

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1908

S.P. 708

May 16, 2007

An Act To Implement Recommendations of the Blue Ribbon Commission on Solid Waste Management

Reported by Senator MARTIN of Aroostook for the Joint Standing Committee on Natural Resources pursuant to Resolve 2005, chapter 207.

Reference to the Committee on Natural Resources suggested and ordered printed under Joint Rule 218.

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

JOY J. O'BRIEN
Secretary of the Senate

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

2 **Sec. 1. 38 MRSA §1310-N, sub-§1, ¶B**, as amended by PL 1995, c. 465, Pt. A,
3 §13 and affected by Pt. C, §2, is further amended to read:

4 B. In the case of a disposal facility ~~other than a facility owned by the State~~, the
5 facility provides a substantial public benefit, determined in accordance with
6 subsection 3-A; and

7 **Sec. 2. 38 MRSA §1310-N, sub-§11** is enacted to read:

8 **11. Waste generated within the State.** Consistent with the Legislature's findings in
9 section 1302, a solid waste disposal facility owned by the State may not be licensed to
10 accept waste that is not waste generated within the State.

11 **Sec. 3. 38 MRSA §1310-AA, sub-§4**, as enacted by PL 1995, c. 465, Pt. A, §22
12 and affected by Pt. C, §2, is amended to read:

13 **4. Application.** This section does not apply to facilities described in section 1310-N,
14 subsection 3-A, paragraph A ~~or to facilities owned by the State.~~

15 **Sec. 4. 38 MRSA §1310-AA, sub-§5** is enacted to read:

16 **5. Modifications.** Public benefit determinations may be revised by the department if
17 the department finds that a material change in the underlying facts or circumstances upon
18 which a public benefit determination was based has occurred or is proposed, including,
19 but not limited to, a change related to disposal capacity. The department may require the
20 holder of a public benefit determination to submit an application for modification of that
21 determination if the department finds that a change in the underlying facts or
22 circumstances has occurred or is proposed.

23 **Sec. 5. Report.** By January 15, 2008, the Department of Environmental Protection
24 shall submit to the Joint Standing Committee on Natural Resources recommendations on
25 the sources of revenue from construction and demolition debris recycling and incineration
26 that are sufficient to fund ambient air quality monitoring and landfill oversight. The
27 committee has authority to submit legislation relating to the recommendations to the
28 Second Regular Session of the 123rd Legislature.

29 **SUMMARY**

30 This bill implements recommendations of the Blue Ribbon Commission on Solid
31 Waste Management.

32 It amends the provisions relating to a public benefit determination by requiring state-
33 owned disposal facilities to provide a substantial public benefit and by authorizing the
34 Department of Environmental Protection to revise a public benefit determination if a
35 change in the underlying facts or circumstances upon which the determination was based
36 has occurred or is proposed.

1 It prohibits state-owned solid waste disposal facilities from accepting waste that is
2 not generated within the State.

3 It requires the Department of Environmental Protection to submit recommendations
4 on the sources of revenue from construction and demolition debris recycling and
5 incineration that are sufficient to fund ambient air quality monitoring and landfill
6 oversight. The report must be submitted to the Joint Standing Committee on Natural
7 Resources by January 15, 2008, and the committee is authorized to submit legislation
8 relating to the recommendations to the Second Regular Session of the 123rd Legislature.