

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

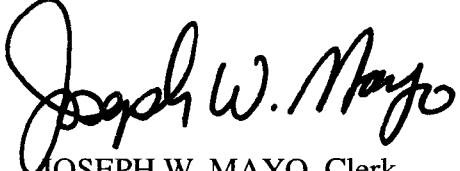
No. 1714

H.P. 1204

House of Representatives, March 9, 1999

An Act to Clarify and Improve the State's Solid Waste Management Laws.

Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.
Reference to the Committee on Natural Resources suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative MARTIN of Eagle Lake.
Cosponsored by Senator: TREAT of Kennebec.

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

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Sec. 1. 38 MRSA §352, sub-§5-A, in that part designated "TABLE I" in that part relating to "TITLE 38, SECTION 1304" is amended to read:

1304, Waste management		
A. Septage disposal		
1. Site designation	50	25
B. Land application of sludges and residuals program approval		
1. Industrial sludge	400	400
2. Municipal sludge	300	275
3. Bioash	300	275
4. Wood ash	300	75
5. Food waste	300	75
6. Other residuals	300	175
C. Landfill		
1. Closing plans for nonmunicipal <u>secure</u> landfills	1,500	1,500
2. Closing plans for <u>municipal attenuation</u> landfills	500	500
3. Variance-requests for-attenuation-landfills <u>Post-closure report</u>	175	175
4. Preliminary information reports	175	175
5. License transfers	500	175
6. Special waste disposal		
a. One-time disposal of quantities of 6 cubic yards or less	50	50
b. One-time disposal of quantities greater than 6 cubic yards	100	100
c. Program approval for routine disposal of a special waste	300	300
7. <u>Minor revision for secure landfills</u>	600	100
8. <u>Minor revision for attenuation landfills</u>	100	100
9. <u>Public benefit determination</u>	175	175

2	D. Incineration facility		
	1. Fuel substitution	1,575	1,500
	activities		
4	2. License transfer	175	175
6	E. License transfer other	100	100
	than for landfills and		
	incinerators		
8	F. <u>Minor revision for septage</u>	100	100
	<u>facilities and solid</u>		
10	<u>waste facilities other than</u>		
	<u>landfills</u>		
12	G. <u>Permit by rule for</u>	100	100
	<u>one-time activities</u>		

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16 **Sec. 2. 38 MRSA §352, sub-§5-A, in that part designated "TABLE II" is amended to read:**

18 TABLE II

20 WASTE MANAGEMENT FEES - ANNUAL LICENSE
22 MAXIMUM FEES IN DOLLARS

24	TITLE 38	PROCESSING	ANNUAL
26	SECTION	FEE	LICENSE
			FEE
28	1304, Waste management		
	A. Septage disposal		
30	1. Landspreading	\$150 \$550	\$250
	2. Storage	50	75
	B. Sludge compost facility		
32	1. Type I	150	150
	2. Type-IA	150	150
34	3. <u>Type II and Type III</u>	175 700	500
	<u>greater than 3,500</u>		
36	<u>cubic yards</u>		
	4. Type-III	175	750
38	5. <u>Municipal-solid</u>	175 1,400	850
	<u>waste Type II and Type III</u>		
40	<u>less than 3,500 cubic yards</u>		
	C. Land application of		
42	sludges and residuals		
	1. Sites with program		
44	approval		
	a. Industrial sludge	150	250
46	b. Municipal sludge	75	200
	c. Bioash	75	200
48	d. Wood ash	50	125
	e. Food waste	50	125
50	f. Other residuals	50	125

2	2. Sites without program approval		
4	a. Industrial sludge	300	550
6	b. Municipal sludge	150	250
8	c. Bioash	150	250
10	d. Wood ash	75	200
12	e. Food waste	75	200
14	f. Other	75	200
16	1310-N, Solid waste facility siting		
18	A. Landfill		
20	1. New or expanded for the acceptance of municipal Existing, nonsecure municipal solid waste landfills accepting waste from fewer than 15,000 people	3,500	1,000
22	2. New or expanded for the acceptance of municipal Existing, nonsecure municipal solid waste landfills accepting waste from more than 15,000 people	3,500	3,500
24	3. New or expanded for the acceptance of special waste <u>secure landfill</u>	5,000	8,500
26	4. Weed waste or demolition debris landfills, or both, if greater than 6 acres	1,000	1,700
28	5. <u>Weed Nonsecure wood</u> waste or demolition debris landfills, or both, if less than or equal to 6 acres	175 700	750
30	B. Incineration facilities		
32	1. New or expanded for the acceptance of municipal or special wastes, or both	3,500	5,000
34	2. Municipally owned and operated solid waste incinerators with licensed capacity of 10 tons per day or less	3,500	1,000
36	C. Transfer station and storage facility	750	175

2	D. Tire disposal or storage facility, or both	400	450
4	E. Recycling facility	350	200
6	F. Processing facility other than municipal solid waste composting	700	700
8	G. Other utilization <u>Beneficial use activities other than agronomic utilization</u>		
10	1. Special waste	175	350
12	2. Other	75	350
14	3. <u>Fuel substitution</u>	700	500
16	4. <u>Beneficial use without risk assessment</u>	700	200
18	5. <u>Beneficial use with risk assessment</u>	1,400	500
20	H. <u>Permit by rule for ongoing activities</u>	100	100

20 **Sec. 3. 38 MRSA §1304, sub-§1-A, ¶¶A and C, as enacted by PL**
22 1987, c. 517, §9, are amended to read:

24 A. Licensing categories of transporters of solid-waste septage, used motor vehicle tires and construction or demolition debris, conveyances used for the transportation of solid-waste septage, used motor vehicle tires and construction or demolition debris and the operators of these conveyances as the board finds necessary to effect sound waste management;

30 C. A manifest system for categories of solid waste which shall that must provide a means to account for solid-waste septage, used motor vehicle tires and construction or demolition debris handled, transported and disposed of in the State; and

36 **Sec. 4. 38 MRSA §2133, sub-§2-A, as amended by PL 1997, c.**
38 672, §4, is further amended to read:

40 **2-A. Technical and financial assistance program.** A program of technical and financial assistance for waste reduction and recycling is established in the office to assist municipalities with managing solid waste. The office may also provide planning assistance to municipalities and regional organizations for managing municipal solid waste. Planning assistance may include cost and capacity analysis and education and outreach activities. The director shall administer the program in accordance with the waste management hierarchy in section 2101. Preference in allocating resources under this section must be given to municipalities that take advantage of regional economies

2 of scale. Preference may also be given to municipalities that
provide a municipal trash collection service as defined in Title
4 12, section 9324, subsection 7 or that prohibit residential
out-of-door burning of highly combustible trash.

6 **Sec. 5. 38 MRSA §2133, sub-§2-C** is enacted to read:

8 2-C. Business technical assistance program. The office
may, as resources allow, assist the business community to develop
10 state programs and services that are designed to promote the
solid waste hierarchy and that are desired by and financially
12 supported by the business community. The office shall coordinate
these efforts in conjunction with the department.

14 **Sec. 6. 38 MRSA §2203**, as amended by PL 1995, c. 465, Pt. A,
16 §74 and affected by Pt. C, §2, is repealed.

18 **Sec. 7. 38 MRSA §2203-A** is enacted to read:

20 **§2203-A. Waste handling fees**

22 1. Fees. Fees are imposed in the following amounts to be
levied for solid waste that is disposed of at commercial,
24 municipal and regional association landfills.

26	<u>Asbestos</u>	<u>\$5 per cubic yard</u>
28	<u>Oil-contaminated soil, gravel, brick, concrete and other aggregate</u>	<u>\$25 per ton</u>
30		
32	<u>Waste water facility sludge</u>	<u>\$5 per ton</u>
34	<u>Ash, coal and oil</u>	<u>\$5 per ton</u>
36	<u>Paper mill sludge</u>	<u>\$5 per ton</u>
38	<u>Industrial waste</u>	<u>\$5 per ton</u>
40	<u>Sandblast grit</u>	<u>\$5 per ton</u>
42	<u>All other special waste</u>	<u>\$5 per ton</u>
44	<u>Municipal solid waste ash</u>	<u>\$1 per ton</u>
46	<u>Front end process residue (FEPR)</u>	<u>\$1 per ton</u>

48 2. Exceptions. Notwithstanding subsection 1:

2 A. A municipal or regional association landfill that has
4 accepted 12,000 tons or more of special waste, other than
6 municipal solid waste ash, asbestos and oil-contaminated
8 soil, gravel, brick, concrete and other aggregate, in
10 calendar year 1998 shall continue to pay \$2 per ton to the
12 department for those categories of waste accepted in that
14 calendar year; and

16 B. A municipal or regional association landfill shall
18 continue to pay \$2 per ton to the department on all
20 categories of special waste other than municipal solid waste
22 ash, asbestos and oil-contaminated soil, gravel, brick,
24 concrete and other aggregate that was generated by the
26 municipality or regional association and accepted for
28 disposal in its landfill in calendar year 1998.

30 C. A municipal or regional association landfill that has
32 accepted 4,000 tons or more of oil-contaminated soil,
34 gravel, brick, concrete and other aggregate in calendar year
36 1998 shall pay \$5 per ton for that category of waste.

38 **Sec. 8. 38 MRSA §2204, as amended by PL 1995, c. 656, Pt. A,**
40 **§64, is further amended to read:**

42 **§2204. Municipal solid waste disposal surcharge**

44 The department shall impose the following fees a fee of \$2
46 per ton on any municipal solid waste disposed of at a commercial,
48 municipal or regional association landfill, except that there is
50 no fee on municipal solid waste generated by a municipality that
owns the landfill accepting it or that has entered into a
contract with a term longer than 9 months for disposal of
municipal solid waste in that landfill facility.

1.--Landfill surcharge.--A disposal surcharge of \$4 per ton
is assessed on any municipal solid waste disposed of by
landfilling at a commercial landfill facility.

3.--Imported municipal solid waste.--To support these
regulatory and administrative costs associated with imported
municipal solid wastes, an administrative fee of \$4 per ton, or
the maximum fee on out-of-state waste authorized by federal law,
whichever is greater, is assessed on any municipal solid waste
originating outside the State and delivered to a commercial solid
waste disposal facility or solid waste disposal facility owned by
the office or a regional association for disposal.

48 **Sec. 9. 38 MRSA §2205, sub-§2, ¶C, as amended by PL 1995, c.**
50 **465, Pt. A, §77 and affected by Pt. C, §2, is further amended to**
read:

2 C. The letter transmitting the payment that is received by
4 the department is postmarked by the United States Postal
6 Service on or prior to the final day on which the payment is
to be received, unless an alternative date is agreed upon in
writing by the operator and the department.

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SUMMARY

This bill does the following:

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14 1. Revises the Environmental Protection Fund fee schedule,
which establishes statutory maximum fees. The revisions include
16 changes to certain categories of licenses and fees in order to
make them consistent with recently adopted solid waste management
rules.

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20 2. Revises the law to limit the scope of the nonhazardous
waste transporter licensing program to the transportation of
septage, used motor vehicle tires and construction or demolition
22 debris.

24

26 3. Revises the law to expand the scope of the State
Planning Office's technical and financial assistance program to
include planning assistance to municipalities and regions for
solid waste management in addition to recycling program
28 assistance.

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32 4. Revises the schedule for fees imposed on certain wastes
disposed of in landfills. Specifically, the schedule makes fee
amounts consistent between commercial and municipal landfills,
34 imposes a consistent \$5 per ton fee on most categories of special
waste, reduces the fee on municipal solid waste incinerator ash
and front end process residue to \$1 per ton and imposes a
36 consistent \$2 per ton fee on municipal solid waste disposed of at
commercial and municipal landfills under very limited
38 circumstances.