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Date: (Filing No. S-)

ENVIRONMENT AND NATURAL RESOURCES

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**STATE OF MAINE
SENATE
126TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 545, L.D. 1483, Bill, “An Act To Promote and Enhance State Policy To Preserve and Support Existing Methods of Disposal of Municipal Solid Waste”

Amend the bill by striking out the title and substituting the following:

'An Act To Implement the Solid Waste Management Hierarchy'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 38 MRSA §1310-N, sub-§1, as amended by PL 2013, c. 243, §1, is further amended to read:

1. Licenses. The department shall issue a license for a waste facility whenever it finds that:

- A. The facility will not pollute any water of the State, contaminate the ambient air, constitute a hazard to health or welfare or create a nuisance;
- B. In the case of a disposal facility, the facility provides a substantial public benefit, determined in accordance with subsection 3-A; ~~and~~
- C. In the case of a disposal facility or a solid waste processing facility that generates residue requiring disposal, the volume of the waste and the risks related to its handling and disposal have been reduced to the maximum practical extent by recycling and source reduction prior to disposal. This paragraph does not apply to the expansion of a commercial solid waste disposal facility that accepts only special waste for landfilling or to any other facility exempt from the requirements of subsection 5-A. The department shall find that the provisions of this paragraph are satisfied when the applicant demonstrates that the applicable requirements of subsection 5-A have been satisfied; and
- D. The practices of the facility are consistent with the State's solid waste management hierarchy set forth in section 2101. The department shall adopt rules incorporating the State's solid waste management hierarchy as a review criterion for

COMMITTEE AMENDMENT

1 licensing approval under this subsection. Rules adopted pursuant to this paragraph
2 are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

3 **Sec. 2. Appropriations and allocations.** The following appropriations and
4 allocations are made.

5 **ENVIRONMENTAL PROTECTION, DEPARTMENT OF**
6 **Remediation and Waste Management 0247**

7 Initiative: Provides one-time funding for rulemaking in fiscal year 2014-15.

8	GENERAL FUND	2013-14	2014-15
9	All Other	\$0	\$4,000
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11	GENERAL FUND TOTAL	<hr/>	<hr/>
12		\$0	\$4,000

13 **SUMMARY**

14 This amendment, which is the majority report of the Joint Standing Committee on
15 Environment and Natural Resources, replaces the bill and requires that the practices of an
16 applicant for a waste facility license be consistent with the State's solid waste
17 management hierarchy. This amendment also directs the Department of Environmental
18 Protection to adopt rules incorporating the State's solid waste hierarchy as a review
19 criterion for waste facility licensing approval. The amendment also adds an
20 appropriations and allocations section.

21 **FISCAL NOTE REQUIRED**
22 **(See attached)**