

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1651

H.P. 1126

House of Representatives, April 24, 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

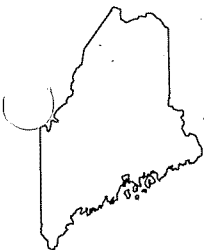
Presented by Representative TAMMARO of Baileyville.

Cosponsored by Senator VOSE of Washington and Representative LOOK of Jonesboro.

STATE OF MAINE

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

An Act to Promote the Beneficial Use of Solid Waste.



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

2
4 **Sec. 1. 38 MRSA §1303-C, sub-§§12, 21 and 22, as enacted by PL 1989, c. 585, Pt. E, §4, are amended to read:**

6 **12. Disposal.** "Disposal" means the discharge, deposit,
8 dumping, incineration, spilling, leaking or placing of any
10 hazardous or solid waste, refuse-derived fuel, sludge or septage
12 into or on any land, air or water so that the hazardous or solid
14 waste, sludge or septage or any constituent thereof may enter the
16 environment or be emitted into the air, or discharged into any
18 waters, including ground waters. "Disposal" does not mean the
20 use of solid waste, sludge or septage as a fuel in industrial
22 boilers for the generation of heat, steam or electricity if the
24 waste materials are used at the site of generation.

18 **21. Recycle.** "Recycle" means to recover, separate, collect
20 and reprocess waste materials for sale or reuse ~~other than~~ ,
22 including use as a fuel in industrial boilers for the generation
24 of heat, steam or electricity if the waste materials
26 are used at the site of generation, but excluding use as a fuel
28 by incineration facilities.

24 **22. Recycling.** "Recycling" means the collection,
26 separation, recovery and sale or reuse of materials that would
28 otherwise be disposed of or processed as waste or the mechanized
30 separation and treatment of waste, other than through combustion
32 in an incineration facility, and the creation and recovery of
34 reusable materials other than as a fuel for the generation of
36 electricity by an incineration facility.

32 **Sec. 2. 38 MRSA §1303-C, sub-§31, ¶¶A and B, as enacted by PL 1989, c. 869, Pt. A, §5, are amended to read:**

34 **A.** A waste facility that employs controlled combustion to
36 dispose of waste generated exclusively by an institutional,
38 commercial or industrial establishment that owns the
40 facility; and

40 **B.** Lime kilns; wood chip, bark and hogged fuel boilers;
42 kraft recovery boilers and sulfite process recovery boilers,
44 which combust solid waste generated exclusively at the
46 facility; and

46 **Sec. 3. 38 MRSA §1303-C, sub-§31, ¶C is enacted to read:**

48 **C.** An industrial boiler that combusts waste paper,
50 corrugated cardboard or office paper for the generation of
52 heat, steam or electricity if the wastes would otherwise be
placed in a landfill, the Office of Waste Reduction and
Recycling determines that there is no reasonable available
market in the State for recycling such wastes and if the

2 wastes are combusted as a substitute for, or supplement to,
3 fossil or biomass fuels that constitute the primary fuels
4 combusted in the industrial boiler.

6 **Sec. 4. 38 MRSA §1303-C, sub-§44,** as enacted by PL 1989, c.
585, Pt. E, §4, is amended to read:

8 **44. Waste reduction.** "Waste reduction" means an action
9 that reduces waste at the point of generation and may also be
10 referred to as "source reduction." "Waste reduction" includes,
11 but is not limited to, combustion of solid waste, sludge or
12 septage used at the site of generation for the production of
13 heat, steam or electricity.

14 **Sec. 5. 38 MRSA §2132, sub-§3** is enacted to read:

16 **3. Beneficial use of waste.** The use of waste paper or
17 corrugated cardboard as a fuel in industrial boilers for the
18 generation of heat, steam or electricity constitutes recycling
19 for the sole purpose of determining whether the goals in
20 subsection 1 are met and if the wastes would otherwise be placed
21 in a landfill, the office determines that there is no reasonably
22 available market in the State for recycling that waste and if the
23 wastes are incinerated as a substitute for, or supplement to,
24 fossil or biomass fuels that constitute the primary fuels
25 incinerated in the industrial boiler.

26 **Sec. 6. 38 MRSA §2138, sub-§6** is enacted to read:

28 **6. Beneficial use of office paper.** Any person subject to
29 the requirements of this section may use any office paper or
30 corrugated cardboard as fuel in industrial boilers for the
31 generation of heat, steam or electricity if these materials would
32 otherwise be placed in a landfill, the office determines that
33 there is no reasonably available market in the State for
34 recycling those materials and if the materials are incinerated as
35 a substitute for, or supplement to, fossil or biomass fuels that
36 constitute the primary fuels incinerated in the industrial boiler.

40 42 STATEMENT OF FACT

44 A substantial quantity of waste paper, corrugated cardboard
45 and office paper is being landfilled. The combustion of this
46 waste for the generation of heat, steam or electricity is
47 preferable to landfilling the waste. This bill amends the
48 State's recycling laws to provide that combustion in industrial
49 boilers of waste paper will meet the municipal waste recycling
50 goals if the waste would otherwise be landfilled and if the solid
51 waste is incinerated as a substitute for traditional fuels such
52 as oil, gas or biomass, which are ordinarily the primary fuels

2 combusted in the boiler. This bill also permits the incineration
of office paper and corrugated cardboard under the same
4 circumstances. Industrial boilers incinerating such materials in
these circumstances will not become solid waste disposal
6 facilities by undertaking this activity. This bill also amends
the definitions in the solid waste laws to provide that
8 combustion in industrial boilers of solid waste generated on site
for the generation of heat, steam or electricity constitutes
recycling and reduction of that waste. These changes will
10 encourage generators of solid waste to beneficially reuse the
waste they generate as a fuel, including sludge, waste paper,
12 corrugated cardboard and office paper, instead of depositing the
waste in a landfill or otherwise disposing of it. This change
14 also recognizes that this waste is an alternative fuel source to
oil, gas, coal, biomass and other traditional fuels.
16