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Legislative Document

No. 180

H.P. 157

House of Representatives, January 27, 2011

Resolve, To Change Rules Concerning Landfill Gas and Odor Management from Routine Technical Rules to Major Substantive Rules

(EMERGENCY)

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

HEATHER J.R. PRIEST Clerk

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Presented by Representative AYOTTE of Caswell.
Cosponsored by Senator JACKSON of Aroostook and
Representatives: DUCHESNE of Hudson, EDGECOMB of Caribou, LONG of Sherman,
MARTIN of Eagle Lake, THERIAULT of Madawaska, WILLETTE of Mapleton, Senator:
SHERMAN of Aroostook.

1 Emergency preamble. Whereas, acts and resolves of the Legislature do not 2 become effective until 90 days after adjournment unless enacted as emergencies; and 3 Whereas, rulemaking relating to the management of landfill gas and odor at solid 4 waste facilities is currently in progress and could be complete before this legislation goes 5 into effect unless this legislation is enacted as an emergency; and 6 Whereas, the scope of those rules is greater than expected when the effort was 7 initiated in 2008, particularly with respect to the management of odors and landfill gas; 8 and 9 Whereas, the increased scope of the rulemaking will cause a significant financial 10 impact to publicly and privately owned solid waste incinerators, landfills, transfer stations, composting facilities and processing facilities, as well as the industries, 11 12 businesses and municipalities directly reliant on such solid waste facilities; and Whereas, in the judgment of the Legislature, these facts create an emergency within 13 14 the meaning of the Constitution of Maine and require the following legislation as 15 immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it 16 17 Sec. 1. Resolve 2007, c. 170, §1, amended. Resolved: That Resolve 2007, c. 18 170, §1 is amended to read: 19 Sec. 1. Landfill gas and odor management rules. Resolved: That the 20 Department of Environmental Protection, Board of Environmental Protection shall adopt 21 rules concerning landfill gas and odor management that incorporate quantitative standards that can be used to measure compliance. Rules adopted pursuant to this section are 22 routine technical major substantive rules as defined in the Maine Revised Statutes, Title 23 24 5, chapter 375, subchapter 2-A. By January March 15, 2009 2012, the Department of 25 Environmental Protection shall submit a report on the status of the rules to the joint 26 standing committee of the Legislature having jurisdiction over natural resources matters. 27 **Emergency clause.** In view of the emergency cited in the preamble, this 28 legislation takes effect when approved. 29 SUMMARY 30 This resolve requires that rules governing the management of landfill gas and odors at 31 solid waste facilities adopted by the Department of Environmental Protection, Board of 32 Environmental Protection pursuant to Resolve 2007, chapter 170 are major substantive

rules rather than routine technical rules.

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