

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 697

6
7 H.P. 545

House of Representatives, February 10, 1983

8 Referred to the Committee on Energy and Natural Resources, sent up for
9 concurrence and ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Melendy of Rockland.

Cosponsors: Senator Pray of Penobscot, Representative Crowley of
11 Stockton Springs and Representative Mayo of Thomaston.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT Relating to the Powers of the
18 Department of Environmental Protection
19 in the Granting of Temporary Permits
20 and Licenses.
21

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

24 Sec. 1. 38 MRSA §362-A, first ¶, as enacted by
25 PL 1973, c. 423, §3, is amended to read:

26 Notwithstanding any other law administered or
27 enforced by the department, the department is author-
28 ized to permit persons to discharge, emit or place
29 any substances on the land or in the air or waters of
30 the State, in limited quantities and under the strict
31 control and supervision of the department or its des-
32 ignees, exclusively for the purpose of scientific
33 research and experimentation in the field of pollu-
34 tion and pollution control. The research and experi-

1 mentation conducted under this section shall be sub-
2 ject to such terms and conditions as the department
3 deems necessary in order to protect the public's
4 health, safety and general welfare, and may be termi-
5 nated by the department at any time upon 24 hours'
6 written notice. This section shall not apply to pro-
7 posed research and experimentation that involves
8 hazardous waste as defined in section 1303 or radio-
9 active waste material as defined in section 361-D.

10 Sec. 2. 38 MRSA §1305-A, sub-§2, as amended by
11 PL 1981, c. 653, §§1-3, is further amended to read:

12 2. Site review. All persons who make application
13 for a license to construct, operate or substantially
14 expand a commercial hazardous waste facility shall,
15 at the same time, give written notice to the municip-
16 al officers of the municipality in which the pro-
17 posed facility will be located. The municipality
18 through its municipal officers shall be granted
19 intervenor status in any proceeding for site review
20 of a commercial hazardous waste facility. The depart-
21 ment shall reimburse the municipalities' direct
22 costs, not to exceed \$5,000, for participation in the
23 proceedings.

24 The Governor may appoint a person to facilitate com-
25 munications between the applicant and the municipal-
26 ity and between the department and the municipality.

27 The State may accept public and private funds from
28 any source for the purpose of carrying out responsi-
29 bilities under this section.

30 The board shall hold at least one public hearing
31 within the municipality in which the facility will be
32 located.

33 During any proceeding for site review of a commercial
34 hazardous waste facility, the municipal legislative
35 body in which the facility is to be located may
36 appoint 4 representatives to the board. If the facil-
37 ity is proposed to be located within an unorganized
38 township, the county commissioners of that county may
39 appoint 4 representatives. These representatives may
40 vote on board decisions related to the proposed com-
41 mercial hazardous waste facility. All representatives

1 appointed under this subsection shall participate on
2 the board only for that site review, until final dis-
3 position of the application, including any adminis-
4 trative or judicial appeals. The municipal members
5 shall receive the same pay for each day and expenses
6 as regular board members during the period of their
7 service, to be paid by the department.

8 Notwithstanding any other provisions of this chapter,
9 no hazardous waste facility may be constructed, oper-
10 ated or situated within the geographical limits of
11 any municipality without the prior approval of the
12 municipal legislative body, unless the applicant for
13 the hazardous waste facility demonstrates to the
14 board by clear and convincing evidence that the spe-
15 specific location of the site has a direct and immediate
16 relationship with or impact on the necessity to treat
17 or dispose of hazardous waste generated within the
18 State.

19 STATEMENT OF FACT

20 The Board of Environmental Protection is granted
21 broad authority by the Revised Statutes, Title 38,
22 section 361-A, to authorize experimental discharges
23 without going through any licensing procedures. This
24 bill removes experiments involving hazardous or
25 radioactive waste materials from this process. The
26 board would have to go through normal licensing
27 procedures to authorize such discharge.

28 The bill also requires an applicant for a hazard-
29 ous waste facility to either get approval of the
30 municipal legislative body where the facility is to
31 be located, or demonstrate to the board that the spe-
32 cific site selected is necessary to treat hazardous
33 wastes generated in Maine.

34

1750020183