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An Act Regarding Planning for the Management of Solid Waste

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

Sec. 1. 5 MRSA §3305, sub-§1, ¶N, as amended by PL 1997, c. 393, Pt. B, §4, is further amended to read:

N. Coordinate the development of solid waste management policy including:

(1) Collecting and analyzing solid waste management and recycling data from all available sources including commercial and municipal entities; and

~~(2) Preparing a solid waste management and recycling plan to be submitted to the Governor and the Legislature by January 1, 1998 and every 5 years thereafter; and~~

(3) Providing technical and financial assistance to municipalities in waste reduction and recycling activities; and

Sec. 2. 10 MRSA §1023-G, sub-§3, ¶D, as amended by PL 1995, c. 656, Pt. A, §2, is further amended to read:

D. The project will contribute to achieving the goals identified in the state waste management and recycling plan adopted under Title 38, chapter 24 and is determined by the ~~State Planning Office~~Department of Environmental Protection to be consistent with that plan. Prior to adopting the state waste management and recycling plan, the fund may be used for projects that help achieve the goals identified in the state recycling plan approved under former Title 38, section 1310M.

Sec. 3. 38 MRSA §1303-C, sub-§35, as amended by PL 1997, c. 393, Pt. B, §9, is further amended to read:

35. State waste management and recycling plan. "State waste management and recycling plan" means the plan adopted by the former Maine Waste Management Agency pursuant to chapter 24, subchapter H~~2~~ and subsequent plans developed by the State Planning Office pursuant to Title 5, section 3305, subsection 1, paragraph N and plans developed by the department pursuant to section 2122 and may also be referred to as "state plan."

Sec. 4. 38 MRSA §1304, sub-§13, as amended by PL 1995, c. 656, Pt. A, §23, is further amended to read:

13. Innovative disposal and utilization. Recognizing that environmentally suitable sites for waste disposal are in limited supply and represent a critical natural resource, the commissioner may investigate and implement with the approval of the board innovative programs for managing, utilizing and

disposing of solid waste. Innovative programs may include agricultural and forest land spreading of wood-derived ash, utilization of ash resulting from combustion of municipal solid waste, paper mill sludges, municipal waste water treatment plant sludges and the composting of yard wastes. The ~~office~~department shall first determine that the proposed innovative disposal and waste management programs are consistent with the state plan. The commissioner shall review proposed innovative programs for each waste category and shall apply all controls necessary to ensure the protection of the environment and public health consistent with this chapter. The board may adopt application review procedures designed to review individual applications and their individual waste sources with prior approval of classes of disposal or utilization sites. The board shall adopt provisions for municipal notification prior to use of individual utilization sites.

Sec. 5. 38 MRSA §2122, as amended by PL 1995, c. 588, §2, is further amended to read:

§ 2122.State waste management and recycling plan

The ~~office~~department shall prepare an analysis of, and a plan for, the management, reduction and recycling of solid waste for the State. The plan must be based on the priorities and recycling goals established in sections 2101 and 2132. The plan must provide guidance and direction to municipalities in planning and implementing waste management and recycling programs at the state, regional and local levels.

1. Consultation. In developing the state plan, the ~~office~~department shall consult with the ~~department~~office. The ~~office~~department shall solicit public input and may hold hearings in different regions of the State.

2. Revisions. The ~~office~~department shall revise the analysis by January 1, 1998 and every 5 years after that time to incorporate changes in waste generation trends, changes in waste recycling and disposal technologies, development of new waste generating activities and other factors affecting solid waste management as the ~~office~~department finds appropriate.

Sec. 6. 38 MRSA §2123-C, sub-§1, as enacted by PL 2007, c. 192, §4, is amended to read:

1. Solid Waste Management Advisory Council. The Solid Waste Management Advisory Council, referred to in this section as "the council," is established to advise and assist the office and department in reviewing, as may be appropriate:

- A. State solid waste management policy, including the timeline and establishment process for the development of a state-owned solid waste disposal facility;
- B. Host community benefits;
- C. The development of commercial solid waste facilities and the economic competitiveness of commercial facilities;
- D. The appropriateness of developing regional disposal facilities to better serve municipalities and businesses;

E. The continued development and expansion of beneficial reuse and recycling;

F. The proper role of municipal zoning and other local control in regard to siting, expansion and operation of solid waste disposal facilities; and

F-1. The state waste management and recycling plan developed pursuant to section 2122;

F-2. The solid waste generation and disposal capacity report developed in accordance with section 2124A; and

G. Other related matters as considered appropriate and necessary.

Sec. 7. 38 MRSA §2123-C, sub-§7, as enacted by PL 2007, c. 192, §4, is amended to read:

7. Staff. The ~~office~~department shall provide the council with all necessary staff.

Sec. 8. 38 MRSA §2124, as amended by PL 1995, c. 465, Pt. A, §37 and affected by Pt. C, §2, is further amended to read:

§ 2124. Reports

The ~~office~~department shall submit the state plan and subsequent revisions to the Governor, the ~~department~~office and the joint standing committee of the Legislature having jurisdiction over natural resource matters.

SUMMARY

This bill moves the responsibility for preparing the state solid waste management and recycling plan and staffing the Solid Waste Management Advisory Council from the Executive Department, State Planning Office to the Department of Environmental Protection.