

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 597

H.P. 430

House of Representatives, February 3, 2005

An Act To Amend the Solid Waste Landfill Laws

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative TWOMEY of Biddeford.
Cosponsored by Senator COWGER of Kennebec and
Representatives: ADAMS of Portland, BLANCHETTE of Bangor, JACKSON of Fort Kent,
KOFFMAN of Bar Harbor, LORING of the Penobscot Nation, LUNDEEN of Mars Hill,
MAKAS of Lewiston, THOMPSON of China.

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

Sec. 1. 38 MRSA §1310-S, sub-§2, as amended by PL 1997, c. 624, §15, is further amended to read:

2. Public hearing. The department may hold an adjudicatory public hearing within the municipality in which the facility may be located or in a convenient location in the vicinity of the proposed facility. The department shall hold an adjudicatory public hearing on an application for a new or expanded commercial or state-owned solid waste disposal facility that accepts special waste upon request from a resident or a property owner in the municipality in which the proposed facility is located. The department shall hold an adjudicatory public hearing for an increase in the vertical elevation of a solid waste disposal facility that accepts special waste upon request from a resident or a property owner in the municipality in which the proposed facility is located. The hearing must be conducted in accordance with Title 5, chapter 375, subchapter IV 4. Administrative expenses of a hearing held pursuant to this subsection and all costs incurred by the department in processing an application must be paid for by the applicant as provided in department rules.

Sec. 2. Resolve 2003, c. 93, §1, sub-§5 is amended to read:

5. Notwithstanding the Maine Revised Statutes, Title 38, section 1310-U, the municipality in which the disposal facility is located may not regulate the operation or any other aspect of the disposal facility as provided in Title 38, section 2173 or by means of any municipal ordinances, regulations, licenses or permits, except that the municipality may enact ordinances with respect to the operation of any expansion of the disposal facility, including any expansion of the type of waste the facility is licensed to accept, that contain standards the municipality finds reasonable, including, without limitation, standards concerning conformance with federal and state solid waste rules; fire safety; traffic safety; levels of noise heard outside the facility; the distance from existing residential, commercial or institutional uses; groundwater protection; surface water protection; erosion and sedimentation control; and compatibility of the disposal facility with local zoning and land use controls, as long as the standards are not more strict than those contained in Title 38, chapter 3, subchapter 1, articles 5-A and 6 and Title 38, chapter 13 and the rules adopted under those chapters. The municipality is prohibited from enacting stricter standards than those contained in Title 38, chapter 13 governing the hydrogeological criteria for siting or designing the expansion of or the governing of the engineering criteria related to waste handling and disposal areas of the expanded disposal facility. Such municipal ordinances must use definitions consistent with those adopted by the Department of

Environmental Protection, Board of Environmental Protection. The municipal officers of the City of Old Town and the Town of Alton shall establish a joint citizen advisory committee consisting of 7 9 members, of which 5 must be from the City of Old Town and, 2 from the Town of Alton and 2 from the Penobscot Nation. In appointing members to the committee, the municipal officers shall use Title 38, section 2171, subsection 1 as guidance. The Penobscot Nation shall appoint 2 members of the committee. The committee shall meet as soon as practical following appointment of its members and shall select a chair from among its members. The committee shall establish procedures for the conduct of meetings. The committee may:

A. Review proposed contracts, site analyses, applications and other documents relating to the construction, permitting and operation of the disposal facility;

B. Hold periodic public meetings to solicit the opinions of residents concerning the disposal facility and any permit applications, contracts or other provisions relating to the disposal facility;

C. Provide the disposal facility operator and office with any alternative contract provisions, permit conditions, plans or procedures the committee considers appropriate; and

D. Serve as a liaison between the communities and the disposal facility operator or the office to facilitate communications during the development and operation of the disposal facility and provide residents with updated information about the project, including providing explanations of any technical terms; and ~~be-it-further~~

E. Serve as a liaison between the Penobscot Nation and the disposal facility operator or the office to facilitate communications during the development and operation of the disposal facility and provide members of the Penobscot Nation with updated information about the project, including providing explanations of any technical terms; and be it further

SUMMARY

This bill requires a public hearing for an increase in height of a landfill accepting special waste and specifies that the applicant shall pay the Department of Environmental Protection's costs in processing the application. It also amends the law governing the joint citizen advisory committee for the West Old Town Landfill to include 2 representatives of the Penobscot Nation.