

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Implement Recommendations of the Blue Ribbon Commission on Solid Waste Management

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

Sec. 1. 38 MRSA §1310-N, sub-§1, ¶B, as amended by PL 1995, c. 465, Pt. A, §13 and affected by Pt. C, §2, is further amended to read:

B. In the case of a disposal facility ~~other than a facility owned by the State~~, the facility provides a substantial public benefit, determined in accordance with subsection 3-A; and

Sec. 2. 38 MRSA §1310-N, sub-§11 is enacted 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.

Sec. 3. 38 MRSA §1310-AA, sub-§4, as enacted by PL 1995, c. 465, Pt. A, §22 and affected by Pt. C, §2, is amended to read:

4. Application. This section does not apply to facilities described in section 1310-N, subsection 3-A, paragraph A ~~or to facilities owned by the State.~~

Sec. 4. 38 MRSA §1310-AA, sub-§5 is enacted to read:

5. Modifications. Public benefit determinations may be revised by the department if the department finds that a material change in the underlying facts or circumstances upon which a public benefit determination was based has occurred or is proposed, including, but not limited to, a change related to disposal capacity. The department may require the holder of a public benefit determination to submit an application for modification of that determination if the department finds that a change in the underlying facts or circumstances has occurred or is proposed.

Sec. 5. Report. By January 15, 2008, the Department of Environmental Protection shall submit to the Joint Standing Committee on Natural Resources recommendations on the sources of revenue from construction and demolition debris recycling and incineration that are sufficient to fund ambient air quality monitoring and landfill oversight. The committee has authority to submit legislation relating to the recommendations to the Second Regular Session of the 123rd Legislature.

SUMMARY

This bill implements recommendations of the Blue Ribbon Commission on Solid Waste Management.

It amends the provisions relating to a public benefit determination by requiring state-owned disposal facilities to provide a substantial public benefit and by authorizing the Department of Environmental Protection to revise a public benefit determination if a change in the underlying facts or circumstances upon which the determination was based has occurred or is proposed.

It prohibits state-owned solid waste disposal facilities from accepting waste that is not generated within the State.

It requires the Department of Environmental Protection to submit recommendations on the sources of revenue from construction and demolition debris recycling and incineration that are sufficient to fund ambient air quality monitoring and landfill oversight. The report must be submitted to the Joint Standing Committee on Natural Resources by January 15, 2008, and the committee is authorized to submit legislation relating to the recommendations to the Second Regular Session of the 123rd Legislature.