

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2005

Legislative Document

No. 1578

S.P. 560

In Senate, April 26, 2005

An Act To Ensure Certain Protections to Communities Hosting Waste-to-energy Facilities

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator HOBBS of York.
Cosponsored by Representative TWOMEY of Biddeford and
Senator: SULLIVAN of York, Representatives: BEAUDETTE of Biddeford, HOGAN of Old
Orchard Beach, PILON of Saco, VALENTINO of Saco.

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

4 **Sec. 1. 38 MRSA §1303-C, sub-§15-B** is enacted to read:

5 15-B. Host community. "Host community" means any town,
6 township or city that is the geographical site of a
7 waste-to-energy facility or any town, township or city that is
8 party to a host community waste handling agreement for disposal
9 of municipal solid waste, dated prior to December 31, 2004,
10 including specifically that agreement between the City of
11 Biddeford and the City of Saco and the Maine Energy Recovery
12 Company, L.P., dated June 7, 1991.

13 **Sec. 2. 38 MRSA §1304-B, sub-§4-B** is enacted to read:

14 4-B. Contract with host community. Any contract for
15 disposal of solid waste or municipal solid waste entered into by
16 or with a host community must meet the conditions set forth in
17 section 1310-N, subsection 9.

18 **Sec. 3. 38 MRSA §1304-D** is enacted to read:

19 §1304-D. Host community may adopt rules

20 Notwithstanding section 1304, subsections 1, 1-A, 1-B and
21 1-C, a host community may adopt its own reasonable rules on the
22 transportation of solid waste, municipal solid waste, special
23 waste and refuse-derived fuel through that host community,
24 including posting certain roads with weight limitations, setting
25 route limitations or restrictions to minimize the disruption of
26 predominantly residential areas or areas of special environmental
27 concern or sensitivity, limiting hours for the delivery of such
28 wastes and setting penalties for transporters who leak, spill or
29 discharge wastes onto public ways.

30 **Sec. 4. 38 MRSA §1310-N, sub-§9, ¶B,** as enacted by PL 1995, c.
31 465, Pt. A, §16 and affected by Pt. C, §2, is amended to read:

32 ~~B. Based upon the nature, size and projected impacts of the~~
33 ~~proposed facility, An agreement between an incineration~~
34 ~~facility or its owner or operator and a host community~~
35 ~~agreements or other community must, when applicable, include~~
36 ~~provisions regarding:~~

37 (1) Improvement, maintenance and repair of local roads
38 directly affected by traffic to and from the facility
39 and of other infrastructural elements directly affected
40 by the facility, including sewerage, storm water or
41 drainage pipes and other aboveground and underground
42 utilities;

2 (2) Development and maintenance of adequate local
4 emergency response capacity to accommodate the
6 facility, including the purchase of any reasonable and
8 necessary life-safety supplies or equipment for local
10 fire and emergency response personnel, including, but
12 not limited to, respirators, protective clothing,
14 sensors, monitoring equipment, special tools or
16 ladders, chemical fire suppressants and vehicles, if
18 the vehicles are purchased specifically because of the
20 presence of an incineration facility;

22 (3) Financial support for personnel or other means to
24 provide technical assistance to the municipality in
26 interpreting data and to advise the municipality on
28 other technical issues concerning the facility. This
30 provision must include a payment of up to \$100,000 per
32 year for the hiring, training, certification and work
34 of an environmental engineer or comparable professional
36 to oversee licensing, compliance and monitoring on
38 behalf of a host community; and

40 (4) Other issues determined on a case-specific basis
42 by the applicant and municipality to be appropriate
44 given the nature of the proposed facility;

46 (5) Reasonable reductions in disposal costs and
48 tipping fee rates to offset the burden borne by such
50 communities;

52 (6) Guaranteed disposal of all municipal solid waste
54 from the host community regardless of tonnage;

56 (7) Reasonable hours of operation of the facility and
58 delivery of waste to a host community consistent with
60 the location of the facility and proximity of the
62 operation of the facility to residential zones,
64 including the following provisions.

66 (a) Deliveries may not be made later than 9 p.m.
68 if the facility is located within 500 feet of any
70 residence.

72 (b) Deliveries may not be made earlier than 6
74 a.m. if the facility is located within 500 feet of
76 any residence;

78 (8) Reasonable restrictions on the type of solid
80 wastes that may be handled, processed or disposed of in

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such facilities, including an option for a host community to limit disposal of biomedical, toxic, hazardous and special wastes; and

(9) Reasonable odor and noise controls.

The department shall adopt rules concerning the expenditure of funds made available to a municipality under the provisions of subparagraph (3) to ensure that funds are used to provide direct technical support to the municipality necessary for the conduct of municipal planning and decision making.

SUMMARY

This bill provides that a community that hosts a waste-to-energy facility may adopt its own reasonable rules on the transportation of solid waste, municipal solid waste, special waste and refuse-derived fuel through that community. It also provides that an agreement between an incineration facility and a community must include certain provisions to protect that community.