

From: Carson, Brownie <Brownie.Carson@legislature.maine.gov>
Sent: Thursday, August 27, 2020 10:03 PM
To: Mark.margerum@maine.gov
Cc: Tucker, Ralph; Reid, Jerry; Foley, Robert; Campbell, Richard
Subject: Fw: Maine Solid Waste Management Rules
Attachments: Ch 400 Fact-Sheet.doc; 096c400 Petition DRAFT.doc

Dear Mark,

I scanned the proposed changes, and like the inclusion of language regarding environmental justice.

One question: On page 45, at E.5, Standards for public benefit determination, the language is curious--not affirmative, but a "double negative." Proposed language states that the facility operation is "not inconsistent..." with two important objectives.

1. 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.

In addition to being a poorly drafted statement (i.e., use of a double negative), it leaves too much wiggle room to the reviewer/reviewing agency in the determination of whether there is a true public benefit.

I don't understand the double negative, and find it definitively weaker than simply stating affirmatively that "facility operation shall be consistent with protecting...and ensuring equal protection and environmental justice...."

Let's clarify, and use the stronger, simpler, clearer statement. If I am missing something, please provide an explanation.

Thank you,
Brownie Carson

State Senator Brownie Carson

Representing Brunswick, Freeport, Harpswell, North Yarmouth, and Pownal (Maine Senate District 24)

Please be advised that any information sent to me in my capacity as a legislator may become a matter of public record as indicated in the Maine Freedom of Access Act <https://www.maine.gov/foaa/index.htm>

From: Langlin, Steven
Sent: Tuesday, August 25, 2020 11:32 AM
To: Legislature: Committee on Environment and Natural Resources
Cc: HylanBarr, Marion; Clark, Jon; Nolan, Christopher
Subject: Maine Solid Waste Management Rules

MAINE STATE LEGISLATURE
OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

TO: Members of the Joint Standing Committee on Environment and Natural Resources

FROM: Grant T. Pennoyer, Executive Director of the Legislative Council

DATE: Tuesday, August 25, 2020

SUBJECT: Notice of Proposed Agency Rulemaking

Pursuant to 5 MRSA, § 8053-A, I am enclosing a Notice of Proposed Agency Rulemaking that we have received from the Department of Environmental Protection, regarding proposed changes in rules as follows:

- Chapter 400: Maine Solid Waste Management Rules

Your questions or comments about these rules should be addressed to:

Mark Margerum, Rule-Making Liaison

Department of Environmental Protection - Solid Waste Management

17 State House Station

Augusta, ME 04333

(207) 287-7842

Please contact the Executive Director's office if you have any questions about the general procedure for reviewing proposed rules. Agency rulemaking notices and regulatory agendas filed with the Legislature may be found at [the Legislature website](#). See 'Agency Rulemaking Notices'.

cc: Marion Hylan Barr, Director, Office of Policy and Legal Analysis

Christopher Nolan, Director, Office of Fiscal and Program Review