

# MAINE STATE LEGISLATURE

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L.D. 1896

(Filing No. H- 418 )

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
113TH LEGISLATURE  
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "**B**" to H.P. 1398, L.D. 1896, Bill, "AN ACT to Prevent any Landfill from being Constructed Over or Near an Aquifer, to Maintain Regional Landfills and to Clarify the Intent of the Solid Waste Law."

Amend the bill by striking out all of sections 1 and 2 and inserting in their place the following:

'Sec. 1. 38 MRSA §1310-N, sub-§2-A is enacted to read:

2-A. Aquifer protection. The board shall not issue a license for a solid waste disposal facility when it finds that the proposed facility overlies a significant sand and gravel aquifer or when the board finds that the proposed facility poses an unreasonable threat to the quality of a significant sand and gravel aquifer which it does not overlie, or to an underlying fractured bedrock aquifer.

A. "Significant sand and gravel aquifer" is defined as a porous formation of ice-contact and glacial outwash sand and gravel that contains significant recoverable quantities of water which are likely to provide drinking water supplies.

B. "Fractured bedrock aquifer" is defined as a consolidated rock formation which is fractured and which is saturated and recharged by precipitation percolating through overlying sediments to a degree which will permit wells drilled into the rock to produce a sufficient water supply for domestic use.

C. In determining whether or not the proposed facility poses an unreasonable threat to the

1 quality of a significant sand and gravel aquifer  
2 or to an underlying fractured bedrock aquifer,  
3 the board shall require the applicant to provide:

4 (1) A thorough hydrogeological assessment  
5 of the proposed site and the contiguous area  
6 including any classified surface waters,  
7 significant sand and gravel aquifers and  
8 fractured bedrock aquifers which could be  
9 affected by the proposed facility during  
10 normal operation or in the event of unfore-  
11 seen circumstances including the failure of  
12 any engineered barriers to ground water  
13 flow. The assessment shall include a de-  
14 scription of ground water flow rates, the  
15 direction of ground water flow in both the  
16 horizontal and vertical directions, and the  
17 degree of dilution or attenuation of any  
18 contaminants that may be released from the  
19 proposed site and flow toward any classified  
20 surface water, significant sand and gravel  
21 aquifer or fractured bedrock aquifer.

22 **Sec. 2. 38 MRSA §1310-Q**, as enacted by PL 1987,  
23 c. 517, §25, is repealed and the following enacted in  
24 its place:

25 §1310-Q. Transfer of license

26 1. Transfer. No person may transfer a license  
27 issued pursuant to this Title without the transfer of  
28 the license being approved by the board prior to  
29 transfer of the ownership of the property, facility  
30 or structure which constitutes or is part of the sol-  
31 id waste disposal facility. The board, at its dis-  
32 cretion, may require that the proposed new owner of  
33 the facility apply for a new license or may approve  
34 the transfer of the existing license upon a satisfac-  
35 tory showing that the new owner can abide its terms  
36 and conditions and will be able to comply with the  
37 provisions of this Title. The board shall consider  
38 the extent to which the disposal facility was sited

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1 and developed and is currently operated to meet the  
2 capacity needs of municipalities within a specific  
3 geographic region. The board shall approve the  
4 transfer of license when, in addition to all other  
5 requirements of this Title, the applicant has demon-  
6 strated that:

7       A. The facility will continue to be operated to  
8 meet the municipal disposal capacity needs for  
9 which the facility was sited and developed and  
10 for which it is currently operated;

11       B. The applicant has made substantially equiva-  
12 lent, alternative provisions to satisfy these  
13 disposal capacity needs; or

14       C. These disposal capacity needs no longer ex-  
15 ist.'

16       Further amend the bill by striking out all of  
17 section 4.

18       Further amend the bill by inserting after section  
19 5 the following:

20       '**Sec. 6. 38 MRSA §1310-W** is enacted to read:

21       §1310-W. County commissioners

22       1. General authority. County commissioners may  
23 enact ordinances to apply within the unincorporated  
24 townships and plantations within their jurisdiction  
25 for the regulation of solid waste disposal provided  
26 that these ordinances are not less stringent than or  
27 inconsistent with this Title or the land use regula-  
28 tion law, Title 12, sections 681 to 689.

29       2. Scope. Ordinances adopted by the county com-  
30 missioners under this section may include such stan-  
31 dards as the county commissioners find reasonable and  
32 necessary to protect the public health, safety and  
33 welfare and the environment, including without limi-

1 tation, conformance with federal and state solid  
2 waste rules; fire safety; traffic safety; levels of  
3 noise which can be heard outside the facility; dis-  
4 tance from existing residential, commercial or insti-  
5 tutional uses; ground water protection; and compati-  
6 bility of the solid waste disposal facility with zon-  
7 ing and land use controls administered by the Maine  
8 Land Use Regulation Commission.

9 3. Limitation. County commissioners are prohib-  
10 ited from enacting stricter standards than those con-  
11 tained in this chapter and in the solid waste manage-  
12 ment rules adopted pursuant to this chapter governing  
13 the hydrogeological criteria for siting or designing  
14 solid waste disposal facilities or governing the en-  
15 gineering criteria related to waste handling and dis-  
16 posal areas of a solid waste disposal facility.'

17 Further amend the bill by renumbering the sec-  
18 tions to read consecutively.

19 STATEMENT OF FACT

20 This minority report amends the original bill to  
21 accomplish several purposes in a manner identical to  
22 those of the majority report with one exception.

23 The minority report leaves the moratorium provi-  
24 sions of the original bill intact and thus requires  
25 that all applications for new or substantially ex-  
26 panded waste disposal facilities be subject to new  
27 solid waste rules currently under development by the  
28 Department of Environmental Protection pursuant to  
29 Private and Special Law 1987, chapter 28.

30 3802100987