

MAINE STATE LEGISLATURE

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New Draft of: H. P. 816, L. D. 1083

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1903

H. P. 1478

House of Representatives, May 3, 1973

Reported by Mrs. Berube from the Committee on Natural Resources and printed under Joint Rules No. 18.

E. LOUISE LINCOLN, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Relating to Solid Waste Disposal.

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

R. S., T. 38, c. 13, additional. Title 38 of the Revised Statutes is amended by adding a new chapter 13, to read as follows:

CHAPTER 13

SOLID WASTE MANAGEMENT

§ 1301. Short title

This chapter shall be known and may be cited as the "Maine Solid Waste Management Act."

§ 1302. Declaration of policy

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

The Legislature also finds and declares that economic, efficient and environmentally sound method of waste disposal is of the highest priority. Municipalities are generating increasing amounts of solid waste with no systematic or consistent methods being used to reduce the volume of waste or to soundly

dispose of it. Failure to plan properly for future solid waste may further deplete already taxed natural resources and aggravate environmental and public health problems resulting from present inadequate practices of resource recovery and solid waste disposal.

§ 1303. Definitions

The following words when used in this chapter shall have the following meanings unless the context in which they are used clearly shows a different meaning:

1. Board. "Board" means the Board of Environmental Protection.
2. Commissioner. "Commissioner" means the Commissioner of the Department of Environmental Protection.
3. Department. "Department" means the Department of Environmental Protection.
4. Municipality. "Municipality" means a city or town.
5. Person. "Person" means an individual, firm, corporation, partnership, association, municipality, quasi-municipal corporation, state agency or any other legal entity.
6. Recoverable resources. "Recoverable resources" means materials that still have useful physical or chemical properties after serving a specific purpose and can be reused or recycled for the same or other purposes.
7. Solid waste. "Solid waste" means useless, unwanted or discarded solid material with insufficient liquid content to be free flowing, including by way of example, and not by limitation, rubbish, garbage, scrap materials, junk, refuse, inert fill material and landscape refuse, but shall not include septic tank sludge or agricultural wastes.
8. Solid waste disposal facility. "Solid waste disposal facility" means any land area or structure or combination of land area and structures, including dumps, used for storing, salvaging, processing, reducing, incinerating or disposing of solid wastes.
9. Solid waste management. "Solid waste management" means purposeful, systematic and unified control of the collection, storage, transportation, processing, salvaging and disposal of solid waste.

§ 1304. Department; powers and duties

1. Rules and regulations. The board may adopt, amend and enforce such rules and regulations as it deems necessary governing solid waste management, including the location, establishment, construction and alteration of solid waste facilities. Such regulations shall be designed to encourage logical utilization of recoverable resources, to minimize pollution of the state's air, land and water resources, prevent the spread of disease or other health hazards, prevent contamination of drinking water supplies and protect public health and safety. In adopting such regulations, the board shall also consider economic impact, technical feasibility and such differences between municipi-

palities as are created by population, waste volume and geographic location. Regulations shall be promulgated in the manner provided by section 361. The municipal officers of all municipalities shall be notified, in writing, at least 30 days prior to any hearing. Regulations adopted pursuant to this section shall not become effective until July 1, 1975, thereby affording ample opportunity for the Legislature to modify, expand or reject such regulations as deemed appropriate.

No regulation adopted pursuant to this section shall exceed air quality standards authorized by Title 38, chapter 4.

2. Site location. The board may provide by regulation that no person may locate, establish, construct, alter or operate any solid waste disposal facility unless approved by the board under sections 481 to 488.

3. Municipal status reports. The department shall review reports submitted by municipalities as required by section 1305. Report forms shall be prepared and distributed by the department. Required information shall include, but not be limited to, the following:

A. Location of solid waste disposal facility sites within the municipality whether publicly or privately owned or operated, their mode of operation and anticipated useful life;

B. Ordinances or regulations adopted by or proposed for the municipality which regulate the use of waste disposal facilities within the municipality;

C. All legal arrangements established by municipalities for providing a solid waste disposal facility for solid waste generated within the municipality;

D. Any plan for solid waste management officially adopted by the municipality.

4. Technical assistance. The department is authorized to establish guidelines for effective solid waste management, to provide technical assistance to persons planning, constructing or operating solid waste disposal facilities, and to conduct applied research activities in the field of solid waste management, including methods of recycling solid waste items.

5. Planning grants. The department is authorized to receive funds, public and private, to use such funds for the administration of this chapter and to make grants from such funds to municipalities and regional planning agencies or their agents as designated by the municipality, for the purpose of planning and implementing solid waste management activities and solid waste disposal facilities pursuant to guidelines established by the board.

§ 1305. Municipalities; powers and duties

1. Disposal facilities. Each municipality shall provide a solid waste disposal facility for domestic and commercial solid waste generated within the municipality and may provide such a facility for industrial wastes and sewage treatment plant sludge.

2. Ordinances. This chapter shall not be construed as limiting the authority of any municipality to enact ordinances for the regulation of solid waste disposal, provided that such ordinances are not less stringent than or inconsistent with the provisions of this chapter or the regulations adopted thereunder.

3. Contracts. Municipalities may contract with any person for the collection, transportation, storage, processing, salvaging or disposal of solid wastes.

4. Municipal status reports. The municipal officers of each municipality shall, on or before the first day of November, 1973, and on or before the first day of June each year thereafter, submit on forms prepared by the department, information relating to solid waste management within the municipality.

5. Municipal permits. All permits issued pursuant to Title 30, sections 2451 to 2460 shall, in addition to requirements imposed by those sections, be conditioned on compliance with rules and regulations adopted by the board concerning the operation of solid waste disposal facilities. Copies of permits issued by the municipality shall be submitted to the department within 30 days of issue.

§ 1306. Prohibited acts

It shall be unlawful for any person to establish, construct, alter or operate any waste disposal facility or to store, collect, transport, process or dispose of solid waste contrary to regulations promulgated by the department.

§ 1307. Violations

Any person violating any provision of this chapter or the rules or regulations promulgated thereunder shall be punished by a fine of not more than \$500 for each day a violation exists. The Superior Court shall have jurisdiction to enjoin any violation of this chapter or the rules or regulations promulgated thereunder.

§ 1308. Exemptions

Rules and regulations adopted pursuant to this chapter concerning the location, establishment and construction of solid waste disposal facilities, but not concerning alteration or operation, shall not affect such facilities in existence prior to the effective date of this Act.

STATEMENT OF FACT

The purpose of this Act is to designate the Department of Environmental Protection as the State agency responsible for developing guidelines and regulations relating to the collection, storage, processing, salvaging and disposal of solid wastes. The Department would be empowered to enact uniform regulations designed to prevent environmental harm and public health hazards, however, such regulations will not become effective until July 1, 1975, thereby affording the 107th Legislature to modify, expand or reject such regulations as deemed appropriate. This Act also requires municipalities to assume responsibility for the orderly disposal of solid waste except that generated by industry and waste water treatment plant sludge.