

Rule-Making Fact Sheet

(5 MRSA §8057-A)

AGENCY: Department of Environmental Protection

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CHAPTER NUMBER AND RULE TITLE: Chapter 400: Maine Solid Waste Management Rules

STATUTORY AUTHORITY: 38 M.R.S. §§ 341-D(1-B), 1304(1,1-B, 13 & 13-A), 1310-N(9) and 1301 et seq.

DATE AND PLACE OF PUBLIC HEARING: Due to the COVID-19 state of emergency, the Board has not yet scheduled a public hearing on this matter but will be accepting written public comments on the draft proposal for the record. A public hearing will be scheduled as soon as the situation allows. Additional public notice will be provided in advance of the public hearing as required by the Maine Administrative Procedures Act.

COMMENT DEADLINE: Not yet determined.

PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE:

On January 13, 2020, the Department received a citizen petition to initiate rulemaking to amend the Chapter 400: Maine Solid Waste Management Rules 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 Department is posting the proposed changes to public hearing pursuant to 5 M.R.S. § 8055.

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE? NO

ANALYSIS AND EXPECTED OPERATION OF THE RULE:

The proposed amendments to Chapter 400 would be implemented through the existing solid waste licensing program.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE

The rulemaking proposal was initiated by citizen petition.

ESTIMATED FISCAL IMPACT OF THE RULE: Due to the nature of this proposal as a citizen petition it is difficult to determine the potential fiscal impact of the proposal. At this time the

Department does not anticipate a significant fiscal impact but this is subject to change after further information is gained through the public comment process.

FOR EXISTING RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:
[see §8057-A(2)(A)]

INDIVIDUALS, MAJOR INTEREST GROUPS AND TYPES OF BUSINESSES AFFECTED
AND HOW THEY WILL BE AFFECTED: [see §8057-A(2)(B)]

BENEFITS OF THE RULE: [see §8057-A(2)(C)]

Note: If necessary, additional pages may be used.