

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 191, L.D. 254, Bill, "An Act to Extend the Operating Deadline for Municipal Solid Waste Landfills"

Amend the bill by striking out the title and substituting the following:

'An Act to Clarify Criteria for Allowing Unlicensed Municipal Solid Waste Landfills to Accept Waste After December 31, 1992'

Further amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting in its place the following:

'Sec. 1. 38 MRSA §1310-N, sub-§§6-B and 6-C are enacted to read:

6-B. Unlicensed landfills operating after December 31, 1992. Notwithstanding subsection 6, the commissioner shall enter into an agreement with a municipality allowing that municipality to operate an unlicensed municipal solid waste landfill after December 31, 1992 if the commissioner determines that the municipality has:

A. Selected an alternative solid waste handling or disposal option that is licensed or capable of being licensed;

B. Proposed to the department a reasonable and mutually acceptable schedule for implementing that option; and

C. Agreed to cease accepting waste at the unlicensed landfill on a date certain.

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COMMITTEE AMENDMENT "A" to H.P. 191, L.D. 254

An agreement under this subsection between a municipality and the department may not include any provision that prevents the municipality from using its unlicensed landfill for the disposal of municipal solid waste during the term of the agreement. Notwithstanding any provision of an agreement entered into under this subsection, the commissioner shall order an unlicensed landfill to cease operating if the commissioner finds that continued operation of the landfill poses an immediate hazard to the public health or the environment, including without limitation a threat to a public or private water supply.

6-C. Summary of federal regulations. The commissioner shall provide a summary of the criteria for municipal solid waste landfills set forth in 40 Code of Federal Regulations, Part 258 (1992) to each municipality operating a licensed or unlicensed municipal solid waste landfill on the effective date of this subsection. The summary must describe the operational and, where possible, the economic implications under federal and state rules of accepting waste at a municipal solid waste landfill after October 8, 1993.

Sec. 2. PL 1991, c. 759, §3 is repealed.

Sec. 3. Consolidation plans voided. Any provision in an agreement between a municipality and the Department of Environmental Protection that is in effect on the effective date of this Act and that requires a municipality to enter into a solid waste consolidation management plan as a condition for continued operation of an unlicensed landfill after December 31, 1992 is void.

Sec. 4. Retroactivity. This Act applies retroactively to January 1, 1993.'

Further amend the bill by inserting before the statement of fact the following:

FISCAL NOTE

The Department of Environmental Protection will incur some minor additional costs to provide certain municipalities with the required federal regulations. These costs can be absorbed within the department's existing budgeted resources.'

STATEMENT OF FACT

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1. The amendment enacts the criteria used by the Department of Environmental Protection during 1993 to assess eligibility for administrative extensions of the December 31, 1992 deadline for municipal operation of unlicensed municipal solid waste disposal facilities. The amendment also clarifies that the Department of Environmental Protection may not require municipalities to enter into solid waste consolidation plans as a condition for obtaining an agreement to operate an unlicensed landfill after December 31, 1992.

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2. The amendment requires the Department of Environmental Protection to provide each municipality operating a municipal solid waste landfill on January 1, 1993 with a summary of federal regulations applicable to municipal solid waste landfills, including a summary of the operational and, where possible, the economic implications under federal and state rules of operating that landfill after October 8, 1993.

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3. The amendment voids any provision in any existing agreement between the Department of Environmental Protection and a municipality that has the effect of requiring a municipality to participate in a waste consolidation plan during the term of the agreement.

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4. The amendment repeals an unallocated section of law requiring the Department of Environmental Protection to report by January 1, 1993 to the joint standing committee of the Legislature having jurisdiction over energy and natural resource matters on the status of municipal solid waste management and disposal systems on islands that are seeking to continue operating unlicensed municipal solid waste landfills after December 31, 1992.

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5. The amendment also makes the bill retroactive to January 1, 1993.

Reported by the Committee on Energy and Natural Resources
Reproduced and distributed under the direction of the Clerk of the House
4/29/93 (Filing No. H-217)