

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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H.P. 344

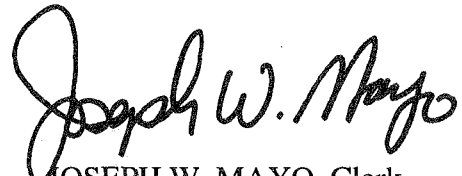
House of Representatives, January 23, 1997

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**An Act to Establish Guidelines for the Utilization of Municipal Solid  
Waste Incinerator Ash and Its Derivatives.**

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

  
JOSEPH W. MAYO, Clerk

Presented by Representative LOVETT of Scarborough.  
Cosponsored by Senator AMERO of Cumberland and  
Representatives: CIANCHETTE of South Portland, LABRECQUE of Gorham, MARVIN of  
Cape Elizabeth, MORGAN of South Portland, MURPHY of Kennebunk, MUSE of South  
Portland, SAVAGE of Union, Senator: PENDLETON of Cumberland.

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

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4       Sec. 1. 38 MRSA c. 13, sub-c. II-C is enacted to read:

6                               SUBCHAPTER II-C

8                               INCINERATOR ASH UTILIZATION

10       §1316-O. Short title

12               This subchapter may be known and cited as the "Incinerator  
Ash Utilization Act."

14       §1316-R. Definitions

16               As used in this subchapter, unless the context otherwise  
indicates, the following terms have the following meanings.

18               1. Bottom ash. "Bottom ash" means that ash collected from  
the furnaces of municipal solid waste incinerators.

22               2. Treated ash aggregate. "Treated ash aggregate" means  
bottom ash that has been processed for use as a substitute for  
virgin aggregate in various construction applications.

26       §1316-S. Uses; prohibitions; restrictions

28               1. Permitted uses. Treated ash aggregate may be used in  
the following applications:

30                       A. As a substitute for virgin aggregate in paving  
applications or in bituminous pavement;

34                       B. As a substitute for virgin aggregate in terrestrial  
Portland cement applications, including cement block and  
prefabricated or field-erected forms;

38                       C. As a substitute for virgin aggregate in Portland  
cement-based marine applications; and

40                       D. As daily cover for municipal waste landfills.

42               2. Prohibitions. All uses other than those authorized  
under subsection 1 are prohibited.

46               3. Other restrictions. The following restrictions apply to  
the use of treated ash aggregate.

48                       A. Any use of unstabilized treated ash aggregate, including  
its use as a base or subbase in road construction, must meet  
the following additional requirements.

2           (1) The distance to drinking water wells must be at  
4           least 100 feet.

6           (2) The ash must be placed at least 5 feet above the  
8           highest groundwater table.

10          (3) The maximum average thickness of the ash layer  
12          must be 3 feet and the thickness of the ash layer may  
14          not exceed 6 feet.

16          B. When treated ash aggregate is used as a base or subbase  
18          in road construction, it must comply with all additional  
20          performance-related conditions set by rule of the Department  
22          of Transportation.

24          C. The use may pose no greater threat to the environment  
26          than landfilling the ash would pose.

28          **§1316-T. Notification and local approval requirements**

30           1. Less than 50 tons. If less than 50 tons of treated ash  
32           aggregate will be used for a single project and the requirements  
34           of section 1316-S are met, then no local approval is required.

36           2. Fifty or more tons. If 50 or more tons but less than  
38           30,000 tons of treated ash aggregate will be used for a single  
40           project, then the person proposing the use shall submit a  
42           detailed description of the project to the municipal officers,  
44           and any other affected municipal authorities of the municipality  
46           in which the use is proposed, for approval.

48           A. Every application for municipal approval must contain:

50            (1) A demonstration by the applicant that the proposed  
52            use poses no greater threat to the environment than  
54            landfilling the incinerator ash; and

56            (2) A showing by the applicant of liability insurance  
58            or some other binding statement that the applicant  
60            assumes all financial and legal responsibilities  
62            associated with the project.

64           B. The municipal officers may:

66            (1) Accept the project as submitted;

68            (2) Refuse the project if it is in conflict with  
70            environmental protection considerations;

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(3) Ask the applicant to change the project; or

(4) Ask the applicant to provide an environmental impact assessment before resubmitting the project.

C. If the applicant receives no negative reply within 4 weeks of the application being submitted to the municipal officers, the project is deemed approved by the municipality as submitted.

**§1316-U. Rules**

Rules adopted by the department or the Department of Transportation that are necessary to implement and enforce this subchapter are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

**SUMMARY**

This bill regulates the safe use of residues of municipal solid waste incinerator ash and its derivatives. It requires local approval for any use of 50 or more tons of ash.