

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 871

H.P. 602

House of Representatives, March 5, 2009

**An Act To Facilitate Compliance with Solid Waste Management  
Rules**

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative DUCHESNE of Hudson.

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

2 **Sec. 1. 38 MRSA §1310-N, sub-§5-A, ¶B,** as enacted by PL 2007, c. 583, §4, is  
3 amended to read:

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

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

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

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

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

29 (5) If the department amends the rules relating to fuel quality for construction  
30 and demolition wood fuel and the amendment adversely affects the ability of a  
31 solid waste processing facility to meet the 50% standard in subparagraph (2), the  
32 department may not enforce the requirements of subparagraph (2) against that  
33 processing facility and the department shall submit to the joint standing  
34 committee of the Legislature having jurisdiction over natural resources matters a  
35 report relating to the rule change. The joint standing committee of the  
36 Legislature having jurisdiction over natural resources matters may submit  
37 legislation related to the report.

38 The department shall adopt rules to implement the provisions of this paragraph.  
39 Rules adopted pursuant to this paragraph are ~~major substantive~~ routine technical rules  
40 as defined in Title 5, chapter 375, subchapter 2-A. ~~The department may not enforce~~  
41 ~~the recycling requirements of subparagraph (2) prior to the effective date of rules that~~  
42 ~~define "to the maximum extent practicable."~~

