## MAINE STATE LEGISLATURE

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L.D. 2238

| 2  |  |
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| 4  | DATE: June 5, 1999 (Filing No. S- 441)   |
| 6  | NATURAL RESOURCES  |
| 8  | Reported by:   |
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| 14 | STATE OF MAINE<br>SENATE<br>119TH LEGISLATURE  |
| 16 | FIRST REGULAR SESSION  |
| 18 | COMMITTEE AMENDMENT "A" to S.P. 839, L.D. 2238, Bill, "A   |
| 20 | Act to Clarify the Solid Waste Laws as They Relate to th Exception to the Ban on New Commercial Landfills"   |
| 22 |  |
| 24 | Amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting in its place the following:                                  |
| 26 | 'Sec. 1. 38 MRSA §1303-C, sub-§6, as enacted by PL 1989, c   |
| 28 | 585, Pt. E, §4, is repealed and the following enacted in it place:   |
| 30 | 6 Commoraint solid weeks discount facility "Commorain  |
| 32 | 6. Commercial solid waste disposal facility. "Commercia solid waste disposal facility" means a solid waste disposa facility except as follows:                                 |
| 34 | ) and is weath famility bound by a mublic weath dispose  |
| 36 | A. A solid waste facility owned by a public waste disposa corporation under section 1304-B, subsection 5 as long a the public waste disposal corporation controls the decision |
| 38 | regarding the type and source of waste that is accepted handled, treated and disposed of at the facility:  |
| 40 |  |
| 42 | B. A solid waste facility owned by a municipality unde<br>section 1305 as long as the municipality controls th<br>decisions regarding the type and source of waste that i      |
| 44 | accepted, handled, treated and disposed of at the facility;  |
| 46 | C. A solid waste facility owned by a refuse disposa<br>district under chapter 17 as long as the refuse disposa   |
| 48 | district controls the decisions regarding the type and source of waste that is accepted, handled, treated and  |
| 50 | disposed of at the facility;   |
| 52 | D. A solid waste facility owned and controlled by the office under chapter 24;   |

Page 1-LR3168(2)

38

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| 2          | D. A solid waste facility owned and controlled by the           |
|------------|---|
|            | office under chapter 24;  |
| 4          |   |
|            | E. A solid waste facility owned and controlled by a single      |
| 6          | entity that generates at least 85% of the solid waste           |
|            | disposed of at the facility, except that the facility may       |
| 8          | accept from other sources, on a nonprofit basis, an amount      |
|            | of solid waste that is no more than 15% of all solid waste      |
| 10         | accepted on an annual basis. For purposes of this paragraph,    |
|            | "single entity" means an individual, partnership,               |
| 12         | corporation or limited liability company that is not engaged    |
|            | primarily in the business of treating or disposing of solid     |
| 14         | waste or special waste. This paragraph does not apply if an     |
|            | individual partner, shareholder, member or other ownership      |
| 16         | interest in the single entity disposes of waste in the solid    |
|            | waste facility. A waste facility receiving ash resulting        |
| 18         | from the combustion of municipal solid waste or                 |
|            | refuse-derived fuel is not exempt from this subsection          |
| 20         | solely by operation of this paragraph; or                       |
|            |   |
| 22         | F. A private corporation that accepts material-separated,       |
|            | refuse-derived fuel as a supplemental fuel and does not burn    |
| 24         | waste other than its own.                                       |
|            | G   |
| 26         | Sec. 2. 38 MRSA §1303-C, sub-§7, as amended by PL 1995, c.      |
|            | 656, Pt. A, §20, is repealed.'                                  |
| 28         |   |
| 20         |   |
| 30         | SUMMARY   |
| 32         | This amendment clarifies the definition of "commercial solid    |
|            | waste disposal facility" and clarifies the exceptions to the    |
| 34         | prohibition on commercial solid waste disposal facilities under |
| <b>.</b> . | the existing definition of commercial solid waste disposal      |
| 36         | facilities. In addition, the amendment specifies that a         |
|            | addition, the anotherion operation that a                       |

Page 2-LR3168(2)

generator-owned facility may not claim an exemption from the

commercial solid waste disposal facility if it is primarily engaged in the business of treating or disposing of solid waste.