

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1519

H. P. 1315

House of Representatives, April 6, 1981

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

EDWIN H. PERT, Clerk

Presented by Representative Ketover of Portland.

Cosponsors: Representative Holloway of Edgecomb and Representative Norton of Biddeford.

STATE OF MAINE

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

AN ACT to Restrict Importation of Hazardous and Radioactive Waste.

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

Sec. 1. Findings.

The Legislature finds that the people of Maine must be responsible in ensuring the proper disposal of hazardous and radioactive waste generated within the State; and the improper disposal of hazardous and radioactive waste will poison land, air, surface water and ground water and cause serious economic, physical and emotional harm to the residents of Maine; and the state-of-the-art of hazardous and radioactive waste disposal is relatively new and in some cases untested; and the State should proceed cautiously in resolving the hazardous and radioactive waste issue in order to ensure that the short-term and long-term health, safety and welfare of Maine's residents is protected; and recent federal legislation encourages the formation of a regional compact for dealing with the disposal of radioactive waste.

Sec. 2. 38 MRSA §§ 1309-A — 1309-C are enacted to read:

§ 1309-A. Interstate hazardous waste compacts

1. Authorized. The Governor may, on behalf of the State, negotiate and enter

into a hazardous waste compact with other states in northern New England or elsewhere for:

- A. Cooperative effort and mutual assistance for the management of hazardous waste and the enforcement of their respective laws relating thereto; and
- B. The establishment of such agencies, joint or otherwise, as may be desirable for making that compact effective.

2. **Ratification.** Any hazardous waste compact entered into by the State shall be approved by the Legislature and enacted into law prior to submission to the Administrator of the United States Environmental Protection Agency and the United States Congress for their approval, in accordance with the United States Resource Conservation and Recovery Act, Public Law 94-580, Section 1005, United States Code, Title 42, Section 6904.

3. **Criteria.** In evaluating any hazardous waste compact, the Governor shall ensure that it will:

- A. Facilitate proper disposal of hazardous waste generated within the State;
- B. Bring to the State environmental benefits at least as great as any environmental liabilities;
- C. Bring to the State economic benefits at least as great as any economic liabilities; and
- D. Prohibit importation of hazardous waste from noncompact states for disposal purposes.

§ 1309-B. Prohibition

Importation of hazardous waste, generated outside the State, is prohibited until the board finds that a safe disposal facility of sufficient capacity exists, and that disposal technology and site selection have developed to the point where no increased threat to the public health and safety of the people of Maine will be created by such importation.

§ 1309-C. Interstate radioactive waste compacts

1. **Authorized.** The Governor may, on behalf of the State, negotiate and enter into a radioactive waste compact with other states in northern New England or elsewhere for:

- A. Cooperative effort and mutual assistance for the management of low level radioactive waste and the enforcement of their respective laws relating thereto; and
- B. The establishment of such agencies, joint or otherwise, as may be desirable for making that compact effective.

2. **Ratification.** Any radioactive waste compact entered into by the State shall be approved by the Legislature and enacted into law prior to submission to the United States Congress for approval.

3. Criteria. In evaluating any radioactive waste compact, the Governor shall ensure that it will:

- A. Facilitate proper disposal of radioactive waste generated within the State;**
- B. Bring to the State environmental benefits at least as great as any environmental liabilities;**
- C. Bring to the State economic benefits at least as great as any economic liabilities; and**
- D. Prohibit importation of radioactive waste from noncompact states for disposal purposes.**

4. Prohibition. Importation of radioactive waste, generated outside the State, is prohibited until the Board of Environmental Protection finds that a safe disposal facility of sufficient capacity exists, and that disposal technology and site selection have developed to the point where no increased threat to the public health and safety of the people of Maine will be created by that importation.

STATEMENT OF FACT

This bill authorizes the Governor to enter into regional hazardous or radioactive waste compacts subject to specified criteria and legislative approval. The bill also prohibits importation of hazardous or radioactive waste until the Board of Environmental Protection makes certain findings.