

April 3, 2019

Testimony in support of LD 401, An Act to Preserve State Landfill Capacity and Promote Recycling

Hello Senator Carson, Representative Tucker, and Members of the Committee on Environment and Natural Resources,

My name is Hillary Lister, and for the past fifteen years I have been working with people in communities across Maine where waste disposal facilities are operating and often expanding.

In that time I have seen the State's waste management and water protection policies reworked in a way that, in conjunction with changing policies in neighboring states and provinces, is creating incentives to transport materials from throughout the northeast for disposal in Maine landfills.

The changes proposed in LD 401 - to require clear definitions of where waste comes from, track where and how it is disposed, and ensure protections for communities where waste operations are located - are needed to slow down the growing rush to import and landfill waste in Maine and allow development of alternatives.

In 2012 The Government Oversight Committee strongly recommended that the ENR committee give attention to issues relating to the operation of the state landfill, in its policy-making and oversight roles.

A September 14, 2012 letter from the GOC to the ENR Committee, highlighted the following areas of concern, stating:

1. Current statutory language defining what is considered in-state versus out-of-state waste.

There was considerable concern among those impacted by the JRL that the need to expand the landfill was being driven by waste that originates outside the State of Maine. Statute currently considers waste brought in from out-of-state that undergoes some processing at an in-state facility to be waste generated in-state, and thus eligible for disposal at JRL.

Should these definitions be revisited?

2. Role of the JRL Advisory Committee and factors affecting its ability to be effective in that role. The Advisory Committee was created in a 2003 Resolve, Chapter 93. Advisory Committee members expressed concerns from their experience in trying to fulfill the roles and responsibilities assigned them, including frustrations that their voices were not being heard.

What are the barriers to the JRL Committee effectively fulfilling the role envisioned in statute and how should those barriers be addressed?

3. Risks associated with one company controlling most of the solid waste operations in Maine. Some GOC members expressed concern about the potential that one company, i.e. Casella, could end up owning and/or operating most of all the State's solid waste facilities and this would effectively result in a monopoly situation. Some members were additionally concerned because of less than favorable experiences their municipalities or constituents had with Casella and a lack of trust in this particular company, as well as the potential for the voices and concerns of citizens to be drowned out by the lobbying efforts of large corporations.

What are the risks associated with a monopoly type situation for solid waste and how should the State address them or avoid such a situation?

LD 401 would allow the committee to review some of these serious concerns which were raised by the Government Oversight Committee seven years ago, but which have never been adequately reviewed by lawmakers. The longer these issues go unaddressed, the greater likelihood of long-term problems.

In developing policies to encourage recycling and discourage unnecessary landfilling, consider:

What are the incentives for disposing of waste in Maine landfills?

- Over the past fifteen years, the definition "Maine generated waste" has been amended to include imported waste that is processed in Maine, waste processed across the border in New Hampshire, and unprocessed out-of-state waste used for "daily cover" and "grading and shaping" of landfills.
- The definition of recycling has been altered to include the use of construction and demolition debris for "daily cover" and "grading and shaping" in landfills.

With no accurate definitions of where waste is generated and whether recycling is occurring, it is impossible to get accurate data on how much waste is being generated in Maine and how much is being imported. Without this information it is impossible to plan for future capacity needs.
- Surrounding states have enacted bans on use of arsenic-treated wood and other construction and demolition debris (CDD) waste materials in biomass boilers and bans on disposing of CDD in landfills.
- Surrounding states have enacted bans disposing of organics (septage, municipal and industrial waste water sludge, compostable materials) in landfills.
- Small, pre-sort recycling operations have been replaced with large centralized zero-sort/single-stream recycling/processing facilities that can generate significant tonnage of materials to be landfilled.
- Changing policies in China and other Asian countries have restricted the ability of US waste companies to export contaminated "recyclables," for disposal overseas. As a result, many waste disposal companies in the northeast U.S. now looking for places in this country for disposal of the materials.
- Class I Renewable Energy Credits for Landfill Gas facilities in the State increase the profitability of disposing of compostable materials and other gas-producing wastes in Maine landfills.
- Maine regulatory agencies have started restricting the landspreading of organics/biosolids contaminated with PFAS/PFOS on farmland, likely resulting in disposal of more organics in Maine landfills.
- + Consolidation and vertical integration of the Maine waste market has resulted in many small businesses facing the choice of becoming subsidiaries of large out-of-state companies or closing. As a result, a much smaller group of large companies based outside the state are now controlling waste transport, processing, recycling and landfill facilities in Maine.
- Conflicts of interest have been allowed in licensing and oversight decisions, resulting in situations where the regulated entity is creating the regulations and preventing enforcement.
- The State has continually reduced funding for oversight of waste operations and Department enforcement.
- Maine has minimal requirements for testing and pollution control equipment are required at wastewater discharge sites disposing of landfill leachate.
- Maine has weak protections for health of local communities and sensitive populations in Maine, as compared to other northeast states and provinces.
- Recycling infrastructure is being lost following closure and scrapping of equipment at mills in Maine that previously provided capacity for recycling, and there is very little financial incentive for building new recycling infrastructure in Maine's current waste market and regulatory environment.

Background on LD 515, Arsenic, the EPA, and Waste Water Discharge into Maine Rivers

On April 26, 2011 the Environment and Natural Resources Committee held a Public Hearing on LD 515, "An Act to Review Water Quality Standards."

LD 515 was introduced as a concept bill, proposing to update the water quality standards used to establish waste discharge license parameters. The full details of the bill were not known until the hearing, when language was introduced removing mercury testing requirements for many wastewater discharge facilities, and dramatically increasing allowable limits for arsenic discharged into rivers.

Detailed language for the proposed new law was introduced by DEP Commissioner Brown, who explained, ***"This change would make the State's ambient water quality criteria for inorganic arsenic 100 times less stringent than it is now."***

According to Commissioner Brown, "In 2005 the DEP adopted the EPA's most recent human health criteria for inorganic arsenic. Inorganic arsenic is classified by the EPA as a human carcinogen. Shortly after the adoption of the inorganic arsenic criteria in 2005, the regulated community began to voice concern regarding the technical ability to meet inorganic arsenic waste discharge limits once they are established as enforceable limits.

....it appears that treating wastewater effluent to meet current arsenic discharge limits is likely not technologically or financially feasible."

Less than one month after the public hearing, Maine's legislature voted to pass LD 515, with extremely limited discussion of the impacts of passing a law in conflict with provisions set by the Clean Water Act.

The rushed passage of LD 515 circumvented Chapters 584 "Surface Water Quality Criteria For Toxic Pollutants" requirements specifying that changes to statewide water quality criteria must be as protective as EPA's Water Quality Criteria. The water quality criteria must be protective of the most sensitive designated and existing uses of the water body, including, but not limited to, habitat for fish and other aquatic life, human consumption of fish, and drinking water supply after treatment. However Commissioner Brown was clear in his testimony in support of the weakened water quality criteria that since these changes were weaker than Clean Water Act standards, they would need approval by the EPA to go in effect.

On January 14, 2013 the EPA responded to a request by the state of Maine for approval of the new Maine Water Quality Standards. The EPA refused to extend approval for the new water quality standards set by LD 515 to waters that within Indian territories, and the EPA stated intent to evaluate the impact of the new water quality standards on sensitive populations, bioaccumulation of toxins in fish, and impacts on people who depend on subsistence fishing.

When the EPA refused to give full approval to the weakened standards for protection of river communities and fisheries in Maine, the State of Maine initiated a lawsuit against the EPA, attempting to force the EPA to accept the new wastewater discharge criteria and arsenic-levels for all waters in the State.

The amount of arsenic in landfill leachate is likely to increase as the disposal of arsenic-treated wood, and ash from incineration of arsenic-treated wood, is used as "daily cover" and "shaping" in landfills.

In 2004, the DEP conducted a study analyzing the CDD wood chips used as fuel at the Boralex biomass facility in Athens, Maine. The study concluded that the majority of arsenic in the fuel and ash came from CCA (chromated copper arsenate) pressure-treated wood.

In 2018 the Maine legislature passed LD 1797, approving rule changes to Chapter 418 DEP Rules on Beneficial Use of Solid Wastes. The new law allows a 33% increase in the amount of CCA pressure-treated wood products used as fuel in biomass boilers receiving Class I Renewable Energy Credits.

Each of these changes increases the likelihood that arsenic and other toxic compounds will find their way into the air, land and water of communities that host landfills and landfill leachate discharge sites.

The lawsuit between the state and EPA is still not resolved, and these policies have exacerbated problems that led to a lawsuit between Penobscot Nation and the State of Maine. Weak water quality standards for arsenic are still in effect for facilities discharging wastewater into Maine rivers.

The wastewater at certain facilities includes significant volumes of landfill leachate, which is usually not being treated for arsenic or many other likely contaminants.

Very little study has been done to follow up on how these changes to arsenic levels and related policies are impacting the communities of people who live in proximity to these waste facilities.

In 2012 the Carsey Institute at the University of New Hampshire issued a Report titled, "A Demographic Profile of Maine Highlighting the Distribution of Vulnerable Populations."

According to the report, Maine has the highest percentage of people living in poverty of any New England state. The report also highlights that the incidence of cancer in Maine was significantly higher than that in the United States between 2004 and 2008. None of Maine's 16 counties have cancer incidence rates lower than the nationwide rate (National Cancer Institute, 2012).

A graph from the Carsey report is attached, which shows the incidence rates of all cancers for selected Maine counties, including Penobscot County where the state-landfill and leachate discharge site is located.

It will be important to find out whether Maine's laws are protecting the health and well-being of people who live near waste facilities in this state.

LD 401 provides the opportunity to start solving some of these problems relating to waste disposal and water quality protections in Maine.

I am attaching draft language for LD 401 that offers a path to implement the goals of this bill.

I would be happy to answer any questions, and will be available for the work session.

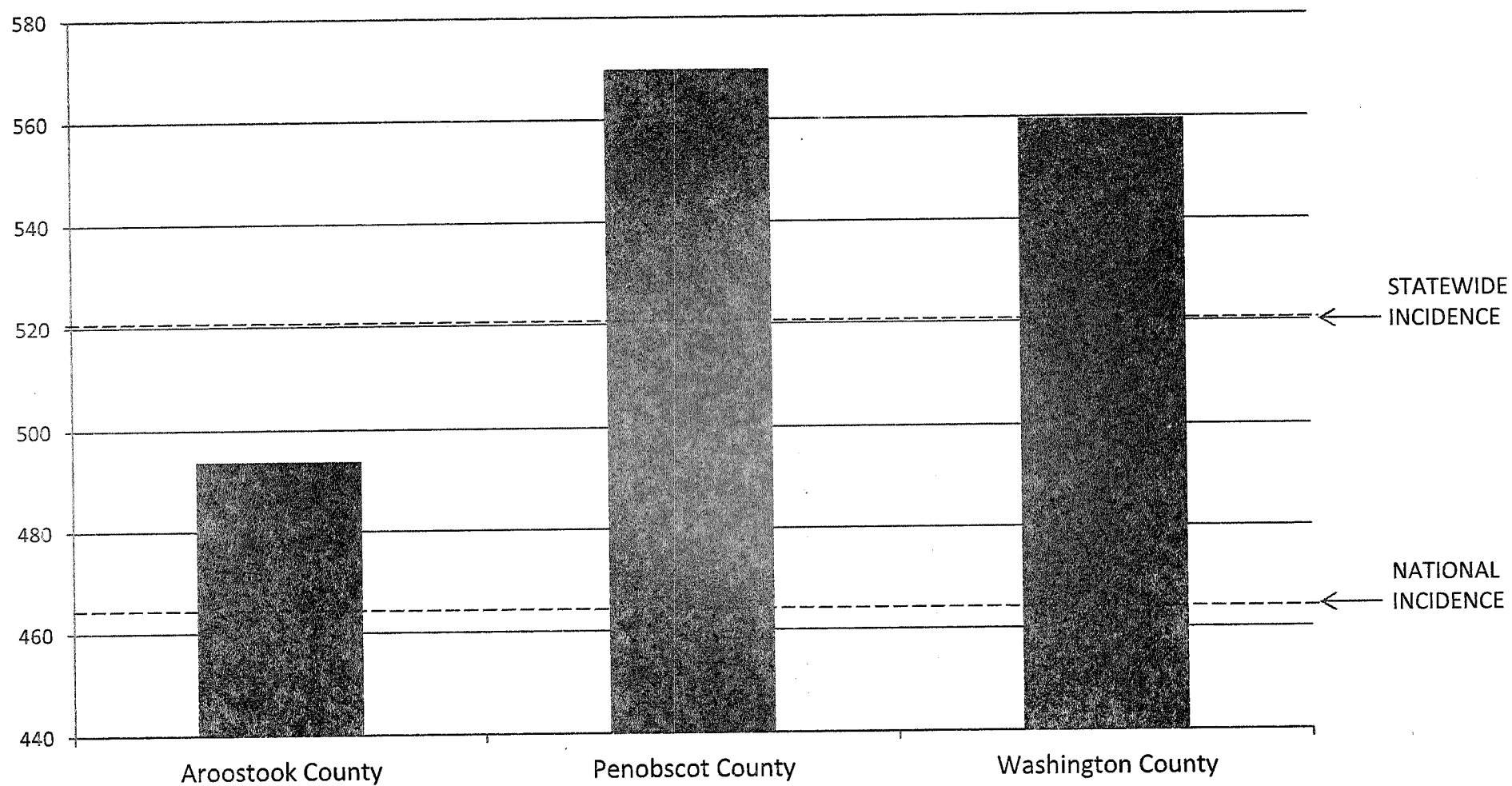
Sincerely,

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Figure 5. Incidence Rates of All Cancers in Maine (per 100,000 per year), 2004-2008



Note: Shown only for counties with rates significantly different from the statewide incidence ($p < 0.05$). All Maine counties are significantly higher than the national incidence ($p < 0.05$).

Source: State Cancer Registry

"An Act To Preserve State Landfill Capacity and Promote Recycling"

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

Sec. 1. 38 MRSA §361-A, sub§1 is amended to read:

1-M. Landfill leachate discharge site. "Landfill leachate discharge site" means a facility where leachate generated by a landfill is transported for purposes of treatment, and then discharged into a river, stream, marine waters, estuarine waters or other waters of the State.

Sec. 2. 38 MRSA §420, sub§1-B, ¶F is amended to read:

F. The department may require mercury testing once per year for facilities that maintain at least 5 years of mercury testing data, except that mercury testing at landfill leachate discharge sites must be conducted at least once per month, or within one week of landfill leachate being discharged from the facility into rivers, streams, marine waters, estuarine waters or other waters of the State.

Sec. 3. 38 MRSA §420, sub§2, ¶J is enacted to read:

J. Notwithstanding any other provision of law to the contrary, the department shall use a one in 10,000 risk level when calculating ambient water quality criteria for inorganic arsenic.

The Department shall evaluate the impact of using a one in 10,000 risk level when calculating ambient water quality criteria for inorganic arsenic, as compared to using a stronger cancer risk level for calculating ambient water quality criteria for inorganic arsenic as set by the Clean Water Act. The Department shall collect data on ambient water levels of inorganic arsenic at landfill leachate discharge sites and include that data in the periodic department report on the quality of the State's waters. The Department evaluate the potential impact of maintaining less stringent water quality criteria for arsenic on sensitive populations and equal protections for affected communities, and include that evaluation in the periodic department report on the quality of the State's waters.

Sec. 4. 38 MRSA §420, sub§4, is enacted to read:

Rules. The department shall adopt rules regarding the testing of landfill leachate that is discharged into rivers, streams, marine waters, estuarine waters or other waters of the State, including, but not limited to, requirements for reporting and maintenance of the test results, and rules establishing testing requirements for inorganic arsenic, chromium, lead, mercury, perfluorooctanoic acid (PFOA), and perfluorooctanesulfonate (PFOS) in waste water discharge that includes landfill leachate. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 5. 38 MRSA, §420-B, sub§1, ¶ B, is amended to read:

(3) When selecting the specific toxic substances to be monitored in the annual program, the commissioner shall consider:

(f) Toxic substances, such as inorganic arsenic, for which the State has set a different cancer risk level for calculating ambient water quality than the cancer risk level set by the Clean Water Act.

Sec. 6. 38 MRSA §1303-C, sub-§6, ¶F is amended to read:

F. A private corporation that accepts material-separated, refuse-derived fuel as a supplemental fuel and does not burn waste other than its own.

For purposes of this subsection, "waste that is generated within the State" includes residue and bypass generated by incineration, ~~processing and recycling~~ facilities within the State, ~~or waste whether generated within the State or outside of the State if it is used for daily cover, frost protection or stability or is generated within 30 miles of the solid waste disposal facility.~~

Sec. 7. 38 MRSA §1310-AA, sub-§1A, ¶D is amended to read:

D. For purposes of this subsection, "waste that is generated within the State" includes residue and bypass generated by incineration, ~~processing and recycling~~ facilities within the State, ~~waste whether generated within the State or outside of the State used for daily cover, frost protection or stability in accordance with all applicable rules and licenses, and waste generated within 30 miles of the solid waste disposal facility.~~

Sec. 8. 38 MRSA §1310-AA, sub-§3, is amended to read:

E. Ensures environmental justice, equal protection and meaningful involvement for communities of people living in proximity to the landfill, and for communities of people living in proximity to a wastewater treatment facility from which leachate generated by the landfill is discharged into waters of the State.

Sec. 9. 38 MRSA §1310-C, sub-§12-A, is enacted to read:

12-A. "Environmental justice," means the right to be protected from environmental pollution and to live in and enjoy a clean and healthful environment regardless of income, ethnic origin, national origin or disability. Environmental justice shall include the equal protection and meaningful involvement of all people with respect to the development, implementation, and enforcement of waste management laws and regulations.

12-B. "Equal Protection," means that no group of people, because of class, ethnic origin, national origin, or disability bears an unfair share of environmental pollution resulting from industrial, commercial, municipal or state waste operations.

Sec. 10. 38 MRSA §1310-N, sub§2-A, is amended to read:

C. In determining whether or not the proposed facility poses an unreasonable threat to the quality of a significant sand and gravel aquifer or to an underlying fractured bedrock aquifer, the department shall require the applicant to provide:

(1) A thorough hydrogeological assessment of the proposed site and the contiguous area including any classified surface waters, significant sand and gravel aquifers and fractured bedrock aquifers that could be affected by the proposed facility during normal operation or in the event of unforeseen circumstances including the failure of any engineered barriers to ground water flow. The assessment must include a description of ground water flow rates, the direction of ground water flow in both the horizontal and vertical directions, and the degree of dilution or attenuation of any contaminants that may be released from the proposed site and flow toward any classified surface water, significant sand and gravel aquifer or fractured bedrock aquifer. In determining whether or not a proposed solid waste landfill poses an unreasonable threat to the quality of a significant sand and gravel aquifer or to an underlying fractured bedrock aquifer, the department shall require the applicant to provide map with boundaries of any aquifer and aquifer recharge areas located within 1,000 feet of the landfill footprint.

If additional information is necessary to determine whether or not a proposed solid waste landfill poses an unreasonable threat to the quality of a significant sand and gravel aquifer or to an underlying fractured bedrock aquifer, the Department may require an independent licensed hydrogeologist, who is not currently or previously employed by the applicant, to map aquifer boundaries and aquifer recharge areas potentially impacted by the proposed landfill, to complete a report that describes stratified sand and gravel deposits in the area, and to assess the potential impact of siting the proposed landfill in proximity to any aquifer and aquifer recharge areas supplying water to private and public drinking water wells.

Sec. 11. 38 MRSA §1310-N, sub-§5-A, ¶B is amended to read:

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

Sec. 12. 38 MRSA §1310-N, sub-§11, is amended to read:

11. Waste generated within the State. Consistent with the Legislature's findings in section 1302, a solid waste disposal facility owned by the State may not be licensed to accept waste that is not waste generated within the State. For purposes of this subsection, "waste generated within the State" includes residue and bypass generated by incineration, ~~processing and recycling~~ facilities within the State, ~~or waste, whether generated within the State or outside of the State, if it is used for daily cover, frost protection or stability or is generated within 30 miles of the solid waste disposal facility.~~

Sec. 13. 38 MRSA §2123-A, sub-§1, is amended to read:

1. Waste characterization. The state plan must be based on a comprehensive analysis of solid waste generated, recycled and disposed of in the State. Data collected must include, but not be limited to, the source, type and amount of waste currently generated in the State, and the source, type and amount of waste currently generated outside the State that is imported into the State for processing, composting, landspreading, incineration and landfilling; and the costs and types of waste management employed including recycling, composting, landspreading, incineration or landfilling.

Sec. 14. 38 MRSA §2124-A, is amended to read:

By January 1, 2020 and biennially thereafter, the department shall submit a report to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters and the Governor setting forth information on statewide generation of solid waste, statewide recycling rates and available disposal capacity for solid waste.

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

The report submitted under this section must include an analysis of how the rate of fill at each solid waste landfill has affected the expected lifespan of that solid waste landfill and an analysis of consolidation of ownership in the disposal, collection, recycling and hauling of solid waste.

The report shall include an evaluation of whether or not there is risk of a monopoly type situation for solid waste in the state, whether or not market manipulation or price fixing is occurring in the solid waste industry in the state, and whether or not current waste management policies are resulting in incentives for landfilling and disincentives the operation of reuse, recycling, and composting facilities.

The report must include the following data:

A. The amount of waste by type that is generated within the State;

B. The amount of waste by type that is generated outside the State that is disposed of in landfills within the State.

C. The amount of landfill leachate discharged into Maine rivers, its source, degree of treatment, location of discharge, and test results for levels of inorganic arsenic, chromium, lead, mercury, perfluorooctanoic acid (PFOA), and perfluorooctanesulfonate (PFOS) measured at landfill leachate discharge sites.

Sec. 15. 38 MRSA §2171, sub-§3, is amended to read:

E. The committee shall hold public meetings following landfill fires and exceedances of landfill gas level limits to evaluate whether additional safety measures, notification, or remediation is necessary for protection of public safety and sensitive populations.

Sec. 16. 38 MRSA §2174, sub-§2, ¶A is amended to read:

(5) Copies of all records relating to landfill fires and fuel pile fires requiring assistance from area fire departments.

(6) Copies of all records relating to detection of explosive landfill gas levels exceeding twenty-five percent of the lower explosive limit for the gases in the landfill structures, (excluding the gas control or recovery system components) or one hundred percent of the lower explosive limit for the gases at the property boundary exceedance of gas level limits, and situations resulting in damage to the landfill liner.

Sec. 17. 38 MRSA §2174, sub-§2, ¶ B is amended to read:

B. The operator of the landfill shall provide the host municipality copies of all air, soil and water quality monitoring data, including leachate and ash testing results, conducted by or on behalf of the operator, within 5 days after that information becomes available to the operator.

Within 24 hours of detection of a fire at the landfill requiring assistance from an outside fire department, the operator of the facility shall notify the host community municipal officers and abutters to the facility of the occurrence, and ensure that protective steps are taken to protect the health of sensitive populations.
Immediately upon detection of explosive gas levels exceeding one hundred percent of the lower explosive limit for the gases at the property boundary, the operator of the facility shall take all steps necessary to protect human health and shall notify the host community municipal officers and abutters to the facility of the occurrence, and ensure that protective steps are taken if necessary to protect the health of sensitive populations.

*DRAFT prepared by Hillary Lister
4/2/19*

Overview of Draft Language for LD 401

LD 401 Goal 1.

Ensure there is accurate tracking and record keeping identifying the origin, amounts and types of materials disposed in Maine waste facilities.

- + Section 13 amends Title 38, Chapter 24, to require that the State Waste characterization plan include data on the source, type and amount of waste currently generated outside the State that is imported into the State for processing, composting, landspreading, incineration and landfilling.

LD 401 Goal 2.

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

- + Section 1 amends Title 38, Chapter 3 (Protection and Improvement of Waters), to add a definition for "Landfill leachate discharge site." Currently no distinction is made in State statute or rule between regular wastewater discharge sites and those where landfill leachate is discharged.
- + Section 14 amends Title 38, Chapter 24, to require the State Waste characterization report to include data on the amount of waste by type that is generated within the State, and the amount of waste by type that is generated outside Maine that is disposed of in landfills within the State.

LD 401 Goal 3.

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

- + Sections 6, 7, and 12 amend Title 38, Chapter 13 (Waste Management), to specify that the definition of "waste that is generated within the State" does not include residue of imported wastes generated outside the state which have been handled by Maine processing or recycling facilities, waste processed in New Hampshire near the Maine border, or unprocessed imported waste used for daily cover, frost protection or stability of a landfill.

LD 401 Goal 4.

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

- + Section 11 amends Title 38, Chapter 13, to specify that the use of waste as shaping, grading or alternative daily cover materials at landfills shall not be counted as recycling.

LD 401 Goal 5.

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

- + Section 2 amends Title 38, Chapter 3, to clarify that wastewater treatment facilities that discharge landfill leachate may not be exempted from regular mercury testing requirements.
- + Section 3 amends Title 38, Chapter 3, to direct the Department to evaluate the use of a one in 10,000 cancer risk level when calculating ambient water quality criteria for inorganic arsenic as compared to stronger protections recommended by the EPA, and the impact on equal protections for local communities and sensitive populations of maintaining this arsenic level standard.
- + Section 4 amends Title 38, Chapter 3 to direct the Department to adopt rules regarding the testing of landfill leachate that is discharged into rivers, streams, marine waters, and estuarine waters including testing requirements for inorganic arsenic, chromium, lead, mercury, PFOA, and PFOS.
- + Section 5 amends Title 38, Chapter 3 requirements for the Surface Water Ambient Toxic Monitoring Program, to require the commissioner to consider, when selecting the specific toxic substances to be monitored in the annual program, to include toxic substances, such as inorganic arsenic, for which the State has set a different cancer risk level for calculating ambient water quality than the cancer risk level set by the Clean Water Act.
- + Section 8 amends Title 38, Chapter 13, to require the Public Benefit Determinations for landfills to include consideration of environmental justice, equal protections and meaningful involvement for communities of people living in proximity to the landfill, and for communities of people living in proximity to a wastewater treatment facility from which leachate generated by the landfill is discharged into waters of the State.
- + Section 9 amends Title 38, Chapter 13, to add definitions for Environmental Justice and Equal Protection to Maine statute.
- + Section 10 amends Title 38, Chapter 13, 1310-N (Solid Waste Facility licenses, Aquifer Protection) to specify that the Department may require third-party evaluation of the location of aquifers and aquifer recharge areas affecting the public drinking water supply that are located in proximity to a proposed landfill.
- + Section 15 amends Title 38, Chapter 24, Citizen Advisory Committee responsibilities, to include holding public meetings following landfill fires and exceedances of landfill gas level limits to evaluate whether additional safety measures, notification, or remediation is necessary for protection of public safety and sensitive populations.
- + Section 16 amends Title 38, Chapter 24, Local Inspection and Enforcement standards, to require the commissioner to provide to municipal officers of the landfill host community copies of all records relating to landfill fires and fuel pile fires requiring assistance from area fire departments, and copies of all records relating to detection of explosive landfill gas levels exceeding twenty-five percent of the lower explosive limit for the gases in the landfill structures, (excluding the gas control or recovery system components) or one hundred percent of the lower explosive limit for

the gases at the property boundary exceedance of gas level limits, and situations resulting in damage to the landfill liner.

- + Section 17 amends Title 38, Chapter 24, to require the landfill operator to notify the host community municipal officers and abutters to the facility within 24 hours of a fire at the landfill that requires assistance of an outside fire department. The amendment also requires notification of municipal officers and abutters to the landfill immediately upon detection of explosive gas levels exceeding one hundred percent of the lower explosive limit for the gases at the property boundary. In cases of landfill fires or explosive gas levels, the landfill operator shall ensure that protective steps are taken if necessary to protect the health of sensitive populations.

LD 401 Goal 6.

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

- + Section 14 amends Title 38, Chapter 24, to require that the biennial department report setting forth information on statewide generation of solid waste, statewide recycling rates and available disposal capacity for solid waste, include an evaluation of the risk of a monopoly type situation for solid waste markets in the State, whether market manipulation or price fixing is occurring, and whether current waste management policies are resulting in incentives for landfilling and/or disincentives the operation of recycling facilities.