

# Determination of Public Benefit

The Commissioner of Maine Department of Environmental Protection must determine there is a substantial public benefit from new or additional landfill capacity before a company may submit an application for a license to build a new or expanded facility.

## What types of projects receive a determination of public benefit?

To receive a determination of public benefit from the Commissioner, the applicant must demonstrate that:

- the proposed facility meets immediate (within the next 3 years), short term (within the next 5 years), or long term (within the next 10 years) capacity needs of the State;
- the proposed facility is consistent with the state solid waste management hierarchy;
- the proposed facility is not inconsistent with local, regional, or state waste collection, storage, transportation, processing, or disposal; and
- (only if the facility proposes to accept waste not generated in the State of Maine) that operation of the facility would be precluded or significantly impaired if the waste is not accepted.

## How does the DEP determine public benefit?

Under State law the DEP Commissioner considers the application and supporting documents, the State plan, other relevant written information and public comments made to the Department at the mandatory public meeting and during application processing.

State law does not allow the Board of Environmental Protection to assume jurisdiction for this type of application, although the Commissioner's decision may be appealed to the Board.



## Public Comment Opportunities

Maine Law provides opportunities for public comment on public benefit determination applications. They include:

- Written comments are accepted until the Commissioner makes a determination; and
- The Commissioner will hold a public meeting in the area of the proposed activity to take public comments.

All comments submitted, either in writing or at the public meeting, will be considered in making the determination.

## When is the public meeting?

The Department is required by law to hold a public meeting. Once the meeting is scheduled, the DEP will announce the date and time:

- To the project's list of interested parties; and
- On the project's webpage on the DEP website.

To join the list of interested parties, contact Karen Knuuti by phone at (207) 941-4561 or by e-mail at [karen.knuuti@maine.gov](mailto:karen.knuuti@maine.gov).

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## *Municipal Review Committee, Inc. (MRC)*

### **Municipal Review Committee, Inc.**

#### **Application**

Municipal Review Committee, Inc. (MRC) has submitted an application to the Maine Department of Environmental Protection for a Determination of Public Benefit for a new secure landfill as part of an integrated solid waste management facility. The new facility would be located in either Argyle or Greenbush, Maine.

Under State Law, the Commissioner must make a determination that the proposed landfill would provide a substantial public benefit before a company may submit an application for a license to build a new disposal facility.

#### **How does the State prioritize solid waste management?**

State law requires use of the following order of priority as a guiding principle in making solid waste management decisions:

- Reduction at the source (amount and toxicity);
- Reuse of waste;
- Recycling of waste;
- Composting of biodegradable waste;
- Processing that reduces the volume needing land disposal (including incineration); and
- Land disposal of waste.

#### **Can I see the application?**

Yes, the Department has created a webpage specifically for this project at <http://maine.gov/dep/waste/mrc/index.html>. All pertinent materials will be posted to the webpage. You may also view the application at DEP's Eastern Maine Regional Office. Please schedule an appointment.

#### **Is LUPC involved?**

DEP is the agency that determines public benefit for a new or expanded solid waste disposal facility. Zoning for the Argyle Township site would be addressed by LUPC.

#### **I have a concern with the sites MRC has identified for a potential landfill. Can I submit comments now?**

The Commissioner must first determine if there is a public benefit. The application before the DEP at this time does not encompass site-specific issues. Those issues would be considered later, if an application to construct a landfill is submitted.

#### **Can I ask the DEP for a moratorium for this project?**

The Department does not have the statutory authority to do this. State law (38 M.R.S.A. Section 344) requires the Department to process applications it receives.

### **Questions or comments?**

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