

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 566

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H.P. 409

House of Representatives, February 17, 1995

**An Act to Reestablish the 300-foot Setback for Siting of Solid Waste Disposal Areas.**

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

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative MERES of Norridgewock.  
Cosponsored by Representative TREAT of Gardiner and  
Representatives: ADAMS of Portland, CHIZMAR of Lisbon, GREEN of Monmouth,  
HATCH of Skowhegan, HEESCHEN of Wilton, JONES of Bar Harbor, KILKELLY of  
Wiscasset, LEMAIRE of Lewiston, LEMONT of Kittery, LUTHER of Mexico, SAMSON of  
Jay, SHIAH of Bowdoinham.

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

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Sec. 1. 38 MRSA §421-A is enacted to read:

**§421-A. Solid waste disposal areas; location**

The boundary of a public or private solid waste disposal area established or expanded after the effective date of this section may not lie closer than 300 feet to a classified body of surface water.

If the department determines that soil conditions, ground water conditions, topography or other conditions indicate that the boundary of such an area should be further than 300 feet from a classified body of surface water, the department, after notice to the affected party, may order the relocation of the boundaries.

Any person, corporation, municipality or state agency establishing a solid waste disposal area after the effective date of this section may apply to the department for a determination that the boundaries of the proposed area are suitably removed from any classified body of surface water.

Notwithstanding this section, if the department determines from an examination of soil conditions, ground water characteristics, climatic conditions, topography, the nature and amount of the solid waste and other appropriate factors that the deposit of solid waste within an area less than 300 feet from a classified body of surface water will not result in an unlicensed direct or indirect discharge of pollutants to that body of surface water, the department, after notice, may permit the deposit of solid waste within that area upon terms and conditions it determines necessary. Permits issued pursuant to this section are for a term of not more than 5 years but may be renewed for successive 5-year terms after reexamination pursuant to this chapter.

**STATEMENT OF FACT**

This bill reestablishes the 300-foot setback for the siting of solid waste disposal facilities.