

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1059

S. P. 354

In Senate, February 26, 1981

Referred to the Committee on Energy and Natural Resources. Sent down for concurrence and ordered printed.

MAY M. ROSS, Secretary of the Senate

Presented by Senator Trafton of Androscoggin.

STATE OF MAINE

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

AN ACT for the Siting, Construction and Financing of Hazardous Waste Treatment, Disposal and Storage Facilities.

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

38 MRSA c. 14 is enacted to read:

CHAPTER 14

HAZARDOUS WASTE FACILITIES MANAGEMENT

§ 1351. Short title

This chapter shall be known and may be cited as the "Hazardous Waste Facility Management Act."

§ 1352. Definitions

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

1. **Certificate of environmental compatibility and public necessity.** "Certificate of environmental compatibility and public necessity" means the certificate issued by the Hazardous Waste Facility Siting Council under section 1353, certifying that facilities located at the certified site and which comply with all applicable state permits and other laws present no unacceptable environmental risks.

2. Council. "Council" means the Hazardous Waste Facility Siting Council created under section 1353.

3. Disposal. "Disposal" means the final disposition of hazardous wastes into or onto the lands, waters and air of the State.

4. Existing site. "Existing site" means a treatment, disposal or storage site which meets the following criteria on the effective date of this chapter:

A. The site is owned by the operator or subject to a valid option to purchase and:

(1) A portion of the site is actually being used for the treatment, disposal or storage of hazardous wastes;

(2) The operator has applied for a federal or state permit which is necessary to construct or operate a facility on the site; or

(3) The operator has expended substantial engineering, environmental planning and other relevant expenses preparatory to constructing and operating a hazardous waste treatment, disposal or storage facility on the site; or

B. The site is owned by the operator or subject to a valid option to purchase and the operator can demonstrate that a portion of the site which does not meet the requirements of paragraph A, subparagraphs (1) to (3), is dedicated to meeting the future hazardous waste treatment, disposal or storage needs of the operator.

5. Hazardous waste. "Hazardous waste" is that waste defined in section 1303-A.

6. Hazardous waste treatment, disposal and storage facility. "Hazardous waste treatment, disposal and storage facility" means an on-site or off-site facility or site other than a publicly-owned treatment works for the purpose of treating, storing or disposing of hazardous waste materials, including, but not limited to, physical, chemical or thermal processing systems, incinerators and secure landfills.

7. Off-site facility. "Off-site facility" means a facility not geographically contiguous to a source of generation.

8. On-site facility. "On-site facility" means a facility which is located on property contiguous to or divided only by a public or private way from the source of generation and which is solely owned and operated by the source and operated exclusively by and for the treatment, disposal or storage of waste from the source.

9. Short-term storage. "Short-term storage" means the containment of hazardous waste either on site or off site, on a temporary basis pending treatment, disposal or storage for a period not exceeding 90 days.

10. **Storage.** "Storage" means the containment of hazardous waste for a period greater than 90 days.

11. **Treatment.** "Treatment" means any method, technique or process designed to change the physical, chemical or biological character or composition of any hazardous waste so as to neutralize such waste or as to render such waste nonhazardous, safer for transport, amenable for recovery or storage, convertible to another usable material or reduced in volume and suitable for ultimate disposal.

§ 1353. Hazard Waste Facility Siting Council

1. **Creation.** There is created the Hazardous Waste Facility Siting Council consisting of 9 permanent and temporary members who are residents of this State.

2. **Permanent members.** Seven permanent members shall be appointed by the Governor. When a vacancy occurs, the Governor shall appoint a new member for the remaining portion of the unexpired term.

3. **Term of members.** Except on initial appointment, permanent council members shall serve for terms of 3 years. A permanent council member may be reappointed for a 2nd consecutive 3-year term, but no permanent council member may serve for more than 2 consecutive 3-year terms. Upon initial appointment, 4 permanent council members shall serve for 3-year terms; 2 permanent council members shall serve for 2-year terms; and one permanent council member shall serve for a one-year term.

One temporary position shall be filled by a resident of the municipality and one position by a resident of the county in which the hazardous waste treatment, disposal or storage facility is proposed to be primarily located, and those temporary members shall be appointed by the chief executive officer of the respective entities.

4. **Qualifications of permanent members.** The permanent council shall be composed of members who meet the following qualifications.

A. Two members shall be familiar with the business of generation, transportation, treatment, disposal or storage of hazardous waste.

B. One member shall be or have been an elected official of either a municipal or county governmental body.

C. One member shall be a geologist or hydrologist.

D. One member shall have demonstrated expertise in industrial development planning.

E. Two members shall be from the general public.

5. **Quorum; action.** Five of the 7 permanent members of the council constitute a quorum for the transaction of any business of the permanent council.

The decision of 4 of the permanent members of the council constitutes action of the permanent council. When necessary, 6 of the 9 members of the full council constitute a quorum for the transaction of any business requiring the full council. The decision of 5 members of the full council constitutes action of the council.

6. **Chairperson.** The Governor shall appoint the chairperson of the council from among the permanent members who shall serve as chairperson at the pleasure of the Governor. The initial chairperson shall be appointed within 30 days after the council is initially constituted.

7. **Expenses.** Council members shall be reimbursed for out-of-pocket expenses and may receive a fixed honorarium for attending meetings and hearings of the council.

8. **Rules.** The council shall promulgate the rules and regulations required in sections 1355 to 1367, pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375, and shall comply with any other procedural requirements imposed by this chapter.

§ 1354. Council staff

1. **Director.** The council shall appoint a Director of the Office of the Hazardous Waste Facility Siting Council who is an employee of the Department of Environmental Protection and who shall serve at the pleasure of the council. The director, with the approval of the council, shall employ such staff as the director determines is necessary to carry out the duties of the office.

2. **Cooperation.** In carrying out the duties imposed upon it, the council and its staff shall cooperate with the administrative heads of any state agency and the council may request any administrative head to advise the council and to provide requested information relative to any regulation or plan or to the evaluation of any application for a certificate of environmental compatibility and public necessity pending before the council.

3. **Contract.** The council may contract for such consulting studies as are necessary to enable the council to carry out its assigned functions.

§ 1355. Relationship to other state laws

With the exception provided in section 1361, no state law regulating the treatment, disposal or storage of hazardous waste is superseded by this chapter and, with the exception provided in section 1361, the issuance of a certificate of environmental compatibility and public necessity does not exempt the holder from the duty to acquire any other state permits or to comply with any other state law necessary to locate, construct and operate a hazardous waste treatment, disposal or storage facility.

§ 1356. Site selection criteria

1. **Publication.** The council shall, after investigation and an opportunity for public hearings and written public comment, within one year of the effective date

of this chapter publish criteria for siting hazardous waste treatment, storage and disposal facilities. Such criteria shall ensure that hazardous waste treatment, disposal and storage facilities may be located without causing unacceptable environmental or public health effects.

2. Siting. The criteria issued under subsection 1 shall take into account relevant criteria for the siting of hazardous waste treatment, disposal and storage facilities, including, but not limited to, the following:

- A. The zoning classification of the proposed site and the extent to which a proposed site is by present or projected use dedicated to industrial development;
- B. The land uses and the density of population in areas neighboring such facility;
- C. The density of population in areas adjacent to probable delivery routes to such facility;
- D. The risk and impact of accidents during the transportation of hazardous waste to the site;
- E. The determination of which areas of the State are not suitable for the location of a hazardous waste treatment, disposal or storage facility because they are dedicated to an incompatible public use or are unsuitable for the location of a hazardous waste treatment, disposal and storage facility for other reasons;
- F. The geology of the site, where relevant, with reference to factors which include, but are not limited to, the presence of fault zones and the risk of contamination of ground and surface waters by leaching and run off from such facility;
- G. The risk of fires or explosions from improper storage and disposal methods;
- H. The economic and environmental impact of the facility on the local government units in which the facility is to be sited; and
- I. Closure and post-closure monitoring and maintenance requirements.

§ 1357. Certificate of environmental compatibility and public necessity

1. Certificate required. After the publication of the criteria, anyone proposing to construct and operate a new on-site or off-site hazardous waste treatment, disposal or storage facility must obtain a certificate of environmental compatibility and public necessity for the site chosen by the applicant prior to final approval of the construction and operation permit required under chapter 13. The issuance of a certificate of environmental compatibility and public necessity shall carry no presumption that the proposed facility complies with chapter 13.

2. Application information. The regulations issued by the council pursuant to

section 1353, subsection 8, prescribing the form of an application for a certificate of environmental compatibility and public necessity to construct a hazardous waste treatment, storage or disposal facility shall by rule require the applicant to supply detailed information regarding:

- A. The location of the proposed facility and a map of the proposed location;
- B. A description of the design and capacity of the proposed facility;
- C. The expected sources of hazardous waste for the facility, the proposed methods of transporting such waste to and from the facility and the routes which deliveries will traverse;
- D. The qualifications of the operator; and
- E. The compatibility of the proposed location of the proposed facility with the criteria issued pursuant to section 1356 and the consistency of the proposed location with the plan issued pursuant to section 1358.

The application information may be in the form required to obtain other necessary permits and certificates to minimize duplicative development and presentation of data.

3. Fee. An application shall be accompanied by a certificate application fee pursuant to a scale set by the council by regulation based on the cost to the council of reviewing the certificate application.

4. No review. An existing site is not subject to a review of the board as long as it meets the requirements set out by chapter 13.

5. Presumption in industrial zone. An application to site a new hazardous waste treatment, disposal or storage facility in an area zoned for industrial use or the equivalent which demonstrates that the facility will comply with chapter 13 shall be presumed to be consistent with the Hazardous Waste Facility Siting Plan and criteria and a certificate of environment compatibility and public necessity shall be issued unless the council can demonstrate that the construction of a new on-site facility or the expansion, enlargement or alteration of an existing on-site facility will create unacceptable environmental and public health risks to the surrounding area.

6. Notice; competition of application. On or before 30 calendar days after the receipt of an application for a certificate of environmental compatibility and public necessity, the council shall mail written notice to the applicant whether or not the application is complete. If the application is not complete, the applicant shall have a reasonable period of time in which to complete the application. Upon completion of the application, the council shall cause notice of the application and a map of the location of the proposed site to be published in a local newspaper and shall provide written notice by registered mail to the chief executive officer of each government entity in which the proposed facility is located. Such notice shall also be sent to all property owners adjacent to the proposed facility.

7. **List of interested persons.** The council shall maintain a list of persons interested in council actions and any person has the right to be placed on the list. The council may impose a reasonable charge to cover the cost of reproducing and distributing materials to those persons placed on the list.

8. **Hearing.** Within 60 days after notice has been given under subsection 1 or 5, upon the request of a person entitled to notice in subsection 6, the council shall conduct an adjudicatory hearing on the application pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375, to determine whether or not the site chosen by the applicant is consistent with the criteria adopted pursuant to section 1356 and, when applicable, the plan adopted pursuant to section 1358. A majority of a council quorum may grant a 60-day extension to an applicant. The council shall render a decision on the record either granting the application, upon such conditions as the council deems appropriate, or denying it.

§ 1358. Hazardous Waste Facilities Siting Plan

1. **Preparation.** Within 18 months of the effective date of this chapter, the Hazardous Waste Facility Council shall prepare and publish a Hazardous Waste Facilities Siting Plan. This plan shall be based on the criteria adopted in section 1356 and shall become final upon adoption by the council pursuant to the procedures set forth in subsection 2. The plan shall be based on the following principles.

A. The council shall, in cooperation with the department and other state agencies and private sources, prepare an inventory of:

- (1) The types of hazardous waste currently being generated in the State and likely to be generated in the future and those being generated in other states which are likely to be treated, disposed of or stored in the State;
- (2) The sites currently being used for the disposition of these wastes in the future within the State;
- (3) The treatment, disposal or storage processes and management practices which will be required to comply with chapter 13 and ensure that there are no unacceptable environmental and public health risks; and
- (4) An estimate of the public and private costs for meeting the long-term demand for hazardous waste treatment, disposal and storage facilities.

B. The council shall incorporate the criteria developed in section 1356 to provide for a reasonable geographical distribution of future sites necessary to fulfill the state's need for hazardous waste disposal, treatment or storage sites for the next 20 years. In selecting potential sites, the council may not exclude any area of the State from consideration, but to the maximum extent possible shall give preference to sites located in areas already dedicated through zoning and other land use regulations to industrial use or are located near such areas so as to minimize the transportation of hazardous waste.

C. The plan shall analyze the economies of scale which may be recognized in

hazardous waste treatment, disposal and storage and identify those areas of the State where due to the concentration of industrial activity and types of industrial waste generation processes, or due to favorable geology or hydrology, the construction and operation of regional hazardous waste treatment, disposal and storage facilities appears to be technically, environmentally and economically feasible.

2. **Draft plan.** Prior to the adoption of a final plan, the council shall prepare a draft preliminary plan under subsection 1. The draft preliminary plan shall be widely distributed to units of local government near the existing and proposed sites and the council shall publish a notice of the availability of the preliminary draft plan in at least 2 newspapers, if available, having major circulation in the areas of the State affected by the plan. The council shall also issue a statewide news release informing persons where copies of the preliminary plan may be inspected or purchased at cost. Any time between 60 and 90 calendar days after the release of the plan, the council shall hold 2 public hearings in different areas of the State affected by the preliminary plan so as to allow local officials and other interested parties the opportunity to express their views on and submit information relevant to it. Within 30 days after the hearings are completed, the council shall prepare a summary of public comments and make them available for public inspection prior to the preparation of a final plan. Any time between 30 to 60 calendar days after the comments have been made available for public inspection, the council may prepare a final Hazardous Waste Facilities Siting Plan. The final plan shall be widely distributed to members of the public. Any time between 60 to 90 calendar days from the release of the final plan, the council shall hold 2 public hearings in different areas of the State affected by the plan to allow local officials and other interested parties the opportunity to express their views on it. Within 30 calendar days of the last final plan hearing, the council shall vote to adopt, adopt with modifications or reject the plan as provided in section 1353. Notwithstanding any other section of state law, the adoption of a final plan by the council is a final action of the council and the plan is not subject to judicial review except for failure to follow the procedures set forth in this section and in the Maine Administrative Procedure Act, Title 5, chapter 375, for the conduct of public hearings for rule-making actions.

3. **Publication; effect.** After the adoption of the final Hazardous Waste Facilities Siting Plan, the plan shall be published. Thereafter, an applicant for a certificate of environmental compatibility and public necessity must either select a site contained in the plan or propose a site which is consistent with the adopted plan criteria for the selection of a suitable site.

4. **Review.** After the publication of a final plan, the council shall engage in a continuous monitoring and review process to ensure that the long-range needs of hazardous waste producers likely to dispose of hazardous waste in this State for treatment, disposal and storage are being met at a reasonable cost. An annual review of the adequacy of the plan shall be conducted and published by the council. If necessary, the council may amend the plan to provide additional sites or delete

sites which are no longer suitable for the treatment, disposal and storage of hazardous waste. Prior to an amendment adding or deleting any site to the plan, the council shall hold at least one public hearing in the area where the proposed site is located.

§ 1359. Purchase or condemnation of needed sites

1. **Authority.** To ensure an adequate supply of hazardous waste treatment, disposal and storage facility sites required by the final Hazardous Waste Facilities Siting Plan adopted pursuant to section 1358, the council may acquire, by purchase from among the sites located in the final plan, a sufficient number of sites to meet the hazardous waste disposal, treatment and storage needs projected by the final plan if in the judgment of the council private operators are not meeting the need for hazardous waste treatment, disposal or storage facilities.

2. **Finding.** Notwithstanding the inclusion of the site in the final plan, before any site is purchased, the council shall make a finding that the site currently meets the standards for the issuance of a certificate of environmental compatibility and public necessity.

3. **Temporary use.** The council, on its sole discretion, may permit the temporary use of any property purchased for any use which is not inconsistent with the site's prompt availability for a hazardous waste treatment, disposal or storage facility.

4. **Revenue.** All revenue the council obtains through temporary use of sites shall be paid to the county in which the site is situated. If the site lies within 2 or more counties, the money shall be distributed proportionally according to the area within each county.

§ 1360. Providing a right of inverse condemnation

1. **Action authorized.** At the time a permit to construct and operate a hazardous waste treatment, disposal or storage facility at a site included in the Hazardous Waste Facility Siting Plan is found consistent with the plan, the owner of the land adjacent to the site may bring an action in Superior Court against the council alleging that the construction and operation of the facility constitute a taking without just compensation. If the court determines that the construction and operation of the plan will constitute a taking without just compensation, the court shall require the council to determine if it wishes to purchase an interest in the taken land. If the council declines to purchase an interest in the land, the court shall award the landowners damages for the value of the interest taken.

2. **Exclusive remedy.** The remedy provided in subsection 1 is the exclusive remedy for landowners aggrieved by the proposed construction and operation of a hazardous waste treatment, disposal or storage facility, and no court may enjoin the construction and operation of any facility which complies with the terms and conditions of the certificate of environmental compatibility and public necessity and any other permits required.

3. **Enforcement.** The rights and remedies of the council and other state agencies to enforce violations of the certificate of environmental compatibility and public necessity and all permits used are preserved.

§ 1361. Preemption of local land use control ordinances

In view of the safeguards provided by this chapter through state units of government and to assure the binding effect of their determinations, any site for which a certificate of environmental compatibility and public necessity is issued, or which is held by the council pursuant to section 1359, preempts any local zoning or other land use regulations, law or ordinance. The holder of such a certificate or the Maine Hazardous Waste Facilities Corporation is not required to apply for any approval by any county or municipal zoning board authority or unit. No local unit of government may prohibit or unduly restrict the transportation of hazardous waste through the governmental unit to a site certified under section 1357 or acquired under section 1359.

§ 1362. Maine Hazardous Waste Facilities Corporation

There is created the Maine Hazardous Waste Facilities Corporation. The corporation shall be a body corporate and politic constituting a public benefit corporation. Its membership shall consist of 7 directors: The Commissioner of Environmental Protection, who shall be chairman and chief executive officer of the corporation; the Commissioner of Transportation; the Commissioner of Human Services; and 4 directors appointed by the Governor with the advice and consent of the Senate. The directors appointed by the Governor, who are not state officers, shall serve for terms of 6 years each, provided that of the directors first appointed 2 shall serve for terms of 2 years, the remaining 2 for terms of 4 and 6 years, respectively, from January 1st next succeeding their appointment.

§ 1363. Powers of Maine Hazardous Waste Facilities Corporation

Except as provided otherwise by this chapter, the corporation may:

1. Sue. Be sued;
2. Seal. Have a seal and alter the seal at will;
3. Borrow. Borrow money and issue negotiable or nonnegotiable notes, bonds or other obligations and provide for the rights of the holders thereof;
4. Establish surcharge schedules. Establish hazardous waste treatment, disposal or storage surcharge schedules for facilities operated by the corporation and require that all private facility operators who contract with the corporation collect fees for all hazardous waste other than that generated by the operator himself, which he receives for treatment, disposal or storage;
5. Invest. Invest any funds held in reserve or sinking funds, or any money not required for immediate use or disbursement, at the discretion of the corporation, in obligations of the State or the United States, in obligations the principal and interest of which are guaranteed by the State or the United States, or in deposits

with such banks or trust companies as may be designated by the corporation. Each such bank or trust company deposit shall be continuously and fully secured by direct obligations of the State or the United States, of a market value equal at all times to the amount of the deposit, and all banks and trust companies may give such security;

6. **Bylaws and rules.** Make and alter bylaws for its organization and internal management, and rules and regulations governing the exercise of its powers and the fulfillment of its purposes under this Title;

7. **Contracts.** Enter into contracts and leases and to execute all instruments necessary, convenient or desirable for the purposes of the corporation or to carry out any powers expressly given to it in this chapter;

8. **Acquire real estate.** Acquire, purchase, hold, lease as lessee, dispose of and use any real or personal property or any interest therein necessary, convenient or desirable to carry out the purpose of this chapter and to sell, lease as lessor, transfer and dispose of any property or interest therein at any time required by it in the exercise of its power, including, but not limited to, the sale, transfer or disposal of any materials, substances, sources or forms of energy derived from any corporate activity;

9. **Appoint officers.** Appoint such officers and employees as it may require for the performance of its duties, and fix and determine their qualifications, duties and compensation and retain or employ counsel, auditors, engineers and private consultants on a contract basis or otherwise for rendering professional or technical services and advice; and

10. **Plans; surveys.** Make or contract for plans, surveys and studies necessary, convenient or desirable to the effectuation of the purposes and powers of the corporation and prepare recommendations in regard thereto.

§ 1364. Authority to construct facilities

The corporation may construct, operate and maintain hazardous waste treatment, storage and disposal facilities, including plants, works, instrumentalities, or parts thereof, and appurtenances for the collection, conveyance, treatment, exchange, storage and disposal of hazardous waste, provided that the facility site receives a certificate of environmental compatibility and public necessity as provided in section 1357. The corporation may subcontract for the construction or operation of such facility.

§ 1365. Authority to contract

The corporation may contract with the Hazardous Waste Facility Siting Council for the purchase or lease of any property acquired by the council pursuant to section 1359.

§ 1366. Collection of fees

1. **Corporation to establish fees.** The corporation and those who operate a

hazardous waste treatment, disposal and storage facility, by contract or in the cooperation with the corporation, shall set fees for the treatment, disposal or storage, or both, of waste handled by the facility.

2. Basis for fees. Fees shall be based on the following factors:

A. The quantity of the waste;

B. The degree of hazard of the waste;

C. The difficulty encountered in treating, disposing of or storing, or both, the waste;

D. The maintenance expenses and other legal obligations incurred pursuant to post-closure monitoring and liability requirements related to the long-term disposal or storage of hazardous waste imposed by chapter 13;

E. The operation and maintenance expenses incident to the facility and the debt retirement obligations the corporation has incurred; and

F. Other reasonable and relevant considerations determined by the council.

§ 1367. Financing of Maine Hazardous Waste Facilities Corporation

1. Bonds and notes. The corporation may from time to time issue its negotiable or nonnegotiable bonds and notes in conformity with applicable provisions of the Uniform Commercial Code in such principal amount as, in the opinion of the corporation, is necessary to provide sufficient funds for achieving its purpose, including the acquisition and construction, operation and maintenance of hazardous waste treatment, disposal and storage facilities, pursuant to this chapter, and paying the cost thereof, the making of loans to persons for such purposes, the purchase of municipal bonds and notes, and bonds and notes of a state agency, the payment of the cost of any project, the payment of interest on bonds and notes of the corporation, the establishment of reserves to secure such bonds and notes, the provision of working capital and all other expenditures of the corporation incident to and necessary or convenient to carry out its purposes and powers.

2. Nature of issue. Except as may otherwise be expressly provided by the corporation, every issue of its notes or bonds shall be:

A. General obligations of the corporation payable from any revenues or money of the corporation, subject only to any agreements with the holders of particular notes or bonds pledging any particular receipts or revenues; or

B. Special obligations of the corporation payable solely from the revenues, service charges, rentals, proceeds or other payments to be received on account of the mortgage, loan or other agreements and payments, reserve and insurance funds or accounts issuance of special obligations, and fees, charges or other money to be received by the corporation in respect to loans with persons under this chapter, and may, but need not, be secured by mortgages,

assignments or pledges of such revenues, service charges, rentals, proceeds, other payments, funds and accounts, fees, charges and other money, and by mortgages or assignments thereof in respect to projects, subject only to any agreements with the holders of particular special obligation notes or bonds issued to finance the cost of, or loan for, a project.

No general obligations of the corporation may be issued to finance the cost of, or loan for, a project authorized to be constructed under this chapter and no funds, money, revenues or other assets of the corporation may be used for a loan authorized under this chapter, except as may be available with respect to a project and a contract with a person as aforesaid; nor may any special obligation authorized pursuant hereto be payable from or secured by any debt service reserve fund.

3. Resolution; maturity. The notes and bonds shall be authorized by resolution of the directors of the corporation, bear such date or dates and mature at such time or times, in the case of any such note or any renewals thereof, not exceeding 10 years from the date of issue of the original note and, in the case of any such bond, not exceeding 40 years from the date of issue, as such resolution or resolutions may provide. The notes and bonds shall bear interest at such rate or rates which may vary from time to time, be in such denominations, such form, either coupon or registered, carry such registration privileges, be excused in such manner, payable in such medium of payment, at such place or places and be subject to such terms of redemption as such resolution or resolutions may provide. The notes and bonds of the corporation may be sold by the corporation, at public or private sale, at such price or prices as the corporation determines.

4. No liability. Neither the State nor any municipality is liable on notes or bonds issued as general obligations of the corporation and such notes and bonds are not a debt of the State or any municipality, and those notes and bonds shall contain on the face a statement to that effect. The State is not liable on notes and bonds issued as special obligations of the corporation, and those notes and bonds are not a debt of the State and are payable solely from the revenues, service charges, rentals, proceeds or other payments to be derived from the extension of credit or the loan for the project for which such notes and bonds were issued, and the notes and bonds shall contain on the face a statement to such effect.

STATEMENT OF FACT

The economic and population growth of the State has resulted in the generation of hazardous waste from all sectors of the economy, large and small. Many hazardous wastes are generated by essential institutions, such as hospitals and power plants. In some instances, the failure to dispose of these wastes in an environmentally acceptable manner has resulted in public health hazards and cases of contamination of the air, land and waters of the State. Increased industrial expansion is essential to the citizens of this State because of the need to provide jobs for future residents and because of the improvements in the standard

of living such continued economic development brings. There exists within our State a critical shortage of environmentally acceptable hazardous waste treatment, disposal or storage facility sites due to local opposition to the location of new hazardous waste treatment, disposal and storage facilities and the high costs of entry and financial risks to which private hazardous waste treatment, disposal or storage facility operators are subject. This shortage is expected to increase in the future because federal and state regulations enacted pursuant to the United States Resource Conservation and Recovery Act of 1976 will require the closure of some existing sites and the increasing use of off-site disposal facilities by all disposers. The technology and management practices presently exist to treat, dispose of and store hazardous waste without unacceptable environmental and public health effects, recognizing that in some instances a portion of the waste stream must be deposited in final repositories, such as secure landfills. It is necessary for the State to take an active role in the siting of suitable hazardous waste treatment, disposal or storage facility sites and that as a last resort it may be necessary for the State to acquire the land for such a site and to finance, construct or operate a facility itself in order that the needed hazardous waste treatment, disposal and storage facilities be provided to the citizens of this State.

Therefore, it is the purpose of this bill to provide for the creation of a Hazardous Waste Facility Siting Council to develop a statewide plan for the siting of facilities which will not have unacceptable environmental and public health effects; to authorize the council to certify sites as suitable for the construction and operation of hazardous waste treatment, disposal and storage facilities; if necessary, to acquire suitable sites by purchase or condemnation; to preempt local zoning and other land use regulations; to provide for a Maine Hazardous Waste Facility Corporation to acquire suitable sites from the council and, if necessary, to lease to private or public entities or to finance, construct or operate, either alone or in cooperation with public and private entities, hazardous waste treatment, disposal or storage facilities through surcharges and revenue bonds for the benefit of all qualified users, regardless of the origins of the waste.