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An Act To Provide for the Protection of Communities That Host a Solid Waste Disposal Facility or Incineration Facility

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

Sec. 1. 38 MRSA §1303-C, sub-§15-B is enacted to read:

15-B. Host community. "Host community" means any town, township or city that is the geographic site of a solid waste disposal facility or incineration facility or any immediately contiguous town, township or city if such town, township or city can demonstrate to the department that it incurs a demonstrable impact from that solid waste disposal facility or incineration facility.

Sec. 2. 38 MRSA §2178 is enacted to read:

§ 2178. Host community agreements

1. Host community agreements. A solid waste disposal facility or incineration facility shall have in place a host community agreement with all applicable host communities during the development and operation and through closure of that facility. A host community agreement for the purposes of this section must, when applicable, include the provisions set forth in section 1310-N, subsection 9, paragraph B.

2. Dispute resolution. In the event that the parties to a host community agreement cannot agree on the terms of agreement, the parties shall submit the dispute for resolution in accordance with this subsection.

A. The commissioner shall establish a mediation process within the department to hear and review disputes between the parties, but if an existing host community agreement provides for arbitration or other dispute resolution proceedings, the provisions of that agreement are binding for as long as that agreement is in effect.

B. If mediation fails to resolve the dispute, the commissioner shall act as the final arbiter and shall decide the matter.

C. The final decision of the commissioner may be appealed as otherwise permitted under law.

Sec. 3. 38 MRSA §2184, sub-§4 is enacted to read:

4. Host community not required to enter into waste disposal agreement. A host community is not required by law and may not otherwise be required to enter into a waste disposal agreement with any specific person or party in order to participate in a host community agreement.

SUMMARY

This bill requires solid waste disposal facilities and incineration facilities to have in place host community agreements and directs the Commissioner of Environmental Protection to establish a mediation process to hear and review disputes concerning host community agreements.