

# MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 2362

S.P. 907 In Senate, February 25, 1988  
Approved for Introduction by a Majority of the Legislative  
Council pursuant to Joint Rule 26.

Reference to the Committee on Energy and Natural Resources  
suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator DUTREMBLE of York.

Cosponsored by Representative DUTREMBLE of Biddeford,  
Representative MURPHY of Kennebunk, Senator KERRY of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-EIGHT

1 AN ACT to Require Testing for Dioxin  
2 and Toxic Metals at Energy Recovery Facilities.  
3

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

6 38 MRSA §590-B is enacted to read:

7 §590-B. Testing at resource recovery facilities

1       1. Testing; first 2 years of licensure. The  
2 board shall test each resource recovery facility every  
3 6 months during the first 2 years of operation and  
4 licensure for the presence of dioxin and heavy metals,  
5 including, but not limited to, lead, cadmium and  
6 chromium in the emissions of the facility. The cost  
7 of these tests shall be paid by the applicant or  
8 permittee.

9       2. Testing after first 2 years of licensure.  
10 After the resource recovery facility has been in  
11 operation and licensed for 2 years, the board shall  
12 test for dioxin and heavy metals, including, but not  
13 limited to, lead, cadmium and chromium in the  
14 emissions of the facility once every 2 years. The  
15 cost of these tests shall be paid by the applicant or  
16 permittee.

17       3. Test conditions. Scheduling of tests required  
18 by this section shall reflect worst-case operating  
19 conditions to ensure the greatest protection of public  
20 health and the environment. Seasonal differences in  
21 waste stream composition and atmospheric and climatic  
22 conditions shall be taken into account in conducting  
23 the tests.

24       4. Public and local participation. The municipal  
25 officers, or their designees, of the municipality  
26 within which the facility is located or, in the case  
27 of a facility located within an unorganized territory  
28 or plantation, the county commissioners, or their  
29 designees, may conduct an independent review of any  
30 test required by this section.

31 The review authorized in this subsection may make use  
32 of the services of independent consultants and may  
33 include, without limitation, review of the testing  
34 protocol, test results and their interpretations and  
35 any standards or assumptions upon which the test  
36 protocol or results are based. The cost of each such  
37 review shall be paid by the applicant or permittee in  
38 an amount not to exceed \$1,000 per test.

39       5. Condition of licensure. The facility must  
40 meet the applicable standards set for dioxin and heavy

1 metals as a condition of the initial, continued or  
2 renewed issuance. These standards shall be based on  
3 the best available technology, taking into  
4 consideration technology available in the United States  
5 and internationally.

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

10

#### STATEMENT OF FACT

11 The purpose of this bill is to require testing of  
12 the air emissions for dioxin and heavy metals of every  
13 resource recovery facility every 6 months for the  
14 first 2 years, then every 2 years thereafter and such  
15 further tests as the board deems necessary for  
16 compliance and reinstatement of licenses. The bill  
17 establishes standards for conducting these tests and  
18 provides for local independent review of testing.

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