

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1414

H.P. 973

House of Representatives, April 3, 1991

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 WENTWORTH of Arundel.

Cosponsored by Senator DUTREMBLE of York and Representative LORD of Waterboro.

STATE OF MAINE

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

**An Act to Provide Certain Municipalities with an Exception to the Waste
Facility Siting Laws.**



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

38 MRSA §1310-N, sub-§2-D is enacted to read:

2-D. Exception; proximity to residential areas.
Notwithstanding subsection 2-C, if the applicant is able to demonstrate to the board's satisfaction that the applicant had made substantial preparations for its municipal solid waste transfer station prior to September 30, 1989 and the preparations were based upon the then effective location standard of the board's rules, which required a 100-foot setback from residential property, the board may issue a license for a municipal solid waste transfer station.

STATEMENT OF FACT

The process of budgeting for, acquiring property for, planning and designing a municipal solid waste transfer station as well as applying for a license for such a facility can be lengthy. When it began this process regarding the municipal solid waste transfer station, the Town of Arundel relied upon the then applicable location standard provided in 06-096 CMR 402.2(B)(1) which standard called for a 100-foot setback from residential property. Before the Town of Arundel was able to file a complete application for this facility with the Department of Environmental Protection, that standard was overridden by the Maine Revised Statutes, Title 38, section 1310-N, subsection 2-C which extended the required setback to 250 feet. This bill recognizes the good faith efforts of the Town of Arundel and similarly situated municipalities by permitting them to obtain variances from the new setback requirement upon making an appropriate showing to the Board of Environmental Protection.