

MAINE STATE LEGISLATURE

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L.D. 1795

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NATURAL RESOURCES

Reported by: **Majority**

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STATE OF MAINE
SENATE
122ND LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 712, L.D. 1795, Bill, "An Act To Ensure the Long-term Capacity of Municipal Landfills"

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

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

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

1-B. Bypass. "Bypass" means any solid waste that is destined for disposal, processing or beneficial use at a solid waste facility but that cannot be disposed of, processed or beneficially used at that facility because of the facility's malfunction, insufficient capacity, inability to process or burn, downtime or any other comparable reason. This subsection is repealed January 1, 2007.

Sec. 2. 38 MRSA §1303-C, sub-§6, as repealed and replaced by PL 1999, c. 525, §1, is amended to read:

6. Commercial solid waste disposal facility. "Commercial solid waste disposal facility" means a solid waste disposal facility except as follows:

A. A Beginning January 1, 2007, a solid waste facility owned by a public waste disposal corporation under section 1304-B, subsection 5 as long as the public waste disposal corporation controls the decisions regarding the type and source of waste that is accepted, handled, treated and disposed of at the facility;

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2 A-1. Until January 1, 2007, a solid waste facility that is
3 owned by a public waste disposal corporation under section
4 1304-B, subsection 5 as long as the public waste disposal
5 corporation controls the decisions regarding the type and
6 source of waste that is accepted, handled, treated and
7 disposed of at the facility and, if the facility is a solid
8 waste landfill, that accepts only waste that is generated
9 within the State. This paragraph is repealed January 1,
10 2007;

11 B. A Beginning January 1, 2007 a solid waste facility owned
12 by a municipality under section 1305 as long as the
13 municipality controls the decisions regarding the type and
14 source of waste that is accepted, handled, treated and
15 disposed of at the facility;

16 B-1. Until January 1, 2007, a solid waste facility that is
17 owned by a municipality under section 1305 as long as the
18 municipality controls the decisions regarding the type and
19 source of waste that is accepted, handled, treated and
20 disposed of at the facility and, if the facility is a solid
21 waste landfill, that accepts only waste that is generated
22 within the State. This paragraph is repealed January 1,
23 2007;

24 C. A Beginning January 1, 2007, a solid waste facility
25 owned by a refuse disposal district under chapter 17 as long
26 as the refuse disposal district controls the decisions
27 regarding the type and source of waste that is accepted,
28 handled, treated and disposed of at the facility;

29 C-1. Until January 1, 2007, a solid waste facility that is
30 owned by a refuse disposal district under chapter 17 as long
31 as the refuse disposal district controls the decisions
32 regarding the type and source of waste that is accepted,
33 handled, treated and disposed of at the facility and, if the
34 facility is a solid waste landfill, that accepts only waste
35 that is generated within the State. This paragraph is
36 repealed January 1, 2007;

37 D. A Beginning January 1, 2007, a solid waste facility
38 owned and controlled by the office under chapter 24;

39 D-1. Until January 1, 2007, a solid waste facility that is
40 owned and controlled by the office under chapter 24 and, if
41 the facility is a solid waste landfill, that accepts only
42 waste that is generated within the State. This paragraph is
43 repealed January 1, 2007;

2 E. A solid waste facility owned and controlled by a single
entity that generates at least 85% of the solid waste
4 disposed of at the facility, except that the facility may
accept from other sources, on a nonprofit basis, an amount
6 of solid waste that is no more than 15% of all solid waste
accepted on an annual basis. For purposes of this paragraph,
"single entity" means an individual, partnership,
8 corporation or limited liability company that is not engaged
primarily in the business of treating or disposing of solid
10 waste or special waste. This paragraph does not apply if an
individual partner, shareholder, member or other ownership
12 interest in the single entity disposes of waste in the solid
waste facility. A waste facility receiving ash resulting
14 from the combustion of municipal solid waste or
refuse-derived fuel is not exempt from this subsection
16 solely by operation of this paragraph; or

18 F. A private corporation that accepts material-separated,
refuse-derived fuel as a supplemental fuel and does not burn
20 waste other than its own.

22 Until January 1, 2007, for purposes of this subsection, "waste
that is generated within the State" includes residue and bypass
24 generated by incineration, processing and recycling facilities
within the State.

26 **Sec. 3. 28 MRSA §1310-Q**, as amended by PL 1989, c. 890, Pt.
28 A, §40 and Pt. B, §245, is further amended to read:

30 **§1310-Q. Transfer of license**

32 **1. Transfer.** No person may transfer a license issued
pursuant to this Title without the transfer of the license being
34 approved by the department prior to transfer of the ownership of
the property, facility or structure ~~which~~ that constitutes or is
36 part of the solid waste disposal facility. The department, at
its discretion, may require that the proposed new owner of the
38 facility apply for a new license or may approve the transfer of
the existing license upon a satisfactory showing that the new
40 owner can abide its terms and conditions and will be able to
comply with the provisions of this Title, except that the
42 department may not approve the transfer of an existing license of
a municipal solid waste disposal facility to a private entity.
44 The department shall consider the extent to which the disposal
facility was sited and developed and is currently operated to
46 meet the capacity needs of municipalities within a specific
geographic region. The department shall approve the transfer of
48 license when, in addition to all other requirements of this
Title, the applicant has demonstrated that:

50

2 A. The facility will continue to be operated to meet the
municipal disposal capacity needs for which the facility was
4 sited and developed and for which it is currently operated;

6 B. The applicant has made substantially equivalent,
alternative provisions to satisfy these disposal capacity
8 needs; or

10 C. These disposal capacity needs no longer exist.

12 **Sec. 4. Legislative findings.** Maine's municipalities have the
obligation to provide for the disposal of the solid waste
14 generated by their citizens and businesses. Public waste
disposal corporations and refuse disposal districts are formed by
16 municipalities to provide for the disposal of the solid waste
generated within the geographical boundaries of the participating
18 municipalities. Municipal and public regional landfills,
however, are becoming increasingly limited in capacity and
20 expensive to Maine's people. The creation of new municipal and
public regional landfills is often prohibitively expensive. The
22 Legislature, in exercising its powers over municipalities, public
waste disposal corporations and refuse disposal districts as
24 instrumentalities and creations of the State, seeks to maximize
the use of these landfills for the benefit of the people of the
26 State and to prevent their potential diversion to uses by
others. This law will ensure that municipal and public regional
28 landfills are used for these public purposes.'

30
32 **SUMMARY**

This amendment is the majority report. The amendment
34 replaces the bill. It provides that publicly owned solid waste
landfills are exempt from the definition of "commercial solid
36 waste disposal facility" if until January 1, 2007 the facility
accepts only waste that is generated within the State. It
38 provides that "waste that is generated within the State" includes
residue and bypass waste generated within the State. It defines
40 "bypass" waste. It specifies that the department may not approve
the transfer of an existing license of a municipal solid waste
42 disposal facility to a private entity. It specifies legislative
findings.