



JANET T. MILLS
GOVERNOR



GERALD D. REID
COMMISSIONER

To: Board of Environmental Protection

From: Paula Clark, Bureau of Remediation and Waste Management

Date: March 5, 2020

Re: Chapter 400, Maine Solid Waste Management Rules: General Provisions

On January 13, 2020, the Department received a citizen petition to initiate rulemaking pursuant to 5 M.R.S. § 8055. The petition was submitted by Hillary Lister of Maine Matters and included the certified signatures of 257 registered voters. The petition proposes to amend the Chapter 400, Maine Solid Waste Management Rules: General Provisions, to:

“clarify requirements for Public Benefit Determinations relating to approval of waste facilities, by ensuring that the definition of “waste that is generated within the State” accurately describes the sources of waste materials disposed in the State, and by requiring Public Benefit Determinations to include consideration of the impacts on health and welfare, environmental justice and equal protections for communities where waste facilities operate.”

The petition makes specific proposals to accomplish this objective, as detailed in the petition that is included with this memo. The Department has also prepared a draft of Chapter 400 incorporating the proposed amendments. The changes appear on pages 6, 21 47 and 48 of the draft.

Regulatory Framework:

General statutory authority for Chapter 400 is provided by 38 M.R.S. §§ 341-D(1-B), 1304(1,1-B, 13 & 13-A), 1310-N(9) and 1301 et seq.

Requested Action:

The proposal is a routine technical rulemaking. The Department recommends that the amendments proposed in the petition be posted to public hearing.

Estimated time of agenda item:

20 minutes

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