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Date: (Filing No. H-)

ENVIRONMENT AND NATURAL RESOURCES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 937, L.D. 1278, Bill, “An Act To Stabilize Solid Waste Management Funding”

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 38 MRSA §2201, 3rd ¶, as amended by PL 2005, c. 618, §21, is further amended to read:

Funds related to administration may be expended only in accordance with allocations approved by the Legislature for administrative expenses directly related to the office's and the department's programs, including actions by the department necessary to abate threats to public health, safety and welfare posed by the disposal of solid waste. Funds related to fees imposed on the disposal of construction and demolition debris and residue from the processing of construction and demolition debris may be expended only for the state cost share to municipalities under the closure and remediation cost-sharing program for solid waste landfills established in section 1310-F. Funds related to operations may be expended only in accordance with allocations approved by the Legislature and solely for the development and operation of publicly owned facilities owned or approved by the office and for the repayment of any obligations of the office incurred under article 3. These allocations must be based on estimates of the actual costs necessary for the office and the department to administer their programs, to provide financial assistance to regional associations and to provide other financial assistance necessary to accomplish the purposes of this chapter. Beginning in the fiscal year ending on June 30, 1991 and thereafter, the fund must annually transfer to the General Fund an amount necessary to reimburse the costs of the Bureau of Revenue Services incurred in the administration of Title 36, chapter 719. Allowable expenditures include "Personal Services," "All Other" and "Capital Expenditures" associated with all office activities other than those included in the operations account.

Sec. 2. 38 MRSA §2202, sub-§2, as enacted by PL 1989, c. 585, Pt. A, §7, is repealed.

COMMITTEE AMENDMENT

1 **Sec. 3. 38 MRSA §2203-A**, as amended by PL 1999, c. 564, §1, is further
2 amended to read:

3 **§2203-A. Waste handling fees**

4 **1. Fees.** Fees are imposed in the following amounts to be levied for solid waste that
5 is disposed of at commercial, municipal, state-owned and regional association landfills.

6		
7	Asbestos	\$5 per cubic yard
8		
9	Oil-contaminated soil, gravel, brick,	\$25 per ton
10	concrete and other aggregate	
11		
12	Waste water facility sludge	\$5 per ton
13		
14	Ash, coal and oil	\$5 per ton
15		
16	Paper mill sludge	\$5 per ton
17		
18	Industrial waste	\$5 per ton
19		
20	Sandblast grit	\$5 per ton
21		
22	All other special waste	\$5 per ton
23		
24	Municipal solid waste ash	\$1 per ton
25		
26	Front end process residue (FEPR)	\$1 per ton
27		
28	<u>Beginning January 1, 2013 and ending</u>	<u>\$1 per ton</u>
29	<u>December 31, 2013, construction and</u>	
30	<u>demolition debris and residue from the</u>	
31	<u>processing of construction and demolition</u>	
32	<u>debris</u>	
33		
34	<u>Beginning January 1, 2014, construction</u>	<u>\$2 per ton</u>
35	<u>and demolition debris and residue from the</u>	
36	<u>processing of construction and demolition</u>	
37	<u>debris</u>	

38 **2. Exceptions.** Notwithstanding subsection 1:

39 A. A municipal or regional association landfill that has accepted 12,000 tons or more
40 of special waste, other than municipal solid waste ash, asbestos and oil-contaminated
41 soil, gravel, brick, concrete and other aggregate, in calendar year 1998 shall continue
42 to pay \$2 per ton to the department for those categories of waste accepted in that
43 calendar year;

1 B. A municipal or regional association landfill shall continue to pay \$2 per ton to the
2 department on all categories of special waste other than municipal solid waste ash,
3 asbestos and oil-contaminated soil, gravel, brick, concrete and other aggregate that
4 was generated by the municipality or regional association and accepted for disposal
5 in its landfill in calendar year 1998; ~~and~~

6 C. A municipal or regional association landfill that has accepted 550 tons or more of
7 oil-contaminated soil, gravel, brick, concrete and other aggregate in calendar year
8 1998 shall pay \$5 per ton for that category of waste; and

9 D. A fee may not be imposed under this section on construction and demolition
10 debris or residue from the processing of construction and demolition debris disposed
11 of at a municipal or regional association landfill that is less than 6 acres in size and
12 accepts only inert fill, construction and demolition debris, debris from land clearing
13 and wood wastes.'

14 **SUMMARY**

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