

# MAINE STATE LEGISLATURE

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R of S.

L.D. 566

DATE: 5/1/95

(Filing No. H- 180 )

MAJORITY  
NATURAL RESOURCES

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
117TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 409, L.D. 566, Bill, "An Act to Reestablish the 300-foot Setback for Siting of Solid Waste Disposal Areas"

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

'An Act to Clarify Protection of Surface Waters in the Licensing of Solid Waste Facilities'

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

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

1-A. Surface water protection. The department may not issue a license for a solid waste facility if it finds that the proposed facility will cause an unreasonable threat to the quality of a classified body of surface water. In determining whether the proposed facility poses an unreasonable threat, the department shall require the applicant to provide evidence demonstrating that:

A. The soils on the proposed facility site are suitable to the nature of the undertaking;

B. An appropriate erosion and sedimentation control plan has been developed and will be implemented on the site; and

C. The proximity of any classified surface water bodies to the proposed solid waste facility has been considered during the site selection process and during the development of the erosion and sedimentation control plan.

**COMMITTEE AMENDMENT**

R of S.

2           **Sec. 2. 38 MRSA §1310-U, 2nd ¶**, as repealed and replaced by PL  
1991, c. 66, Pt. A, §38, is amended to read:

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6           Under the municipal home rule authority granted by the  
8           Constitution of Maine, Article VIII, Part Second and Title 30-A,  
10          section 3001, municipalities, except as provided in this section,  
12          may enact ordinances with respect to solid waste facilities that  
14          contain standards the municipality finds reasonable, including,  
16          without limitation, conformance with federal and state solid  
18          waste rules; fire safety; traffic safety; levels of noise heard  
20          outside the facility; distance from existing residential,  
            commercial or institutional uses; ground water protection;  
            surface water protection; erosion and sedimentation control; and  
            compatibility of the solid waste facility with local zoning and  
            land use controls, provided that the standards are not more  
            strict than those contained in this chapter and in chapter 3,  
            subchapter I, articles 5-A and 6 and the rules adopted under  
            these articles. Municipal ordinances must use definitions  
            consistent with those adopted by the board.'

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**STATEMENT OF FACT**

26           The amendment replaces the bill. Instead of requiring solid  
28           waste disposal areas to be set back 300 feet from a classified  
30           body of surface water, the amendment prohibits the Department of  
32           Environmental Protection from licensing a solid waste facility if  
34           the facility would cause unreasonable sedimentation or erosion of  
            soil or would otherwise pose an unreasonable threat to the  
            quality of classified surface waters. The amendment also adds  
            surface water protection and erosion and sedimentation control to  
            the list of issues that a municipality may include in its  
            regulation of solid waste facilities.