid waste facilities seem to be in search of something more sweeping than the regulation of rates and service that is the PUC's stock in trade when dealing with the state's electrical, communications, water and other utilities. What they want, he said, is a forum for complaining about environmental concerns, which he says the Department of Environmental Protection already provides. Donoghue said the commission fears it would be saddled with general jurisdiction over businesses operating in an area that is currently outside the PUC's expertise.

He conceded that the PUC sometimes becomes the complaint

bureau of first or last resort when other regulated utilities run afoul of environmental laws. Usually, he said, the PUC refers complaints to other agencies. Water quality complaints, for example, are shuttled to the Department of Human Services. A complaint regarding an electrical utility's storage of transformers containing PCBs would be referred to the Department of Environmental Protection.

We see no reason that same routing system could not be applied to the solid waste facilities that a bill sponsored by Sen. Dennis Dutremble would place under PUC jurisdiction. If the Maine Energy Recovery Co. incinerator in Biddeford were suspected of being in violation of its air emission license, the complaint should go to the DEP's air bureau. If a landfill were suspected of leaching contamination into the groundwater, the complaint should go to the DEP's water quality division. While those complaints might become relevant to PUC deliberations about quality of service, PUC would not be expected to serve as the lead agency for dealing with complaints about compliance with DEP licensing conditions.

But the PUC should be the agency to deal with the solid waste industry's business practices, rates and capital expenditures if there is to be any regulation of this industry at all.

For one thing, incinerators and other solid waste facilities pass the first test for government regulation in that they have a monopolistic hold on supplying an essential service — the

disposal of our trash. Since they provide an essential public service, it takes no stretch of the imagination to label them as public utilities, just as the power and communications companies are public utilities.

Even less compelling than the PUC's objections were those of Lynn Johnston, vice president of operations at Kuhr Technologies Inc. Johnston told the legislative hearing on Dutremble's bill that "the DEP has spent eight years dealing with solid waste. It seems inefficient to transfer jurisdiction to another branch of government, which has neither the expertise nor the experience to regulate solid waste at this point."

It may be true that the PUC does not know the solid waste business. But the PUC does have the expertise in rate-setting. Once the commission has spent some time initially mastering the intricacies of the solid waste business, regulating incinerators and landfills should become a part of its routine. It is a given that the PUC would need additional staff to embark on regulation of yet another industry.

The major flaw in Johnston's argument that his business is already regulated by the DEP is that the DEP does not regulate rates. Since we do not want to create a marketplace — a proliferation of competing facilities — to regulate rates, there is a need for government regulation. (We doubt that the marketplace could regulate rates anyway. There is a potentially endless supply of trash from outside the state that would fuel as many incinerators and fill as many landfills as the industry could build. Would a

fuller marketplace force competitive pricing? Or would it simply make Maine the dumping ground for more and more trash from farther and farther away?

The McKernan administration believes the best approach to solid waste regulation is the governor's proposed solid waste authority. That authority, which would have rate review responsibility, would be better than nothing. But there is an inherent conflict when one authority regulates rates and at the same time has the power to go into competition with the utility and to sponsor solid waste districts authorized to establish fees and enter into contracts with waste companies on behalf of communities.

Regulation of the solid waste industry should be arms-length regulation. There is a need for state government to seek solutions to pressing solid waste problems, but there is a need for a separate authority to oversee the solid waste industry with the same impartiality the PUC exercises in regulating other utilities.

All in all, we're not persuaded by the discussion so far that Dutremble's proposal would be a bad one. It might make life more difficult for those in the industry, but it should not be crippling or fatal to those who provide this essential public service. But if Central Maine Power Co. and New England Telephone can do business as regulated utilities — and they do quite nicely, thank you — we see no reason the solid waste industry could not submit to the rigors of a public interest review of its business practices.

**A SUMMARY OF  
LD 932 AN ACT TO IMPROVE  
THE MANAGEMENT OF SOLID WASTE IN MAINE  
  
GOVERNOR MCKERNAN' S  
SOLID WASTE MANAGEMENT LEGISLATION**

Generally, the legislation establishes a new system of solid waste management, outlines new responsibilities for state and local governments and the private sector, includes financial incentives for waste reduction, recycling and appropriate disposal, and requires individuals, municipalities, and businesses in the State to engage in planning for waste management and to comply with certain waste reduction and recycling objectives. The specific elements of the legislation are as follows:

**Establishment of Policy Goals**

**Waste Hierarchy and Recycling Goals.** The legislation sets forth a waste hierarchy that sets priorities for planning goals and management activities and establishes a state recycling goal of a 25% reduction of the waste stream in 1995. The hierarchy is waste reduction, recycling, resource recovery and conservation, and secure land disposal. All state and district planning activities and all siting decisions must address the waste hierarchy and recycling goal.

**Creation of a Solid Waste Management System**

A new, quasi-public authority and seven district authorities are created to assume broad responsibility for the management and financing of waste reduction, recycling and disposal activities.

**Maine State Solid Waste Authority.** The state authority is a quasi-public organization much like the Finance Authority of Maine and is governed by a board of seven public member directors appointed by the Governor with legislative confirmation. The authority is advised by the Solid Waste Management Advisory Council

reflecting representation from a broad range of interest. The executive director is appointed by the Governor with legislative confirmation. The Office of Recycling and Waste Reduction, currently within the Department of Economic and Community Development, its staff and functions will be transferred into the state authority.

The authority is charged with the following responsibilities:

- the development and implementation of the state's solid waste management plan;
- the responsibility for statewide waste reduction and recycling initiatives;
- the siting, financing, construction, ownership or operation of wastes determined to be a state responsibility;
- the review of fees charged for waste disposal services;
- the provision of financial and technical assistance to districts, municipalities, and businesses;
- public education and information;
- the review of sites for consistency with state and district planning objectives;
- approving district solid waste management plans; and
- directing wastes from one facility within the state to another during emergency situations.

**Solid Waste Management Districts.** Seven solid waste management districts are established to plan, construct, maintain, operate, and otherwise provide for a system of solid waste management for wastes generated within the district. The districts which are counties or aggregates of counties are based on the recommendations of the RW Beck capacity needs analysis conducted for the DEP.

- Region I: York county;
- Region II: Cumberland county;
- Region III: Androscoggin, Kennebec, Sagadahoc, Knox and Lincoln counties;
- Region IV: Waldo, Hancock, Penobscot and Piscataquis counties;
- Region V: Aroostook county;
- Region VI: Washington county;
- Region VII: Oxford, Franklin and Somerset counties.

The districts will be governed by boards of seven directors who are residents of the district. One county commissioner and two public members shall be selected by the county commissioners of the district. The municipal officers of the district shall

select three members. The six members shall select the seventh and final member of the district board.

The districts have the responsibility to conduct the following activities:

- develop the district solid waste management plan;
- plan, design, finance, construct, and operate waste management facilities;
- provide waste management services such as transportation, recycling, market development;
- contract the operation of waste facilities or services;
- site waste facilities;
- borrow to finance district facilities;
- exercise the power of eminent domain;
- develop and implement solid waste management regulations regarding district facilities and services;
- provide technical assistance to businesses and municipalities seeking to accomplish district solid waste management objectives; and
- conduct public information and education activities.

## **State and District Planning**

The new state authority and district solid waste management authorities will develop state and regional plans to guide and direct waste management and recycling activities.

**State Solid Waste Plan.** The state plan, the first to be developed by DEP by September 30, 1989 and adopted by the state authority, will include the following components:

- a characterization of wastes generated and disposed of in the state, its amount, type, source and the costs of management;
- an estimate of existing waste management capacity;
- projected demand at least five years into the future;
- a recycling assessment;
- an assessment of competition in the industry;
- options for waste management;
- state management goals and objectives including regional objectives.

The State plan will provide guidance and direction to the authority, districts, and municipalities in planning and implementing solid waste management and recycling alternatives.

It will be adopted by the authority by January 1, 1990 after consultation with the DEP, the districts, and a state solid waste management advisory council. The plan will also serve as the basis for determinations of consistency in facility siting.

**District Solid Waste Plans.** District plans will be adopted within one year of adoption of the State plan, but no later than January 1, 1991. District plans will be developed in consultation with an advisory committee and will include the following:

- an inventory of existing solid and special waste management practices;
- future waste disposal needs;
- an assessment of recycling activities;
- plan implementation actions;
- public education and compliance;
- siting including candidate sites;
- enforcement;
- local participation;
- public notice.

District plans will be submitted to the authority for review and approval. The review process includes a 45 day comment period for regional councils, municipalities and interested parties. If a district plan is not approved, the authority may develop and impose a plan for the district. Both planning, technical, and financial assistance will be available to the districts to develop and implement their plans.

## **Recycling Initiatives**

**Recycling Assistance.** The state authority is directed to manage the recycling programs. The Office of Recycling and Waste Reduction in the Department of Economic and Community Development will be transferred to the new authority. This office, in addition to existing responsibilities, will manage technical, financial and planning assistance programs for municipalities, districts, and businesses in order to accomplish waste reduction and recycling goals and requirements including grants to districts to hire recycling coordinators and grants to municipalities and businesses to establish recycling programs.

**Local Recycling Responsibilities.** It is the responsibility of municipalities to establish recycling programs and programs of household hazardous waste collection. Specifically, the legislation includes:

- mandated recycling targets for Maine communities

\* All communities of 5,000 population or greater must recycle to achieve a 25% reduction goal by 1994, separate at least three materials, establish local ordinances to accomplish recycling objectives, provide scheduled pick-up or drop-off sites and transportation and equipment sufficient to accomplish the recycling program.

\* Each district must recycle to achieve a 25% goal by 1995;

\* All communities mandating recycling and practicing curbside collection must provide a container for households.

\* All communities must recycle one or more of seven proposed materials by 1995. These materials are newsprint, corrugated cardboard, mixed paper, glass, leaf and yard waste, plastics or others determined by the municipality.

**Business Responsibilities.** Businesses shall cooperate in meeting the state recycling goal through a mandated office paper recycling program and through the provision of incentives such as low interest loans and sales tax exemptions for the purchase of machinery, equipment and materials that recycle or reduce wastes.

- office paper recycling program for Maine businesses

\* Companies with 200 or more employees at a single site must be recycling by 1991;

\* Companies with 50 or more employees at a single site must be recycling by 1992;

\* Companies with 15 or more employees at a single site must be recycling by 1993.

- Sales and use tax exemption for machinery, equipment and materials used in recycling or waste reduction.
- low interest loan program established in FAME
- provision of market development assistance for recycled materials.
- technology transfer programs.
- industrial sludge reduction.

**State Government Initiatives.** State government will also institute an aggressive state recycling program in the Capital Complex.

**Public Awareness.** Public awareness and education will be accomplished through media campaigns, the development of educational material, and a K-12 school curriculum.

**Extend the Bottle Bill.** The bottle bill will be extended to include single serving non-carbonated beverages, wine and liquor bottles.

**Coding of Plastics.** To assist in the separation and source reduction of plastics, plastic containers will be required to bear a uniform code which describes the container's composition.

## **Siting of New and Expanded Facilities**

New requirements are proposed to improve the siting process for new and expanded waste disposal facilities.

**Designation of Candidate Sites.** Six months after the district plans have been approved, the districts will designate candidate sites that meet the objectives of the district's solid waste management plan and general suitability criteria. Site suitability criteria are economic and public interest factors including the site's location in relationship to transportation and population, its capacity, pricing, and preliminary environmental suitability.

The authority will have a similar responsibility for designating sites for wastes determined to be a state responsibility. The Department of Environmental Protection shall review and comment on the proposed candidate list before it is adopted.

**Review of Waste Disposal Facilities.** Applications for new or expanded waste disposal facilities will be reviewed in two phases:

- Phase I is a review of the suitability of the site and its consistency with state and district plans. A site that is on the district's candidate list will be considered consistent with the district plan. This review will be conducted by the authority. A proposed site that is not on a candidate list must demonstrate that it will not interfere with the district's or the state's solid waste management plan, and that it addresses the criteria used by the district or the state authority in their process of designating sites.

- Phase II is the Board of Environmental Protection review subsequent to state law.

**Eminent Domain.** Both the authority and the districts have the ability to acquire sites using the power of eminent domain. This ability is subject to the existing statutory limitations governing the use of eminent domain.

**Local Authority.** Local ability to establish ordinances that affect the siting of waste disposal facilities is limited to fire safety, traffic safety and levels of noise which can be heard outside of the facility.

## **Fees and Contracts**

The authority and the districts must establish just and reasonable rates for waste disposal services that they provide.

**Uniform fees.** The authority and districts shall establish fees which are uniform within their jurisdiction except for accommodating the higher costs of certain service areas, lowering fees for host communities, and setting higher fees for other districts' wastes. A schedule of fees must be filed with the authority by the districts.

**Review of fees.** The authority shall review and approve all fee schedules and shall review and approve contracts between districts and commercial waste facilities to determine if the contract terms are just and reasonable.

The authority shall establish rules governing the procedures for setting fees and for hearings and appeals.

## Financing of Solid Waste Management

The legislation proposes several methods of funding solid waste management, waste reduction, and recycling activities. The proposed revenue options are still under consideration. The goal is to move toward a system that is largely funded through fees and revenues reflecting disposal costs.

**General Fund.** The Part II budget includes \$2.7 million to support the initial operational costs of the new authority and the districts as well as grants for recycling and the host community benefit programs.

**Fee Options.** Several fees are presented to support the long term costs of the authority and districts. These include:

- a \$1.50 fee at the point of disposal for municipal solid waste that is disposed of at municipal, district or state facilities, calculated on a per tonnage or per cubic yard basis.

- a \$2.00 fee at the point of disposal for special wastes that are disposed of at municipal, district or state facilities. (Both of these fees are paid by the operator on a quarterly basis. There is a discount of 1% for those operators who pay on a timely basis.)

- a fee at the point of disposal on lead acid batteries, tires, white goods and brown goods. The fees are:

- \*tires - \$2.00
- \*white goods - \$10.00
- \*brown goods - \$10.00
- \*lead acid batteries - \$1.50

**Bonding Authority.** Both the state authority and the districts have the authority to issue revenue obligation securities and securities for mortgage loans to finance waste management facilities.

The state authority will also have the ability to levy fees for service, borrow and lend, review fees established by the districts, and disperse revenue as allocated by the Legislature.

**Solid Waste Management Fund.** This fund is similar to the Maine Environmental Protection Fund; it is a nonlapsing fund that is allocated by the legislature for the costs of the state authority's programs and the DEP's regulatory and enforcement activities.

**Solid Waste Trust Fund.** This fund is similar to the Maine Coastal and Inland Surface Oil Clean-up Fund. It is intended to assist in the costs of the removal of pollutants or remediation of sites, restoration of water supplies and 3rd party damages. The fund will be capitalized through the a 5% set aside from fees levied at the state level up to a maximum fund level of \$4.5 million. A board of arbitration is established to review claims for damages.

### **Host Community Benefits**

A program of benefits is provided to those communities or districts that are the sites of new or expanded waste disposal facilities. These benefits include:

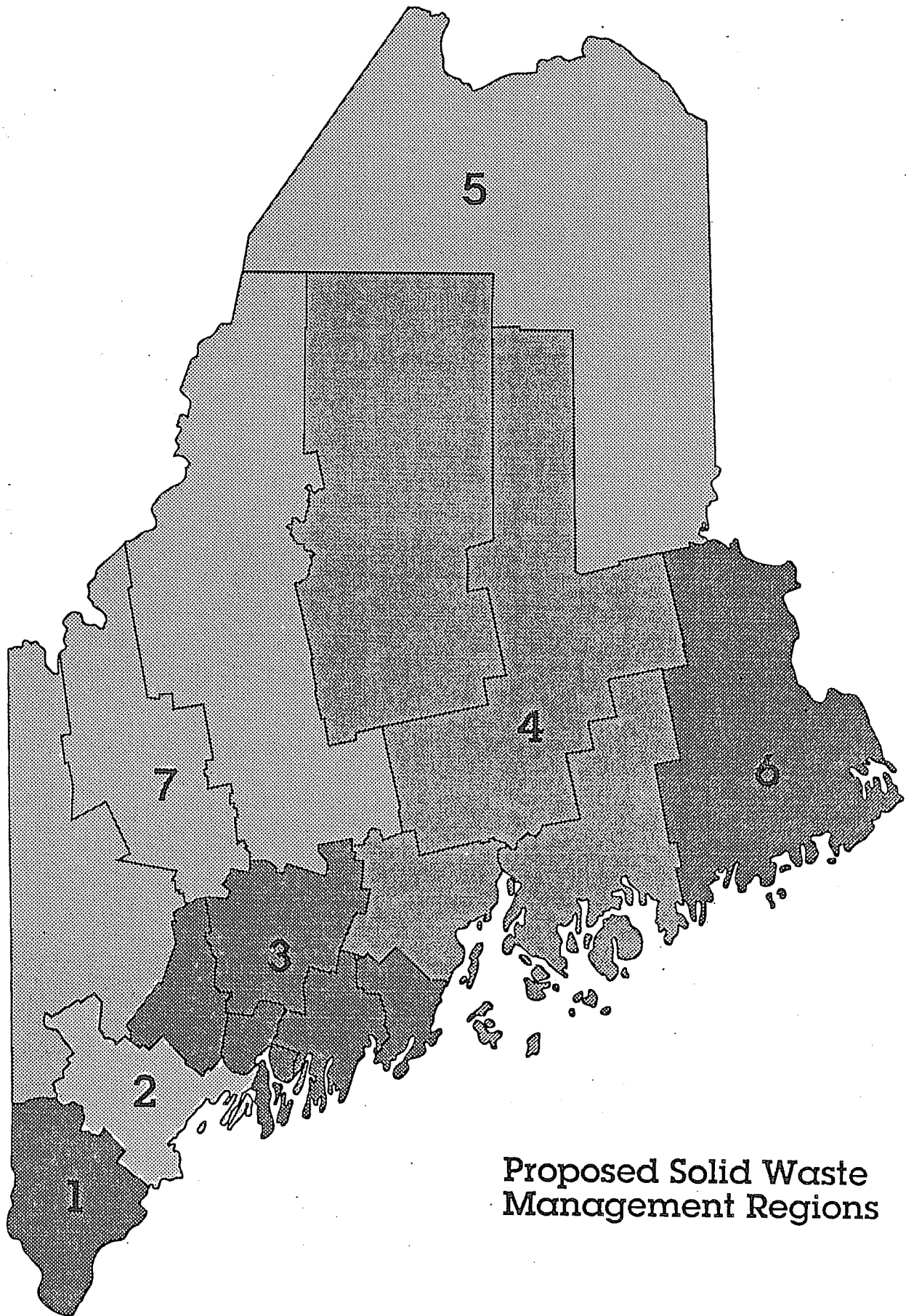
- access to information from the Department of Environmental Protection;
- funding for local inspectors;
- water supply monitoring and testing;
- independent permit review; and
- financial assistance.

### **Liability and Limitations**

**Liability.** The liability of host municipalities and districts is limited in cases resulting from pollution occurrence solely by reason of participating in a solid waste management plan.

Liability for the owner or operator of a waste disposal facility is transferred to the Solid Waste Trust Fund 30 years after closure if all requirements have been met.

**Contracts.** Existing contracts are not affected by this legislation. No renewal of an existing contract and no new contracts may be entered into after the effective date of the legislation if the contract fails to conform with the provisions of the bill or interferes with the state or district plans.



Proposed Solid Waste  
Management Regions

**GOVERNOR MCKERNAN'S SOLID WASTE MANAGEMENT LEGISLATION  
QUESTIONS & ANSWERS**

Governor McKernan has proposed legislation to deal with Maine's problem of solid waste. His plan establishes new responsibilities for state and local governments and initiates planning for solid waste management in the future.

**1. What constitutes "solid waste"?**

There are three types of waste: solid, special, and hazardous. Solid waste is non-liquid waste material produced by individuals, business, and industry. Approximately 887,000 tons of solid waste are generated annually in Maine. This plan also makes provision for hazardous (toxic) and special wastes. Special wastes are those not normally generated by the above-mentioned sources, such as: waste-to-energy ash; treatment plant and papermill sludge; asbestos; medical waste; etc.

**2. Why do we need to plan for waste disposal?**

A recent capacity needs analysis done for the Department of Environmental Protection paints a grim picture of waste disposal in Maine. As the tonnage of solid, special, and hazardous wastes have been increasing steadily every year this decade, so have the number of contaminated fills in Maine (currently 49, covering almost every county in Maine) and the costs to dispose of these wastes, up 100% from 1978 to 1985. The number of municipal landfills has decreased from 454 in 1977 to 185 in 1988 because these disposal sites were filled to capacity or operating at substandard levels. In short, the amount of waste is steadily increasing and there are fewer and fewer places to put it.

**3. How is Maine currently handling its solid waste, and are our facilities adequate?**

Today Maine recycles about 10% of all its solid waste. The remaining 90% goes to landfills or one of Maine's three active waste-to-energy facilities. The number of existing and proposed waste-to-energy plants appears to be adequate; however, landfills in many areas are already full and in some cases threaten the safety of nearby residents. This legislation seeks to assure capacity to meet future needs by aggressive recycling, planning and siting.

**4. What is the ultimate goal of this legislation?**

The ultimate goal of this legislation is to significantly reduce the volume and toxicity of Maine's waste. The order of priority for the state will be: waste reduction; recycling; resource recovery and conservation; and land disposal. The most significant reduction will result from mandatory recycling programs and an expanded bottle bill. Within 5 years the amount of solid waste can be reduced by 25%. Landfills should be used as a last resort or when other options are not cost-effective.

**5. Why is a regional approach recommended and what are the criteria for determining the seven districts?**

By establishing regional districts, the Authority will be assured input and representation from all types of municipalities within a certain area. These inter-local regions can more cost-effectively determine the needs of their area, based on knowledge of existing waste management efforts and facilities. It also allows important decisions, such as where to site waste facilities, to be made by those who live in the region. The seven districts were suggested by an RW Beck capacity needs analysis conducted by the Department of Environmental Protection. The criteria for their selection included waste generation volumes, existing disposal agreements, transportation systems, and siting potential.

**6. How will the plan be structured?**

A state agency, known as the "Maine Solid Waste Authority", will be created to oversee seven regional districts throughout the state. The Authority will: adopt an overall waste management plan for the state; provide technical assistance and funding to the districts; review regional plans to assure consistency and compliance with the state plan; conduct public educational and informational campaigns; buy new landfills and waste-to-energy facilities; and implement regional management plans when a district fails to do so. Districts will: have a Board of Directors for each region made up of one county commissioner, three members of the public, and three municipal officers; develop their own regional plan for solid waste management, in compliance with the Authority's plan; choose sites for landfills, waste-to-energy plants and/or recycling facilities; and award grants to municipalities for recycling programs.

**7. How much will this cost and how will it be financed?**

Initial costs for the program will be approximately \$2.7 million through fiscal year 1991, which would be funded by the

state through the General Fund. Revenues to support operational costs of the Authority and districts would be raised through fees collected at disposal sites. Both the Authority and the district will have the authority to finance new waste facilities through revenue bonds or mortgage loans. A nonlapsing fund allocated by the Legislature will offset the costs of the Authority and the DEP's regulatory and enforcement activities. And finally, a trust fund will be set up for clean-up and legal costs.

**8. What is the responsibility at the local level?**

All towns will be required to participate in recycling programs, which will be phased in and tailored to fit individual towns' needs. Local municipalities will choose which items are to be recycled in their area. Materials will be separated for recycling at the local level. By July 1, 1994, communities with populations greater than 5,000 must reach the 25% recycling goal. By July 1, 1995, all communities must reach this goal.

**9. What will this mean to me, the individual?**

The individual must do his or her part to make this plan work. That means separating trash for recycling, and perhaps taking trash to recycling centers, as well as encouraging businesses to use recyclable packaging by buying recycled products whenever possible. This effort on the part of all of us will ensure a cleaner and safer environment, both now and in the future.

**10. Where can I get more information on this plan?**

The plan is set forth in LD932, An Act to Improve the Management of Solid Waste in Maine. You can get a copy from the Legislative Documents Room, which is Room 315 in the State House, Augusta, Maine 04333 (289-1408). If you have questions call the State Planning Office (289-3261), Office of Recycling (289-6800), or the Solid Waste Bureau at the Department of Environmental Protection (582-8740).

**Subject: Comprehensive Solid Waste Management in Maine**

**To: Energy and Natural Resources Committee**  
**From: Reinald S. Nielsen** 7 May 1989

*RSN* Box 100N, HCR 74  
East Machias, ME 04630

E&NR Committee members face a daunting task as they attempt to understand and evaluate the many proposals for comprehensive solid waste management in Maine. The following remarks define three criteria which may help during your efforts to select or create a comprehensive, comprehensible, and practical law.

## The Criteria

### 1. Cooperation

Solid waste arises in two principal sources. Industrial solid waste is produced at several hundred (perhaps) locations in the State with substantial quantities at each location. Municipal solid waste is produced at several ten-thousand locations with each source creating a small quantity relative to the whole. Management and disposal of industrial waste is costly and, for the most part, carefully managed to minimize costs. Municipal solid waste producers are less sensitive to direct costs of their wastes.

Improved municipal solid waste management and disposal depends upon cooperation from individuals in tens of thousands. The State may mandate proper behavior by these individuals, but it cannot hire a sufficient number of enforcers to supervise Maine citizens who may violate a mandate.

A practical management plan for municipal solid waste must facilitate and reward cooperative behavior by individual citizens.

### 2. Cost Assignment

Traditionally, municipal solid waste producers have been insensitive to costs because those costs were passed on to the poorer and less politically powerful segments of Maine society. This "tradition" has fairly well been discredited among our citizens and refuted in several State laws.

However, practical interpretation and implementation of these laws is apparently motivated by the discredited tradition. Solid waste management costs and their assignment to particular individuals are ignored or treated superficially by the Board of Environmental Protection, the Land User Regulation Commission, and similar agencies.

A practical management plan for municipal solid waste will require explicit cost analyses to identify cost generators and the individuals paying for each cost. Analyses should occur periodically; basic data underlying the analyses should be available to independent investigators.

### 3. Many Participants

Recycling is the current rage as an answer to solid waste management. A few years ago, incineration was the hot item and, before that, sanitary landfills were the answer to solid waste disposal. Each of these answers was (or is) said to confer economic benefits as well as being environmentally beneficial. The succession of answers to solid waste management argues simply: There is no single answer to solid waste management.

And, in practical fact, there is no single individual or organization capable of selecting the best answers as they may arise. This fact suggests that many participants should be active in evolution and implementation of a comprehensive solid waste management system. With many individuals active, there is greater probability that new ideas will be recognized and implemented to benefit Maine citizens.

It is particularly important that small firms and individuals be able to enter waste management. Large firms in entrenched positions relatively seldom introduce new technologies; small firms more frequently are the source of practical innovations. With waste management costs explicit, individual entrepreneurs will cut those costs if they can participate.

A practical management plan for municipal solid waste will include specific means for welcoming beneficial innovations.

### Discussion of Proposals

Several Legislative Documents, of the two dozen addressing solid waste problems, are purportedly comprehensive. LD892 defines its scope as comprehensive while others (LD139, LD932, etc.) are more demur, in self-description, but attempt to be equally wide-ranging. I assume that a "comprehensive waste management plan" will be recommended by the E&NR Committee.

Of the several LDs that I have been able to review, I believe that LD1431 best satisfies the three criteria defined above. Rather than discussing all elements of LD1431, I shall highlight features which are outstanding, should be strengthened, or are missing.

**Cooperation**

In common with all waste management LDs, LD1431 ignores the problem of securing cooperation from municipal solid waste generators.

LD932 is typical. In discussing management plan components (see §1763-D.5., 6.), the descriptions of goals and objectives and options for their achievement imply that cooperation is unquestioned. Section 1764-G. Public Education and other subsections (e.g., §1763-G.5., §1764-A.4.) would be improved with a requirement for benefits demonstrations; each cooperating individual should be able to learn the economic and environmental benefit delivered to him. The comprehensive bill endorsed by E&NR should include specific measures to secure cooperation from individual waste generators. Incentives could include contests and dollar rewards for exemplary cooperation as well as information and data describing benefits of cooperation.

LD1431 proposes to sustain local community authority to regulate solid waste facilities. Such local authority is one means for securing cooperation and ought to be part of a recommended bill.

**Cost Assignment**

Each of the several proposals carries more-or-less costly provisions which ought to be evaluated. Language in LD139 is typical. §1812-B defines a schedule for the State Purchasing Agent to buy paper goods containing recycled material. In §1724, small plastic containers for pharmaceuticals are exempted from a material coding requirement. While superficially reasonable, these provisions may imply costs that exceed economic benefits. Such excess costs may well be justified by environmental benefits. However, in the absence of analyses which describe costs associated with these provisions, it is impossible to judge their value or detriment.

Several proposed laws direct an "Authority" or "Office" to create a state-wide plan for materials recycling, disposal, education, and what-have-you. LD976 carries typical language: in §2104. "The office shall develop and implement programs to recycle on a state-wide basis, 25% of the municipal solid waste stream by 1994." and (§2105.2.), the plan shall include "A. Goals for regions and specific waste streams expressed in terms of the proportion of specific waste streams that could be recycled based upon an assessment of current and reasonably attainable market conditions and the net economic benefits to the State."

In common with all proposed bills, LD976 does not define net economic benefit. Thus, though language like \$2105 seems reassuring, it is effectively meaningless. The State bureaucracy has little initiative and will not provide or adopt reasonable let alone explicit definitions for terms such as net economic benefit.

Choice of the 25% recycling goal has not been rationalized, to my knowledge, on either economic or environmental grounds. To the credit of LD1431, it seeks 50% recycling of municipal solid waste. While equally unjustified by explicit analyses, the 50% goal will produce a greater return for the effort put into gaining cooperation and changing habits of Maine citizens. In essence, the 50% goal promises greater benefit from costs and effort expended.

A common weakness in the several proposals is dependence on commercial markets to receive materials recovered from municipal solid waste. Most carry language similar to LD932 in §1764-A.7.: "The office shall: 7. Broker of last resort. Serve as the broker of last resort for items to be recycled collected (sic) within the district through regional recycling initiatives." The underlying assumption is that materials being recycled will be delivered to a market. Should markets disappear or offer uneconomically low prices, the State (in some undefined fashion) will be the broker.

A better waste management plan will anticipate the need for long-term storage of recycled materials where long-term means tens of years and more. Iron and steel, glass, automobile tires, etc. may, most economically, be buried for recovery by a future generation of Maine citizens. Accepting the notion of long-term storage simplifies planning at State and regional levels and encourages recovery of materials that might be abandoned for lack of foreseeable markets. As above, such a provision should be subject to economic analysis before implementation.

See the attached review of a Disposal Capacity Needs Analysis as an example of bureaucratic incompetence.

**Many Participants**

LD1431 proposes public ownership of landfills and incinerators with the Public Utilities Commission regulating fees and contracts at these facilities. Such an arrangement is superior to other proposals which defend private ownership of these crucial elements of waste management schemes.

Private ownership is anti-competitive. LD932 and similar bills might be modified to require each waste management region to be served by multiple incinerators, etc. Competition might thereby be encouraged. Until competent economic analyses are completed to support such a scheme, public ownership is preferable.

With tipping fees at incinerators and dumps public knowledge, scavengers must concentrate on efficiency in collecting, recycling, and moving trash to the incinerators. Relatively little capital investment is necessary for an innovator to become a scavenger. Because many can participate, the Maine citizen benefits even as the successful innovator profits.

Similar results will arise from publication of cost assignment studies. Should an analysis reveal excessive proportionate costs assigned to small business (restaurants, as an example), an innovator will devise a scheme for better management of restaurant wastes. So long as that innovator can easily become an active participant, he will reduce costs for restaurant owners.

A more practical comprehensive waste management law will encourage innovators by prohibiting exclusive scavenger service contracts. Complementing such a provision, flow control regulations should be constrained from favoring existing scavengers to the exclusion of innovators.

Review by Reinald S. Nielsen:

Solid Waste Disposal Capacity Needs Analysis

prepared by R.W. Beck Associates

for the Maine Department of Environmental Protection

When they revised the Solid Waste Management Act in 1987, State Legislators asked for an estimate of waste generation in Maine and necessary disposal capacity. The Board of Environmental Protection was charged with returning the so-called Capacity Needs Analysis by 1 January 1989. Acting for the BEP, the Department of Environmental Protection hired R.W. Beck and Associates, of Waltham, MA, for the technical tasks. The 29 Dec 1988 cover letter accompanying the Beck report says: "This Report summarizes the quantities of municipal solid wastes and special wastes generated in Maine, the current conditions related to waste management in Maine, the regional and Statewide capacity needs, and it provides an evaluation of alternative systems to meet current and future needs."

#### SUMMARY OF THE REPORT

The R.W. Beck (RWB) report spans 239 pages in five sections and two appendices. Section 1, Introduction and Summary, is nine pages, Waste Generation Data in Section 2 is contained on 27 pages, 17 pages are devoted to a Statewide Summary of Waste Disposal Capacity in Section 3, Determining Regional Needs is addressed in Section 4 on 69 pages, and Section 5 discusses Solid Waste Management Options on 106 pages.

The introduction declares "The Scope of the work program includes the following tasks:

- "1. Data collection to estimate waste generation.
- "2. Projecting waste quantities and disposal capacity.
- "3. Determining regional needs.
- "4. Review solid waste disposal treatment and technologies.
- "5. Review and analysis of the level of competition.

(Separate report prepared by Hawkins, Delafield and Wood)."  
These terse statements are the only description of the work undertaken by RWB. Quantitative criteria for the several tasks are not discussed in the report.

RWB estimated future solid waste generation rates via data obtained from existing disposal facilities (landfill and incinerator operations, industrial firms, etc.) and by reviewing reports of past waste generation estimates. "Over 500 survey/questionnaires were sent (to Maine municipalities and waste disposal facilities) and with follow-up telephone contacts, 277 responses were received." A variety of factors confused data reported by the respondents. RWB personnel cross-checked data to assure greatest validity. "Based on the results of the surveys, follow-up telephone contacts and other information gathered from various sources, average waste generation rates were derived from 239 of 500 Maine communities, ...."

From this data, RWB derived valuable corrections to waste generation estimators currently used by the DEP. The DEP estimators are a function of community population. For each population range, a "pounds per capita per day" rate (PCD) predicts municipal solid waste generation. Table I, duplicating RWB Table 2-6, lists DEP estimators in the second column.

The third column presents RWB estimators derived from their recent survey data. DEP and RWB estimators are essentially identical for communities with populations greater than 2,000. RWB estimators for smaller communities are strikingly larger than DEP estimators.

Table I

| <u>Population Range</u> | <u>DEP PCD</u> | <u>RWB PCD</u> |
|-------------------------|----------------|----------------|
| Less than 1,000         | 1.5            | 2.67           |
| 1,000 - 2,000           | 2.2            | 3.29           |
| 2,000 - 5,000           | 3.0            | 3.25           |
| 5,000 - 10,000          | 4.0            | 4.02           |
| 10,000 and More         | 5.0            | 5.05           |

Because Maine has relatively many small communities, the RWB estimators may have great significance. Unfortunately, the report does not reproduce survey data to permit independent verification of RWB results. Consistent with this absence, there is no description of technical procedures used to interpret raw survey data. Table 2-6 is accompanied by a Discussion of Results, but the "discussion" is simply a textual restatement of the table. There is no mention of uncertainty which must occur in correlation values derived from imperfect and partial data.

Though RWB acknowledges economic activity as an influence on waste generation rates, they report no attempt to establish a relationship. With over 200 sets of valid data, a correlation between waste generation and some measure of economic activity should have been possible. Employment statistics might have been used even though rank ordering may alone be defensible.

Generation of special wastes (paper mill sludges and the like) and bulky wastes (demolition debris, white goods, etc.) is discussed qualitatively. RWB obtained data from paper mills, water treatment plants, waste incinerators, etc., but did not attempt to place it into an economic context. The "quality" of the qualitative discussions is low; e.g., "The amount of ash which a power plant generates is largely determined by the type

of fuel burned in the plant. However, burning fuel types such as woody waste, sludge, and coal leave substantial amounts of residue. ...." And; "Incinerator ash residue is generally produced from the burning of collected municipal solid waste. ...."

RWB estimates industrial special waste generation at one million tons per year while municipal solid waste runs about 900,000 tons per year. Since both waste types demand landfill capacity for final disposal, industrial special wastes pose a larger disposal capacity problem than municipal solid waste. There is no comment about nor interpretation of this fact.

Section 3 --the Statewide Summary of Waste Disposal Capacity-- discusses estimated useful life for existing MSW landfills, the benefits of recycling, and the role of incinerators in current solid waste disposal. Special waste landfills are listed, but their useful lives are ignored. Current quantities of imported wastes are tabulated; Maine accepts one-quarter million tons of waste from other states according to RWB. Finally, Figure 3-1 illustrates an annual disposal capacity shortfall of 360,000 tons by 1995 if dumps are closed in accord with DEP plans and population growth occurs as hypothesized.

Section 4 is concerned with Determining Regional Needs. "For planning purposes, Main's sixteen counties were grouped into six Municipal Solid Waste Planning Regions .... The delineation of these Regions was based on several general considerations:

- o Identification of municipalities sharing common geographic associations;
- o Identification of municipalities that are using common regional waste disposal facilities;
- o Identification of municipalities that are working or can work together in regional solutions; and to the extent possible,
- o Identification of the viability of transportation systems."

As with waste disposal survey data and derivation of waste generation rates, RWB authors chose not to reveal details whereby they selected the six regions. Except for the text quoted above, there is no discussion of region definition.

For each proposed region, RWB authors list:

- I. Key Statistics
- II. Waste Disposal Facilities
- III. Municipals Recycling
- IV. Region Disposal Practices; and  
discuss Current Conditions  
Region Needs.

The six regions are:

1. Cumberland, York Counties.
2. Androscoggin, Kennebec, Lincoln, Sagadahoc Counties.
3. Hancock, Penobscot, Piscataquis, Waldo Counties
4. Aroostook County.
5. Washington County.
6. Franklin, Oxford, Somerset Counties.

(The absence of Knox County from Region 2 is probably a typographical error in the RWB report.)

The several lists and discussions are useful summaries of data present, for the most part, in DEP files. In bringing it together, and forcing it into a common format, RWB has created a valuable and convenient reference document. The discussions of region needs have least value because, apparently, RWB was working without criteria other than the DEP schedule for dump closures.

The final and largest Section 5 on Solid Waste Management Options is curious. It is not specific to Maine nor any of the six regions. The solid waste "management" options are waste reduction, recycling, composting, materials recovery, energy recovery, and landfilling. Rather than discussing utility of these techniques for satisfying regional needs for disposal capacity, RWB authors simply describe each technique with an appended evaluation matrix. Discussions and matrices are entirely qualitative and might well be part of a report to the Illinois Department of Environmental Protection.

## DISCUSSION

In reviewing any document, it is necessary to identify the intended audience. Presumably, the R.W. Beck document is directed to DEP staff members. The target audience may be the Legislature. It is unreasonable to believe that RWB directed its efforts to the general public. With almost 240 pages, it is unlikely that Legislators would welcome the report. That leaves DEP staff as the target audience. The following remarks are made under this assumption.

38 MRSA 1310-0.1 Data Collection arose in the 1987 revision of the Solid Waste Management Act. It lists six types of data to be collected as part of a comprehensive data base on solid waste generated or disposed of in the State. Two of them are: "D. The costs and types of treatment or disposal technologies currently employed, ...." and "The costs of transporting solid waste to disposal facilities; ...."

38 MRSA 1310-0.2 Needs analysis calls for an analysis to include "Identification of solid wastes by type which are capable of being reused or recycled in an economically and environmentally sound manner and the preferred technologies to be utilized; ...." and "Identification of the regional availability of solid waste disposal capacity, including consideration of transportation costs; ...."

If RWB was asked to consider economics of Maine waste disposal problems, they chose to ignore the request. Like most human activities, limited resources must ameliorate if they do not solve waste management problems in Maine. Legislators recognize this fact; an engineering firm should do no less.

Insensitivity to costs arises in R.W. Beck and Associates. Consider the per capita waste generation estimators. When used to estimate and plan for future waste disposal, the estimators directly define anticipated costs of waste management. The RWB report does not list population statistics used in the analysis. However, using numbers in the commonly available DeLorme Maine Atlas and Gazetteer, one may calculate predicted waste generation using DEP and RWB estimators. RWB estimators yield a value ten percent greater than DEP for the state as a whole.

Is the ten percent difference significant? When it represents ten percent of a 900,000 ton annual waste production, it is the management and disposal cost for 90,000 tons of waste. When that 90,000 tons is distributed among all waste disposal facilities in the state, it may be difficult to recognize even while it reduces landfill life by ten percent. However, the 90,000 tons is one-quarter of the shortfall predicted for 1995. Is the ten percent significant in a statistical sense? Undefined.

Table II was constructed by using population data for each RWB region with DEP and RWB estimators to predict waste generation in communities with less and greater than 5,000 residents. For Regions 1 and 2, DEP and RWB estimators differ by less than ten percent. For the remaining four regions, the estimators differ by fifteen to forty percent with the extreme occurring in Region 5 (Washington County). Interestingly, Region 3 which has greater population (as well as greater area) than Region 4 also shows larger disparity between DEP and RWB estimators for the two regions.

Table II

|                                                            | DEP PCDs  | Percent | RWB PCDs  | Percent | Ratio<br>RWB/DEP |
|------------------------------------------------------------|-----------|---------|-----------|---------|------------------|
| Region 1:                                                  |           |         |           |         |                  |
| Population Cumberland, York                                |           |         |           |         |                  |
| <5,000                                                     | 203,753   | 13      | 240,038   | 15      |                  |
| >5,000                                                     | 1,327,421 | 87      | 1,339,068 | 85      | 1.03             |
| Region 2: Androscoggin, Kennebec, Knox, Lincoln, Sagadahoc |           |         |           |         |                  |
| Population                                                 |           |         |           |         |                  |
| <5,000                                                     | 332,595   | 30      | 409,924   | 35      |                  |
| >5,000                                                     | 761,690   | 70      | 768,332   | 65      | 1.08             |
| Region 3: Hancock, Penobscot, Piscataquis, Waldo           |           |         |           |         |                  |
| Population                                                 |           |         |           |         |                  |
| <5,000                                                     | 300,409   | 44      | 411,500   | 51      |                  |
| >5,000                                                     | 387,353   | 56      | 390,083   | 49      | 1.17             |
| Region 4: Aroostook                                        |           |         |           |         |                  |
| Population                                                 |           |         |           |         |                  |
| <5,000                                                     | 105,505   | 37      | 147,849   | 45      |                  |
| >5,000                                                     | 178,487   | 63      | 179,658   | 55      | 1.15             |
| Region 5: Washington                                       |           |         |           |         |                  |
| Population                                                 |           |         |           |         |                  |
| <5,000                                                     | 73,011    | 100     | 102,173   | 100     |                  |
| >5,000                                                     | 0         | 0       | 0         | 0       | 1.40             |
| Region 6: Franklin, Oxford, Somerset                       |           |         |           |         |                  |
| Population                                                 |           |         |           |         |                  |
| <5,000                                                     | 211,768   | 61      | 275,695   | 67      |                  |
| >5,000                                                     | 137,100   | 39      | 137,785   | 33      | 1.19             |

(Note: numerics under DEP PCDs, RWB PCDs are pounds per day.)

Table II shows fifty percent, or more, of regional solid waste originating in communities with populations under 5,000 when RWB estimators are used for Regions 3 - 6. Again, the extreme is Region 5 with all waste flowing from small communities, and Region 4 is anomalous at slightly under 50%. Regions 1 and 2 produce waste in larger communities predominantly.

As Table II suggests, the RWB-proposed regions are a mixed lot. Regions 1 and 2 are substantially distinct from the remaining regions which span large rural areas and populations.

Though 60 percent of state waste originates in Regions 1 and 2, per RWB estimators, R.W. Beck apparently ignores such distinguishing features among the six proposed regions.

As quoted above, RWB considered "... to the extent possible, Identification of the viability of transportation systems." when they defined region boundaries. RWB authors are remiss in failure to discuss transportation "viability". Legislators cited transportation in 1987 law revisions, and transportation costs limit practicality of many activities in Maine.

Can a set of waste management regions be defined that is superior to the RWB proposal? The RWB proposal would be stronger when supported by arguments that it achieves minimum cost for citizen and business taxpayers, or anticipates Maine population and economic growth in practical fashion, or addresses other quantitative objectives. The same burden should be laid on an alternative set of waste management regions.

Examination of RWB maps for Regions 3 - 6 shows large areas without formal disposal facilities for municipal solid waste. Two areas are immediately evident: one includes western Aroostook County and northern portions of Somerset, Piscataquis, and Penobscot Counties while the second comprises the northeastern part of Hancock County and northwestern Washington County. The two areas represent waste management problems that must be distinct from more populous areas in upstate Maine.

Within the heavily populated areas of the RWB proposed regions, the region boundaries appear to recognize only north-south transportation routes. The populous area of Region 6 (roughly bounded by Norway, Rangeley, and Skowhegan) has reasonable roads tying it to Regions 2 and 3. Identification of waste sources in this area, as requested by the Legislature, and analysis of transportation costs to existing and plausible disposal facilities may define region boundaries achieving lower net costs for the state treasurer and individual citizens.

Adjacent eastern areas of Aroostook and Washington Counties seem to represent an economical waste management region. The potential should be explored by explicit analysis of waste source locations, existing and prospective disposal facilities, and transportation costs.

Regions better than the RWB proposal will be discovered when alternatives are analyzed for minimum cost, etc.

## CONCLUSION

R.W. Beck and Associates have delivered a report on State of Maine Solid Waste Disposal Capacity Needs Analysis which consolidates data describing waste disposal in Maine. They have derived improved estimators for municipal solid waste generation. Additionally, they have proposed six regions as a basis for improved solid waste management in the state.

The RWB report is substantially deficient in commission and omission of important elements. RWB-proposed waste estimators are not supported by data and analyses allowing independent verification of their validity. RWB personnel did not employ their improved estimators to analyze proposed waste management regions. Rather than discussing options for improved solid waste management, RWB authors present superficial descriptions of techniques for processing wastes. Finally, RWB personnel ignored costs generally, and the over-riding significance of transportation costs for waste management in rural Maine.

# RECYCLING IN THE SOLID WASTE MANAGEMENT BILLS

MAY 8, 1989

Ludwig/Aikman/Jacques  
L.D. 932 Michaud  
"Governor's Bill"

May 3, 1989  
L.D. 1431 Michaud/  
Allen/Wittcomb/Sen. Erwin

"Require Recycling"  
L.D. 976 Holt

L.D. 892 Nadeau

Office of Solid Waste Management created.

Regional SW agencies "established by VOLUNTARY action of municipalities OR OSWM rule" to completely cover the State".

Paragraph 1036 regional agency "shall establish" "A recycling center" & "regional system for collection" "transfer stations, as appropriate" right after "incinerators" & "ash landfill."

"Enforcement by OSWM"

"parallel's DEP's SW enforcement procedures." OSWM & DEP report to different advisory boards under Governor.

ALL costs funded by General Fund except for break-even "application fees" & assessment from SW handlers of 1/10th of 1% per pound.

Does not include incentive for municipalities to recycle & reduce volume for SW handlers to incinerate into ash.

Could fit into any of other 4 bills SW management, fits all sizes, "7" or "11" districts. Can be amended to put Office of Waste Reduction & Recycling into a SW management authority.

APPROVED municipality recycling to be offered 3/4 cost feasibility study (to \$15,000 ea.), 1/2 cost to set up recycling, 1/4 maintenance cost.

Requires municipality to recycle by January 31, 1991--VOLUNTARY in next 20 mos, mandatory in 1992.

Like 1431, advance deposit fee for batteries, tires, white/brown goods + seller's licenses. Goal: raise \$5 million in addition to General Fund. (Could add bonds & notes to borrow more.

Recycling Advisory Council to make own enforcement procedures; BEP commissioner one vote.

Instead of district-wide plan by 1991, ea. municipality to vote plan & ordinances consistent with statewide recycling plan.

Office of WR & Recycling budget based on '88 subcommittee report.

L.D. 1143 Sen. Bost

Me. Solid Waste Authority created.

"11 SW regions correspond(ing) in area to present regional planning districts."

Sec. 7 repeals Title 38, Ch. 11 (Office of Waste Reduction & Recycling, Re. Advisory Council & current state recycling plan process." Sec. 9 "incorporates state recycling plan w/in the state SW management plan" which includes a "state program to encourage recycling."

Me. SW Authority's "priority list of regions" to "prevent capacity shortfalls in short term". "Municipalities would receive the diff. between ave. statewide tipping fee & transp. costs & their own tip. fee & transp. costs, if municipalities "have an active recycling program."

The emergency is to dispose of SW, with municipalities with no access to landfill as top priority.

Waste Reduction & Recycling to meet "goals--a proportion of waste stream that could be recycled."

Me. Solid Waste Authority created.

"specific hierarchy mgmt" 7 districts. Office of Waste Reduction & Recycling transferred to MSW Authority.

Statewide SW reduction & recycling initiative to be planned by districts--markets, recycling & transportation. District plans due by January 1, 1991.

Beefs up OWR & R to help municipalities & BUSINESSES plan & finance recycling & offers low-interest loans to bus. & tax credits for mandatory paper recycling.

"Fee at the point of disposal" for batteries & tires, operator paying quarterly w/ 1% discount if timely.

Enlarges bottle law--non-carbonated + wine & liquor sold by State & agency stores in Me.

State WR & Recycling laws changed to district control. Not state, but districts must be consistent in recycling alternatives.

Municipal SW ordinances repealed. Not municipalities, Me. SW Authority will control

Me. Solid Waste Authority created.

7 districts. Office of Waste Reduction & Recycling in MSW Authority. "specific hierarchy of waste management"

"shifting responsibility" "from municipal" to districts.

"Early public input is encouraged in planning & site selection process."

Requires towns 10,000+ to recycle by July 1, 1991, 5,000-9,999 by July 1 '92, smaller towns: July 1 '93.

Would require OWR & Recycling to find markets & make grants to get recycling started by municipalities.

Less specific on OWR & Recycling's additional staffing & funding needs.

Like 976, advance deposit fee for tires, batteries, white goods & brown goods, but requires no licenses. Operators to pay fees.

# **THE MUNICIPALITIES OF CUMBERLAND COUNTY AND THE GREATER PORTLAND COUNCIL OF GOVERNMENTS**

**"A Regional Planning Organization that is Working - Together"**

Augusta, May 8, 1989. This package of material has been especially prepared for:

## **The Committee on Energy and Natural Resources of the 114th Legislature.**

The Greater Portland Council of Governments (GPCOG) strongly recommends and urges the Committee on Energy and Natural Resources to mandate the following action in the solid waste management bill which receives the recommendation of this Committee. **"The existing regional planning organization in each area will be directed to provide the management and administrative infrastructure to administer, house, staff, operate, plan and program the day to day functions of the designated solid waste management district encompassed by the regional planning authority. Each regional planning organization, either a Council of Governments (COG) or Regional Planning Commission (RPC), will have an Environmental Management and Planning Division that will be funded by the Solid Waste Management District. This Environmental Management and Planning Division will be the plans and programs administrator, as well as provide for the day to day operational function of the Solid Waste District."** The reasons for this mandate are several fold:

(The following information is based on Cumberland County and the GPCOG, but should be applied to all emplaced regional planning activities - COGs or RPCs. As examples in this area; the Southern Maine RPC and the Androscoggin Valley and Penobscot Valley COGs have all done significant work in the solid waste management field. The GPCOG, would welcome the opportunity to develop, for this committee and the State of Maine, a working plan on Solid Waste District Operations for whichever Solid Waste Management Bill is passed by this legislature. Upon request, the GPCOG would provide training workshops on working plan implementation to any regional planning entity.)

- a. This action would avoid duplication of effort and functions that are available in the COGs and RPCs.
- b. The COGs and RPCs represent the regions' central planning organization as well as the central data collection and dissemination entity.
- c. The municipalities in each region and their COGs and RPCs have been working together in a partnership for many years, i.e., in GPCOGs case - for over 20 years. These long term partnerships must be used and not relegated to a minor role in the very important regional function of solid waste management.
- d. The COGs and RPCs are the organizations that have the objectivity, impartiality and understanding of their communities' needs.
- e. The COGs and RPCs do not have any conflict of interest that might impact or mitigate their ability to be able to deal fairly and effectively with their communities' needs and requirements across the solid waste management arena.

(continued on next page)

By working together the municipalities and their COGs and RPCs are able to put together strong, dynamic, and effective solid waste management programs. In those regions where regional solid waste operating districts are in existence, the local governments will have the authority to work with their COGs/RPCs and the regional operating districts to develop effective coordinated plans. For example, in Cumberland County the GPCOG and RWS have been working together for 15 years to provide effective solid waste management. The following ongoing programs have been developed by the Cumberland County Municipalities and The Greater Portland Council of Governments:

**a. The Landfill Closure Project.** For the first time in the history of the United States, seven (7) landfill closure projects in seven different municipalities were readied at the same time and turned over to the State Department of Environmental Protection for action. The GPCOG has been able to work closely with the Bureau of Solid Waste and all closure projects are on or ahead of schedule.

**b. White Goods Removal Program.** Fourteen (14) Cumberland County Municipalities have teamed with the GPCOG to develop and implement a joint program which will assure white goods removal at a competitive price. By using their combined financial and political muscle, the Cumberland County Municipalities and the GPCOG are assured of a strong contract that puts the municipalities in the driver's seat.

**c. Ground and Surface Water Testing Program.** Initially seven (7) municipalities are joining this program to test the waters in and around the municipality landfills. Eventually approximately 20 communities will join this program that was originated by the GPCOG for their benefit. This joint approach will save the municipalities about 35% in costs per test series.

**d. Demolition Debris Disposal Site Acquisition "Stump Dump" Program.** Nineteen (19) GPCOG communities have joined together to identify and acquire a number of demolition debris disposal sites in Cumberland County. This joint GPCOG program initially identified almost 200 sites which after investigation was narrowed to approximately 10 sites. Funding for the project was by the communities working together with the COG.

**e. Underground Storage Tank Removal and Replacement Program.** Seven (7) towns and eight (8) school districts have been brought together by this GPCOG initiated program to joint bid this large project; 30 underground storage tanks this year and programmed actions in this area through 1998.

**f. Chemical Waste Removal Program.** The GPCOG initiated this program to help clear our high school and college laboratories of old and sometimes very dangerous chemicals. The GPCOG expects that all Cumberland County school districts will join this cost effective and timely program.

**g. Recycling and Waste Minimization.** The GPCOG has developed a reference library of recycling and solid waste materials such as ordinances, manuals, interlocal agreements and planning guides. These items will assist communities in the development of recycling and solid waste programs. Twelve communities in Cumberland County have developed recycling programs and some of these communities may contract with other communities to utilize existing recycling facilities and thus become regionalized and more efficient.

Richard M. Price  
Director Environmental Management and Planning  
The Greater Portland Council of Governments

Attachments:

- a. Four of the most recent GPCOG Environmental Reports (Newsletters)
- b. "Cooperation and Foresight Close Seven Landfills", a paper reprinted from Public Works Magazine on the GPCOG landfill closure project.

**THE GREATER PORTLAND COUNCIL OF GOVERNMENTS (GPCOG)  
ENVIRONMENTAL MANAGEMENT AND PLANNING DIVISION**

233 Oxford Street, Portland, Maine 04101 Phone: 207-774-9891

Richard Price

Roger Bondeson

**THE  
ENVIRONMENTAL  
REPORT**

**ER 89 - 4  
April 18, 1989**

For the GPCOG Member Communities and their Professionals in Government, Community Citizens, and Industrial Partners with an interest in Environmental Protection and Infrastructure Planning to include Solid Waste and Water Resource Management, Source Reduction and Recycling, Emergency Planning, and Industrial Health and Safety

**THE NEW SOLID WASTE  
MANAGEMENT RULES  
ARE THE LAW**

**AUGUSTA, APRIL 12, 1989.** On this day, the Board of Environmental Protection signed into law the proposed final rules for the management of solid waste within Maine (Ref: ER 89-2 and 89-3). The remaining formality is for the Secretary of State to review the document and then it will be published and distributed. This office remains committed to assisting you, the COG community, in complying with the new law in a manner that will be most cost effective for you while fully complying with the intent of these new regulations.

**REGIONAL WHITEGOODS  
REMOVAL PROGRAM**

**THE GPCOG, APRIL 13, 1989.** To date, 11 COG community towns have sent in letters of interest on joining the multiple town whitegoods removal program. Additionally, four other towns have indicated they will join the program. During the week of April 17, the GPCOG Environmental Office will send out the "Contract for Services" to each town that previously responded. Upon return of these contracts to the COG, the Environmental Office will complete development of the contract between the vendor and the town. After final review by each town, bids and proposals will be solicited from prospective vendors. The proposed bid package will be tough but fair on the prospective bidders - and it will put our towns in the driver's seat. Call Roger Bondeson or Dick Price for info.

**JAPANESE RECYCLING RATE  
THE TRUTH PLEASE**

Myths continue to propagate on Japanese recycling. We often hear of a 50% rate when the truth is the Japanese overall recycling rate is less than 10%. The GPCOG Environmental Office is being sent a letter from the Japan Environmental Office confirming the less than 10% rate. We will send you a copy upon request.

**LONG LAKE WATERSHED  
DISTRICT PROJECT**

**BRIDGTON.** The Long Lake Watershed Study Committee will be meeting on April 26th at the Northern Cumberland Memorial Hospital in Bridgton. The purpose of this meeting will be to plan the next public workshop to explain to the public the goals, benefits and reasons for the watershed district. The Board of Environmental Protection will conduct a public hearing on this issue sometime this summer. This date will be finalized in the coming weeks. For further information, please contact Roger Bondeson.

**•LANDFILL CLOSURE PLANS•  
THE REGIONAL APPROACH  
IS WORKING**

**Falmouth, April 7, 1989.** With the encouragement and authorization of the Bureau of Solid Waste Director, Ms. Paula Clark, several members of the DEP met with Falmouth's Landfill Closure Team on April 3 in Falmouth. The team included Falmouth Town Manager Doug Harris and PWD Tony Hayes and Richard Price and Roger Bondeson of the COG, Al Presgraves of Woodard and Curran, and Jim Hilliard of Robert Gerber. Representing the DEP were Mark Hyland, David Maxwell, George Scholl, Harrison Bisham and Marc Wolman, the DEP project officer. The meeting, which was dynamic and thorough, was considered very successful. Many generic questions pertaining to all seven of the multiple closures were answered and remaining questions on the specific Falmouth closure were surfaced and answered. According to the assembled staff, there were 'no stoppers' that would hold up Falmouth's permit approval and there appeared to be no stoppers that would keep the other six from approval. All parties agreed to expedite all required actions to ensure closure plans approval at the earliest date. Mr. Marc Wolman states that he plans for all permits to be granted in time for work to be accomplished this construction season.

## Underground Storage Tank Removal and Replacement Program

Many of you attended the very successful pre-bidders conference held at the COG on April 14. As a result of this conference, a letter of clarification is being sent to all concerned on the following:

a. requirements for a performance bond. The contractor must maintain their performance bond until such time that all of their installed tanks pass a precision test. This test is given one year after installation.

b. time and date for proposal submission has been extended to 1000 hours on May 15 at which time all proposals will be open and publicly read.

Currently eight (8) companies have stated they will bid on the project.

## Leaf Composting Regulations Review and Analysis

Ian Gamble of this office has been reviewing other states' regulations on leaf composting and he has provided the following: State regulations reviewed include those of Massachusetts, New York, New Jersey, Wisconsin, Florida, Minnesota, Michigan, and Pennsylvania. Only three of these states limit total volumes per site: Massachusetts = 50,000 yds<sup>3</sup>/yr while New Jersey and Wisconsin = 20,000 yds<sup>3</sup>/yr and the remaining states have no limits but instead focus on site design and operation. Michigan and Pennsylvania do not require a permit of any type as long as their guidelines are followed. They state they have exempted leaf composting from the permitting process because they are trying to encourage leaf composting. Massachusetts Leaf Composting Policy states that "preliminary studies...conclude that leaves present little or no threat to the public health or environment. In contrast to the above, Maine's proposed permit by rule limits for leaf composting are 3,000 yds<sup>3</sup>/yr or one acre, whichever is less.

Leaf and yard waste composting is a very flexible process that can be adapted to a wide range of money, equipment, and space availabilities. Composting these materials presents very minimal environmental risks if a few common sense siting guidelines are adhered to, and, more importantly, if the composting process is operated and maintained properly. The end product is a very desirable soil amendment that is easily "disposed of" in local public works projects and by marketing to local citizens.

## Ground Water Testing Program

The specification package for this proposed program is almost complete and will be sent for review to all towns in the landfill closure project by the first week in May. With the vastly increased testing requirements, our forecast is that this package will save each town some 30+% of costs as compared to testing if done only for an indi-

vidual town. If your town is not in the landfill closure project but you would like to join this project for the cost savings and cost avoidance features - please call Dick Price or Roger Bondeson for a package for your review.

## Meeting Notice on Forming Presumpscot River Association

Roger Bondeson announced that Jean Scudder, Chairperson, Water Quality Advisory Committee, has called for a workshop on forming a new grassroots community effort to help clean up the Presumpscot River. This would involve establishing a monitoring program with both high school students and concerned citizens. The initial meeting has been called for April 24 at the COG from 7:30 PM to 9:30 PM.

## Environmental Office Log:

- a. Mar 23. Price to Sebago on Landfill Closure discussions
- b. Mar 23. Bondeson and Price to Harrison on Lakes District Watershed District planning workshop
- c. Mar 24. Price to Casco for transfer station equipment conference with Jan McGrath, Dave Morton, and Neal LaValle
- d. Mar 24. Price to Raymond for discussions on demo planning
5. Mar 24. Bondeson to Augusta for meeting on Watershed District law and legislative testimony.
6. Mar 28. Bondeson to Augusta for training on Lake Development Impact
7. Mar 28. Price and Burnham and Presgraves of Woodard and Curran to Casco and Harrison on landfill closure and transfer station planning
8. Mar 29. Bondeson to Augusta for training on Lake Development Impact
9. Mar 30. Price to Augusta for DEP meeting with BEP on new solid waste regs
10. Mar 31. Bondeson to Augusta for training on Lake Development Impact
11. Mar 31. Price and Burnham and Presgraves to Gray for meeting on landfill closure and transfer station
12. Apr 4. Price to Augusta for meeting with Bureau of Solid Waste Director Paula Clark
13. Apr 7. Price and Bondeson to Falmouth for meeting with Falmouth, members of DEP staff, and reps from W&C and Gerber on landfill closure
14. Apr 11. Price and Bondeson to Freeport for area recycling discussions.

## Recycling and Education

George MacDonald of the Maine Office of Waste Recycling and Reduction said that he has on hand the recycling curriculum set up for all school grades from several states and that he will share these with interested school systems, teachers or others that are interested in teaching our young people the ins and outs, and whys and wherefores of recycling. Please call George at 207-289-6800.

**THE GREATER PORTLAND COUNCIL OF GOVERNMENTS (GPCOG)  
ENVIRONMENTAL MANAGEMENT AND PLANNING DIVISION**

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Richard Price

Roger Bondeson

**THE  
ENVIRONMENTAL  
REPORT**

**89 - 3  
March 17, 1989**

For the GPCOG Member Communities and their Professionals in Government, Community Citizens, and Industrial Partners with an interest in Environmental Protection and Infrastructure Planning to include Solid Waste and Water Resource Management, Source Reduction and Recycling, Emergency Planning, and Industrial Health and Safety

**SOLID WASTE MANAGEMENT RULES  
FINAL DRAFT**

Clif Eliason of the DEP said that the final draft of the new solid waste rules has been sent to interested parties. He said that on March 30th, the DEP plans to submit this final draft to the Board of Environmental Protection for adoption. This meeting will be held at the Coastline Inn in Augusta at 9:30AM.

In reviewing this final draft and comparing it to the previous draft, we find that the DEP has made many changes for clarification purposes but has made very few changes to lessen impact or stringency. The 'new rules' are tough and costly and will impact all of us. We will keep you advised on exactly how and when the 'new rules' will effect you and your municipalities.

**LANDFILL CLOSURE PLANS**

Mr. Marc Wolman, DEP Project Officer for the Landfill Closure Plans, has been recently transferred to the DEP South Portland office - phone 767- 4763. From this office Marc will continue to handle all aspects of the Bridgton, Casco, Falmouth, Gray, Harrison, and North Yarmouth Closure Plans.

Marc reports that he is actively working with DEP engineers and hydrogeologists in the technical review that will result in a draft order for closures to begin. The DEP wants all closures to be completed this coming 1989 season. Although he does not foresee any reason for any closure plan to be delayed, he does see that several of the plans will require additional submittals by the project engineering firm. This will involve additional details in specific areas and may require some relatively minor material changes to such items as proposed covers or caps.

Marc reiterated that at this time he sees nothing that would hold up the permitting process and that DEP is sensitive and aware that the closures must be completed this summer of 1989.

**LAKE DEVELOPMENT IMPACT**

Roger Bondeson of this office, has been selected to attend a Maine DEP training program on reviewing commercial and residential development for potential impact on nearby lakes. This program, funded by a DEP grant, will give Roger the necessary model by which to learn the ecology and biology of a lake; to calculate the amount of phosphorous any given development will discharge to a lake; and to learn the types of controls and technologies used to minimize the impacts of phosphorous runoff. Completion of this program will give Roger the certification necessary to teach these models to planning board members, town planners, and conservation commission members.

Roger will set up a series of workshops throughout the County this summer and fall. The goal will be to give our member communities a standardized method of determining how much development can occur around a lake before pollution problems occur. Planning boards will use this information in site review and planning for the future. Additionally, the DEP is developing and will recommend "boiler plate language" for use by the towns in their comprehensive plans. Please call Roger Bondeson at 774-9891 if you have any questions in this area. Roger will notify you soon on the workshop scheduling.

**LAKE ENVIRONMENTAL  
PROTECTION FUND**

The Lake Environmental Protection Fund was established in 1986 to assist municipalities with legal expenses incurred with the enforcement of land use laws and ordinances adjacent to lakes. This statute was broadened by the Legislature in 1988 to include not only the costs of litigation but settlements such as consent agreements as well. The State will provide 75% of the municipality's legal expenses including attorney fees, court costs and expert or other witness costs, if matched with a 25% local share. Roger Bondeson is forwarding compensation application packages to each municipality.

## DEMOLITION PROJECT

The Demolition Policy Committee, Chairman Mr. Scott Seaver, feels that the group may be close to site identification and initial acquisition actions. This final process which hopefully will lead to a fully approved, developed, and operational site in about two years, will require the best efforts on the part all of us to ensure the site(s) meet the requirements of all 19 member municipalities.

The communities of Naples, Raymond, and Sebago have all requested information on joining the original group of 19 communities that are now involved in this program. Sebago voters have approved funding for entry.

The fact that 22 Cumberland County/Greater Portland Council of Government member communities would voluntarily join together to solve regional/community waste problems, graphically demonstrates the dynamic and progressive nature of this most beautiful area of Maine which we call home.

### DEMOLITION POLICY COMMITTEE ••MEETING DATE CHANGE••

Mr. Scott Seaver, Committee Chairman, announced that because of conflicting schedules for several of the members, the date for the next Policy Committee meeting has been changed from 8:30 AM on March 22 to 8:30 AM on April 5. The meeting will be at the RWS.

Because of the time sensitivity and increasing amount of information that must be presented to and then acted upon by the Committee, Mr. Seaver is urging maximum member participation at all upcoming meetings.

## UNDERGROUND STORAGE TANK PROGRAM

This very successful GPCOG community member program involves the removal and replacement of twenty six tanks from seven school systems and five towns to date. Although these tanks are the ones identified for removal this year, several of the communities and school systems have identified to the GPCOG, tanks for removal through the year 1998.

Roger Bondeson has forwarded two contracts to each of the participating school systems and towns for their review and comments as necessary. The first contract is the contract between the town/school and the GPCOG and the second is the contract between the future contractor and the town/school. Both contracts have been reviewed by our consulting attorney, Mr. John Lambert. Mr. Lambert has previously represented communities and industries involved in leaking underground storage tank removal and replacement actions.

Please send in or call in your comments or suggestions on the contract to Roger Bondeson or Richard Price as soon as possible but not later than March 27, 1989. We will solicit bids from industry during April, have a pre-bidders conference in mid-May, and award the contract by end May (if not sooner). We plan to have all identified tanks removed and replaced this season.

## CHEMICAL WASTE REMOVAL

Ten school districts plus the Greater Portland Transit District (METRO) have expressed an interest in pursuing this very important program primarily aimed at ensuring our school laboratories can and will safely get rid of outdated and dangerous chemicals. Copies of the proposal have been sent to all towns and school districts and copies are available in the Environmental Office if you need a copy. In May this office will follow up with a vendor's contract for services. NOTE: If your school has not already done so, please ensure that an accurate inventory of chemicals on hand is completed. This will save considerable time as well as costs to complete the contract.

## WHITE GOODS

A GPCOG memo to determine community interest in a regional whitegoods removal program is being sent today to all town managers, selectmen, and public works directors. This proposed program will exercise the combined financial muscle of multiple towns to ensure our communities have the best whitegoods removal program possible. Please complete the "Letter of Interest" (attached to the memo) by April 10, 1989.

## RECYCLING

The Environmental Management Office with the assistance of our newly hired intern, Mr. Ian Gamble, has developed a small but comprehensive library containing recycling ordinances, solid waste ordinances, charters, interlocal agreements, and planning tools to assist municipalities in planning a recycling or solid waste program. We also have an economics feasibility model to help larger communities determine the costs associated with a curbside recycling program. If you need assistance in planning a recycling program, the COG staff is poised to offer its services in your behalf.

## ENVIRONMENTAL OFFICE LOG:

From March 6, 1989.

- a. Mar 6. Price to Falmouth Town Hall on landfill closure.
- b. Mar 7. Price to Falmouth Town Hall on landfill closure.
- c. Mar 7. Price to Gorham Town Council Meeting.
- d. Mar 8. Price and Bondeson to Freeport for COG regional meeting.
- e. Mar 8. Price to Falmouth public meeting on landfill closure.
- f. Mar 9. Price to Raymond on Demolition Program.
- g. Mar 13. Price to Gray on Transfer Station Project.
- h. Mar 13. Price to Casco on Transfer Station Project.
- i. Mar 13. Price to Harrison on Transfer Station Project.
- j. Mar 14. Price to special meeting of Concerned Citizens for Casco Bay.

## GROUND WATER TESTING PROGRAM

We are preparing a joint testing program which will save \$.

**THE GREATER PORTLAND COUNCIL OF GOVERNMENTS (GPCOG)  
ENVIRONMENTAL MANAGEMENT AND PLANNING DIVISION**

233 Oxford Street, Portland, Maine 04104 Phone: 207-774-9891

Richard Price

Roger Bondeson

**THE  
ENVIRONMENTAL  
REPORT**

**89 - 2**

**March 3, 1989**

For the GPCOG Member Communities and their Professionals in Government, Community Citizens, and Industrial Partners with an interest in Environmental Protection and Infrastructure Planning to include Solid Waste and Water Resource Management, Source Reduction and Recycling, Emergency Planning, and Industrial Health and Safety

**Governor McKernan's Proposed Solid  
Waste Management Legislation**

Prepared for the 114th Legislature, the Governor has drafted and is prepared to submit a comprehensive package of solid waste regulations that will revolutionize the way solid waste is regulated and handled within the State of Maine. As in any package that is so all encompassing, there are some good points and some points of concern. First an outline of the proposed legislation (current as of Feb. 17, 1989) and then some points for consideration.

**1. Waste Hierarchy and Recycling Goals.** All solid waste efforts must address the hierarchy of "waste reduction, recycling, resource recovery and conservation, and secure land disposal" and the state recycling goal of a 25% reduction in the waste stream.

**2. The Solid Waste Management System.** A quasi-public State Authority and six District Authorities are created to assume broad responsibility for management and financing of the new solid waste system. District 1 will be comprised of all of York and Cumberland Counties.

**•• State Authority.** State Authority to be quasi-public such as the Finance Authority of Maine and to be governed by a board of seven public member directors appointed by the governor with legislative confirmation. Office of Recycling and Waste Reduction to be moved from Dept. of Economic and Community Development to this new waste authority.

**••• Responsibilities.** State Authority will:

- a. develop and implement state solid waste management plan with the first plan to be developed by DEP by June 30, 1989;
- b. establish and manage the recycling programs to include technical, financial, and planning assistance;
- c. ensure the siting, financing, construction, ownership or

operation of waste sites determined to be a state responsibility and will review District candidates for suitability and consistency with state plans. After such review, the BEP must review.

- d. review fees charged for waste disposal services;
- e. ensure provision of financial and technical assistance to districts, municipalities, and businesses. NOTE: The entire budget requested for the State solid waste system for its first year of operations is \$2.7 million;
- f. provide for public education and information;
- g. approve district solid waste management plans; and
- h. direct wastes from one facility within the State to another during emergency situations. This is very important for York County whose MERC went down twice in a short period recently.

**•• Districts (each of six regions). Region 1 Management District - York and Cumberland Counties.** To be governed by a board of seven directors who are residents of the district (region) and comprised of one county commissioner and two public members selected by the (combined York and Cumberland) county commissioners and three members selected by the (combined York and Cumberland) municipal officers of the district. These six members will select a seventh and final member of the board.

**••• Responsibilities:**

- a. develop the district solid waste plan and have it approved by the State Authority;
- b. plan, site, design, finance, construct, and operate waste management facilities;
- c. provide waste management services such as transportation, recycling, market development;
- d. contract the operation of waste facilities or services;
- e. borrow to finance district facilities;

(cont. on back page)

(cont. from front page)

f. develop and implement solid waste management regulations for the district;

g. exercise *eminent domain* (within existing statutory limitations) to acquire sites for waste disposal.

h. provide technical assistance to businesses and municipalities seeking to accomplish district solid waste management objectives.

i. conduct public education and information activities.

### 3. Recycling:

a. All communities of 5,000 population or more will recycle to achieve a reduction in the waste stream of 25% by 1994, will establish local ordinances to accomplish these objectives, will provide scheduled pick-up or drop off sites, and, transportation and equipment sufficient to accomplish the recycling program.

b. Each district must achieve an (overall) 25% reduction by 1995.

c. Industry will be mandated to achieve specified goals in the recycling program.

### 4. Financing:

a. Several revenue options to support the State and District Authorities are considered:

(1) a \$1.50 fee at the point of disposal for municipal solid waste disposed of at municipal, district, and state facilities and calculated on a per ton or cubic yard basis

(2) a \$2.00 fee for special waste disposed of at above facilities

(3) a surcharge as follows:

\$2.00 per tire, \$15.00 per white good, \$15.00 per brown good, \$1.00 per lead acid battery

b. Bonding Authority:

The State and District will have the authority to issue revenue obligation securities and securities for mortgage loans to finance waste management facilities.

c. Solid Waste Trust Fund:

To be capitalized from 5% set aside fees levied at the state level and will assist in remediation and other costs associated with pollutant removal.

Mr. John Walker, Executive Director Greater Portland Council of Governments, provides the following analysis and commentary on the Governor's proposal:

#### a. Positive elements of the bill.

1. The Governor's Initiative establishes a new system of solid waste management, outlines new responsibilities for state and local governments and the private sector, and includes financial incentives for waste reduction and appropriate disposal.

2. The provision for a state bureau could be valuable to allow towns and regional agencies to obtain better coordination with the state through a state/local partnership and to build technical capacity to help all regions manage this community service.

3. The funding provisions are another breakthrough with the state realizing that solid waste is a statewide priority and should be funded less by local property taxes and more by state and other revenues.

### b. Concerns

1. The new authority might preempt the Role of Regional Waste Systems, a voluntary, municipal solid waste operating district, created by Cumberland County Municipalities and the role of other regional solid waste programs. Duplication of effort and responsibility should be avoided.

2. This Bill proposes District 1 include York as well as Cumberland County. Cumberland and York Counties are at different stages of implementation in solid waste management. The two Counties and their respective municipalities have successfully pursued regional solutions and have worked together. Voluntary cooperation between the Counties should be encouraged versus being mandated.

3. The initial funding of \$2.7 million to cover operational costs of the Authority and six Districts and to include grants for recycling as well as community benefit programs is a great and welcome start. But, we wonder if it will be enough. The funds, if the program is to succeed, should match the mandates and responsibilities the Governor is considering.

4. Finally, we recommend that instead of creating another layer of bureaucracy, the State should use, instead, the regional planning councils, regional council of governments, and regional solid waste districts already established by the legislature to address the management of solid wastes.

### ENVIRONMENTAL OFFICE LOG:

From February 8, 1989.

a. Feb 8. Price to Falmouth Public Meeting on Landfill Closure.

b. Feb 10. Price to Gray on solid waste disposal.

c. Feb 13. Price to N. Yarmouth on Demolition Program

d. Feb 15. Price to Raymond and Naples on Solid Waste discussions.

e. Feb 16. Price and Bondeson to Sebago Town Meeting on Solid Waste Issues and Environmental Revue.

f. Feb 17. Price to Harrison and Casco on Transfer Station information and to Raymond on solid waste issues.

g. Feb 17. Price and Bondeson to Augusta and Governor's office for discussions on the Governor's Solid Waste initiative.

h. Feb 27. Price and Bondeson to Raymond on Solid Waste.

i. Mar 1. Bondeson to Bridgton on Long Lake Watershed.

j. Mar 2. Price to Gray and County Manager Meeting.

k. Mar 2. Bondeson to Freeport on 205j Program.

**NOTE:** A public workshop on the Long Lake Watershed District will be held on March 23 at 7:00 PM at the Harrison Elementary School auditorium.

### •AS TIME GOES ON...and ON•

From America's premier general scientific magazine "To anyone who has noted the increased demands of the public in recent years for the effective cleaning of streams and coastal waters, it must be apparent that the time is rapidly approaching when an intelligent and comprehensive plan for dealing with the problem must be evolved. If industry and government cooperate in finding a solution, it will be easier, less costly and less disruptive than if a thoroughly aroused public, irked by delays and subterfuge, finally insists on immediate, drastic and precipitate action." *Scientific American*, March 1939.

**THE GREATER PORTLAND COUNCIL OF GOVERNMENTS (GPCOG)  
ENVIRONMENTAL MANAGEMENT AND PLANNING DIVISION**

233 Oxford Street, Portland, Maine 04104 Phone: 207-774-9891

Richard Price

Roger Bondeson

**THE  
ENVIRONMENTAL  
REPORT**

**89 - 1**

**8 February 1989**

For the GPCOG Member Communities and their Professionals in Government, Community Citizens, and Industrial Partners with an interest in Environmental Protection and Infrastructure Planning to include Solid Waste and Water Resource Management, Source Reduction and Recycling, Emergency Planning, and Industrial Health and Safety

**Solid Waste  
•Bits and Pieces•**

**a. Augusta.** The Governor's Waste Reduction and Recycling Plan calls for the State to achieve an overall 25% reduction in the waste stream by 1994. Approximately 35% of this reduction could be achieved if the State had a workable plan for leaf composting. The COG recognizes the dichotomy between the State's recycling goals and the present and proposed solid waste regulations which call for a maximum of 1,000 cubic yards of leaves to be composted before a municipality must go with DEP Chapter 567 rules. These rules could effectively stop any Maine community from attempting composting and the 25% recycling goal would forever remain only a goal.

The COG's Richard Price (Chairman) and Roger Bondeson with the RWS's Eric Root, Portland Water District's Doug Miller, and Lisbon WPCF's Jerry Kamke formed a committee to help rewrite the DEP rules to make them more realistic and workable for all Maine communities. This rewrite, now completed, was based on most other States which call for as high as 20,000 cubic yards for composting with a permit by rule or compost by guidelines. The rewrite was forwarded to the Board of Environmental Protection on 8 February. Basically the recommendations were that the Board not approve implementation of the new Maine Solid Waste regulations until the following actions take place:

**a.** Delete all reference to leaf composting from the new solid waste regulations.

**••** In lieu of regulations, the Bureau of Solid Waste would publish leaf composting guidelines based on best management practices (BMP) and would reserve the right to visit each leaf composting operation on an annual basis; and

**b.** Insert in DEP Chapter 567, Rules for Land Application of Sludge and Residuals, the following sentence "Leaf composting is specifically excluded from consideration under Chapter 567".

**b. Falmouth.** On 23 January, Mr. David Maxwell and Mr. Marc Wolman from the DEP Bureau of Solid Waste and Richard Price (GPCOG) attended the Falmouth Town Hall meeting for an extended discussion on the proposed Falmouth landfill closure. This DEP cooperation demonstrates DEP's commitment to work closer with the citizens and communities which are directly effected by DEP mandated requirements.

**c. Naples.** On 16 January, Richard Price and Roger Bondeson attended a meeting at the Naples Town Hall as guests of the Naples Conservation Commission. Over 40 citizens from several towns attended this 2 & 1/2 hour meeting on the GPCOG programs in the solid waste area. Lively and informative were the words that would adequately describe this meeting. Richard and Roger thoroughly enjoyed their visit with the very interesting and interested citizens of the Lakes District.

**d. Gray.** On 2 February at a meeting of the Cumberland County Town and City Managers Association, Ms. Paula Clark, Director Solid Waste Bureau DEP, stated that the final draft of the new solid waste regulations should be ready for review within two weeks. After review the new regulations will go to the Board of Environmental Protection for approval and then implementation. Ms. Clark says that the COG and Cumberland municipalities will have the opportunity for a short review and comment prior to Board submission.

**e. 205j.** Roger Bondeson has coordinated with State and found this year's 205j grant program is now final at \$93,000 statewide with the award to any one applicant limited to \$24,500. The deadline for this year's proposals is 1 April. For information - please call Roger and please forward your proposals through this office for regional review. Regional review automatically provides the applicant additional points in the State scoring of the application.

### **Landfill Closure Plans**

**Augusta, 8 February.** The DEP said today that all closure plans in to them as of this date are on schedule. Mr. David Maxwell states that final approval on the first closure site could come as early as the end of March. The Town Managers involved in the multiple closure plan effort met in Windham on Monday 6 February to review progress to date and to consider options on future efforts in this area.

### **Underground Tank Removal and Replacement Program**

This program has received wide acceptance throughout the COG communities and as of 1 February, seven towns and eight school systems have requested to become program participants. Tanks have been identified for removal through the year 1997. The proposed contract for the vendor is now at the lawyer for final review. A special request for all program participants is that when the Underground Storage Tank Facility Registration Forms are forwarded to the COG - please ensure complete information on each tank is given. This information should include, if possible, size in gallons, age, construction material, and location. The COG realizes that the information may not be available in all cases. Vendors will use the forms for determining their bid proposals.

### **Demolition Waste Disposal Project**

According to Mr. Scott Seaver, Chairman, the Demolition Policy Committee will consider the exact procedures required for new towns to enter this project. Prompted by several municipalities expressing a desire to join the project, discussions are set for the Policy Committee's next meeting now set for 0815 on 9 February.

### **Tire Disposal**

Sawyer Environmental's Mr. Ed Logue and Mr. Bill Murdock visited the COG on 2 February and provided the following information. Sawyer will at a municipality or industry request, visit a tire dump facility and load, transport and dispose of tires at a rate of approximately .85¢ per tire. There is no requirement for 'clean tires' at this time. For further information on Sawyer, please contact Ed Logue or Bill Murdock at 862-4200.

### **Transfer Station Permits**

**Augusta, 3 February. South Portland, 2 February.** Barbara Schwendtner of the DEP So. Portland office told the COG that the Transfer Station Permit request for Casco is now being worked and that Harrison was next with a target date for completion of 15 March. Mr. Mike Thorne TM Harrison requested more expeditious handling of the permit because of previous DEP delays and present funding matters. The COG coordinated with DEP's Mike Barden and Mike stated that he would assist in expediting Harrison's request for permit. On 8 February, Ms. Schwendtner confirmed that the Harrison request was also being worked.

### **White Goods and Tires •Joint Contracting•**

The COG Environmental Management and Joint Services Divisions plan to work closely with the Town Managers and Public Works Directors to develop and implement solid contracts for both white goods and tires. These contracts will use the combined financial muscle of multiple towns to ensure the most advantageous pick up schedule and price per ton/load as well as ensure the services of reputable vendors. Built-in safeguards will be used to ensure each month's schedules are met to the satisfaction of all towns in the program before funds disbursements are authorized. Draft request for proposals should be in the mail to all TMs and PWDs by the end of February.

### **Japan and Recycling**

One of the comments that all of us hear when talking about the problems of solid waste is "why do we need waste to energy plants/waste incinerators when we should do like Japan and recycle everything". The February 1989 magazine Solid Waste & Power gives us help in this area. The magazine states that "Japan, a very disciplined society, recycles almost 50% of its solid waste and burns 67% of the remainder with some 2,000 incinerators.

### **Maine Solid Waste Programs •A New Legislative Approach•**

According to Mr. Alan MacEwan, Aide to Governor McKernan, there are approximately 50 solid waste bills that are pending in this legislative session. Mr. MacEwan said, during a question and answer session at the February meeting of the Cumberland Town and City Managers Association, that he is the proponent for the Governor's new Solid Waste initiative. This initiative, which has not yet been submitted in bill format to the Legislature, calls for a comprehensive realignment of responsibilities in the State for solid waste management. The bill will call for the establishment of six solid waste regions with each region to be run by a Board of Seven members. Membership will consist of three county commissioners, three members representing elected officials from all towns and cities, and one member who will be elected by the six members mentioned previously. Our Cumberland county region will also include the entire county of York. Several Town Managers took exception to and not one manager expressed approval of the proposal as presented by Mr. MacEwan. Basically, our Town Managers do not want to inherit the problems of York County without a much deeper understanding of the responsibility, authority, and proposed methodology of the 'Board'. The Managers also questioned Mr. MacEwan on whether or not this was just one more administrative bottleneck between the municipalities and the State.

**NOTE: This Environmental Report is in the experimental mode at this time and Roger and Richard will check with you for comments.**

With prior scheduling, we are available at any time to meet with you at Town Meetings and meetings of Boards, Councils, and Commissions to discuss all environmental issues.



■ THIS landfill once had an incinerator on-site and the ash was buried. A synthetic cap will be installed.

## Cooperation and Foresight Close Seven Landfills

**RICHARD C. BURNHAM, P.E.**  
Project Manager,  
Woodard & Curran Inc.,  
Portland, Maine

**T**HE regionalization of disposal facilities to process burnable solid waste is going to necessitate more regional solutions for disposal of the remaining waste stream, and the management of related issues. The Greater Portland Council of Governments (GPCOG) is a proponent of such regional cooperation, having had to initiate the closing of seven landfills operated by towns belonging to GPCOG.

GPCOG is a 21-member voluntary association of the county, cities, and towns within Cumberland County of Maine. GPCOG evolved in 1969 from the Greater Portland Regional Planning Commission and promotes regional progress through regional cooperation. As an arm of local government, GPCOG is providing these communities with technical services in those areas where the communities lack the necessary staff, time, or other resources.

It is important to provide additional background as to why these seven towns are able to close their landfills. This background demonstrates a regional approach and how important it is to have a strong team possessing the attributes of vision, energy, and patience.

The seven towns involved in this landfill closure project are also participating in Regional Waste System's (RWS) solid waste incineration facility in Portland. RWS grew out of GPCOG's Solid Waste Management Board because of a need to find a method that would adequately address the problem of solid waste disposal for the area. Many options were evaluated and in 1974 RWS bought a used baler and began the process of siting, permitting, and construction of a waste baling facility, located in Portland, that would serve the region. A balefill was also designed, sited, permitted, and built in Scarborough to receive the bales generated from the Portland facility. The original participants in the baler project were Portland, South Portland, and Scarborough. When the baler began operation in 1978 there was one additional town added to the original three and by 1980 there were nine communities delivering their waste to the RWS baler.

During the early 1980s RWS began to look for other alternatives to its balefill because the cost of landfilling was going up, the balefill had a limited life, more municipalities were needing an alternative solution to their landfills, and the public was becoming more and more sensitive to environmental issues.

In 1984 RWS decided to embark on a project to build and own a waste-

to-energy facility that would burn the waste of 20 GPCOG cities and towns and produce electricity from the process, thus meeting the needs for waste disposal of the GPCOG communities. RWS was successful in its undertaking and after a competitive process Dravo Energy Resources, Inc., New York, New York, was chosen to design, build, and operate the facility. In March 1988 Dravo began construction of a \$42-million 500-tpd mass burn facility that would produce high-pressure steam converted to electricity in a 13-megawatt turbine-generator. The project began generating power commercially this summer. Ash residue and by-pass waste is disposed of at an expanded ash-balefill site at the existing balefill facility.

As was mentioned earlier, these towns are able to close their landfills because the new RWS facility is providing an alternative to landfilling. Unfortunately this does not solve the whole problem. Since only about 75 percent of the total waste stream is processable through a burn facility, there still exists a need for disposing of the remaining 25 percent of the waste. Compared to the cost of disposing of the larger portion of the waste, this remaining 25 percent can be quite costly, even prohibitive, for individual towns to deal with by themselves. Therefore, RWS in conjunction with GPCOG is developing regional de-

molition debris/brush disposal sites, and working on regional solutions for white goods and tires as well. Communities that are participating in other waste-to-energy facilities need to consider a regional approach to process or dispose of the remaining waste stream. The consequence of not doing this could be an unnecessarily costly solution, no solution, or an additional burden to the environment.

These efforts to regionalize, fraught with difficulties as they are, can be very worthwhile as these projects demonstrate. Communities should put aside their objections to regionalization and work together to solve their common problems in a much more economical and environmentally sound way.

The seven participating towns in this Regional Landfill Closure Project are being required by the Department of Environmental Protection (DEP) to close their landfills in a phased approach starting when the towns begin to deliver waste to the Regional Waste System's incinerator plant and be complete by August 1989. All the landfills are unlicensed and demonstrating either leachate seeps, groundwater contamination, surface water contamination, or all of the above. In addition, five of the facilities in question are located over sand and gravel aquifers, and others have deposited waste adjacent to or into bodies of water. Since these communities have entered into agreements with RWS for disposal of their community's "processable" waste, no consent agreements have been required by DEP.

The goal of the project was to hire an engineering firm to develop landfill closing plans for the participating communities in accordance with the rules and schedules set out by DEP. GPCOG initiated the work by requesting closure reports from DEP. The reports described each facility in question along with known deficiencies, and included recommendations. This information established a good baseline to initially review the sites, and establish a scope of work.

### **Closing a Landfill**

The procedure for closing a landfill requires submission of a closing plan to the DEP for review and approval under Chapter 401, Section 5 of the Maine Department of Environmental Protection Solid Waste Management Rules. A closing plan must include the following:

- ◆ Public notification of closing.
- ◆ Rat extermination procedures.
- ◆ Final grading to achieve a slope between 2 percent and 15 percent (33 percent sideslopes).

◆ On-site drainage, leachate, and gas control.

◆ Placement of 2 ft of final cover material and seeding.

◆ Inspections and maintenance.

◆ Ground and/or surface water monitoring.

The DEP Solid Waste Management Rules make the following general statements: A landfill shall be located such that it will not pollute any water of the state, contaminate the ambient air, constitute a hazard to health or welfare, or create a nuisance during its useful life and as long as it may endanger the public health and safety of the environment.

Title 38, M.R.S.A., Sec. 413 et. seq. generally prohibits a surface or subsurface discharge of pollutants without a license. A discharge from a landfill to the waters of the State (ground or surface) beyond a solid waste boundary would be subject to effluent limitations that require application of the best practicable treatment. Leachate as defined by DEP means liquid that has passed through or emerged from solid waste and contains dissolved, suspended, or miscible materials removed from such waste.

Based on the above legal statements and existing knowledge it was determined that additional requirements beyond the routine closing plan might be necessary to determine surface water or groundwater impacts, and any possible additional remedial actions that could be required by DEP. The physical process involved in developing a landfill closing plan includes the following tasks:

- ◆ Topographic survey.
- ◆ Subsurface investigation.
- ◆ Environmental assessment.
- ◆ Concept development.
- ◆ Preparation of closing plan for submittal to DEP.

◆ Implementation of closing plan.

In general, landfills are closed by capping the waste with 18 in. of clay, 6 in. of topsoil, and seed to prevent precipitation from infiltrating the waste and becoming contaminated (leachate), grading around the site to divert surface run-off away from the waste, and providing a ground and surface water monitoring program to ensure desired performance of the closing. When it is determined that facilities to be closed are already contaminating the environment, additional measures are required to safely close the landfill, including installing a more impervious cover (plastic), lowering the groundwater table, collecting contaminated groundwater and treating it to achieve clean water standards, and diverting upgradient groundwater flow away from the area.

GPCOG administered the hiring of the consultants for the towns and began the process by pre-qualifying the consultants. This included sending out requests for qualifications to engineering and hydrogeologic consultants describing the services needed and requesting that the consultants submit a qualification package demonstrating their particular experiences in the areas of interest to the GPCOG towns. A review committee consisting of the managers from each participating town reviewed the submittals and chose four firms to submit proposals to do the specific work needed. The same review committee that did the pre-qualifying interviewed the four finalists and made a final selection based on the consultants approach to the project, technical ability, and project cost. Woodard & Curran Inc., with Robert G. Gerber Inc., were the successful consultants for this project.

The engineering approach to the project is very disciplined, methodical, and stresses problem identification. Economy of scale and communication are important elements to the successful completion of the work.

The first phase of the work is called environmental assessment and includes the following tasks:

◆ Hydrogeologic survey and evaluation, including site reconnaissance, borings and test pits, and a report on the findings with recommendations.

◆ Topographical survey of landfills to be closed including location of borings and test pits.

The second phase of the work is concept development and includes the following tasks:

◆ Develop base map.

◆ Develop closing plan for each town with specific elements considered (these specific elements will depend on the findings in the hydrogeologic report for each town).

◆ Review closing plan and cost estimate for construction with towns.

◆ Submit concept closing plans to DEP for review before proceeding with final design.

The third and fourth phases are final design and construction, respectively. The most important aspects of the approach are in the phasing, and concept review by the towns, and DEP.

Although some information on contamination already existed for each site, the actual extent of the contamination was not adequately documented and to best serve the needs of the towns the hydrogeologic investigation is phased. This phasing is important because of the need to accurately identify the problem. The best interests of the towns are not

served by assuming that the extent of the problem as originally assessed by someone else is accurate and then basing the program on those assumptions. Therefore, each hydrogeologic investigation program is designed specifically for each town and tailored to the individual circumstances at the landfill.

### **Perfect Example**

A perfect example of why this is important occurred on one of the landfills being examined. The work done previously by others indicated contamination but was not done in enough detail to identify the type, source, or direction. Depth to bedrock was great and a drilling program designed to go to and into bedrock on all the holes would really have been a shot in the dark since none of the other investigations had as yet found the plume. (A plume is defined as the area of groundwater influenced by the contamination, and is generally moving.) Therefore, the first phase of the drilling program included three relatively shallow borings of sufficient depth to hit a plume and measuring for indicator parameters of conductivity, iron, sodium, chloride, hardness, temperature, pH, and COD. As it turned out, we found the plume with only one of the wells, and have recommended the next more comprehensive investigation that will measure for more contaminants, determine groundwater flow gradients (up or down), measure depth to bedrock and bedrock aquifer condition, and extent of the plume.

It is clear to see from this example why this phased approach was advantageous. In this case the more costly drilling and testing is confined to the areas that are going to provide results, thus avoiding a costly shot gun approach.

Because the regulatory response regarding these types of projects is so indeterminate it is important to review the concept with DEP as soon as a concept is developed. The approach here is to have a minimum effort that will develop sufficient detail in the concept to allow DEP to make a determination. The advantage to this method? If the concept is not accepted by DEP only a minimum amount of money has been expended.

The key to successful projects will be an early accurate assessment of the solution that will result in regulatory approval. All the facilities are polluting to lesser or greater degrees, and will require simple to complex remedies.

The pre-application process with DEP included submitting the concept plan to DEP ten days prior to the

meeting, and establishing a project manager at DEP for each project. The object of this early submittal is to focus on the solution that best meets the towns' needs and satisfies DEP requirements.

There is an inherent economy of scale in doing more than one of the same type of project at the same time. Geographically the towns are all located close together and this was considered during site visits, survey, drilling, and meeting locations. Reports were scheduled to be submitted at the same time, concepts were developed serially, cost estimates were developed for all the projects after all the concepts were completed, and joint meetings with towns and DEP were scheduled as often as possible.

Coordination of all this work took place through GPCOG, with GPCOG and Woodard & Curran having both individual and joint responsibilities.

GPCOG took responsibility for closure sequence, schedule for public notification of closing, public education/media, hauling issues, recycling issues, printing service, and organization and coordination of meetings. Woodard & Curran assumed duties for drainage control procedures; identifying sources of cover material (on-site); schedule for grading slopes, placing final cover, and seeding; and schedule for ground and surface water monitoring. Joint responsibilities of GPCOG and Woodard & Curran are budget and financing, capital equipment needs, fire control schedule, final cover requirements and logistics, transfer station requirements and issues, restricted access, schedule for inspection and maintenance program after closing, and mapping service.

The engineering budget was developed for each of the towns assuming a straightforward uncomplicated project. If the environmental assessment shows that either more investigation is needed or that remedial effort is required, a new budget will be developed for that town's project needing the additional effort.

By May 1988 all the initial hydrogeologic investigations, surveys, concept plans, and meetings with towns were completed. All seven concept plans were then simultaneously submitted to DEP. Woodard & Curran subsequently received back all comments from DEP and met with the individual towns to discuss these comments. Based on the concept plans and DEP comments, Woodard & Curran is now developing the final plans — which must be approved by DEP — for the closings. Construction is anticipated to begin next year.

Three of the landfill closings will be accomplished with a cap of 18 in. of clay, 6 in. of top soil, and seed. Four of the landfills will be closed with a synthetic membrane, 6 in. of drainage medium, 12 in. of soil, 6 in. topsoil, and seed. Three of the landfills have been developed with waste deposited in the groundwater and will need additional remediation in the form of groundwater diversion — these are the same landfills that will be covered with synthetic membranes. Two landfills will have additional hydrogeologic investigation conducted to determine the extent and severity of the plume, and one other landfill will have additional hydrogeological investigations conducted to determine the design requirements of groundwater diversion.

The towns are required to stop using their landfills as soon as RWS begins accepting their waste, but will be allowed to continue to use a portion of the landfills for the disposal of demolition debris, brush, and storage of white goods and tires until the RWS regional facilities for the handling of these materials are developed and operational. This also results in the construction of the closings being accomplished during two time periods, the second occurring after an alternate demolition debris brush disposal facility exists.

### **Benefits**

The towns that participated in this project will benefit several ways. They will be a part of a larger group, more resources will be available to them individually, costs of common tasks will be shared by the group, more alternatives will be considered, and the most cost-effective, environmentally sound landfill closings will result from the process.

This is an important project for Maine and the participating towns because with the burgeoning solid waste problem, new approaches will have to be tried. Usually small communities do not have the resources necessary to adequately address all the issues involved in solid waste management. This project illustrates that towns can get together, and without losing their autonomy, solve a common problem.

This exercise will also benefit other communities because it will demonstrate a new way of combining resources to help solve an extremely difficult problem in dealing with solid waste issues.

This method of accomplishing a goal does not work for everyone, but for those that it does, it is worth the effort. These projects do not progress

effortlessly and have to be continuously nurtured. Success requires a serious commitment by all the parties involved. Once that strong commitment exists, it is essential that leadership be energetic and continuous. The merits of cooperative effort are obvious, but it means dealing with different people with their own particular ways and preferences of doing things. So, patience is a crucial virtue

that must be possessed by the participants. Whenever possible a representative or a small committee should be delegated to review and make recommendations concerning important issues. Often a project will take years to complete making good communication and continuity essential for success. Remember, a project could have great technical merit but will fail miserably if it does not have a

good plan and a strong political backing throughout its life. □□□

**Acknowledgment.** The preceding article is based on a paper presented at the Seventh Annual New England Resource Recovery Conference/Exposition, "Emerging Solutions to the Disposal Crisis," June 8 to 10, 1988, Portland, Maine. The Conference/Exposition is sponsored by the New Hampshire Resource Recovery Association, Concord, New Hampshire.

## WOODARD & CURRAN INC.

C O N S U L T I N G   E N G I N E E R S

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