

# MAINE STATE LEGISLATURE

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L.D. 810

Date: 3/24/8

(Filing No. H-799)

NATURAL RESOURCES

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
123RD LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 610, L.D. 810, Bill, "An Act To Improve Solid Waste Management"

Amend the bill by striking out everything after the enacting clause and inserting the following:

Sec. 1. 38 MRSA §1303-C, sub-§32-A is enacted to read:

32-A. Solid waste processing facility. "Solid waste processing facility" means a land area, structure, equipment, machine, device, system or combination thereof, other than an incineration facility, that is operated to reduce the volume or change the chemical or physical characteristics of solid waste. "Solid waste processing facility" includes but is not limited to a facility that employs shredding, baling, mechanical and magnetic separation or composting or other stabilization technique to reduce or otherwise change the nature of solid waste.

Sec. 2. 38 MRSA §1310-N, sub-§1, ¶C, as repealed and replaced by PL 1997, c. 393, Pt. A, §47, is amended to read:

C. In the case of a disposal facility or a solid waste processing facility that generates residue requiring disposal, the volume of the waste and the risks related to its handling and disposal have been reduced to the maximum practical extent by recycling and source reduction prior to disposal. This paragraph does not apply to the expansion of a commercial solid waste disposal facility that accepts only special waste for landfilling or to any other facility exempt from the requirements of subsection 5-A. The department shall find that the provisions of this paragraph are satisfied when the applicant demonstrates that the applicable requirements of subsection 5-A have been satisfied.

Sec. 3. 38 MRSA §1310-N, sub-§5, as repealed and replaced by PL 1997, c. 393, Pt. A, §48, is repealed.

Sec. 4. 38 MRSA §1310-N, sub-§5-A is enacted to read:

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1 5-A. Recycling and source reduction determination. The requirements of this  
2 subsection apply to solid waste disposal facilities and to solid waste processing facilities  
3 that generate residue requiring disposal.

4 A. An applicant for a new or expanded solid waste disposal facility shall demonstrate  
5 that:

6 (1) The proposed solid waste disposal facility will accept solid waste that is  
7 subject to recycling and source reduction programs, voluntary or otherwise, at  
8 least as effective as those imposed by this chapter and other provisions of state  
9 law. The department shall attach this requirement as a standard condition to the  
10 license of a solid waste disposal facility governing the future acceptance of solid  
11 waste at the proposed facility; and

12 (2) The applicant has shown consistency with the recycling provisions of the  
13 state plan.

14 This paragraph does not apply to the expansion of a commercial solid waste disposal  
15 facility that accepts only special waste for landfilling.

16 B. The provisions of this paragraph apply to solid waste processing facilities that  
17 generate residue requiring disposal.

18 (1) An applicant for a new or expanded solid waste processing facility that  
19 generates residue requiring disposal shall demonstrate that all requirements of  
20 this paragraph will be satisfied. On an annual basis, an owner or operator of a  
21 licensed solid waste processing facility that generates residue requiring disposal  
22 shall demonstrate compliance with all the requirements of this paragraph. The  
23 annual demonstration of compliance must be included as an element of the  
24 facility's annual report to the department submitted in conformance with the  
25 provisions of subsection 6-D, paragraph B and department rules.

26 (2) A solid waste processing facility that generates residue requiring disposal  
27 shall recycle or process into fuel for combustion all waste accepted at the facility  
28 to the maximum extent practicable, but in no case at a rate less than 50%. For  
29 purposes of this subsection, "recycle" includes, but is not limited to, reuse of  
30 waste as shaping, grading or alternative daily cover materials at landfills;  
31 aggregate material in construction; and boiler fuel substitutes.

32 (3) A solid waste processing facility subject to this paragraph shall demonstrate  
33 consistency with the recycling provisions of the state plan.

34 (4) The requirements of this paragraph do not apply to solid waste composting  
35 facilities; solid waste processing facilities whose primary purpose is volume  
36 reduction or other waste processing or treatment prior to disposal of the waste in  
37 a landfill or incineration facility; solid waste processing facilities that are licensed  
38 in accordance with permit-by-rule provisions of the department's rules; or solid  
39 waste processing facilities that are exempt from the requirements of the solid  
40 waste management rules related to processing facilities adopted by the board.

41 (5) If the department amends the rules relating to fuel quality for construction  
42 and demolition wood fuel and the amendment adversely affects the ability of a

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1 solid waste processing facility to meet the 50% standard in subparagraph (2), the  
2 department may not enforce the requirements of subparagraph (2) against that  
3 processing facility and the department shall submit to the joint standing  
4 committee of the Legislature having jurisdiction over natural resources matters a  
5 report relating to the rule change. The joint standing committee of the  
6 Legislature having jurisdiction over natural resources matters may submit  
7 legislation related to the report.

8 The department shall adopt rules to implement the provisions of this paragraph.  
9 Rules adopted pursuant to this paragraph are major substantive rules as defined in  
10 Title 5, chapter 375, subchapter 2-A. The department may not enforce the recycling  
11 requirements of subparagraph (2) prior to the effective date of rules that define "to the  
12 maximum extent practicable."

13 **Sec. 5. 38 MRSA §1310-R, sub-§2, ¶A**, as amended by PL 1989, c. 585, Pt. E,  
14 §30 and affected by c. 890, Pt. A, §40 and amended by Pt. B, §246, is further amended to  
15 read:

16 A. The department shall apply the provisions of section 1310-N, subsection ~~5~~ 5-A,  
17 paragraph A, subparagraph (1) when relicensing any solid waste disposal facility,  
18 except that, to the extent that waste disposal contracts in effect on June 29, 1987, are  
19 inconsistent with section 1310-N, subsection ~~5~~ 5-A, paragraph A, ~~in which case~~  
20 subparagraph (1), those provisions apply at the expiration of the term of those  
21 contracts without consideration of any renewals or extensions of those contracts.

22 **Sec. 6. 38 MRSA §1310-R, sub-§2, ¶C**, as amended by PL 1989, c. 585, Pt. E,  
23 §30, is further amended to read:

24 C. The provisions of section 1310-N, subsection ~~5~~ 5-A, paragraph ~~B~~ A,  
25 subparagraph (2) do not apply to the relicensing of any solid waste disposal facility  
26 licensed prior to June 29, 1987.

27 **Sec. 7. 38 MRSA §2101, sub-§1**, as enacted by PL 1989, c. 585, Pt. A, §7, is  
28 amended to read:

29 **1. Priorities.** It is the policy of the State to plan for and implement an integrated  
30 approach to solid waste management for solid waste generated in this State and solid  
31 waste imported into this State, which ~~shall~~ must be based on the following order of  
32 priority:

- 33 A. Reduction of waste generated at the source, including both amount and toxicity  
34 of the waste;
- 35 B. Reuse of waste;
- 36 C. Recycling of waste;
- 37 D. Composting of biodegradable waste;
- 38 E. Waste processing ~~which~~ that reduces the volume of waste needing land disposal,  
39 including incineration; and
- 40 F. Land disposal of waste.

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1 It is the policy of the State to use the order of priority in this subsection as a guiding  
2 principle in making decisions related to solid waste management.

3 **Sec. 8. 38 MRSA §2124-A**, as amended by PL 2007, c. 192, §5, is further  
4 amended to read:

5 **§2124-A. Solid waste generation and disposal capacity report**

6 By January 1, 2008 and annually thereafter, the office shall submit a report to the  
7 joint standing committee of the Legislature having jurisdiction over natural resources  
8 matters, the Governor and the department setting forth information on statewide  
9 generation of solid waste, statewide recycling rates and available disposal capacity for  
10 solid waste.

11 The report submitted under this section must include an analysis of how changes in  
12 available disposal capacity have affected or are likely to affect disposal prices. When the  
13 office determines that a decline in available landfill capacity has generated or has the  
14 potential to generate supracompetitive prices, the office shall include this finding in its  
15 report and shall include recommendations for legislative or regulatory changes as  
16 necessary.

17 Beginning on January 1, 2009 and every odd-numbered year thereafter, the report  
18 submitted under this section must include an analysis of how the rate of fill at each solid  
19 waste landfill has affected the expected lifespan of that solid waste landfill. The January  
20 2009 report must also include an analysis of the solid waste disposal needs of the State as  
21 of January 1, 2009 for the next 3, 5 and 10 years.

22 Beginning on January 1, 2010 and every even-numbered year thereafter, the report  
23 submitted under this section must include an analysis of consolidation of ownership in the  
24 disposal, collection, recycling and hauling of solid waste.

25 The joint standing committee of the Legislature having jurisdiction over solid waste  
26 matters may report out legislation related to the report submitted pursuant to this section.

27 **Sec. 9. Solid waste odor management report.** The Department of  
28 Environmental Protection shall prepare a report on solid waste odor management. The  
29 report must include an examination of solid waste odor regulation from the point of  
30 disposition of the waste through disposal of the waste at a solid waste disposal facility,  
31 including odor regulation related to transportation of the waste. The report must also  
32 include the status of federal weight restrictions on Interstate 95. The report must be  
33 submitted to the joint standing committee of the Legislature having jurisdiction over  
34 natural resources matters by January 5, 2009.

35 **Sec. 10. Duties and responsibilities for managing solid waste.** By July 31,  
36 2008, the Department of Environmental Protection and the Executive Department, State  
37 Planning Office, referred to in this section as "the agencies," shall develop a system by  
38 which solid waste management activities are performed by them. By August 30, 2008,  
39 the agencies shall implement elements of the system that do not require statutory changes.  
40 By January 5, 2009, the agencies shall submit a report on the system to the joint standing  
41 committee of the Legislature having jurisdiction over natural resources matters. The  
42 report must identify any legislative changes that are necessary for the implementation of  
43 the system and must report on the elements of the system that have been implemented by

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1 the agencies. The report must also include an analysis of the agencies' respective ability  
2 to control the different and various waste streams flowing into state-owned landfills. The  
3 committee may report out legislation relating to the report to the First Regular Session of  
4 the 124th Legislature.

5 **Sec. 11. Solid waste disposal facility recycling standards; report.** By  
6 January 15, 2009, the Department of Environmental Protection shall submit to the joint  
7 standing committee of the Legislature having jurisdiction over natural resources matters a  
8 report detailing a method for setting mandatory recycling standards for all solid waste  
9 disposal facilities.'

10 **SUMMARY**

11 This amendment extends the statutory recycling and source reduction requirements to  
12 solid waste processing facilities.

13 The amendment affirms that it is the policy of the State to use the solid waste  
14 hierarchy provided in the Maine Revised Statutes, Title 38 as a guiding principle in  
15 decision making related to solid waste management and clarifies that the State's policy  
16 applies to solid waste generated in the State and solid waste imported into the State.

17 The amendment requires the Executive Department, State Planning Office to include  
18 analyses of marketplace consolidation and solid waste landfill fill rates in the annual solid  
19 waste generation and disposal capacity report.

20 The amendment directs the Department of Environmental Protection to prepare a  
21 report on solid waste odor management.

22 The amendment directs the Department of Environmental Protection and the State  
23 Planning Office to develop a system by which solid waste management activities are  
24 performed by the agencies.

25 The amendment requires the Department of Environmental Protection to prepare a  
26 report detailing a method for setting mandatory recycling standards for all solid waste  
27 disposal facilities.

28 **FISCAL NOTE REQUIRED**  
29 **(See attached)**

**COMMITTEE AMENDMENT**



# 123rd MAINE LEGISLATURE

LD 810

LR 2276(02)

## An Act To Improve Solid Waste Management

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Natural Resources

Fiscal Note Required: Yes

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### Fiscal Note

Minor cost increase - General Fund

#### Fiscal Detail and Notes

Additional costs associated with this legislation can be absorbed by the Department of Environmental Protection and the State Planning Office utilizing existing budgeted resources.