

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-TWO

—
H.P. 1417 - L.D. 1911

An Act To Prevent the Further Contamination of the Soils and Waters of the State with So-called Forever Chemicals

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 38 MRSA §413, sub-§12 is enacted to read:

12. Sampling for perfluoroalkyl and polyfluoroalkyl substances. Notwithstanding section 414-A or any other provision of law to the contrary, the department by written notification may require a person licensed by the department to discharge wastewater to groundwater or any waters of the State to sample the effluent discharged for perfluoroalkyl and polyfluoroalkyl substances and to report the sample data to the department. Upon receipt of the written notification and as directed by the department, the person shall conduct the required sampling of the effluent for perfluoroalkyl and polyfluoroalkyl substances and report the sample data to the department.

As used in this subsection, "perfluoroalkyl and polyfluoroalkyl substances" has the same meaning as in Title 32, section 1732, subsection 5-A.

Sec. 2. 38 MRSA §1304, sub-§20 is enacted to read:

20. Land application of septage; prohibitions. Notwithstanding any provision of law to the contrary:

A. The department may not issue a new license or permit authorizing a person to apply or spread septage at any location in the State; and

B. A person licensed or permitted by the department to apply or spread septage at one or more locations in the State may not apply septage at a location authorized under that license or permit if the department provides to the person a written determination that, based on testing conducted at or in close proximity to the location, the department has determined that the concentration of perfluoroalkyl and polyfluoroalkyl substances in groundwater at that location or in drinking water sources in close proximity to that location exceeds the applicable drinking water standard for perfluoroalkyl and polyfluoroalkyl substances.

As used in this subsection, "perfluoroalkyl and polyfluoroalkyl substances" has the same meaning as in Title 32, section 1732, subsection 5-A.

Sec. 3. 38 MRSA §1305, sub-§7, as enacted by PL 1983, c. 726, §2, is repealed.

Sec. 4. 38 MRSA §1306, sub-§2, as amended by PL 1985, c. 612, §19, is repealed.

Sec. 5. 38 MRSA §1306, sub-§7 is enacted to read:

7. Prohibitions on land application of sludge and sale and distribution of compost and other agricultural products and materials containing sludge and septage. This subsection governs the land application of sludge and the sale and distribution of compost and other agricultural products and materials containing sludge and septage.

A. Notwithstanding any provision of law to the contrary, except as provided in paragraph B, a person may not:

(1) Apply to or spread on any land in the State:

(a) Sludge generated from a municipal, commercial or industrial wastewater treatment plant;

(b) Compost material that included in its production sludge generated from a municipal, commercial or industrial wastewater treatment plant or septage; or

(c) Any other product or material that is intended for use as a fertilizer, soil amendment, topsoil replacement or mulch or for other similar agricultural purpose that is derived from or contains sludge generated from a municipal, commercial or industrial wastewater treatment plant or septage; or

(2) Sell or distribute in the State:

(a) Compost material that included in its production sludge generated from a municipal, commercial or industrial wastewater treatment plant or septage; or

(b) Any other product or material that is intended for use as a fertilizer, soil amendment, topsoil replacement or mulch or for other similar agricultural purpose that is derived from or contains sludge generated from a municipal, commercial or industrial wastewater treatment plant or septage.

B. The prohibitions in paragraph A do not apply to:

(1) The disposal or placement at a solid waste landfill of any of the materials that are prohibited from application, spreading, sale or distribution by this subsection;

(2) The land application of or the sale or distribution of compost material or other agricultural product or material derived from or containing residuals generated as a result of the processing or cultivation of food, food waste, crops or vegetative material, the brewing of malt liquor, the fermenting of wine or hard cider or the distilling of spirits, including, but not limited to, blueberries, apples, grapes, potatoes, seaweed, fish and seafood and spent grain or malt, provided that such residuals are not mixed with sludge from a municipal, commercial or industrial wastewater treatment plant, septage, sewage or sanitary wastewater prior to or during land application or the production of the compost material or other agricultural product or material; or

(3) The land application of or the sale or distribution of compost material or other agricultural product or material derived from or containing sludge resulting from the production of precipitated calcium carbonate.

Sec. 6. 38 MRSA §1310-B-1, sub-§2, ¶A, as enacted by PL 2021, c. 478, §1, is amended to read:

A. The fund is ~~funded by the fee under subsection 3 and any~~ may accept revenue from any source, public or private ~~funds~~, that may be available for carrying out the purposes of the fund. The department shall deposit with the Treasurer of State to the credit of the fund money in the fund not currently needed by the department to carry out the purposes of the fund, which may be invested as provided by law. Interest earned on investment of money under this paragraph must be credited to the fund.

Sec. 7. 38 MRSA §1310-B-1, sub-§3, as enacted by PL 2021, c. 478, §1, is repealed.

Sec. 8. 38 MRSA §1310-B-1, sub-§4, as enacted by PL 2021, c. 478, §1, is amended to read:

4. Rules. The board ~~shall~~ may adopt rules necessary for the administration of the fund and any underlying program or purpose under or funded by the fund ~~and for the assessment and collection of the fee under subsection 3~~. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 9. PL 2021, c. 478, §2, sub-§4 is repealed.

Sec. 10. Department of Environmental Protection to develop plan to prohibit land application of septage; report. The Department of Environmental Protection shall study methods of and develop a plan for prohibiting the land application of septage in the State. The plan must include, but is not limited to, identification of the available capacity at wastewater treatment plants or other treatment or disposal facilities in the State or regionally to manage the septage that is currently land applied in the State, determination of the capacity anticipated to be necessary to manage that septage if land application is prohibited in the State, development of recommendations for supporting and funding the development of such additional management capacity if necessary and development of recommendations concerning a framework and appropriate time frame for prohibiting the land application of septage in the State.

On or before January 15, 2023, the department shall submit to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters a report containing its findings and recommendations, including any suggested legislation, resulting from the study under this section. After receiving the report, the joint standing committee may report out legislation to implement any such recommendations.

As used in this section, "septage" has the same meaning as in the Maine Revised Statutes, Title 38, section 1303-C, subsection 27.

Sec. 11. Appropriations and allocations. The following appropriations and allocations are made.

**ENVIRONMENTAL PROTECTION, DEPARTMENT OF
Land Application Contaminant Monitoring Fund N385**

Initiative: Provides deallocation as a result of the repeal of the septage and sludge handling fee.

| OTHER SPECIAL REVENUE FUNDS | 2021-22 | 2022-23 |
|------------------------------------|----------------|----------------|
|------------------------------------|----------------|----------------|

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|-----------------------------------|----------------------|----------------------|
| All Other | (\$1,799,500) | (\$3,599,500) |
| OTHER SPECIAL REVENUE FUNDS TOTAL | <u>(\$1,799,500)</u> | <u>(\$3,599,500)</u> |