

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1448

H. P. 1229

House of Representatives, March 24, 1981

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

EDWIN H. PERT, Clerk

Presented by Representative LaPlante of Sabattus.

Cosponsors: Representative Fowlie of Rockland, Representative Masterman of Milo and Senator Shute of Waldo.

STATE OF MAINE

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

AN ACT Concerning Disposal of Material by Certain Waste Disposal Systems.

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

Sec. 1. 38 MRSA § 414-B, sub-§ 4 is enacted to read:

4. Approval of facilities. The board may not approve any license under section 413 for a publicly owned treatment work until it has reviewed and approved a site and methodology for the treatment and disposal of sludge or any other byproducts of the treatment facility.

Sec. 2. 38 MRSA § 1304, sub-§ 8, ¶ A is enacted by PL 1979, c. 699, § 12, is repealed.

Sec. 3. 38 MRSA § 1304-A is enacted to read:

§ 1304-A. Licenses for solid waste facilities

1. Solid waste facility review board. There is established a solid waste facility review board which shall consist of 7 members. The Commissioner of Environmental Protection shall be a member of the review board. The Governor shall appoint 2 members of the Board of Environmental Protection and 4 municipal officials to serve on the board. Members, other than the commissioner, shall be appointed for a term of 2 years, except vacancy shall be filled in the same

manner as an original appointment for the unexpired portion of the term. Members shall serve until their successors are appointed and shall serve without compensation.

2. **Powers and duties.** The Solid Waste Facility Review Board shall review applications for licenses, amendments to licenses and variances for solid waste facilities. The review board shall issue a license for a waste facility whenever it finds it will not pollute any water of the State, contaminate the ambient air, constitute a hazard to health or welfare or create a nuisance. Licenses shall be issued under the terms and conditions as the board may prescribe and for a term not to exceed 5 years. The review board may establish reasonable time schedules for compliance with this subchapter.

Sec. 4. 38 MRSA § 1305-A is enacted to read:

§ 1305-A. **Municipal solid waste facilities**

1. **Notification.** The commissioner shall notify the municipal officers at least 2 working days prior to inspecting any municipal solid waste facility. The commissioner shall include the time and place of the inspection in this notice.

2. **Review.** The commissioner shall provide at least 60 days for the municipal officers to comment on any inspection report for a solid waste facility within their municipality.

Sec. 5. 38 MRSA § 1313, sub-§ 3, as repealed and replaced by PL 1979, c. 640, § 3, is repealed and the following enacted in its place:

3. **Appeals.** Municipalities and counties may appeal determination of substantial compliance to the Solid Waste Facility Review Board in accordance with chapter 2, except the municipalities and counties shall have 60 days to file these appeals.

Sec. 6. 38 MRSA § 1315, sub-§ 5, as amended by PL 1979, c. 640, § 7, is further amended to read:

5. **Appeal.** The computation of the solid waste subsidy for any municipality or county may be appealed in writing to the ~~board~~ **Solid Waste Facility Review Board** by the municipal officers or county commissioners within 30 days from the date of notification of the computed amount. The review board shall review the appeal and make an adjustment if, in its judgment, an error has been made. The review board's decision shall be final as to facts supported by the records of the appeal.

STATEMENT OF FACT

This bill addresses related problems. The first is the problem of sludge disposal. The Department of Environmental Protection has mandated that some municipalities have to construct sewage treatment facilities. Sometimes after these facilities are approved and constructed, the towns face almost

insurmountable social and economic problems disposing of the sludge these facilities produce. This bill will require the Department of Environmental Protection to lay out and approve all these issues before the towns construct facilities.

Second, the Department of Environmental Protection is not working actively to help municipalities solve their solid waste problems. The bill establishes a 7-member Solid Waste Facility Review Board to review applications for solid waste facilities. The review board consists of the Commissioner of Environmental Protection, 2 members of the present Board of Environmental Protection and 4 municipal officials. This review board will have greater insight and understanding into the economic and environmental problems faced by municipalities.

Third, the Department of Environmental Protection inspects municipal solid waste facilities without any notice to the municipal officers or other officials. This sometimes means that there are no witnesses to this inspection and it has led to severe misunderstandings and mistrust. It is not necessary to conduct surprise inspections of these facilities, because it takes more than a day or 2 to correct real deficiencies. The bill requires the Department of Environmental Protection to notify municipal officers at least 2 working days prior to these inspections.

Finally, the bill allows municipalities and counties 60, rather than 30 days to appeal determinations of substantial compliance under the Solid Waste Management Subsidy Act. This is necessary because many small towns have volunteer municipal officers who may only meet ever other week.