

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

L.D. 2005

DATE: 3-13-02

(Filing No. H-900)

MINORITY  
NATURAL RESOURCES

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
120TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1502, L.D. 2005, Bill, "An Act to Ensure the Public Benefits of Solid Waste Facilities"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 38 MRSA §1310-N, sub-§3-A, ¶A, as enacted by PL 1995, c. 465, Pt. A, §15 and affected by Pt. C, §2, is amended to read:

A. For the following facilities, the department determines public benefit and shall employ a rebuttable presumption of public benefit:

(1) Solid waste disposal facilities less than 6 acres in size that accept only inert fill, construction and demolition debris, debris from land clearing and wood wastes; and

(2) Solid waste disposal facilities used exclusively for the disposal of waste generated by the owner of the facility except that the facility may accept, on a nonprofit basis, waste not generated by the owner provided that the amount so accepted does not exceed 15% of all solid waste accepted on an annual average.

Sec. 2. 38 MRSA §1310-AA, sub-§1, as enacted by PL 1995, c. 465, Pt. A, §22 and affected by Pt. C, §2, is repealed and the following enacted in its place:

1. Application for public benefit determination. Except as provided in subsection 1-A, prior to submitting any of the

following applications under section 1310-N, a person must apply to the commissioner for a determination of whether the proposed facility provides a substantial public benefit:

A. An application for a new or expanded solid waste disposal facility;

B. An application for a new or expanded solid waste facility that handles municipal solid waste; or

C. An application to amend or revise a license issued for a solid waste facility if the application would result in:

(1) Authorizing the facility to accept municipal solid waste if the facility is not allowed to accept municipal solid waste pursuant to its license; or

(2) Increasing the amount of municipal solid waste that the facility is authorized to accept.

Sec. 3. 38 MRSA §1310-AA, sub-§1-A is enacted to read:

1-A. Exempt. A solid waste facility is exempt from the requirements of subsection 1 if the facility only handles solid waste generated within:

A. The municipality in which the solid waste facility is located;

B. A regional association that includes the municipality where the solid waste facility is located; or

C. Two or more municipalities that have entered into an interlocal agreement for the handling of solid waste at the solid waste facility in accordance with Title 30-A, chapter 115 and the solid waste facility is located in one of the municipalities.'

Further amend the bill by inserting at the end before the summary the following:

#### FISCAL NOTE

The Department of Environmental Protection will incur some minor additional costs to administer certain determination requirements with regards to certain types of solid waste facilities. These costs can be absorbed within the department's existing budgeted resources.'

R.O.S.

**SUMMARY**

This amendment is the minority report. It proposes that any new or expanded solid waste disposal facility or any new or expanded solid waste facility that will handle municipal solid waste generated outside of the municipality in which the proposed facility is located, or outside of municipalities that have formed a regional association or have entered into an interlocal agreement for the handling of solid waste at the proposed facility, is required to obtain a determination from the Commissioner of Environmental Protection that the proposed facility provides a substantial public benefit. The amendment also provides that an application seeking authority to handle an increase in the amount of municipal solid waste at an existing solid waste facility and an application that seeks authority for a facility to accept municipal solid waste if the facility is not currently allowed to accept municipal solid waste must obtain a determination of public benefit. The amendment also provides that the department shall employ a rebuttable presumption of public benefit for certain solid waste facilities.

This amendment also adds a fiscal note to the bill.