

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
115TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 439, L.D. 622, Bill, "An Act Relating to the Use of Material-separated, Refuse-derived Fuel"

Amend the bill by striking everything after the title and before the statement of fact and inserting in its place the following:

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

Whereas, the problem of solid waste management is increasing in the State; and

Whereas, the Legislature has set recycling goals for the State; and

Whereas, source reduction, reuse and recycling are the primary methods for achieving these goals; and

Whereas, municipalities are struggling to develop the means of achieving these goals; and

Whereas, alternative methods for meeting these goals are encouraged, provided they are compatible with and do not diminish the implementation of source reduction, reuse and recycling programs; and

Whereas, some alternative methods for meeting the State's recycling goals will be economically feasible only if appropriate changes in present law are made; and

Whereas, some municipalities are under court order to develop alternatives to their present landfills by mid-year 1991; and

2           Whereas, in the judgment of the Legislature, these facts  
4 create an emergency within the meaning of the Constitution of  
6 Maine and require the following legislation as immediately  
8 necessary for the preservation of the public peace, health and  
10 safety; now, therefore,

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

14           Sec. 1. 38 MRSA §582, sub-§7-E, as amended by PL 1989, c. 546,  
16 §11, is further amended to read:

18           7-E. Incinerator. "Incinerator" means any device, apparatus  
20 or equipment used for destroying, reducing or salvaging by fire  
22 any material or substance, but does not include any device,  
24 apparatus or equipment used to burn material-separated,  
26 refuse-derived fuel.

28           Sec. 2. 38 MRSA §582, sub-§7-I is enacted to read:

30           7-I. Material-separated, refuse-derived fuel.  
32 "Material-separated, refuse-derived fuel" means a  
34 binder-enhanced, pelletized, solid fuel product made from the  
36 combustible fraction of a municipal solid waste stream that has  
38 been processed to remove the recyclable material before  
40 combustion. The product may not contain more than 6% by weight  
42 of plastic, metal, glass or food waste. In addition, the  
44 production of material-separated, refuse-derived fuel may not  
46 exceed 40% by weight of the total municipal solid waste stream  
48 from which it was derived.

50           Sec. 3. 38 MRSA §582, sub-§10-A is enacted to read:

52           10-A. Resource recovery facility. "Resource recovery  
54 facility" has the same meaning as an incineration facility  
56 defined in section 1303-C, subsection 16 except that, for the  
58 purposes of this chapter, a facility that burns  
60 material-separated, refuse-derived fuel but does not burn  
62 municipal solid waste or refuse-derived fuel as defined in  
64 section 1303-C is not a resource recovery facility.

66           Sec. 4. 38 MRSA §582, sub-§11-B, as amended by PL 1989, c.  
68 546, §11, is further amended to read:

70           11-B. Solid waste fuel-burning equipment. "Solid waste  
72 fuel-burning equipment" means any furnace, boiler or apparatus,  
74 and all appurtenances thereto, capable of burning solid waste  
76 fuel for the primary purpose of producing thermal energy.  
78 Equipment used to burn material-separated, refuse-derived fuel  
80 either alone or with another fuel other than solid waste fuel or  
82 refuse-derived fuel as defined in section 1303-C is not solid  
84 waste fuel-burning equipment.

2                   Sec. 5. 38 MRSA §590-E is enacted to read:

4                   §590-E. Combustion of material-separated, refuse-derived fuel

6                   A facility may not burn any material-separated,  
8                   refuse-derived fuel in fuel-burning equipment with a total heat  
10                   input capacity of 500,000 British thermal units per hour or  
12                   less. A facility may burn material-separated, refuse-derived  
14                   fuel in fuel-burning equipment with a total heat input capacity  
16                   of greater than 500,000 British thermal units per hour, if:

18                   1. Registration. The fuel-burning equipment is registered  
20                   with the Oil and Solid Fuel Board;

22                   2. Automatic stoker. The fuel-burning equipment has a  
24                   total heat input capacity of less than 10,000,000 British thermal  
26                   units per hour and is equipped with an automatic stoker that has  
28                   a feed rate of at least 50 pounds per hour; and

30                   3. No ambient air quality violation. The department  
32                   determines that the facility has demonstrated that the facility  
34                   will not violate ambient air quality standards. In making this  
36                   demonstration, the owner or operator of the facility shall use  
38                   the department's meteorological model used for screening sources,  
40                   or its equivalent as approved by the department, and submit all  
42                   air quality modeling results required to make this determination  
44                   to the department. The department shall notify the facility of  
46                   its determination on air quality impacts in writing within 60  
48                   days of receiving the air quality modeling results from the  
50                   facility. If the department fails to act within this 60-day  
52                   period, the determination is deemed to be in favor of the  
                    facility. A facility or fuel-burning equipment that requires an  
                    air emission license under this chapter is exempt from this  
                    subsection.

                    Sec. 6. 38 MRSA §1303-C, sub-§7, ¶D, as enacted by PL 1989, c.  
585, Pt. E, §4, is amended to read:

                    D. The agency under chapter 24; ~~or~~

                    Sec. 7. 38 MRSA §1303-C, sub-§7, ¶E, as amended by PL 1989, c.  
869, Pt. A, §4, is further amended to read:

                    E. The person generating the solid waste disposed of at the  
facility, except that the facility may accept, on a  
nonprofit basis, no more than 15% of all solid waste  
accepted on an annual average that is not generated by the  
owner. A waste facility receiving ash resulting from the  
combustion of municipal solid waste or refuse-derived fuel  
is not exempt from this subsection solely by operation of  
this paragraph; ~~or~~

2           **Sec. 8. 38 MRSA §1303-C, sub-§7, ¶F** is enacted to read:

4           F. A private corporation that accepts material-separated,  
6           refuse-derived fuel as a supplemental fuel and does not  
          otherwise burn waste other than its own.

8           **Sec. 9. 38 MRSA §1303-C, sub-§19-A** is enacted to read:

10           19-A. Material-separated, refuse-derived fuel.  
12           "Material-separated, refuse-derived fuel" means a  
14           binder-enhanced, pelletized, solid fuel product made from the  
16           combustible fraction of a municipal solid waste stream that has  
18           been processed to remove the recyclable material before  
20           combustion. The product may not contain more than 6% by weight  
          of plastic, metal, glass or food waste. In addition, the  
          production of material-separated, refuse-derived fuel may not  
          exceed 40% by weight of the total municipal solid waste stream  
          from which it was derived.

22           **Sec. 10. 38 MRSA §1303-C, sub-§30**, as amended by PL 1989, c.  
          869, Pt. A, §5, is further amended to read:

24           **30. Solid waste disposal facility.** "Solid waste disposal  
26           facility" means a solid waste facility for the incineration or  
          landfilling of solid waste or refuse-derived fuel. Facilities  
28           that burn material-separated, refuse-derived fuel, either alone  
30           or in combination with fuels other than municipal solid waste or  
          refuse-derived fuels, are not solid waste disposal facilities.

32           **Sec. 11. 38 MRSA §1304-C** is enacted to read:

34           §1304-C. Report: material-separated, refuse-derived fuel

36           Beginning on January 1, 1992, a municipal solid waste  
38           processing facility that produces any material-separated,  
          refuse-derived fuel shall annually report the following  
          information to the department:

40           1. Total weight. The total weight of municipal solid waste  
42           accepted by the facility during the previous 12 months by  
          material category;

44           2. Recycled weight. The weight of the municipal solid  
46           waste recycled by the facility during the previous 12 months by  
          material category;

48           3. Material-separated, refuse-derived fuel production. The  
50           weight of material-separated, refuse-derived fuel produced by the  
          facility during the previous 12 months; and

