

**§1305. Municipalities; powers and duties**

**1. Disposal services.** Each municipality shall provide solid waste disposal services for domestic and commercial solid waste generated within the municipality and may provide these services for industrial wastes and sewage treatment plant sludge.

[PL 1989, c. 585, Pt. E, §17 (RPR).]

**2. Ordinances.**

[PL 1983, c. 816, Pt. A, §43 (RP).]

**3.**

[PL 1983, c. 380, §3 (RP).]

**4. Municipal status reports.**

[PL 1989, c. 585, Pt. E, §18 (RP).]

**5. Municipal permits.** All permits issued pursuant to Title 30-A, chapter 183, subchapter I, shall, in addition to requirements imposed by those sections, be conditioned on compliance with rules adopted by the board concerning the operation of solid waste disposal facilities. Copies of permits issued by the municipality must be submitted to the commissioner within 30 days of issue.

[PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD); PL 1989, c. 890, Pt. A, §40 (AFF); PL 1989, c. 890, Pt. B, §231 (AMD).]

**6. Municipal septage sites.** Each municipality shall provide for the disposal of all refuse, effluent, sludge and any other materials from all septic tanks and cesspools located within the municipality. In addition, any person may provide a site for disposal of septage. In addition to making application to the Department of Environmental Protection for approval of any site, that person shall have written approval for the site location from the municipality in which it is located, unless the site is located in a Resource Protection District under the jurisdiction of the Maine Land Use Planning Commission. A municipality may determine whether approval of the site must be obtained first from the department or the municipality. The municipal officers shall approve, after hearing, any such private site if they find that the site complies with municipal ordinances and with local zoning and land use controls. In the absence of applicable municipal ordinances and local zoning and land use controls, the municipality shall base its approval of the site on compliance with the siting and design standards in the department's rules relating to septage management. For purposes of this subsection, "municipality" means a city, town or plantation.

[PL 1997, c. 40, §1 (AMD); PL 2011, c. 682, §38 (REV).]

**7. On-site disposal of domestic septage; enforcement.**

[PL 2021, c. 641, §3 (RP).]

**8. Septage and sludge permits; municipal enforcement.** Pursuant to Title 30-A, section 4452, subsection 6, a municipality, after notifying the department, may enforce the terms and conditions of a septage land disposal or storage site permit or a sludge land application or storage site permit issued by the department under this subchapter.

[PL 1997, c. 38, §2 (AMD).]

**9. Coordination between municipality and department.** Coordination between the department and a municipality concerning applications and modifications in the terms or conditions of a permit or license for a sludge land application site or storage facility is governed by this subsection.

A. Within 14 working days of its receipt of a complete application for a sludge land application site or storage facility, the department shall notify the municipal officers or their designees from the municipality in which the site or facility would be located of the application and the name and address of the applicant. The department shall provide the municipal officers with copies of all test results performed on the sludge material that is proposed to be spread in that municipality. Prior

to approving an application for a sludge land application site or storage facility, the department shall consult with the municipal officers or their designees in the municipality in which the site or facility is proposed and provide them with an opportunity to suggest conditions, including additional setbacks, to be imposed on a permit or license. If the department does not impose conditions on a permit or license that have been suggested in writing by the municipal officers, the department shall provide a written explanation to the municipal officers. [PL 1999, c. 393, §3 (NEW).]

B. The department shall consult with the municipal officers within 10 days of receiving a request by the sludge generator to change the terms or conditions of a permit or license. The municipality may petition the commissioner to review a generating facility's testing protocol for sludge. The commissioner shall respond to the municipality in writing within 10 days of the municipality's petition. The commissioner may order the applicant to conduct an additional test at the applicant's cost. A copy of the additional test results must be provided to the municipal officers. [PL 1999, c. 393, §3 (NEW).]

[PL 1999, c. 393, §3 (RPR).]

#### SECTION HISTORY

PL 1973, c. 387 (NEW). PL 1979, c. 383, §9 (AMD). PL 1979, c. 541, §A277 (AMD). PL 1983, c. 11 (AMD). PL 1983, c. 380, §§2,3 (AMD). PL 1983, c. 726, §2 (AMD). PL 1983, c. 816, §A43 (AMD). PL 1985, c. 27 (AMD). PL 1987, c. 737, §§C97,C106 (AMD). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,C10 (AMD). PL 1989, c. 585, §§E17,E18 (AMD). PL 1989, c. 890, §§A40,B231 (AMD). PL 1991, c. 499, §21 (AMD). PL 1991, c. 732, §5 (AMD). PL 1997, c. 38, §§2-4 (AMD). PL 1997, c. 40, §1 (AMD). PL 1999, c. 393, §§3,4 (AMD). PL 2011, c. 682, §38 (REV). PL 2021, c. 641, §3 (AMD).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the First Regular and First Special Session of the 131st Maine Legislature and is current through November 1, 2023. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.