

STATE OF MAINE
125TH LEGISLATURE
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON ENVIRONMENT AND
NATURAL RESOURCES**

June 2012

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Joint Standing Committee on Environment and Natural Resources

LD 693 An Act Concerning Solid Waste Facility Citizen Advisory Committees

PUBLIC 543

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUCHESNE	OTP-AM MAJ OTP-AM MIN	H-772 H-786 DUCHESNE

This bill was carried over from the First Regular Session of the 125th Legislature. The bill clarifies that a solid waste facility citizen advisory committee is to continue through the closure of the facility. It authorizes a citizen advisory committee to appeal licensing and permitting decisions and intervene in licensing and permitting proceedings if the disposition of the proceedings could impair the ability of the committee to carry out its responsibilities. It authorizes municipalities that appoint members to a citizen advisory committee to appeal licensing and permitting decisions and intervene in licensing and permitting proceedings. It directs the Executive Department, State Planning Office to provide financial and administrative support for citizen advisory committees. The bill also makes these provisions applicable to the citizen advisory committee established in connection with the Juniper Ridge landfill in Old Town and Alton.

Committee Amendment "B" (H-772)

This amendment is the majority report of the committee. The amendment prohibits the Department of Environmental Protection from issuing a license, permit, order or approval, or an amendment to a license, permit, order or approval for alterations that are not minor alterations, to a state-owned solid waste disposal facility unless the owner or operator of the facility sends:

1. To each municipality and any other entity that appoints members to the relevant citizen advisory committee, a copy of the application; and
2. To each member of the citizen advisory committee, a notice that the application has been sent to the appointing authorities as required.

House Amendment "A" To Committee Amendment "B" (H-786)

This amendment clarifies:

1. When the notice of the application for a license or an amendment to a license must be sent to the members of the relevant citizen advisory committee; and
2. When a copy of the application must be sent to each municipality and any other entity that appoints members of the relevant citizen advisory committee.

Enacted Law Summary

Public Law 2011, chapter 543 prohibits the Department of Environmental Protection from issuing a license, permit, order or approval, or an amendment to a license, permit, order or approval for alterations that are not minor alterations, to a state-owned solid waste disposal facility unless the owner or operator of the facility sends:

1. To each municipality and any other entity that appoints members to the relevant citizen advisory committee, a copy of the application; and
2. To each member of the citizen advisory committee, a notice that the application has been sent to the appointing

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authorities as required.

**LD 781 An Act To Establish Flushability Standards for Consumer Products
Advertised as Flushable**

**MAJORITY
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WALSH INNES	ONTP MAJ OTP MIN	

This bill was carried over from the First Regular Session of the 125th Legislature. The bill prohibits the packaging or labeling of consumer products for distribution or sale in the State if the package or label states that the product is flushable or safe for sewer and septic systems unless the product meets the acceptance criteria for flushability as published in the Guidance Document for Assessing the Flushability of Nonwoven Consumer Products, published by the Association of the Nonwoven Fabrics Industry in effect on January 1, 2011.

**LD 879 An Act To Ensure Adequate Landfill Capacity in the State for Solid
Waste**

PUBLIC 566

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CURTIS WHITTEMORE	OTP-AM MAJ OTP-AM MIN	H-774

This bill was carried over from the First Regular Session of the 125th Legislature. The bill amends the law regarding expansion of commercial solid waste disposal facilities and biomedical waste disposal or treatment facilities by authorizing a commercial landfill facility that is not under an order or agreement to close to expand if the proposed expansion is contiguous with the existing facility and is located on property owned by the person holding the commercial solid waste disposal facility license. It clarifies that an expanded facility may not receive a property tax exemption on real or personal property, and it provides that the department may not process or act upon any application until certain conditions are met.

Committee Amendment "A" (H-774)

This amendment is the majority report of the committee. The amendment amends the bill, which allows commercial landfill expansion, to strike an outdated reference relating to prohibiting expansion of a commercial landfill facility before March 1, 2011. The amendment incorporates provisions that amend the laws governing public benefit determinations by:

1. Clarifying that waste used for daily cover, frost protection or stability must be used in accordance with all applicable rules and licenses;
2. Requiring the applicant instead of the Commissioner of Environmental Protection to provide public notice of the filing of an application for public benefit determination and requiring the Department of Environmental Protection to accept written public comment during the course of processing the application;
3. Requiring the commissioner to hold a public meeting on an application for a public benefit determination. Currently, the commissioner is authorized to hold a public meeting;
4. Defining "immediate," "short-term" and "long-term" for the purpose of determining whether the capacity needs of

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the State are met. It requires the commissioner, when evaluating whether proposed facilities meet capacity needs of the State, to consider relevant local and regional needs as appropriate and the regional nature of the development and use of disposal capacity due to transportation distances and other factors;

5. Adding as a standard for determining whether the facility will provide a substantial public benefit that the facility or expansion must promote the solid waste management hierarchy;
6. Specifically authorizing the commissioner to issue a full or partial approval of an application, with or without conditions;
7. Clarifying that the public benefit determination review of a state-owned facility is a review that is independent of other contracts that may have been entered into between the State and the facility operator or any other party; and
8. Specifying that the modification of a public benefit determination is authorized if there has been a change in facility ownership or of the operator.

Enacted Law Summary

Public Law 2011, chapter 566 amends the law regarding expansion of commercial solid waste disposal facilities and biomedical waste disposal or treatment facilities by authorizing a commercial landfill facility that is not under an order or agreement to close to expand if the proposed expansion is contiguous with the existing facility and is located on property owned by the person holding the commercial solid waste disposal facility license. It clarifies that an expanded facility may not receive a property tax exemption on real or personal property, and it provides that the department may not process or act upon any application until certain conditions are met.

Chapter 566 also amends the laws governing public benefit determinations by:

1. Clarifying that waste used for daily cover, frost protection or stability must be used in accordance with all applicable rules and licenses;
2. Requiring the applicant instead of the Commissioner of Environmental Protection to provide public notice of the filing of an application for public benefit determination and requiring the Department of Environmental Protection to accept written public comment during the course of processing the application;
3. Requiring the commissioner to hold a public meeting on an application for a public benefit determination. Currently, the commissioner is authorized to hold a public meeting;
4. Defining "immediate," "short-term" and "long-term" for the purpose of determining whether the capacity needs of the State are met. It requires the commissioner, when evaluating whether proposed facilities meet capacity needs of the State, to consider relevant local and regional needs as appropriate and the regional nature of the development and use of disposal capacity due to transportation distances and other factors;
5. Adding as a standard for determining whether the facility will provide a substantial public benefit that the facility or expansion must promote the solid waste management hierarchy;
6. Specifically authorizing the commissioner to issue a full or partial approval of an application, with or without conditions;
7. Clarifying that the public benefit determination review of a state-owned facility is a review that is independent of other contracts that may have been entered into between the State and the facility operator or any other party; and
8. Specifying that the modification of a public benefit determination is authorized if there has been a change in facility ownership or of the operator.

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LD 1278 An Act To Stabilize Solid Waste Management Funding

PUBLIC 544

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUCHESNE	OTP-AM MAJ ONTP MIN	H-776

This bill was carried over from the First Regular Session of the 125th Legislature. The bill creates a 3rd subsidiary account in the Maine Solid Waste Management Fund for the purpose of purchasing additional landfill disposal capacity. The bill imposes fees on the disposal of construction and demolition debris and construction and demolition debris processing residue and imposes higher fees on certain wastes that are disposed of at a landfill granted a license to expand after October 15, 2011. The bill also provides that a disposal fee may not be imposed on construction and demolition debris and construction and demolition debris processing residue that is disposed of at a municipal, regional association or generator-owned landfill.

Committee Amendment "A" (H-776)

This amendment, which replaces the bill, is the majority report of the committee. The amendment establishes fees on the disposal of construction and demolition debris and residue from the processing of construction and demolition debris. Beginning January 1, 2013, the fee imposed will be \$1 per ton, and beginning January 1, 2014, the fee imposed will be \$2 per ton. It exempts construction and demolition debris and residue from the processing of construction and demolition debris disposed of at small municipal and regional association landfills from the fees. It provides that funding from the fees may be expended only for the State's obligations to municipalities under the closure and remediation cost-sharing program for solid waste landfills. It provides that the statutory waste handling fees are imposed for solid waste that is disposed of at state-owned landfills.

Enacted Law Summary

Public Law 2011, chapter 544 establishes fees on the disposal of construction and demolition debris and residue from the processing of construction and demolition debris. Beginning January 1, 2013, the fee imposed will be \$1 per ton, and beginning January 1, 2014, the fee imposed will be \$2 per ton. It exempts construction and demolition debris and residue from the processing of construction and demolition debris disposed of at small municipal and regional association landfills from the fees. It provides that funding from the fees may be expended only for the State's obligations to municipalities under the closure and remediation cost-sharing program for solid waste landfills. It provides that the statutory waste handling fees are imposed for solid waste that is disposed of at state-owned landfills.

LD 1412 An Act To Promote the Proper Disposal of Used Medical Sharps

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WALSH INNES	ONTP	

This bill was carried over from the First Regular Session of the 125th Legislature. The bill requires a manufacturer of medical sharps to participate in a program, individually or in conjunction with other manufacturers, for the collection, handling, transportation, treatment and disposal of unwanted medical sharps. It also provides that an entity that uses medical sharps is not required to dispose of them by shredding.

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LD 1458 An Act To Transfer Recycling Technical Assistance and Solid Waste Policy Responsibilities from the State Planning Office to the Department of Environmental Protection

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOULTON SULLIVAN	ONTP	

This bill was carried over from the First Regular Session of the 125th Legislature. The bill:

1. Gives the following recycling technical assistance and solid waste disposal policy responsibilities, which are currently the responsibilities of the Executive Department, State Planning Office, to the Department of Environmental Protection:
 - A. Determining reasonable municipal recycling progress;
 - B. Providing technical and financial assistance to municipalities;
 - C. Providing technical assistance to businesses;
 - D. Collecting municipal solid waste management and recycling reports and data;
 - E. Providing recycling marketing assistance;
 - F. Assisting entities with meeting office paper recycling requirements;
 - G. Participating in national and interstate initiatives for uniform state laws;
 - H. Collecting incinerator reports and data;
 - I. Preparing the state waste management and recycling plan; and
 - J. Staffing the Solid Waste Management Advisory Council; and
2. Provides that the State Planning Office keep the following recycling technical assistance and solid waste disposal policy responsibilities:
 - A. Preparing the waste generation and disposal capacity report;
 - B. Planning for development of solid waste disposal facilities; and
 - C. Recommending development of state-owned solid waste disposal facilities.

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LD 1646 An Act To Facilitate the Use of Alternative Methods for Biomedical Waste Treatment and Disposal ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	ONTP	

This bill directs the Department of Environmental Protection to establish, by rule, approved alternative treatment processes for the treatment and disposal of biomedical waste for use by medical facilities. The rules must include disposal standards and may not require a medical facility to obtain a biomedical waste treatment facility license for treating its own biomedical waste. The bill also provides that the Department of Environmental Protection adopt the rules regarding handling and disposal of biomedical waste, consistent with the Maine Revised Statutes, Title 38, section 341-H.

LD 1648 An Act To Clarify the Site Location of Development Laws Regarding Exemptions for Previously Developed Sites PUBLIC 551

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM	S-434

Current law provides that developments that are in existence, authorized, licensed or under construction prior to specified dates are exempted from the laws governing site location of development. This bill specifies that any modification, change in use or addition to such a development or to a development on a military base similarly exempt does not affect the exemption.

Committee Amendment "A" (S-434)

This amendment strikes the bill and amends certain existing exemptions and adds new exemptions to the laws governing site location of development.

1. It amends the existing exemption for development in existence on January 1, 1970, by providing that:
 - A. Reuse of a building and associated facilities in existence on January 1, 1970, is exempt from review; and
 - B. When reviewing an application under the laws governing site location of development or determining whether the laws governing site location of development apply to a project, the Department of Environmental Protection may not take into consideration any development that is exempt from review due to its pre-1970 status.
2. It amends the existing exemption for former military bases by providing that:
 - A. Reuse of a building and associated facilities in existence on September 29, 1995, on a former military base is exempt from review;
 - B. Unless exempt, development that meets the definition of "development of state or regional significance that may substantially affect the environment" is subject to review;
 - C. When reviewing an application under the laws governing site location of development, the department may

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not take into consideration any development that is exempt from review; and

D. Subsequent lease of a former base or a portion of the base does not affect the exemption.

3. It adds an exemption for certain development at ski areas that hold a permit pursuant to the laws governing site location of development. The exemption is similar to the existing exemption for manufacturing facilities.
4. It adds an exemption for certain development on educational institution campuses that hold a permit pursuant to the laws governing site location of development. The exemption is similar to the existing exemption for manufacturing facilities. The amendment clarifies that the exemption does not authorize activity on a parcel of land affected by an order or permit issued by the department that is contrary to that order or permit.
5. It clarifies that, unless specifically provided, nothing in the laws governing site location of development exempts any activity from any requirements under the Maine Revised Statutes, Title 38, rules adopted pursuant to Title 38 or the terms or conditions of a license, permit or order issued by the Board of Environmental Protection or the Commissioner of Environmental Protection.

Enacted Law Summary

Public Law 2011, chapter 551 amends certain existing exemptions and adds new exemptions to the laws governing site location of development.

1. It amends the existing exemption for development in existence on January 1, 1970, by providing that:
 - A. Reuse of a building and associated facilities in existence on January 1, 1970, is exempt from review; and
 - B. When reviewing an application under the laws governing site location of development or determining whether the laws governing site location of development apply to a project, the Department of Environmental Protection may not take into consideration any development that is exempt from review due to its pre-1970 status.
2. It amends the existing exemption for former military bases by providing that:
 - A. Reuse of a building and associated facilities in existence on September 29, 1995, on a former military base is exempt from review;
 - B. Unless exempt, development that meets the definition of "development of state or regional significance that may substantially affect the environment" is subject to review;
 - C. When reviewing an application under the laws governing site location of development, the department may not take into consideration any development that is exempt from review; and
 - D. Subsequent lease of a former base or a portion of the base does not affect the exemption.
3. It adds an exemption for certain development at ski areas that hold a permit pursuant to the laws governing site location of development. The exemption is similar to the existing exemption for manufacturing facilities.
4. It adds an exemption for certain development on educational institution campuses that hold a permit pursuant to the laws governing site location of development. The exemption is similar to the existing exemption for manufacturing facilities. The law clarifies that the exemption does not authorize activity on a parcel of land affected by an order or permit issued by the department that is contrary to that order or permit.
5. It clarifies that, unless specifically provided, nothing in the laws governing site location of development exempts any activity from any requirements under the Maine Revised Statutes, Title 38, rules adopted pursuant to Title 38 or

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the terms or conditions of a license, permit or order issued by the Board of Environmental Protection or the Commissioner of Environmental Protection.

LD 1683 An Act To Provide Funding To Operate the Dolby Landfill in the Town of East Millinocket DIED ON ADJOURNMENT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK H THOMAS	OTP-AM	H-750

This bill makes General Fund appropriations of \$250,000 for the operation of the Dolby Landfill in the Town of East Millinocket. The substance of this bill was incorporated into Public Law 2011, chapter 657, Part A (LD 1746).

Committee Amendment "A" (H-750)

This amendment incorporates a fiscal note.

LD 1686 An Act To Amend the Process for Issuing State Water Quality Certificates to Hydropower Projects That Withdraw Water from Great Ponds ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SARTY	ONTP	

This bill prohibits the Department of Environmental Protection from issuing a water quality certificate in connection with a hydropower project that withdraws water from a hydropower impoundment managed as a great pond unless the Department of Inland Fisheries and Wildlife and the Department of Conservation agree that the project will not violate water quality standards applicable to the impoundment related to fishing, recreation and habitat for fish and other aquatic life.

LD 1718 An Act To Improve Maine's Capacity To Produce Low-cost Renewable Energy through Hydroelectric Power MAJORITY (ONTP) REPORT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON P	ONTP MAJ OTP-AM MIN	

This bill provides that the Department of Environmental Protection may not grant a permit for an activity that will result in a reduction in the potential of a dam to produce hydroelectric power at a cost that is economically competitive with other renewable sources of electricity unless the department determines that the activity is necessary for public safety or to avoid a significant threat to the environment.

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LD 1738 An Act To Make Minor Adjustments to Laws Administered by the Department of Environmental Protection

PUBLIC 538

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAMPER	OTP-AM A OTP B OTP-AM C	H-752

This bill makes changes to the laws administered by the Department of Environmental Protection.

Committee Amendment "A" (H-752)

This amendment is the majority report of the committee. The amendment does the following.

1. It requires a proposed consent agreement to be posted on the Department of Environmental Protection's website with the notice of the proposed agreement. The bill requires that only the notice be posted.
2. It clarifies that the permit exemption for minor expansions of structures in coastal sand dune systems does not apply to expansions of seawalls, retaining walls, closed fences or other structures used to stabilize the shoreline or to prevent the movement of sand or water. It also clarifies that the exemption does not apply to an expansion that changes the type of structure. It also amends the definition of "footprint."
3. It authorizes the Commissioner of Environmental Protection to adopt initial routine technical rules allowing for the reconstruction of an existing structure in a frontal dune if certain criteria are met. Any amendments to those rules are major substantive rules adopted by the Board of Environmental Protection.

Enacted Law Summary

Public Law 2011, chapter 538 does the following.

1. It removes the authority of the Board to adopt rules necessary for the conduct of the Department's business and gives the Board authority to adopt rules necessary for the conduct of only the Board's business.
2. It removes the requirement that the Commissioner provide written notice and opportunity for a hearing prior to recommending that the Board modify or take corrective action on a license. It does not change the requirement that the board provide written notice and opportunity for a hearing prior to modifying or taking correction action on a license.
3. It clarifies that a license or permit amendment, revision or surrender is considered an application that is subject to a decision by the department.
4. It provides that administrative consent agreements may be enforced by the department or the Attorney General.
5. It provides that a proposed consent agreement and notice of the proposed consent agreement must be posted on the department's website.
6. It provides that if an administrative consent agreement is violated the Attorney General or the department may institute injunction proceedings.
7. It changes a NRPA exemption so that expansion of an existing residential or commercial "structure" that meets certain criteria would not require a NRPA permit.

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- 8. It amends standards and application requirements to allow an agricultural pond to be constructed adjacent to a river, stream or brook.
- 9. It repeals a provision in law that requires adopted rules relating to oil storage facilities and the protection of groundwater to be submitted for review to the Natural Resources Committee.
- 10. It changes the term of an air emission license from 5 years to 10 years, with these exceptions: (A) A license for an air contaminant source subject to 40 CFR, Part 70 - term of 5 years; and (B) A license issued pursuant to the carbon dioxide cap-and-trade program for carbon dioxide budget units - no term.
- 11. It makes rules implementing the wellhead protection laws major substantive rules.
- 12. It authorizes the Commissioner of Environmental Protection to adopt initial routine technical rules allowing for the reconstruction of an existing structure in a frontal dune if certain criteria are met. Any amendments to those rules are major substantive rules adopted by the Board of Environmental Protection.

LD 1763 An Act To Reduce Open Burning in Neighborhoods

**MAJORITY
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COURTNEY	ONTP MAJ OTP-AM MIN	

Under current law, open burning of leaves, brush, deadwood and tree cuttings that are accrued from normal property maintenance by the landowner or lessee of the land is allowed with a permit, unless it is prohibited by municipal ordinance. This bill extends that authorization for such open burning to a commercial business that removes those items from residential properties to burn at the business's primary business location.

**LD 1768 An Act To Improve the Department of Environmental Protection's
Annual Waste Discharge License Fee System**

**PUBLIC 546
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNAPP	OTP-AM	H-771

This bill revises the Department of Environmental Protection's annual waste discharge fee system. It eliminates the base fee, the fee for quantities of pollutants actually discharged or licensed to be discharged, the annualized license renewal service fee, the initial dilution fee and the multiple discharge point fee. In place of these fees it establishes for existing licensees a fee based on the average of the licensee's 2009 and 2010 bill amounts or a fee based on the licensee's 2011 bill amount, depending on the discharge group. It establishes for new licensees an annual fee based on the median fee of all licensees within the new licensee's discharge group. It establishes that, if no discharge occurs for an entire year, the fee is reduced to 25% of the annual fee. It establishes that an annual fee may be modified by a percentage that is equivalent to the percentage of any change to the licensed discharge flow.

Committee Amendment "A" (H-771)

This amendment adds an emergency preamble and emergency clause to the bill.

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Enacted Law Summary

Public Law 2011, chapter 546 revises the Department of Environmental Protection's annual waste discharge fee system. It eliminates the base fee, the fee for quantities of pollutants actually discharged or licensed to be discharged, the annualized license renewal service fee, the initial dilution fee and the multiple discharge point fee. In place of these fees it establishes for existing licensees a fee based on the average of the licensee's 2009 and 2010 bill amounts or a fee based on the licensee's 2011 bill amount, depending on the discharge group. It establishes for new licensees an annual fee based on the median fee of all licensees within the new licensee's discharge group. It establishes that, if no discharge occurs for an entire year, the fee is reduced to 25% of the annual fee. It establishes that an annual fee may be modified by a percentage that is equivalent to the percentage of any change to the licensed discharge flow.

Public Law 2011, chapter 546 was enacted as an emergency measure effective March 29, 2012.

**LD 1793 *Resolve, Regarding Legislative Review of Portions of Chapter 375: No Adverse Environmental Effect Standard of the Site Location Law, a Major Substantive Rule of the Department of Environmental Protection* **RESOLVE 131
EMERGENCY****

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This resolve provides for legislative review of portions of Chapter 375: No Adverse Environmental Effect Standard of the Site Location Law, a major substantive rule of the Department of Environmental Protection.

Enacted Law Summary

Resolve 2011, chapter 131 authorizes the adoption of portions of Chapter 375: No Adverse Environmental Effect Standard of the Site Location Law, a major substantive rule of the Department of Environmental Protection.

Resolve 2011, chapter 131 was finally passed as an emergency measure effective March 18, 2012.

**LD 1794 *Resolve, Regarding Legislative Review of Portions of Chapter 378: Variance Criteria for the Excavation of Rock, Borrow, Topsoil, Clay or Silt and Performance Standards for the Storage of Petroleum Products, a Major Substantive Rule of the Department of Environmental Protection* **RESOLVE 139
EMERGENCY****

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This resolve provides for legislative review of portions of Chapter 378: Variance Criteria for the Excavation of Rock, Borrow, Topsoil, Clay or Silt and Performance Standards for the Storage of Petroleum Products, a major substantive rule of the Department of Environmental Protection.

Enacted Law Summary

Resolve 2011, chapter 139 authorizes adoption of portions of Chapter 378: Variance Criteria for the Excavation of

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Rock, Borrow, Topsoil, Clay or Silt and Performance Standards for the Storage of Petroleum Products, a major substantive rule of the Department of Environmental Protection.

Resolve 2011, chapter 139 was finally passed as an emergency measure effective March 29, 2012.

**LD 1797 Resolve, Regarding Legislative Review of Portions of Chapter 305:
Permit by Rule, a Major Substantive Rule of the Department of
Environmental Protection** **RESOLVE 140
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP MAJ OTP-AM MIN	

This resolve provides for legislative review of portions of Chapter 305: Permit by Rule, a major substantive rule of the Department of Environmental Protection.

Enacted Law Summary

Resolve 2011, chapter 140 authorizes the adoption of portions of Chapter 305: Permit by Rule, a major substantive rule of the Department of Environmental Protection.

Resolve 2011, chapter 140 was finally passed as an emergency measure effective March 29, 2012.

**LD 1846 Resolve, Directing the Department of Environmental Protection To
Adopt Rules Pertaining to Petroleum Storage and Gravel Pits** **RESOLVE 149
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM	S-485

This resolve requires the Department of Environmental Protection to adopt an emergency rule to allow aboveground oil storage tanks used to supply diesel fuel to be located in excavations for borrow, clay, topsoil or silt and quarries that are in significant sand and gravel aquifers.

Committee Amendment "A" (S-485)

This amendment adds an emergency preamble and emergency clause and replaces the resolve. It provides that the emergency rule is a routine technical rule and provides for nonemergency routine technical rulemaking following adoption of the emergency rule. It also provides that subsequent amendments to the rule are major substantive rules. Under current law, Public Law 2007, chapter 569, subsection 7, the rule is a major substantive rule.

Enacted Law Summary

Resolve 2011, chapter 149 requires the Department of Environmental Protection to adopt an emergency rule to allow aboveground oil storage tanks used to supply diesel fuel to be located in excavations for borrow, clay, topsoil or silt and quarries that are in significant sand and gravel aquifers. It provides that the emergency rule is a routine technical rule and provides for nonemergency routine technical rulemaking following adoption of the emergency rule. It also provides that subsequent amendments to the rule are major substantive rules. Under current law, Public Law 2007, chapter 569, subsection 7, the rule is a major substantive rule.

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Resolve 2011, chapter 149 was finally passed as an emergency measure effective April 6, 2012.

**LD 1853 An Act To Improve Environmental Oversight and Streamline
Permitting for Metallic Mineral Mining in Maine**

PUBLIC 653

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J JACKSON	OTP-AM MAJ ONTP MIN	H-940

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to create a comprehensive statutory framework to replace current mining law and rules and to establish the Department of Environmental Protection as the agency responsible for permitting and regulating the development, operation and closure of metallic mining in the State.

Committee Amendment "A" (H-940)

This amendment is the majority report of the Joint Standing Committee on Environment and Natural Resources and replaces the bill, which is a concept draft. The amendment creates a statutory framework for the regulation of metallic mineral mining in the State by the Department of Environmental Protection. Under current law, metallic mineral mining in the unorganized territories is regulated by the Maine Land Use Regulation Commission. Under the amendment, beginning in January 2014, regulation of metallic mineral mining is no longer regulated under the site location of development laws but is regulated under the Maine Metallic Mineral Mining Act. Existing Maine Land Use Regulation Commission and Department of Environmental Protection rules relating to metallic mineral mining remain in effect until the Legislature approves major substantive rules provisionally adopted by the Department of Environmental Protection, except that the Department of Environmental Protection and the Maine Land Use Regulation Commission are directed to amend their rules regarding exploration and advanced exploration through routine technical rulemaking. The amendment transfers \$250,000 from the Uncontrolled Sites Fund and \$250,000 from the Ground Water Oil Clean-up Fund to the Metallic Mining Fund, Other Special Revenue Funds account.

Enacted Law Summary

Public Law 2011, chapter 653 creates a statutory framework for the regulation of metallic mineral mining in the State by the Department of Environmental Protection. Under current law, metallic mineral mining in the unorganized territories is regulated by the Maine Land Use Regulation Commission. Beginning in January 2014, regulation of metallic mineral mining is no longer regulated under the site location of development laws but is regulated under the Maine Metallic Mineral Mining Act. Existing Maine Land Use Regulation Commission and Department of Environmental Protection rules relating to metallic mineral mining remain in effect until the Legislature approves major substantive rules provisionally adopted by the Department of Environmental Protection, except that the Department of Environmental Protection and the Maine Land Use Regulation Commission are directed to amend their rules regarding exploration and advanced exploration through routine technical rulemaking. The amendment transfers \$250,000 from the Uncontrolled Sites Fund and \$250,000 from the Ground Water Oil Clean-up Fund to the Metallic Mining Fund, Other Special Revenue Funds account.

Joint Standing Committee on Environment and Natural Resources

**LD 1911 Resolve, Authorizing the Executive Department To Facilitate the
Closure of the Maine Energy Recovery Company Facility in Biddeford
by Negotiating the Transfer of the Juniper Ridge Landfill and
Requiring Other Actions To Improve Recycling**

INDEF PP

Sponsor(s)

Committee Report

Amendments Adopted

HOBBS

This resolve authorizes the State to take action to facilitate the transfer of the Maine Energy Recovery Company facility to the City of Biddeford and the closure of this facility. It also authorizes the State to transfer the ownership and licenses of the Juniper Ridge Landfill in the City of Old Town to Casella Waste Systems, Inc. It specifies requirements that must be met before the Maine Energy Recovery Company facility may be closed, one of which is the transfer of the Juniper Ridge Landfill to Casella Waste Systems, Inc..

Joint Standing Committee on Environment and Natural Resources

SUBJECT INDEX

Biomedical Waste

Not Enacted

LD 1646 **An Act To Facilitate the Use of Alternative Methods for
Biomedical Waste Treatment and Disposal** **ONTP**

Department of Environmental Protection

Enacted

LD 1738 **An Act To Make Minor Adjustments to Laws Administered by
the Department of Environmental Protection** **PUBLIC 538**

Excavation

Enacted

LD 1794 **Resolve, Regarding Legislative Review of Portions of Chapter
378: Variance Criteria for the Excavation of Rock, Borrow,
Topsoil, Clay or Silt and Performance Standards for the Storage
of Petroleum Products, a Major Substantive Rule of the
Department of Environmental Protection** **RESOLVE 139
EMERGENCY**

LD 1846 **Resolve, Directing the Department of Environmental Protection
To Adopt Rules Pertaining to Petroleum Storage and Gravel Pits** **RESOLVE 149
EMERGENCY**

Hydropower

Not Enacted

LD 1686 **An Act To Amend the Process for Issuing State Water Quality
Certificates to Hydropower Projects That Withdraw Water from
Great Ponds** **ONTP**

LD 1718 **An Act To Improve Maine's Capacity To Produce Low-cost
Renewable Energy through Hydroelectric Power** **MAJORITY
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Metallic Mineral Mining

Enacted

LD 1853 **An Act To Improve Environmental Oversight and Streamline
Permitting for Metallic Mineral Mining in Maine** **PUBLIC 653**

Natural Resources Protection Act

Enacted

LD 1797	Resolve, Regarding Legislative Review of Portions of Chapter 305: Permit by Rule, a Major Substantive Rule of the Department of Environmental Protection	RESOLVE 140 EMERGENCY
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Site Location of Development

Enacted

LD 1648	An Act To Clarify the Site Location of Development Laws Regarding Exemptions for Previously Developed Sites	PUBLIC 551
LD 1793	Resolve, Regarding Legislative Review of Portions of Chapter 375: No Adverse Environmental Effect Standard of the Site Location Law, a Major Substantive Rule of the Department of Environmental Protection	RESOLVE 131 EMERGENCY

Solid Waste

Enacted

LD 693	An Act Concerning Solid Waste Facility Citizen Advisory Committees	PUBLIC 543
LD 879	An Act To Ensure Adequate Landfill Capacity in the State for Solid Waste	PUBLIC 566
LD 1278	An Act To Stabilize Solid Waste Management Funding	PUBLIC 544

Not Enacted

LD 1458	An Act To Transfer Recycling Technical Assistance and Solid Waste Policy Responsibilities from the State Planning Office to the Department of Environmental Protection	ONTP
LD 1683	An Act To Provide Funding To Operate the Dolby Landfill in the Town of East Millinocket	DIED ON ADJOURNMENT
LD 1911	Resolve, Authorizing the Executive Department To Facilitate the Closure of the Maine Energy Recovery Company Facility in Biddeford by Negotiating the Transfer of the Juniper Ridge Landfill and Requiring Other Actions To Improve Recycling	INDEF PP

Waste

Not Enacted

LD 1412	An Act To Promote the Proper Disposal of Used Medical Sharps	ONTP
LD 1763	An Act To Reduce Open Burning in Neighborhoods	MAJORITY (ONTP) REPORT

Water Quality

Enacted

**LD 1768 An Act To Improve the Department of Environmental
Protection's Annual Waste Discharge License Fee System**

**PUBLIC 546
EMERGENCY**

Not Enacted

**LD 781 An Act To Establish Flushability Standards for Consumer
Products Advertised as Flushable**

**MAJORITY
(ONTP) REPORT**

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