ENVIRONMENT AND NATURAL RESOURCES

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STATE OF MAINE
SENATE
131ST LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “      ” to S.P. 276, L.D. 718, “An Act to Increase the Beneficial Reuse of Construction and Demolition Debris”

Amend the bill by striking out the title and substituting the following:

'An Act to Facilitate the Management of Wastewater Treatment Plant Sludge at the State-owned Juniper Ridge Landfill'

Amend the bill by inserting after the title and before the enacting clause the following:

'*Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, following the enactment of changes to the waste management laws under Public Law 2021, chapter 626, the operator of the state-owned Juniper Ridge Landfill implemented limitations on the amount of sludge accepted for landfilling and imposed additional and significant transportation and other sludge-management related costs on municipal and quasi-municipal customers; and

Whereas, implementation of the provisions in this legislation facilitates the landfilling of additional sludge amounts at the state-owned landfill by providing additional sludge bulking and stabilization material; and

Whereas, as memorialized in a written pledge dated May 16, 2023 from the operator of the state-owned landfill and provided to the Joint Standing Committee on Environment and Natural Resources, the landfilling of those additional sludge amounts, as facilitated in this legislation, will eliminate the additional transportation and sludge-management related costs the operator has imposed on municipal and quasi-municipal customers as a result of the enactment of Public Law 2021, chapter 626; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'
Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 38 MRSA §1310-N, sub-§5-A, ¶B, as amended by PL 2021, c. 626, §2, is further amended by amending subparagraph (2) to read:

(2) A solid waste processing facility that generates residue requiring disposal shall recycle or process into fuel for combustion all waste accepted at the facility to the maximum extent practicable, but in no case at a rate less than 50%. For purposes of this subsection, "recycle" includes, but is not limited to, the reuse of waste generated within the State as defined in section 1303-C, subsection 40-A, paragraph C; the recovery of metals from waste; the use of waste or waste-derived product as material substitutes in construction; and the use of waste as boiler fuel substitutes.

At least 50% of the waste that a solid waste processing facility characterizes as recycled under this subparagraph must have been reused or recycled by the facility through methods other than placement of the waste in a solid waste landfill, except that a solid waste processing facility that was in operation during calendar year 2018, that accepts exclusively construction and demolition debris and that accepted more than 200,000 tons of such debris in calendar year 2018 shall:

(a) Reuse or recycle at least 15% of such debris through methods other than placement in a solid waste landfill by January 1, 2022 July 1, 2024;

(b) Reuse or recycle at least 20% of such debris through methods other than placement in a solid waste landfill by January 1, 2023 July 1, 2025;

(c) Reuse or recycle at least 30% of such debris through methods other than placement in a solid waste landfill by January 1, 2024 July 1, 2026;

(d) Reuse or recycle at least 40% of such debris through methods other than placement in a solid waste landfill by January 1, 2025 July 1, 2027; and

(e) Reuse or recycle at least 50% of such debris through methods other than placement in a solid waste landfill by January 1, 2026 July 1, 2028.

Sec. 2. Temporary allowance for disposal or placement of oversized bulky waste in landfill. Notwithstanding any provision of the Maine Revised Statutes, Title 38, section 1303-C, subsection 40-A to the contrary, for the period beginning on the effective date of this Act and ending July 1, 2025:

1. If in any 12-month period the total weight of the residue generated by a solid waste processing facility and disposed of or otherwise placed in a solid waste landfill exceeds the total weight of the solid waste initially generated within the State that was processed by the facility in that 12-month period, such excess residue, not to exceed 25,000 tons in that 12-month period, is deemed to be waste generated within the State within the meaning of Title 38, section 1303-C, subsection 40-A as long as:

A. That excess residue is composed of oversized bulky waste and is disposed of or otherwise placed in a state-owned solid waste landfill; and

B. At the beginning of any 12-month period during which that excess residue is to be disposed of or otherwise placed in a state-owned solid waste landfill and prior to
accepting any such excess residue, the operator of the landfill submits to the department
documentation demonstrating its inability:

1. To safely stabilize all wastewater treatment plant sludge it is contracted to
accept during the 12-month period without that excess residue;

2. To obtain similar sludge stabilization materials in similar amounts from other
sources in the State; and

3. For operational or engineering reasons, to use alternative available sludge
stabilization materials from other sources in the State to safely stabilize that sludge.

The documentation required must include, but is not limited to, engineering reports
regarding landfill stability. After reviewing the submitted documentation, the
department shall issue a written determination authorizing or denying the disposal or
placement of the excess residue in the landfill; and

2. Any excess residue, other than the excess residue identified in subsection 1,
generated by the facility in that 12-month period is deemed not to be waste generated within
the State within the meaning of Title 38, section 1303-C, subsection 40-A.

As used in this section, "oversized bulky waste" means large items of solid waste that
are residue from processing construction and demolition debris, including, but not limited
to, household appliances, furniture and mattresses.

Sec. 3. Sludge management and landfill study. The Department of
Environmental Protection, in consultation with the Public Utilities Commission, shall
evaluate options for and develop recommendations regarding state regulation of the
transportation, landfill disposal and other management of sludge generated from
wastewater treatment plants as the activities of a public utility and regarding state
regulation of the operation of state-owned solid waste landfills as a public utility. On or
before January 15, 2024, the department shall submit a report outlining the results of the
study and recommendations, including any proposed legislation, to the Joint Standing
Committee on Environment and Natural Resources. After reviewing the report, the
committee may report out legislation relating to the report to the Second Regular Session
of the 131st Legislature.

Sec. 4. Appropriations and allocations. The following appropriations and
allocations are made.

ENVIRONMENTAL PROTECTION, DEPARTMENT OF
Remediation and Waste Management 0247

Initiative: Allocates funding for grants to municipalities for the costs of landfill closure and
remediation.

<table>
<thead>
<tr>
<th>OTHER SPECIAL REVENUE FUNDS</th>
<th>2023-24</th>
<th>2024-25</th>
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<tbody>
<tr>
<td>All Other</td>
<td>$375,000</td>
<td>$375,000</td>
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| OTHER SPECIAL REVENUE FUNDS TOTAL    | $375,000| $375,000|

Sec. 5. Retroactivity. That section of this Act that amends the Maine Revised
Statutes, Title 38, section 1310-N, subsection 5-A, paragraph B, subparagraph (2) applies
retroactively to December 31, 2021.
Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment, which is the minority report of the committee, changes the title of and replaces the bill, which is a concept draft. It amends the law regarding the reuse or recycling of construction and demolition debris by certain solid waste processing facilities that were in operation during calendar year 2018 and accept exclusively construction and demolition debris by extending the dates by which such facilities must reuse or recycle a certain percentage of such debris through methods other than placement in a solid waste landfill. The amendment makes those changes in effective dates retroactive to December 31, 2021.

It provides that for the period beginning on the effective date of the Act and ending July 1, 2025, if in any 12-month period the total weight of the residue generated by a solid waste processing facility and disposed of or otherwise placed in a solid waste landfill exceeds the total weight of the solid waste initially generated within the State that was processed by the facility in that 12-month period, such excess residue, not to exceed 25,000 tons in that 12-month period, is deemed to be waste generated within the State within the meaning of the Maine Revised Statutes, Title 38, section 1303-C, subsection 40-A as long as that excess residue is composed of oversized bulky waste, is disposed of or otherwise placed in a state-owned solid waste landfill and is authorized by the Department of Environmental Protection following the submission of certain documentation by the landfill operator. Any other excess residue generated by the facility in that 12-month period is deemed not to be waste generated within the State.

It also directs the Department of Environmental Protection, in consultation with the Public Utilities Commission, to evaluate options for and develop recommendations regarding state regulation of the transportation, landfill disposal and other management of sludge generated from wastewater treatment plants as the activities of a public utility and regarding state regulation of the operation of state-owned solid waste landfills as a public utility. On or before January 15, 2024, the department is required to submit a report outlining the results of the study and recommendations, including any proposed legislation, to the Joint Standing Committee on Environment and Natural Resources. After reviewing the report, the committee may report out legislation relating to the report to the Second Regular Session of the 131st Legislature.

FISCAL NOTE REQUIRED

(See attached)