

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 1563

H.P. 1169

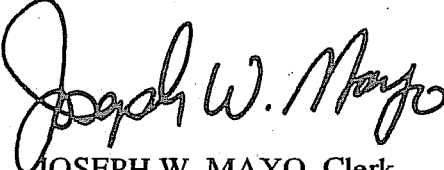
House of Representatives, June 29, 1993

**An Act to Clarify that Incineration is a Form of Disposal under the
State's Solid Waste Laws.**

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.
Reference to the Committee on Energy and Natural Resources suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative JACQUES of Waterville.
Cosponsored by Senator LAWRENCE of York and
Representatives: ANDERSON of Woodland, COLES of Harpswell, GOULD of Greenville,
LORD of Waterboro, Senator: CIANCHETTE of Somerset.

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

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6 Whereas, prior to the effective date of Public Law 1993,
chapter 355, the incineration of hazardous and biomedical waste
and waste oil was defined under state law as a method of disposal
and was not considered a form of treatment; and

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10 Whereas, Public Law 1993, chapter 355 changed those
definitions to include incineration of hazardous waste and waste
oil as a form of treatment; and

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14 Whereas, the implications of that change for hazardous
waste management may be more extensive than previously realized;
and

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18 Whereas, the reference to biomedical waste was
inadvertently omitted; and

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

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

28 **Sec. 1. 38 MRSA §1303-C, sub-§12,** as amended by PL 1993, c.
30 355, §46, is further amended to read:

32 **12. Disposal.** "Disposal" means the discharge, deposit,
dumping, spilling, leaking or placing of any hazardous,
34 biomedical or solid waste, waste oil, refuse-derived fuel, sludge
or septage into or on any land, air or water and the incineration
36 of any hazardous or solid waste, refuse-derived fuel, sludge or
septage so that the hazardous, biomedical or solid waste, waste
38 oil, refuse-derived fuel, sludge or septage or any constituent
thereof may enter the environment or be emitted into the air, or
40 discharged into any waters, including ground waters.

42 **Sec. 2. 38 MRSA §1303-C, sub-§39,** as amended by PL 1993, c.
44 355, §47, is further amended to read:

46 **39. Treatment.** "Treatment" means any process ~~including but~~
~~not limited to incineration~~ designed to change the character or
composition of any hazardous waste ~~or waste oil, as defined in~~
48 ~~rules adopted under section 1319-O, subsection 2,~~ so as to render
the waste less hazardous. "Treatment" also means any process
50 including but not limited to incineration designed to change the
character of composition of any waste oil, as defined in rules
52 adopted under section 1319-O, subsection 2, or biomedical waste
so as to render the waste less hazardous.

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Sec. 3. Retroactivity. This Act takes effect retroactively to June 16, 1993.

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

STATEMENT OF FACT

This bill amends the definition of "disposal" to include incineration of hazardous waste. Incineration of biomedical waste and waste oil would be a permissible form of treatment.

During the First Regular Session of the 116th Legislature, the definitions of "disposal" and "treatment" were amended in a manner that established incineration of waste oil and hazardous waste as a form of treatment rather than as a form of disposal. At the same time the incineration of biomedical waste was dropped from the definition of disposal but was inadvertently not included in the definition of treatment. This emergency bill is retroactive to the effective date of those recent changes. This will allow sufficient time to more carefully assess the implications of establishing incineration as a form of hazardous waste treatment.