

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 401

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H.P. 310

House of Representatives, January 29, 2019

### **An Act To Preserve State Landfill Capacity and Promote Recycling**

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative TIPPING of Orono.  
Cosponsored by Senator GRATWICK of Penobscot and  
Senator: BELLOWS of Kennebec.

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

2 **CONCEPT DRAFT**

3 **SUMMARY**

4 This bill is a concept draft pursuant to Joint Rule 208.

5 This bill proposes to enact measures to ensure accurate tracking of the origin and type  
6 of waste materials disposed of in Maine, to discourage landfilling of recyclable materials,  
7 to preserve landfill capacity at state-owned facilities for Maine-generated materials, and  
8 to ensure the rights of host communities and abutters of waste disposal facilities. In order  
9 to achieve these goals, the bill proposes to:

10 1. Ensure there is accurate tracking and record keeping identifying the origin,  
11 amounts and types of materials disposed in waste facilities in the State;

12 2. Ensure waste is effectively tracked from generation point through processing to  
13 final disposal point, including the following types of facilities and disposal sites where  
14 tracking is required: landfills; landfill leachate discharge sites; incinerator ash and slag  
15 disposal sites; and biosolids disposal sites;

16 3. Ensure that waste materials imported from outside the State that are processed at  
17 facilities in the State are not classified as Maine-generated waste;

18 4. Ensure that waste materials that end up in a landfill, such as construction and  
19 demolition debris, which are used for daily cover in a landfill, are not counted toward the  
20 State's recycling goals;

21 5. Ensure adequate legal standing and strengthen protections for the health and well-  
22 being of people living in close proximity to waste disposal facilities;

23 6. Strengthen conflict-of-interest protections in awarding and management and  
24 oversight of state waste contracts to prevent price fixing and market manipulation; and

25 7. Direct the Department of Environmental Protection to amend rule Chapter 400,  
26 Maine Solid Waste Management Rules to:

27 A. Amend the definition of "bypass" to limit the waste that is considered bypass to  
28 solid waste that cannot be disposed of, processed or beneficially used at that facility  
29 because of malfunction, insufficient capacity, downtime or inability of the facility to  
30 process or burn;

31 B. Amend the definition of "recycle" and "recycling" to add a provision that any  
32 material left at a landfill is not considered recycled; and

33 C. Define "Maine-generated waste" as solid waste that is discarded for the first time  
34 within the physical confines of the State.