

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES (Filing No. H-318)  
109TH LEGISLATURE  
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to H.P. 1139, L.D. 1518, Bill, "AN ACT to Merge the Septage and Hazardous Waste Law into the Solid Waste Law and to Conform them with the Requirements of the Federal Resource Recovery and Conservation Act."

Amend the bill in section 2 in that part designated "§1303." by striking out all of subsections 3, 4 and 5 and inserting in their place the following:

'3. Disposal. "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any hazardous or solid waste, sludge or septage into or on any land or water so that the hazardous or solid waste, sludge or septage or any constituent thereof may enter the environment or be emitted into the air, or discharged into any waters, including groundwaters.

4. Generation. "Generation" means the act or process of producing hazardous or solid waste, sludge or septage.

5. Hazardous waste. "Hazardous waste" means any chemical substances or materials, gas, solid or liquid, designated as hazardous by the United State Environmental Protection Agency pursuant to the United States Resource Recovery and Conservation Act, Public Law 94-580 and amendments to the Act or designated hazardous by the Act or its amendments.'

Further amend the bill in section 2 in that part designated "§1303." by striking out all of subsection 12 and inserting in its place the following:

'12. Transport. "Transport" means the movement of hazardous or solid waste, sludge or septage from the point of generation to any intermediate points and finally to the point of ultimate storage or disposal.'

Further amend the bill in section 2 in that part designated "§1303." by striking out all of subsections 14, 15, 16 and 17 and inserting in their place the following:

'14. Waste facility. "Waste facility" means any land area or structure or combination of land area and structures, including dumps used for storing, transferring, salvaging, processing, reducing, recovering, incinerating, treating or disposing of hazardous or solid wastes, sludge or septage.'

15. Waste management. "Waste management" means purposeful, systematic and unified control of the collection, storage, reduction, incineration, transportation, treatment, processing, recovering, salvaging and disposal of hazardous or solid waste, sludge or septage.'

Further amend the bill in section 3

by striking out all of subsection 1 and inserting in its place the following:

'1. Rules. The board may adopt, amend and enforce, subject to the <sup>Maine</sup>Administrative Procedure Act, such rules as it deems necessary governing waste management, including the location, establishment, construction and alteration of waste facilities. The rules shall be designed to encourage logical utilization of recoverable resources, 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 these rules, the board shall also consider economic impact, technical feasibility and such differences as are created by population, hazardous or solid waste, sludge or septage volume and geographic location.'

Further amend the bill in section 3:

by inserting at the end the following new blocked paragraph:

'The board may adopt by regulation any or all of the final regulations of the United States Environmental Protection Agency defining hazardous waste. Regulations adopted by the board shall be effective although enforcement by the United States Environmental Protection Agency of its regulations has been stayed or enjoined by court order during the pendency of any suit brought to determine the legality of the regulations.'

Further amend the bill in section 5 by striking out everything after the amending clause and inserting in its place the following:

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

Further amend the bill in section 6 by striking out everything after the amending clause and inserting in its place the following:

'4-A. Right of entry. For the purposes of developing or enforcing any rule authorized by this Act, any duly authorized representative or employee of the department may, upon presentation of appropriate credentials, at any reasonable time:

A. Enter any place where hazardous or solid wastes, sludge or septage are generated, stored, treated or disposed of;

B. Inspect and obtain samples of any hazardous or solid waste, sludge or septage, including samples from any vehicle in which hazardous or solid waste, sludge or septage are being transported, as well as samples of any containers or labels; and

C. Inspect and copy any records, reports, information or test results relating to hazardous or solid waste, sludge or septage.'

Further amend the bill in section 7 by striking out everything after the amending clause and inserting in its place the following:

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

Further amend the bill in section 8 in subsection 6, paragraph A, by striking out at the end the following: "and"

Further amend the bill in section 8 in subsection 6, paragraph B, at the end by striking out the period and inserting in its place the following: ";and"

Further amend the bill in section 8 by adding at the end of subsection 6 the following:

'C. Prior to the conduct of its study the board shall, after opportunity for a public hearing, publish a list of chemical substances and materials, gas, liquid or solid, which shall constitute the basis of the study. This list shall be consistent with regulations and guidelines published by the United States Environmental Protection Agency.'

Further amend the bill in section 8, in subsection 7, paragraph C, by striking out all of subparagraph (1); and renumbering subparagraphs (2) to (10) to be (1) to (9).

Further amend the bill in section 8, subsection 7, paragraph C, subparagraph (4) by inserting after the underlined word "waste" the following: 'storage,'

Further amend the bill in section 8, in subsection 7, paragraph C, subparagraph (10), first paragraph, by inserting after the underlined word "capability" the following: 'of hazardous waste facilities' operators or owners and those who transport hazardous waste'

Further amend the bill in section 8 by striking out all of subsection 8 and inserting in its place the following:

'8. Permits. The board shall grant a permit approving a waste facility whenever it finds that hazardous or solid waste, sludge or septage to be managed in a waste facility will not contaminate any water of the State or constitute a hazard to health/ <sup>or</sup> welfare or create a nuisance to any person.'

Further amend the bill in section 9 by striking out everything after the amending clause and inserting in its place the following:

'6. Municipal septage sites. Each municipality shall provide for the disposal of all refuse, effluent, sludge and any other materials from all septic tanks and cesspools located within the municipality. In addition, any person may provide a site for disposal of septage. Before making application to the Department of Environmental Protection for approval of any site, that person shall first have written approval for the site location from the municipality in which it is located. The municipality or the municipal officers authorized to act for the municipality, after hearing, shall approve any such private site if it finds that the site does not constitute a hazard to the health or safety of the residents of the municipality.'

Further amend the bill in section 11 by striking out all of the amending clause and inserting in its place the following:

'Sec. 11. 38 MRSA §1309, §1310 and §1311 are enacted to read:

Further  
✓ Amend the bill in section 11 in that part designated "§1310." by striking out all of the first paragraph and inserting in its place the following:

'If the commissioner finds after investigation that the disposal of any hazardous or solid waste, sludge or septage has created or is likely to create a substantial and immediate danger to public health or safety, he may order the person or persons causing the disposal of the waste to immediately cease or prevent the disposal and to remove the waste already disposed of from the disposal site.'



in section 11  
Further amend the bill/by inserting at the end the  
following:

'§1311. Municipal hazardous waste control

Nothing in this chapter shall be construed as a pre-emption of the field of hazardous waste regulation and study on the part of the State. Municipalities may study hazardous waste and adopt and enforce hazardous waste control and abatement ordinances, to the extent that these ordinances are not less stringent than this chapter or than any standard under, or other action promulgated pursuant to, this chapter. Local ordinance provisions which touch on matters not dealt with by the chapter or which are more stringent than this chapter shall bind persons residing in the municipality.'

Statement of Fact

The purpose of this amendment is to more clearly define the purposes of the bill.