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STATE OF MAINE PETITION TO REQUIRE AGENCY RULEMAKING

We, the qualified voters of the State of Maine, whose signatures are appended to the attached petitions, hereby petition the

Department of Environmental Protection pursuant to 5 M.R.S.A., Section 8055 to: (Check one)
(Name of Agency)

 Adopt a New Rule x Modify Chapter 400 , Sec. 1 and 5 Repeal chapter , Sec.

The proposed change would (summarize content and impact of proposal):* 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 text of the new or modified rule would read:* See attached page

*Use additional page(s), if necessary

For the purposes of communication with the agency concerning this petition, the petitioners designate as their representative the following individual:

Hillary Lister
(Name)

16 Chapel St. Augusta, ME 04330
(Mailing Address)

(207) 314-4692
(Telephone Number)

STATE OF MAINE
PETITION TO REQUIRE AGENCY RULEMAKING (page 2)

Petition to modify Department of Environmental Protection, Chapter 400 Maine Solid Waste Management Rules.

The text of the modified rule would read:

Section 1. Definitions. [...]

HHhh-1. Waste That Is Generated Within The State. "Waste that is generated within the State" means waste materials for which the original point of discard is located within the State of Maine. "Waste that is generated within the State" includes residue and bypass generated by incineration, processing and recycling facilities within the State, only if the materials creating the residue and bypass had an original point of discard within the State of Maine.

TT-1. Equal Protection. "Equal Protection" means protection of all groups of people, regardless of ancestry, class, disability, ethnicity, income, national origin, or religion, from an unfair burden of environmental hazards resulting from waste facility operations.

TT-2. Environmental Justice. "Environmental Justice" means the right to be protected from environmental pollution and to live in and enjoy a clean and healthful environment regardless of ancestry, class, disability, ethnicity, income, national origin, or religion. Environmental justice shall include the equal protection and meaningful involvement of all people with respect to the development, implementation, and enforcement of waste management laws, regulations, and licensing decisions.

Section 5. Public Benefit Determination. [...]

C. State-owned Solid Waste Disposal Facilities. The following provisions apply to solid waste disposal facilities owned by the State:

- (1) [...] Acceptance by Publicly Owned Solid Waste Landfills of Waste Generated Out-of-State. A facility is subject to this section if it is a solid waste landfill that is not a commercial solid waste disposal facility pursuant to 38 M.R.S. §1303-C(6)(A-2, B-2 or C-2). ~~For purposes of this section and pursuant to 38 M.R.S. §1310-AA, "waste that is generated within the State" includes residue and bypass generated by incineration, processing and recycling facilities within the State; waste whether generated within the State or outside of the State used for daily cover, frost protection or stability in accordance with all applicable rules and licenses; and waste generated within 30 miles of the solid waste disposal facility.~~

[...] E. Standards for public benefit determination. The Commissioner shall find that a proposed solid waste disposal facility or expansion that is subject to the provisions of this section provides a substantial public benefit if it meets the following standards: [...]

(5) The facility operation is not inconsistent with protecting the health and welfare of local communities and is not inconsistent with ensuring equal protection and environmental justice for communities where the waste facility is proposed or operating.