

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1448

H.P. 1065 House of Representatives, May 6, 1987
Submitted by the Department of Environmental Protection
pursuant to Joint Rule 24.

Reference to the Committee on Energy and Natural
Resources suggested and ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative HOLLOWAY of Edgecomb.

Cosponsored by Senators LUDWIG of Aroostook, TUTTLE of
York, and Representative MICHAUD of East Millinocket.

STATE OF MAINE

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

1 AN ACT Regarding Certain Solid Waste Disposal
2 Facilities.
3

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

6 38 MRSA §421-A is enacted to read:

7 §421-A. Facility prohibited over sand and gravel
8 aquifer

9 No public or private solid waste disposal facili-
10 ty may overlie a sand and gravel aquifer or the
11 recharge area to a sand and gravel aquifer.

12 For the purposes of this section, a sand and
13 gravel aquifer shall be defined as a surficial geo-
14 logical formation such as an esker, outwash plain,

1 glaciomarine delta, kame, stratified moraine or other
2 deposits commonly consisting of sand or gravel, such
3 as those identified by the Maine Geological Survey.

4 Any person, corporation, municipality or state
5 agency proposing to establish a solid waste disposal
6 facility after January 1, 1987, may apply to the Com-
7 missioner of Environmental Protection for a determi-
8 nation that the boundaries of the proposed area are
9 suitably removed from a sand and gravel aquifer and
10 from the recharge area to a sand and gravel aquifer.

11 Any solid waste disposal facility which overlies
12 a sand and gravel aquifer or the recharge area to a
13 sand and gravel aquifer shall be discontinued. The
14 Board of Environmental Protection may, by order, on
15 its own initiative and after notice to the affected
16 party, establish a schedule and standards for discon-
17 tinuance and closure of any such facility.

18 STATEMENT OF FACT

19 These are now dozens of municipal landfills lo-
20 cated on sand and gravel aquifers. The ease with
21 which contaminated water flows through these aquifer
22 soils is often a 1,000 times greater than through a
23 fairly tight glacial till soil, which are the kinds
24 of sites most amenable to landfilling. Sand and
25 gravel aquifers are also a favorite source of drink-
26 ing water supplies, both public and private.
27 Landfills, by their very nature pose a contamination
28 threat to ground water; and this threat is greatest
29 over aquifers. It is clearly in the interest of the
30 State to remove these contamination sources from the
31 most vulnerable areas; and sand and gravel aquifers
32 are, in fact, the most vulnerable areas.

33 This bill would empower the Board of Environmen-
34 tal Protection to require the phased closure of all
35 solid waste facilities located on sand and gravel aq-
36 uifers, such as those identified by the Maine Geolog-
37 ical Survey. Such facilities, by their very nature,
38 are major threats to ground water quality. It is the
39 intent of this bill that the State exercise its po-
40 lice powers to prohibit the continued existence of

1 these threats, while promoting reasonable alterna-
2 tives.

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