

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

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Legislative Document

No. 892

H.P. 658

House of Representatives, March 22, 1989

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

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative NADEAU of Saco.

Cosponsored by Representative MURPHY of Berwick, Representative HOGLUND of Portland and Senator BOST of Penobscot.

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STATE OF MAINE

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

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An Act to Provide for Solid Waste Management.

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

3 **Sec. 1. 3 MRSA §507, sub-§8, ¶A, as repealed and replaced by PL**  
5 **1985, c. 763, Pt. A, §4, is amended to read:**

7 **A. Unless continued or modified by law, the following Group**  
9 **D-1 independent agencies shall terminate, not including the**  
11 **grace period, no later than June 30, 1986 1997:**

- 13 (1) **Maine Arts Commission; and**
- 15 (2) **Maine State Museum; and**
- 17 (3) **Office of Solid Waste Management.**

19 **Sec. 2. 38 MRSA c. 10 is enacted to read:**

21 **CHAPTER 10**

23 **MAINE STATE SOLID WASTE MANAGEMENT ACT**

25 **§1031. Short title**

27 **This chapter shall be known and may be cited as the "Maine**  
29 **State Solid Waste Management Act."**

31 **§1032. Scope**

33 **This Act institutes a comprehensive statewide system for**  
35 **emergency and long-range planning and management of solid waste**  
37 **in order to ensure the safe, economical and environmentally sound**  
39 **disposal of solid waste for the public benefit and to protect the**  
41 **public health, safety and welfare of the people of the State.**

43 **§1033. Office of Solid Waste Management**

45 **There is established to carry out the purposes of this**  
47 **chapter the Office of Solid Waste Management in the Executive**  
49 **Department which shall be concerned with carrying out those**  
51 **responsibilities of State Government relating to solid waste**  
**management, planning and development which are not specifically**  
**delegated to another agency. The Office of Solid Waste Management**  
**shall be directly responsible to the Governor.**

**§1034. Director of the Office of Solid Waste Management**

**1. Appointment. The Governor shall appoint a full-time**  
**Director of the Office of Solid Waste Management who shall serve**  
**at the pleasure of the Governor and until a successor is**  
**appointed and qualified. The director's salary shall be**  
**determined by the Governor.**

1           2. Qualifications. The Director of the Office of Solid  
2           Waste Management shall have a background in solid waste  
3           management and administration and be qualified to evaluate the  
4           technical, economic and environmental aspects of solid waste  
5           management plans and proposals.

7           3. Powers and duties. The director shall exercise the  
8           powers of the office and be responsible for the execution of its  
9           duties. The director shall:

11           A. Administer the office and adopt such methods of  
12           administration, not inconsistent with the law, as the  
13           director may determine necessary to render the office  
14           efficient;

15           B. Appoint and remove the staff of the office and prescribe  
16           their duties as may be necessary to implement the purposes  
17           of this chapter. Professional employees shall be hired as  
18           unclassified employees, in accordance with Title 5, chapter  
19           71. All other employees shall be hired under the state  
20           civil service system, in accordance with Title 5, chapter  
21           372;

22           C. Designate a deputy director within the office to act as  
23           director in case the director is unable to perform the  
24           director's duties or the office of the director is vacant;

25           D. Employ expert and professional consultants as the  
26           director deems necessary to carry out the duties of the  
27           office;

28           E. Prepare and submit the budget for the office;

29           F. Be responsible for the formulation of the comprehensive  
30           state solid waste management report and plan;

31           G. Be responsible for the coordination of all solid waste  
32           programs within the State, including federal, state and  
33           regional programs, as well as those developed by private  
34           organizations;

35           H. Provide technical and financial assistance to  
36           communities and regional agencies in carrying out their  
37           responsibilities for solid waste management;

38           I. Be responsible for the development and dissemination of  
39           solid waste related information, including technology  
40           assessments and planning information. This information shall  
41           be made readily available to interested public and private  
42           groups and persons;

1 J. Receive assistance as necessary from any other  
3 instrumentality of State Government in the gathering of  
5 information which relates to solid waste planning and  
7 development;

9 K. Be responsible for certification and establishment of  
11 regional solid waste agencies as necessary to implement the  
13 state solid waste plan;

15 L. Review and approve acquisition of solid waste handling  
17 sites by regional solid waste agencies outside their region  
19 subject to the criteria of section 1035;

21 M. License solid waste facilities in accordance with  
23 section 1035; and

25 N. Be empowered to apply to the Superior Court for a  
27 subpoena to compel the attendance of witnesses, the  
29 production of books, papers, records and documents of  
31 individuals, firms, associations and corporations and  
33 officers, boards, commissions and departments of the State.  
The court shall, before issuing any subpoena, provide  
adequate opportunity for the director and the party against  
whom the subpoena is requested to be heard. No subpoena may  
be issued unless the court or judge certifies that it is  
reasonably necessary to carry out the purposes of this  
chapter and that the director has made reasonable efforts to  
secure the attendance or information without recourse to  
subpoena. The director shall afford confidential treatment  
to any information turned over to the director which is of a  
confidential or proprietary nature as determined by the  
court.

35 4. Annual report. The Director of the Office of Solid  
37 Waste Management shall prepare an annual report to be presented  
39 to the Legislature by January 31st of each year. The annual  
41 report shall include, but not be limited to, the programs  
developed and implemented by the Office of Solid Waste  
Management, the stage of development of the programs, the  
condition of implementation of the state solid waste plan and the  
direction of programs planned for the ensuing year.

43 §1035. Office of Solid Waste Management; powers and duties

45 1. Powers and duties. The Office of Solid Waste Management  
47 shall:

49 A. Prepare and adopt by rule a comprehensive solid waste  
51 management report to be revised and updated at least  
annually. The report shall include, but is not limited to,  
a description and quantification of the present annual  
quantities of each type of solid waste and projections of

1 future quantities; a description and quantification of the  
3 projected facility needs to safely dispose of solid waste of  
5 all types; a cost analysis of providing a safe and effective  
7 solid waste management program; and a description of the  
9 assumptions upon which the projections and cost analyses are  
11 made and a sensitivity analysis of them;

13 B. Prepare and adopt by rule a comprehensive state solid  
15 waste management plan to include, but not be limited to, a  
17 program of solid waste handling measures, facility  
19 construction and operation which will meet the needs for  
21 solid waste management and disposal within the State. This  
23 plan shall designate regional solid waste agencies to serve  
25 all the municipalities and the unorganized territory of the  
27 State. The state plan shall incorporate any approved  
29 regional plans or elements of them. The plan shall  
31 incorporate source reduction and recycling to the maximum  
33 extent practicable. The plan shall address both short-term  
35 and long-term solid waste management and may include viable  
37 alternatives where they exist. The plan shall be updated  
39 annually;

41 C. Provide assistance to the Governor and Legislature in  
43 identifying solid waste management needs and the resources  
45 needed to meet them;

47 D. Certify, by rule, regional waste agencies as conforming  
49 to the state plan, taking into account existing waste  
51 facilities, demographics, geography, existing regional  
53 governmental or quasi-governmental agencies, the current  
55 waste stream and all other pertinent data;

57 E. Create, by rule, regional waste agencies as necessary, in  
59 regions where there are none, to complete coverage of the  
61 State;

63 F. License any solid waste landfill, incinerator, transfer  
65 station or other handling facility to be constructed in the  
67 State. Facilities existing on the effective date of this  
69 Act shall be reviewed and licensed prior to January 1, 1991.  
71 A facility shall only be licensed if the director finds that:

73 (1) It conforms with the state solid waste management  
75 plan;

77 (2) It conforms with the appropriate regional plan;

79 (3) There is a need for the facility;

81 (4) It is economically viable; and

1           (5) It will satisfy all applicable environmental  
3           requirements;

5           G. License and oversee the construction, operation and  
7           maintenance of any solid waste landfill, incinerator,  
9           transfer station or other solid waste handling facility.  
11           Authorized personnel of the Office of Solid Waste  
13           Management, the regional agency and any municipality in  
15           which a facility is located are authorized to enter the  
17           facility at any time to examine maintenance, operations and  
19           records to ensure that the facility is operating safely and  
21           in an environmentally sound manner;

23           H. Establish coordination and assistance procedures for all  
25           solid waste permits issued by agencies of the State.  
27           Procedures shall, to the extent practicable, ensure the  
29           availability to the public of necessary information  
31           concerning solid waste permits, the provision of assistance  
33           to applicants in obtaining permits from all such agencies  
35           and the coordination of application procedures, time  
37           schedules, application forms and similar requirements to  
39           reduce delay and duplication. Those permitting agencies  
41           shall cooperate with the Office of Solid Waste Management in  
43           the development and implementation of those procedures; and

45           I. Initiate enforcement actions pursuant to law and  
47           negotiate and enter into agreements with federal, state and  
49           municipal agencies.

51           2. General authority. The Office of Solid Waste Management  
53           shall be the designated state agency to handle all solid waste  
55           matters within the State which are not the specific  
57           responsibility of another state agency under the provisions of  
59           federal regulations or state law.

61           §1036. Regional solid waste agencies

63           1. Established. Regional solid waste agencies shall be  
65           established by voluntary action of municipalities or by action by  
67           rule of the Office of Solid Waste Management. Each regional  
69           solid waste agency shall submit its organizational documents for  
71           review and certification by the Office of Solid Waste  
73           Management. The office shall certify a regional solid waste  
75           agency if it meets or will meet the needs of a region of the  
77           State under the comprehensive state solid waste management plan.

79           2. Plans. Each regional solid waste agency shall develop a  
81           plan, to be updated annually, for the safe management and  
83           disposal of solid waste generated within the region. The plan  
85           shall be submitted to the Office of Solid Waste Management before  
87           March 1st of each year for review, approval and incorporation  
89           into the state plan.

1  
3 3. Regional facilities. Each regional solid waste agency  
shall establish, or ensure the establishment of, the following  
5 facilities:

7 A. A recycling center for glass, paper, tin, corrugated  
paper and all other recyclables;

9 B. A regional system for the collection and proper disposal  
11 of white goods, stumps, automobile batteries, motor oil and  
tires;

13 C. Leaf and sludge composting facilities;

15 D. In the case of regions with incinerators, an ash and  
17 processed residue landfill site;

19 E. Landfills, as appropriate; and

21 F. Transfer stations, as appropriate.

23 4. Facility siting. The regional solid waste agency shall,  
to the extent necessary, acquire sites and obtain the necessary  
25 siting permits for solid waste handling facilities required to  
implement the regional solid waste plan. If site location for  
27 any of these facilities is geographically impossible in any  
region, the regional district may, with the approval of the  
29 Office of Solid Waste Management, site the facility in the  
nearest geographically appropriate location.

31 5. Inspection and monitoring. Authorized personnel of the  
regional solid waste agency and the Office of Solid Waste  
33 Management shall be permitted to enter the premises of any  
entity, public or private, which handles solid waste within that  
35 region, at reasonable hours, for the inspection of its records or  
its operation and shall have access to all information pertaining  
37 to the origin of solid waste, types of solid waste, its disposal  
or other handling, including incineration and operation of the  
39 facility;

41 **§1037. Funding**

43 1. Appropriation. The Office of Solid Waste Management  
shall be funded by appropriations from the General Fund adequate  
45 to accomplish its purposes.

47 2. State Office of Solid Waste Management Development Fund.  
All federal and private money received by the Office of Solid  
49 Waste Management shall be deposited in the State Office of Solid  
Waste Management Development Fund. That fund shall be  
51 administered by the Director of the Office of Solid Waste  
Management and shall be used only to carry out the provisions of



1 this Act. The fund shall be nonlapsing, with the balance carried  
2 forward from each fiscal year to the next.

3  
4 3. Acceptance and use of funds. The director of the office  
5 may use and administer all solid waste funds which become  
6 available pursuant to this Act, including federal, state and  
7 private funds, in accordance with established budgetary  
8 procedures. The director may accept on behalf of the Office of  
9 Solid Waste Management any grants or gifts.

11 4. Fiscal report. The Director of the Office of Solid  
12 Waste Management shall report annually to the Legislature by  
13 January 31st on the sources and assessments of funds received and  
14 the purposes and amounts of funds expended.

15  
16 5. Fees. The Office of Solid Waste Management may adopt a  
17 schedule of application fees sufficient to cover the actual cost  
18 of reviewing and processing applications for licenses from the  
19 office. In addition, the office may assess handlers of solid  
20 waste an amount not to exceed 1/10 of one cent per pound to  
21 support the planning and monitoring efforts of the office.

23 §1038. State Solid Waste Management Advisory Board

25 1. Appointment. The Governor shall appoint a State Solid  
26 Waste Management Advisory Board to advise the Governor, the  
27 Legislature and the Director of the Office of Solid Waste  
28 Management on policy matters relating to this chapter.

29  
30 2. Membership. The State Solid Waste Management Advisory  
31 Board shall consist of one member of the House of Representatives  
32 to be appointed by the Speaker of the House, one member of the  
33 Senate to be appointed by the President of the Senate, one  
34 representative of the Public Utilities Commission appointed by  
35 the commission and 6 members to be appointed by the Governor,  
36 including one representative of a manufacturing industry, one  
37 representative of labor, one representative of the academic  
38 community, 2 representatives of the general public and one  
39 representative of the business community. The members are to be  
40 selected on the basis of their interest, education and experience  
41 in the areas of solid waste planning, research and development.

43 3. Duties. The State Solid Waste Management Advisory Board  
44 shall meet at least 3 times a year at regular intervals and at  
45 other times at the request of the Director of the Office of Solid  
46 Waste Management or the Governor. The members of the board shall  
47 provide information and assistance in the development of a state  
48 solid waste management plan and in the research and development  
49 phase of the office's activities as requested by the director.  
50 The board shall act only in an advisory capacity and shall have  
51 no power to control the activities of the office.

1        **§1039. Restrictions on employee interests**

3            No member, officer or employee of the Office of Solid Waste  
5            Management or the State Solid Waste Management Advisory Board  
7            shall acquire any interest, direct or indirect, in any contract  
9            or proposed contract negotiated or proposed by the Office of  
11           Solid Waste Management nor may any such person participate in any  
13           decision or any contract entered into by the authority if that  
15           person has an interest, direct or indirect, in any firm,  
17           partnership, corporation or association which will be party to  
19           the contract or financially involved in any transaction with the  
21           authority.

23        **§1040. Office of Solid Waste Management; rules**

25           1. Rules. The Office of Solid Waste Management may, in  
27           accordance with the Maine Administrative Procedure Act, Title 5,  
29           chapter 375, adopt reasonable rules necessary for proper  
31           administration, enforcement and implementation of any provision  
33           of law that the Office of Solid Waste Management is charged with  
35           the duty of administering.

37           2. Effective date. Rules adopted by the board shall become  
39           effective in accordance with the Maine Administrative Procedure  
41           Act, Title 5, chapter 375.

43           3. Citizen petitions. Any interested person may petition  
45           the Office of Solid Waste Management requesting the adoption,  
47           amendment or repeal of any rule in accordance with the Maine  
49           Administrative Procedure Act, Title 5, chapter 375.

51        **§1041. Processing of applications**

53           The Office of Solid Waste Management shall adopt rules for  
55           the processing of applications, which shall be available to the  
57           public. The rules shall include, but not be limited to, time  
59           limits for processing applications, notification procedures and  
61           fees.

63        **§1042. Hearings**

65           The Office of Solid Waste Management shall adopt rules for  
67           the procedure of all hearings before it, which shall be available  
69           to the public. The rules shall include, but not be limited to,  
71           time limits for scheduling hearings, notification procedures,  
73           fees, record keeping and persons or bodies authorized to conduct  
75           the hearings.

77        **§1043. Judicial appeals**

79           1. Appeal to Superior Court. Except as provided in  
81           subsection 2, any person aggrieved by any order or decision of

1 the Office of Solid Waste Management may appeal therefrom to the  
2 Superior Court. These appeals to the Superior Court shall be  
3 taken in accordance with Title 5, chapter 375, subchapter VII.

5 2. Appeal to Supreme Judicial Court. Any party to an  
6 appeal in the Superior Court under this section may obtain review  
7 by appeal to the Supreme Judicial Court sitting as the Law  
8 Court. The appeal shall be taken as in other civil cases.

9 **§1044. Violations**

11 1. General procedures. Whenever it appears to the  
12 director, after investigation, that there is a violation of any  
13 provision of the laws or rules which the Office of Solid Waste  
14 Management administers or of the terms or conditions of any of  
15 its orders which does not create a substantial or immediate  
16 danger to public health or safety, the director may notify the  
17 Attorney General or schedule a hearing thereon. If a hearing is  
18 scheduled, the director shall give at least 30 days' written  
19 notice to the alleged violator of the date, time and place of  
20 that hearing. The notice shall specify the act done or omitted  
21 which is claimed to be a violation of the law.

23 Any hearing conducted under the authority of this subsection  
24 shall be in accordance with the provisions of the Maine  
25 Administrative Procedure Act, Title 5, chapter 375.

27 At the hearing, the alleged violator may appear in person or by  
28 attorney and answer the allegations of violation and file a  
29 statement of the facts, including the methods, practices and  
30 procedures, if any, adopted or used by the alleged violator to  
31 comply with this chapter and present such evidence as may be  
32 pertinent and relevant to the alleged violation.

35 After hearing, or in the event of a failure of the alleged  
36 violator to appear on the date set for a hearing, the Office of  
37 Solid Waste Management shall, as soon as practicable, make  
38 findings of fact based on the record and, if it finds that a  
39 violation exists, it shall issue an order aimed at ending the  
40 violation.

41 2. Emergency procedures. Whenever it appears to the  
42 director, after investigation, that there is a violation of any  
43 provision of the laws or rules which the Office of Solid Waste  
44 Management administers or of the terms or conditions of any order  
45 of the Office of Solid Waste Management which is creating or is  
46 likely to create a substantial and immediate danger to public  
47 health or safety, the director may order the person or persons  
48 causing or contributing to the hazard to immediately take such  
49 actions as are necessary to reduce or alleviate the danger.  
50 Service of a copy of the director's findings and order issued  
51 under this emergency procedure shall be made by a sheriff or a

1 deputy sheriff within the county where the person to whom the  
2 order is directed operates or resides. If such persons are so  
3 numerous that the specified method of service is impracticable or  
4 the director is unable to identify the person or persons causing  
5 or contributing to the hazard, the director shall make the order  
6 known through prominent publication or announcement in news media  
7 servng the affected area.

9 Any person to whom the order is directed shall comply with the  
10 order immediately. The order may not be appealed to the Superior  
11 Court in the manner provided in section 1043, but the person may  
12 apply to the Office of Solid Waste Management for a hearing on  
13 the order, which hearing shall be held by the Office of Solid  
14 Waste Management within 48 hours after receipt of the  
15 application. Within 7 days after the hearing, the board shall  
16 make findings of fact and continue, revoke or modify the order.  
17 The decision of the office may be appealed to the Superior Court  
18 in the manner provided by section 1043.

19 3. Modification, revocation or suspension of licenses.

20 After written notice and opportunity for a hearing, the Office of  
21 Solid Waste Management may modify in whole or in part any license  
22 or issue an order prescribing necessary corrective action or,  
23 with or without a hearing, may act in accordance with the Maine  
24 Administrative Procedure Act, Title 5, chapter 375, to revoke or  
25 suspend a license, whenever the board finds:

26 A. The licensee has violated any condition of the license;

27 B. The licensee has obtained a license by misrepresentation  
28 or failure to disclose fully all relevant facts;

29 C. The licensed discharge poses a threat to human health or  
30 welfare;

31 D. The license fails to include any standard or limitation  
32 applicable on the date of issuance;

33 E. There has been a change in any condition or circumstance  
34 that requires revocation, suspension or a temporary or  
35 permanent modification of the terms of the license; or

36 F. The licensee has violated any provision of the laws or  
37 rules administered by the Office of Solid Waste Management.

38 For the purposes of this subsection, the terms "license" and  
39 "licensee" shall include respectively any license, permit,  
40 approval or certification issued by the Office of Solid Waste  
41 Management and the holder of the license.

42 4. Enforcement orders. All orders of the Office of Solid  
43 Waste Management and the director shall be enforced by the

1 Attorney General. If any order of the Office of Solid Waste  
3 Management or the director is not complied with within the time  
5 period specified, the Office of Solid Waste Management or the  
director, respectively, shall immediately notify the Attorney  
General.

7 5. Right of inspection and entry. Employees of the Office  
9 of Solid Waste Management shall have the authority to enter any  
11 property at reasonable hours and to enter any building with the  
13 consent of the property owner, agent or occupant to inspect the  
15 property or structure, to take samples and to conduct tests, as  
appropriate, to determine compliance with any provision of the  
laws administered by the Office of Solid Waste Management or the  
terms and conditions of any order, rule, license, approval or  
decision of the Office of Solid Waste Management.

17 §1045. Judicial enforcement

19 1. General. In the event of a violation of any provision  
21 of the laws administered by the Office of Solid Waste Management  
23 or any order, rule, license, permit, approval or decision of the  
25 Office of Solid Waste Management or decree of the court, as the  
27 case may be, the Attorney General may institute injunction  
proceedings to enjoin any further violation, a civil or criminal  
action or any appropriate combination without recourse to any  
other provision of law administered by the Office of Solid Waste  
Management.

29 2. Restoration. The court may order restoration of any  
31 area affected by any action or inaction found to be in violation  
33 of any provision of the laws administered by the Office of Solid  
35 Waste Management or any order, rule, license, permit, approval or  
37 decision of the Office of Solid Waste Management or decree of the  
court, as the case may be, to its condition prior to the  
violation or as near to it as may be possible. When the court  
finds that the violation was willful, the court shall order  
restoration under this subsection unless the restoration will:

39 A. Result in a threat or hazard to public health or safety;

41 B. Result in substantial environmental damage; or

43 C. Result in substantial injustice.

45 3. Injunction proceedings. If the Director of the Office  
47 of Solid Waste Management finds that the discharge, emission or  
49 deposit of any materials into any waters, air or land of this  
51 State constitutes a substantial and immediate danger to the  
health, safety or general welfare of any person, persons or  
property, the director shall forthwith request the Attorney  
General to initiate immediate injunction proceedings to prevent  
that discharge. The injunction proceedings may be instituted

1 without recourse to the issuance of an order.

3 §1046. Penalties

5 1. Criminal penalties. Any person who violates any  
7 provision of the laws administered by the Office of Solid Waste  
9 Management or the terms or conditions of any order, rule,  
11 license, permit, approval or decision of the Office of Solid  
13 Waste Management is guilty of a Class D crime and may be punished  
accordingly, except notwithstanding Title 17-A, section 1301,  
subsection 1, paragraph C or subsection 3, paragraph E, the fine  
for that violation shall not exceed \$50,000 for each day of the  
violation.

15 This subsection does not apply to actions subject to the criminal  
17 penalties set forth in section 1319-T.

19 2. Civil penalties. Any person who violates any provision  
21 of the laws administered by the Office of Solid Waste Management  
23 or the terms or conditions of any order, rule, license, permit,  
25 approval or decision of the Office of Solid Waste Management  
shall be subject to a civil penalty, payable to the State, of not  
less than \$1,000 nor more than \$20,000 for each day of that  
violation or, if the violation relates to hazardous waste, of not  
more than \$50,000 for each day of the violation.

27 3. Falsification and tampering. Notwithstanding Title  
29 17-A, section 4-A, any person who knowingly makes any false  
31 statement, representation or certification in any application,  
33 record, report, plan or other document filed or required to be  
35 maintained by any provision of law administered by the Office of  
37 Solid Waste Management or any rule, license, permit, approval or  
decision of the Office of Solid Waste Management or who tampers  
with or renders inaccurate any monitoring device or method  
required by any provision of law or any rule, license, permit,  
approval or decision of the Office of Solid Waste Management or  
who fails to comply with any information submission required by  
the director shall, upon conviction, be subject to a fine of not  
more than \$25,000 or by imprisonment of up to one year, or both.

41 4. Considerations. In setting a penalty, the court shall  
43 consider, but shall not be limited to, the following:

45 A. Prior violations by the same party;

47 B. The extent to which the violation continued after an  
order of the Office of Solid Waste Management to correct it;

49 C. The degree of environmental damage that cannot be abated  
51 or corrected; and



1 management plan, with input from appropriate persons and  
3 agencies. The OSWM will ensure that sufficient regional solid  
5 waste agencies are created to completely cover the State. The  
OSWM will also provide technical and financial assistance to  
regional agencies and individual communities.

7 The OSWM will carry out those responsibilities of State  
9 Government relating to solid waste management, planning and  
development which are not specifically delegated to another  
agency.

11 The OSWM will license solid waste handling facilities  
13 subject to the requirements that they be consistent with the  
plan, there is a need for the facility, it is economically viable  
15 and it will satisfy all applicable environmental requirements.  
The environmental permits themselves will continue to be issued  
17 by the existing state and municipal agencies.

19 The regional solid waste agencies may be existing  
21 organizations, or newly created. They will develop regional  
solid waste management plans, ensure that the necessary regional  
23 facilities are developed, acquire sites for regional facilities  
and inspect and monitor facilities in the region.

25 The bill also establishes a State Solid Waste Management  
27 Advisory Board to advise the OSWM, the Governor and the  
Legislature.

29 Enforcement by the OSWM is handled in a manner that  
31 parallels the Department of Environmental Protection's solid  
waste enforcement procedures.

33 Interstate cooperation is encouraged, but importing of waste  
35 is limited to an amount that is consistent with the ability of  
the State to handle solid waste within the scope of the  
comprehensive plan.

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