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Legislative Document

No. 1278

H.P. 937

House of Representatives, March 23, 2011

An Act To Stabilize Solid Waste Management Funding

Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative DUCHESNE of Hudson.
Cosponsored by Representatives: DILL of Old Town, HAMPER of Oxford, INNES of Yarmouth, JOHNSON of Greenville.

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

2 **Sec. 1. 38 MRSA §2201**, as amended by PL 2005, c. 618, §21, is further amended
3 to read:

4 **§2201. Maine Solid Waste Management Fund established**

5 The Maine Solid Waste Management Fund, referred to in this section as the "fund," is
6 established as a nonlapsing fund to support programs administered by the State Planning
7 Office and the Department of Environmental Protection. The fund must be segregated
8 into ~~2~~ 3 subsidiary accounts. The first subsidiary account, called operations, receives all
9 fees established and received under article 1. The 2nd subsidiary account, called
10 administration, receives all fees established under this article and under Title 36, chapter
11 719, all funds recovered by the department as reimbursement for departmental expenses
12 incurred to abate imminent threats to public health, safety and welfare posed by the
13 illegal disposal of solid waste and all unclaimed deposits returned to the State under Title
14 32, chapter 28.

15 Money in the fund not currently needed to meet the obligations of the ~~office first and~~
16 2nd subsidiary accounts must be deposited ~~with the Treasurer of State to the credit of the~~
17 ~~fund and may be invested as provided by law. Interest on these investments must be~~
18 ~~credited to the fund~~ into the 3rd subsidiary account called reserve.

19 Funds related to administration may be expended only in accordance with allocations
20 approved by the Legislature for administrative expenses directly related to the office's and
21 the department's programs, including actions by the department necessary to abate threats
22 to public health, safety and welfare posed by the disposal of solid waste. Funds related to
23 operations may be expended only in accordance with allocations approved by the
24 Legislature and solely for the development and operation of publicly owned facilities
25 owned or approved by the office and for the repayment of any obligations of the office
26 incurred under article 3. These allocations must be based on estimates of the actual costs
27 necessary for the office and the department to administer their programs, to provide
28 financial assistance to regional associations and to provide other financial assistance
29 necessary to accomplish the purposes of this chapter. Funds in the reserve may be
30 expended only in accordance with allocations approved by the Legislature for acquiring
31 additional landfill disposal capacity. Beginning in the fiscal year ending on June 30,
32 1991 and thereafter, the fund must annually transfer to the General Fund an amount
33 necessary to reimburse the costs of the Bureau of Revenue Services incurred in the
34 administration of Title 36, chapter 719. Allowable expenditures include "Personal
35 Services," "All Other" and "Capital Expenditures" associated with all office activities
36 other than those included in the operations account.

37 **Sec. 2. 38 MRSA §2202, sub-§2**, as enacted by PL 1989, c. 585, Pt. A, §7, is
38 repealed.

39 **Sec. 3. 38 MRSA §2203-A, sub-§1**, as enacted by PL 1999, c. 385, §7, is
40 amended to read:

1 **1. Fees.** Fees are imposed in the following amounts to be levied for solid waste that
2 is disposed of at commercial, municipal and regional association landfills.

3	Asbestos	\$5 per cubic yard
4		
5	Oil-contaminated soil, gravel, brick,	\$25 per ton
6	concrete and other aggregate	
7		
8	Waste water facility sludge, <u>except as</u>	\$5 per ton
9	<u>otherwise provided in this subsection</u>	
10		
11	<u>Waste water facility sludge disposed of at a</u>	<u>\$6 per ton</u>
12	<u>landfill granted a license to expand after</u>	
13	<u>October 15, 2011</u>	
14		
15	Ash, coal and oil	\$5 per ton
16		
17	Paper mill sludge	\$5 per ton
18		
19	Industrial waste	\$5 per ton
20		
21	Sandblast grit	\$5 per ton
22		
23	All other special waste, <u>except as</u>	\$5 per ton
24	<u>otherwise provided in this subsection</u>	
25		
26	<u>All other special waste disposed of at a</u>	<u>\$6 per ton</u>
27	<u>landfill granted a license to expand after</u>	
28	<u>October 15, 2011</u>	
29		
30	Municipal solid waste ash	\$1 per ton
31		
32	Front end process residue (FEPR)	\$1 per ton
33		
34	<u>Construction and demolition debris, except</u>	<u>\$4 per ton</u>
35	<u>as otherwise provided in this subsection</u>	
36		
37	<u>Construction and demolition debris</u>	<u>\$6 per ton</u>
38	<u>disposed of at a landfill granted a license to</u>	
39	<u>expand after October 15, 2011</u>	
40		
41	<u>Construction and demolition debris</u>	<u>\$3 per ton</u>
42	<u>processing residue, except as otherwise</u>	
43	<u>provided in this subsection</u>	
44		

1 Construction and demolition debris \$5 per ton
2 processing residue disposed of at a landfill
3 granted a license to expand after October
4 15, 2011

5 **Sec. 4. 38 MRSA §2203-A, sub-§2, ¶B**, as enacted by PL 1999, c. 385, §7, is
6 amended to read:

7 B. A municipal or regional association landfill shall continue to pay \$2 per ton to
8 the department on all categories of special waste other than municipal solid waste
9 ash, asbestos and oil-contaminated soil, gravel, brick, concrete and other aggregate
10 that was generated by the municipality or regional association and accepted for
11 disposal in its landfill in calendar year 1998; ~~and~~

12 **Sec. 5. 38 MRSA §2203-A, sub-§2, ¶C**, as amended by PL 1999, c. 564, §1, is
13 further amended to read:

14 C. A municipal or regional association landfill that has accepted 550 tons or more
15 of oil-contaminated soil, gravel, brick, concrete and other aggregate in calendar year
16 1998 shall pay \$5 per ton for that category of waste; ~~and~~ and

17 **Sec. 6. 38 MRSA §2203-A, sub-§2, ¶D** is enacted to read:

18 D. A fee may not be imposed under this section on construction and demolition
19 debris or construction and demolition debris processing residue disposed of at a
20 municipal or regional association landfill or a landfill described in section 1303-C,
21 subsection 6, paragraph E.

22 **SUMMARY**

23 This bill creates a 3rd subsidiary account in the Maine Solid Waste Management
24 Fund for the purpose of purchasing additional landfill disposal capacity. The bill imposes
25 fees on the disposal of construction and demolition debris and construction and
26 demolition debris processing residue and imposes higher fees on certain wastes that are
27 disposed of at a landfill granted a license to expand after October 15, 2011. The bill also
28 provides that a disposal fee may not be imposed on construction and demolition debris
29 and construction and demolition debris processing residue that is disposed of at a
30 municipal, regional association or generator-owned landfill.