

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-TWO

—
S.P. 523 - L.D. 1639

**An Act To Protect the Health and Welfare of Maine Communities and
Reduce Harmful Solid Waste**

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

Sec. 1. 38 MRSA §1303-C, sub-§40-A, as enacted by PL 2019, c. 619, §3, is amended by enacting at the end a new first blocked paragraph to read:

Beginning February 1, 2023, notwithstanding paragraphs B, C and E, if the total weight of the residue generated in a calendar year by an incineration facility, recycling facility or solid waste processing facility that is disposed of or otherwise placed in a solid waste landfill in that calendar year exceeds the total weight of the solid waste initially generated within the State that was incinerated or processed by that facility in that calendar year, any such excess residue generated by that facility is not considered waste generated within the State.

Sec. 2. 38 MRSA §1310-N, sub-§5-A, ¶B, as amended by PL 2019, c. 619, §4, is further amended by amending subparagraph (2) to read:

(2) A solid waste processing facility that generates residue requiring disposal shall recycle or process into fuel for combustion all waste accepted at the facility to the maximum extent practicable, but in no case at a rate less than 50%. For purposes of this subsection, "recycle" includes, but is not limited to, the reuse of waste generated within the State as defined in section 1303-C, subsection 40-A, paragraph C; the recovery of metals from waste; the use of waste or waste-derived product as material substitutes in construction; and the use of waste as boiler fuel substitutes.

At least 50% of the waste that a solid waste processing facility characterizes as recycled under this subparagraph must have been reused or recycled by the facility through methods other than placement of the waste in a solid waste landfill, except that a solid waste processing facility that was in operation during calendar year 2018, that accepts exclusively construction and demolition debris and that accepted more than 200,000 tons of such debris in calendar year 2018 shall:

- (a) Reuse or recycle at least 15% of such debris through methods other than placement in a solid waste landfill by January 1, 2022; ~~and~~
- (b) Reuse or recycle at least 20% of such debris through methods other than placement in a solid waste landfill by January 1, 2023; ~~;~~
- (c) Reuse or recycle at least 30% of such debris through methods other than placement in a solid waste landfill by January 1, 2024;
- (d) Reuse or recycle at least 40% of such debris through methods other than placement in a solid waste landfill by January 1, 2025; and
- (e) Reuse or recycle at least 50% of such debris through methods other than placement in a solid waste landfill by January 1, 2026.

~~A solid waste processing facility that was in operation during calendar year 2018, that accepts exclusively construction and demolition debris and that accepted more than 200,000 tons of such debris in calendar year 2018 may request and the department may grant a waiver of the applicable provisions of this subparagraph for a specified period of time if the facility is able to demonstrate that compliance with the applicable provisions of this subparagraph would result in an unreasonable adverse impact on the facility. The demonstration may include results of a 3rd-party audit of the facility. In determining whether to grant such a waiver request, the department may consider trends in local, regional, national and international markets; the availability and cost of technologies and services; transportation and handling logistics; and overall costs that may be associated with various waste handling methods.~~

Sec. 3. 38 MRSA §1310-AA, sub-§3, ¶C, as amended by PL 2007, c. 338, §3 and affected by §5, is further amended to read:

- C. Is not inconsistent with local, regional or state waste collection, storage, transportation, processing or disposal; ~~and~~

Sec. 4. 38 MRSA §1310-AA, sub-§3, ¶D, as amended by PL 2007, c. 655, §10, is further amended to read:

- D. For a determination of public benefit under subsection 1-A only, facilitates the operation of a solid waste disposal facility and the operation of that solid waste disposal facility would be precluded or significantly impaired if the waste is not accepted; ~~and~~

Sec. 5. 38 MRSA §1310-AA, sub-§3, ¶E is enacted to read:

- E. For a proposed facility or the expansion of a facility, is not inconsistent with ensuring environmental justice for the community in which the facility or expansion is proposed.

As used in this paragraph, "environmental justice" means the right to be protected from environmental pollution and to live in and enjoy a clean and healthful environment regardless of ancestry, class, disability, ethnicity, income, national origin or religion. "Environmental justice" includes the equal protection and meaningful involvement of all people with respect to the development, implementation and enforcement of waste management laws, rules, regulations and licensing decisions.

Sec. 6. Department of Administrative and Financial Services, Bureau of General Services to evaluate options for renegotiation of operating services agreement governing operation of state-owned landfill. The Department of Administrative and Financial Services, Bureau of General Services shall evaluate options for the renegotiation of the operating services agreement of February 5, 2004, as amended, governing the operation of the state-owned solid waste landfill in Old Town for the purpose of ensuring that existing capacity at that landfill is prioritized for management of waste initially generated within the State within the meaning of the Maine Revised Statutes, Title 38, section 1303-C, subsection 40-A, paragraph A.

By January 15, 2023, the Department of Administrative and Financial Services, Bureau of General Services shall report to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters the results of its evaluation under this section and shall provide any recommendations for legislative action necessary to ensure that existing capacity at the state-owned solid waste landfill in Old Town is prioritized for management of waste initially generated within the State. After receiving the report, the joint standing committee may report out legislation to implement any such recommendations to the 131st Legislature in 2023.

Sec. 7. Appropriations and allocations. The following appropriations and allocations are made.

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

Initiative: Deallocates funding for grants to municipalities for the costs of landfill closure and remediation.

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
All Other	\$0	(\$156,250)
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$156,250)