

## §2156-A. Facility development

**1. Planning for development.** The bureau, in consultation with the department, shall plan for the development of facilities sufficient to meet anticipated unmet needs for municipal solid waste and special waste identified in the state plan and any revisions to the plan and to serve all geographic areas of the State.

[PL 2019, c. 291, Pt. A, §3 (AMD).]

**2. Recommendation for development.** When the bureau finds that 6 years or less of licensed and available disposal capacity for municipal solid waste or special waste remains within the State, the bureau shall submit a report recommending the construction and operation of a state-owned solid waste disposal facility for the disposal of the type of waste for which capacity is needed to the joint standing committee of the Legislature having jurisdiction over natural resource matters. The report must recommend which state agency or department will own the facility and how it will be operated. The report must also include a review of disposal options outside of the State; a review of existing efforts to reduce, reuse, recycle, compost and incinerate the affected municipal solid waste and special waste streams and the impact of these efforts on capacity requirements; a thorough economic analysis of the facility's expected costs; and commitments from entities to utilize the facility and projected revenues. It is the intent of the Legislature that the facility be operated by a private contractor. A state-owned solid waste disposal facility may not be constructed or operated unless authorized by legislation pursuant to subsection 3.

[PL 2011, c. 655, Pt. GG, §43 (AMD); PL 2011, c. 655, Pt. GG, §70 (AFF).]

**3. Authorization for development.** The joint standing committee of the Legislature having jurisdiction over natural resource matters may report out legislation authorizing construction and operation of a state-owned solid waste disposal facility in response to a report submitted pursuant to subsection 2.

[PL 1995, c. 588, §6 (NEW).]

**4. Ownership, construction and operation.** The bureau shall maintain ownership of a site acquired for construction and operation of a state-owned solid waste disposal facility until the Legislature authorizes transfer of the site to another state department or agency, except that this subsection does not prohibit any lease or transfer of the site pursuant to an agreement entered into before the effective date of this subsection or pursuant to any amendment to such an agreement entered into before or after the effective date of this subsection.

[PL 2011, c. 655, Pt. GG, §43 (AMD); PL 2011, c. 655, Pt. GG, §70 (AFF).]

**5. Development by others.** This section does not preclude a municipality or regional association from developing and operating solid waste disposal facilities on its own initiative.

[PL 1995, c. 588, §6 (NEW).]

### SECTION HISTORY

PL 1995, c. 588, §6 (NEW). PL 1999, c. 736, §1 (AMD). PL 2007, c. 192, §6 (AMD). PL 2011, c. 655, Pt. GG, §43 (AMD). PL 2011, c. 655, Pt. GG, §70 (AFF). PL 2019, c. 291, Pt. A, §3 (AMD).

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