MAINE STATE LEGISLATURE

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1	L.D. 2362
2	(Filing No. H- 535)
3 4 5 6	STATE OF MAINE HOUSE OF REPRESENTATIVES 113TH LEGISLATURE SECOND REGULAR SESSION
7 8 9	HOUSE AMENDMENT " $\hat{\mathcal{H}}$ " to S.P. 907, L.D. 2362, Bill, "AN ACT to Require Testing for Dioxin and Toxic Metals at Energy Recovery Facilities."
10 11	Amend the bill by striking everything after the enacting clause and inserting in its place:
12	'38 MRSA §590-B is enacted to read:
13	§590-B. Testing at resource recovery facilities
14 15 16 17 18 19 20 21	1. Testing; first 2 years of commercial operation. The board shall require testing at each resource recovery facility burning municipal solid waste at least once in every 6-month period during the first 2 years of commercial operation for the presence of dioxin and heavy metals, including, but not limited to, lead, cadmium and chromium in the emissions of the facility. The cost of these tests shall be paid by the applicant or permittee.
23 24 25 26 27 28 29 30	2. Testing after first 2 years of licensure. After the facility has been in operation and licensed for 2 years, the board shall require testing for dioxin and heavy metals, including, but not limited to, lead, cadmium and chromium in the emissions of the facility at a frequency determined by the board by rule. The cost of these tests shall be paid by the applicant or permittee.

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- A. The rules adopted by the board under this section shall establish a system of monitoring the overall air emission performance of these types of facilities employing surrogate measures of combustion efficiency and other parameters which, in the judgment of the board, may affect the creation of dioxin emissions and the emission of heavy metals. The board shall provide for minimum acceptable operating conditions as indicated by the surrogate measures. Failure to achieve and maintain these conditions shall result in testing for dioxin and heavy metals as indicated by the surrogate measures.
- tests required by Scheduling of subsection shall reflect the operating conditions which originally required the testing to ensure the greatest protection of public health and the environment. Seasonal differences in waste stream composition and atmospheric and climatic conditions shall be taken into account in conducting the tests.
- C. The board shall adopt rules under this section on or before January 1, 1989.
- 3. Public and local participation. The municipal officers, or their designees, of the municipality within which the facility is located or, in the case of a facility located within an unorganized territory or plantation, the county commissioners, or their designees, may conduct an independent review of any testing protocol, test results and their interpretations and any standards or assumptions upon which the test protocol or results are based, which items are required by this section.
- The review authorized in this subsection may make use of the services of independent consultants and may include, without limitation, review of the testing protocol, test results and their interpretations and any standards or assumptions upon which the test protocol or results are based. The cost of each such review shall be paid by the applicant or permittee in an amount not to exceed \$1,000 per test.

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4. Authority for further tests. The board shall have the authority to make such further tests for compliance as the board deems necessary and may reinstate a license when tests indicate compliance.'

STATEMENT OF FACT

The purpose of this amendment is to clarify that the requirements of the bill apply only to resource recovery facilities which burn municipal solid waste as fuel. The amendment also modifies the testing requirements for the period following the first 2 years of operation.

The amendment eliminates the arbitrary and rigid testing schedule of the original bill and substitutes a procedure to require testing for dioxin and heavy metals in air emissions only when operating conditions at the facility indicate the need for such testing. For example, combustion efficiency and temperature may correlate with the production and emission of dioxin. These and other similar parameters can be measured and used as indicators of when dioxin testing is appropriate. Similarly, the processing and combustion of certain waste products, such as batteries, may correlate with the emission of certain heavy metals. Sampling of the processed waste stream prior to combustion and of the ash stream following combustion may provide indicators of the need to test air emissions for heavy metals.

The advantage to this approach is that it provides an incentive for the plant operator to maintain the facility as closely as possible to the original design specifications so as to avoid the need for expensive testing and possible closure. Furthermore, the "indicator" parameters can be tracked at lower cost

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and, in some cases, may already be monitored. The Department of Environmental Protection is allowed to exercise its best professional judgment, through rulemaking, to establish the appropriate "indicator" parameters.

J parameters.

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Filed by Rep. Michaud of E. Millinocket
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