

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 Facilitate Compliance with Solid Waste Management Rules

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

Sec. 1. 38 MRSA §1310-N, sub-§5-A, ¶B, as enacted by PL 2007, c. 583, §4, is amended to read:

B. The provisions of this paragraph apply to solid waste processing facilities that generate residue requiring disposal.

(1) An applicant for a new or expanded solid waste processing facility that generates residue requiring disposal shall demonstrate that all requirements of this paragraph will be satisfied. On an annual basis, an owner or operator of a licensed solid waste processing facility that generates residue requiring disposal shall demonstrate compliance with all the requirements of this paragraph. The annual demonstration of compliance must be included as an element of the facility's annual report to the department submitted in conformance with the provisions of subsection 6-D, paragraph B and department rules.

(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, reuse of waste as shaping, grading or alternative daily cover materials at landfills; aggregate material in construction; and boiler fuel substitutes.

(3) A solid waste processing facility subject to this paragraph shall demonstrate consistency with the recycling provisions of the state plan.

(4) The requirements of this paragraph do not apply to solid waste composting facilities; solid waste processing facilities whose primary purpose is volume reduction or other waste processing or treatment prior to disposal of the waste in a landfill or incineration facility; solid waste processing facilities that are licensed in accordance with permit-by-rule provisions of the department's rules; or solid waste processing facilities that are exempt from the requirements of the solid waste management rules related to processing facilities adopted by the board.

(5) If the department amends the rules relating to fuel quality for construction and demolition wood fuel and the amendment adversely affects the ability of a solid waste processing facility to meet the 50% standard in subparagraph (2), the department may not enforce the requirements of subparagraph (2) against that processing facility and the department shall submit to the joint

standing committee of the Legislature having jurisdiction over natural resources matters a report relating to the rule change. The joint standing committee of the Legislature having jurisdiction over natural resources matters may submit legislation related to the report.

The department shall adopt rules to implement the provisions of this paragraph. Rules adopted pursuant to this paragraph are ~~major substantive~~ routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. ~~The department may not enforce the recycling requirements of subparagraph (2) prior to the effective date of rules that define "to the maximum extent practicable."~~

Sec. 2. Rulemaking. By January 11, 2010, the Department of Environmental Protection shall submit to the Joint Standing Committee on Natural Resources a report relating to rules that define the term "to the maximum extent practicable" as that term is used in the Maine Revised Statutes, Title 38, section 1310-N, subsection 5-A, paragraph B. The department shall investigate current recycling technologies and practices as they relate to the creation of fine material, known as "fines," that is qualified to be used as alternative daily cover at landfills under Title 38, section 1310-N, subsection 5-A, paragraph B, subparagraph (2). The Joint Standing Committee on Natural Resources may submit legislation related to the report to the Second Regular Session of the 124th Legislature.

Sec. 3. Moratorium on licenses for new or expanded solid waste disposal facilities. The Department of Environmental Protection may not issue a license for a new or expanded solid waste disposal facility that accepts residue from construction and demolition debris recycling until rules implementing the department's report detailing a method for setting mandatory recycling standards for all solid waste disposal facilities submitted to the Legislature pursuant to Public Law 2007, chapter 583, section 11 are in effect.

Sec. 4. Moratorium on licenses for solid waste disposal facilities. The Department of Environmental Protection may not issue a license for a new or expanded solid waste disposal facility until rules implementing the department's report regarding solid waste disposal facility gas and odor management submitted pursuant to Public Law 2007, chapter 583, section 9 are in effect.

SUMMARY

This bill amends the laws governing solid waste management.

1. It changes from major substantive to routine technical the designation of rules adopted by the Department of Environmental Protection regarding solid waste processing facilities that generate residue requiring disposal.

2. It directs the Department of Environmental Protection to submit, by January 11, 2010, a report to the Joint Standing Committee on Natural Resources regarding rules implementing the Maine Revised Statutes, Title 38, section 1310-N, subsection 5, paragraph B. It also directs the department to investigate recycling technologies and practices as they relate to certain materials.

3. It prohibits issuance of a license for new or expanded solid waste disposal facilities that accept residue from construction and demolition debris recycling until rules are in effect implementing the department's report regarding mandatory recycling standards for all solid waste disposal facilities.

4. It prohibits issuance of a license for new or expanded solid waste disposal facilities until rules are in effect implementing the department's report regarding solid waste odor management.