

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

SECOND REGULAR SESSION-2010

Legislative Document

No. 1797

H.P. 1285

House of Representatives, February 25, 2010

An Act Regarding Planning for the Management of Solid Waste

Reported by Representative DUCHESNE of Hudson for the Joint Standing Committee on Natural Resources pursuant to Public Law 2009, chapter 412, Part B, section 1.

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

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

2 **Sec. 1. 5 MRSA §3305, sub-§1, ¶N**, as amended by PL 1997, c. 393, Pt. B, §4, is
3 further amended to read:

4 N. Coordinate the development of solid waste management policy including:

5 (1) Collecting and analyzing solid waste management and recycling data from all
6 available sources including commercial and municipal entities; and

7 ~~(2) Preparing a solid waste management and recycling plan to be submitted to~~
8 ~~the Governor and the Legislature by January 1, 1998 and every 5 years thereafter;~~
9 ~~and~~

10 (3) Providing technical and financial assistance to municipalities in waste
11 reduction and recycling activities; and

12 **Sec. 2. 10 MRSA §1023-G, sub-§3, ¶D**, as amended by PL 1995, c. 656, Pt. A,
13 §2, is further amended to read:

14 D. The project will contribute to achieving the goals identified in the state waste
15 management and recycling plan adopted under Title 38, chapter 24 and is determined
16 by the ~~State Planning Office~~ Department of Environmental Protection to be consistent
17 with that plan. Prior to adopting the state waste management and recycling plan, the
18 fund may be used for projects that help achieve the goals identified in the state
19 recycling plan approved under former Title 38, section 1310-M.

20 **Sec. 3. 38 MRSA §1303-C, sub-§35**, as amended by PL 1997, c. 393, Pt. B, §9,
21 is further amended to read:

22 **35. State waste management and recycling plan.** "State waste management and
23 recycling plan" means the plan adopted by the former Maine Waste Management Agency
24 pursuant to chapter 24, subchapter H 2 and subsequent plans developed by the State
25 Planning Office pursuant to Title 5, section 3305, subsection 1, paragraph N and plans
26 developed by the department pursuant to section 2122 and may also be referred to as
27 "state plan."

28 **Sec. 4. 38 MRSA §1304, sub-§13**, as amended by PL 1995, c. 656, Pt. A, §23, is
29 further amended to read:

30 **13. Innovative disposal and utilization.** Recognizing that environmentally suitable
31 sites for waste disposal are in limited supply and represent a critical natural resource, the
32 commissioner may investigate and implement with the approval of the board innovative
33 programs for managing, utilizing and disposing of solid waste. Innovative programs may
34 include agricultural and forest land spreading of wood-derived ash, utilization of ash
35 resulting from combustion of municipal solid waste, paper mill sludges, municipal waste
36 water treatment plant sludges and the composting of yard wastes. ~~The office~~ department
37 shall first determine that the proposed innovative disposal and waste management
38 programs are consistent with the state plan. The commissioner shall review proposed
39 innovative programs for each waste category and shall apply all controls necessary to
40 ensure the protection of the environment and public health consistent with this chapter.

1 The board may adopt application review procedures designed to review individual
2 applications and their individual waste sources with prior approval of classes of disposal
3 or utilization sites. The board shall adopt provisions for municipal notification prior to
4 use of individual utilization sites.

5 **Sec. 5. 38 MRSA §2122**, as amended by PL 1995, c. 588, §2, is further amended
6 to read:

7 **§2122. State waste management and recycling plan**

8 The ~~office~~ department shall prepare an analysis of, and a plan for, the management,
9 reduction and recycling of solid waste for the State. The plan must be based on the
10 priorities and recycling goals established in sections 2101 and 2132. The plan must
11 provide guidance and direction to municipalities in planning and implementing waste
12 management and recycling programs at the state, regional and local levels.

13 **1. Consultation.** In developing the state plan, the ~~office~~ department shall consult
14 with the ~~department~~ office. The ~~office~~ department shall solicit public input and may hold
15 hearings in different regions of the State.

16 **2. Revisions.** The ~~office~~ department shall revise the analysis by January 1, 1998 and
17 every 5 years after that time to incorporate changes in waste generation trends; changes in
18 waste recycling and disposal technologies, development of new waste generating
19 activities and other factors affecting solid waste management as the ~~office~~ department
20 finds appropriate.

21 **Sec. 6. 38 MRSA §2123-C, sub-§1**, as enacted by PL 2007, c. 192, §4, is
22 amended to read:

23 **1. Solid Waste Management Advisory Council.** The Solid Waste Management
24 Advisory Council; referred to in this section as "the council," is established to advise and
25 assist the ~~office~~ and department in reviewing, as may be appropriate:

26 A. State solid waste management policy, including the timeline and establishment
27 process for the development of a state-owned solid waste disposal facility;

28 B. Host community benefits;

29 C. The development of commercial solid waste facilities and the economic
30 competitiveness of commercial facilities;

31 D. The appropriateness of developing regional disposal facilities to better serve
32 municipalities and businesses;

33 E. The continued development and expansion of beneficial reuse and recycling;

34 F. The proper role of municipal zoning and other local control in regard to siting,
35 expansion and operation of solid waste disposal facilities; ~~and~~

36 F-1. The state waste management and recycling plan developed pursuant to section
37 2122;

1 F-2. The solid waste generation and disposal capacity report developed in
2 accordance with section 2124-A; and

3 G. Other related matters as considered appropriate and necessary.

4 **Sec. 7. 38 MRSA §2123-C, sub-§7**, as enacted by PL 2007, c. 192, §4, is
5 amended to read:

6 **7. Staff.** The ~~office~~ department shall provide the council with all necessary staff.

7 **Sec. 8. 38 MRSA §2124**, as amended by PL 1995, c. 465, Pt. A, §37 and affected
8 by Pt. C, §2, is further amended to read:

9 **§2124. Reports**

10 The ~~office~~ department shall submit the state plan and subsequent revisions to the
11 Governor, the ~~department~~ office and the joint standing committee of the Legislature
12 having jurisdiction over natural resource matters.

13 **SUMMARY**

14 This bill moves the responsibility for preparing the state solid waste management and
15 recycling plan and staffing the Solid Waste Management Advisory Council from the
16 Executive Department, State Planning Office to the Department of Environmental
17 Protection.