

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 622

H.P. 439

House of Representatives, February 13, 1991

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

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Speaker MARTIN of Eagle Lake.

Cosponsored by Senator COLLINS of Aroostook, Representative McHENRY of Madawaska and Representative COLES of Harpswell.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act Relating to the Use of Material-separated, Refuse-derived Fuel.

(EMERGENCY)



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

4
Whereas, the problem of solid waste management is increasing
6 in the State; and

8
Whereas, the Legislature has mandated recycling goals for
municipalities; and

10
Whereas, municipalities are struggling to develop the means
12 of achieving these goals; and

14
Whereas, some municipalities are under court order to
develop alternatives to their present landfills by mid-year 1991;
16 and

18
Whereas, while alternative technologies are available to
help meet these goals, these technologies will be economically
20 feasible for municipalities only if appropriate changes in
present law are made; and

22
Whereas, in the judgment of the Legislature, these facts
24 create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
26 necessary for the preservation of the public peace, health and
safety; now, therefore,

28
Be it enacted by the People of the State of Maine as follows:

30
Sec. 1. 38 MRSA §582, sub-§7-E, as amended by PL 1989, c. 546,
32 §11, is further amended to read:

34
7-E. Incinerator. "Incinerator" means any device, apparatus
or equipment used for destroying, reducing or salvaging by fire
36 any material or substance. Any device, apparatus or equipment
used to combust material-separated, refuse-derived fuel is not
38 considered an incinerator.

40
Sec. 2. 38 MRSA §582, sub-§7-I is enacted to read:

42
7-I. Material-separated, refuse-derived fuel.
44 "Material-separated, refuse-derived fuel" means a densified solid
fuel product made from the combustible fraction of a waste stream
that has been processed to remove the reasonably recoverable,
46 recyclable material before combustion. The production of
material-separated, refuse-derived fuel may not exceed 50% by
48 weight of the total waste stream from which it was derived.

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

2 **10-A. Resource recovery facility.** "Resource recovery
4 facility" means an incinerator in which municipal solid waste or
6 refuse-derived fuel is disposed of through combustion, including
8 combustion for the generation of heat, steam or electricity. A
10 facility that combusts material-separated, refuse-derived fuel
12 and that does not combust municipal solid waste or refuse-derived
14 fuel as defined in chapter 13 is not a resource recovery facility.

16 **Sec. 4. 38 MRSA 582, sub-§11-A,** as enacted by PL 1979, c. 476,
18 §2, is amended to read:

20 **11-A. Solid waste fuel.** "Solid waste fuel," when-burned-as
22 fuel-in-solid-waste-fuel-burning-equipment, means any material,
24 ether--than--primary--fossil--fuel including, without limitation,
26 garbage, refuse, sludge from a waste treatment plant or air
28 pollution control facility, sawdust, shavings, chips, bark, slabs
or inert fill material. "Solid waste fuel" does not include
primary fossil fuel or material-separated, refuse-derived fuel.

30 **Sec. 5. 38 MRSA §582, sub-§11-B,** as amended by PL 1989, c.
32 546, §11, is further amended to read:

34 **11-B. Solid waste fuel-burning equipment.** "Solid waste
36 fuel-burning equipment" means any furnace, boiler or apparatus,
38 and all appurtenances thereto, capable of burning solid waste
40 fuel for the primary purpose of producing thermal energy.
42 Equipment used to burn material-separated, refuse-derived fuel
44 either alone or with another fuel other than solid waste fuel is
46 not considered solid waste fuel-burning equipment.

48 **Sec. 6. 38 MRSA §590-A, sub-§1,** as enacted by PL 1987, c. 279,
50 is amended to read:

1 **1. Waste incinerators.** Sources designed to burn solid waste
3 fuel for which a municipality is responsible pursuant to section
5 1305;

7 **Sec. 7. 38 MRSA §1303-C, sub-§7, ¶D,** as enacted by PL 1989, c.
9 585, Pt. E, §4, is amended to read:

11 D. The agency under chapter 24; or

13 **Sec. 8. 38 MRSA §1303-C, sub-§7, ¶E,** as amended by PL 1989, c.
15 869, Pt. A, §4, is further amended to read:

17 E. The person generating the solid waste disposed of at the
19 facility, except that the facility may accept, on a
21 nonprofit basis, no more than 15% of all solid waste
23 accepted on an annual average that is not generated by the
25 owner. A waste facility receiving ash resulting from the
27 combustion of municipal solid waste or refuse-derived fuel

is not exempt from this subsection solely by operation of
this paragraph; or

Sec. 9. 38 MRS §1303-C, sub-§7, ¶F is enacted to read:

F. A public or private entity that accepts material-separated, refuse-derived fuel and that otherwise does not accept waste.

Sec. 10. 38 MRS §1303-C, sub-§19-A is enacted to read:

19-A. Material-separated, refuse-derived fuel. "Material-separated, refuse-derived fuel" means a densified solid fuel product made from the combustible fraction of a waste stream that has been processed to remove the reasonably recoverable, recyclable material before combustion. The production of material-separated, refuse-derived fuel may not exceed 50% by weight of the total waste stream from which it was derived.

Sec. 11. 38 MRS §1303-C, sub-§23, as enacted by PL 1989, c. 585, Pt. E, §4, is amended to read:

23. Refuse-derived fuel. "Refuse-derived fuel" means municipal solid waste which that has been processed prior to combustion to increase the heat input value of the waste. "Refuse-derived fuel" does not include material-separated, refuse-derived fuel as defined in subsection 19-A.

Sec. 12. 38 MRS §1303-C, sub-§29, as amended by PL 1989, c. 869, Pt. A, §5 and affected by §21, is further amended to read:

29. Solid waste. "Solid waste" means useless, unwanted or discarded solid material with insufficient liquid content to be free-flowing, including, but not limited to, rubbish, garbage, refuse-derived fuel, scrap materials, junk, refuse, inert fill material and landscape refuse, but does not include hazardous waste, biomedical waste, septic tank sludge or, agricultural wastes or material-separated, refuse-derived fuel. The fact that a solid waste or constituent of the waste may have value or other use or may be sold or exchanged does not exclude it from this definition.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

STATEMENT OF FACT

The purpose of this bill is to permit the use of material-separated, refuse-derived fuel as an energy source for public and private users, reduce the amount of material sent to

2 landfills and assist municipalities in meeting the recycling
goals outlined in state law.

4 This bill amends the solid waste laws to define
"material-separated, refuse-derived fuel" and permits the
6 economical use of new recycling technologies by municipalities of
Maine, but does not change the definition of recycling. The new
8 recycling technology results in burnable, nontoxic material
formed after recoverable, recyclable materials have been
10 extracted from the waste stream. This material is not considered
a recycled material. Present law prohibits the burning of this
12 material without extensive retrofitting, which is expensive for
small heating plants.