

MAINE STATE LEGISLATURE

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R. O. S.

L.D. 909

DATE: May 20, 1999

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NATURAL RESOURCES

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**STATE OF MAINE
SENATE
119TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT " A " to S.P. 307, L.D. 909, Bill, "An Act to Amend the Laws Governing the Land Application of Municipal Wastewater Treatment Plant Sludge"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 38 MRSA §1303-C, sub-§28-A is enacted to read:

28-A. Sludge. "Sludge" means nonhazardous solid, semisolid or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant or wet process air pollution control facility or any other waste having similar characteristics and effect. The term does not include industrial discharges that are point sources subject to permits under the federal Clean Water Act, 33 United States Code, Section 1342 (1999).

Sec. 2. 38 MRSA §1304, sub-§1-C is enacted to read:

1-C. Rules; agronomic utilization of sludge. Rules adopted by the board relating to the agronomic utilization of sludge are major substantive rules as defined in Title 5, chapter 375, subchapter II-A. This subsection takes effect January 1, 2000.

Sec. 3. 38 MRSA §1305, sub-§9, as enacted by PL 1997, c. 38, §3, is repealed and the following enacted in its place:

9. Coordination between municipality and department.

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COMMITTEE AMENDMENT "A" to S.P. 307, L.D. 909

2 Coordination between the department and a municipality concerning
3 applications and modifications in the terms or conditions of a
4 permit or license for a sludge land application site or storage
5 facility is governed by this subsection.

6 A. Within 14 working days of its receipt of a complete
7 application for a sludge land application site or storage
8 facility, the department shall notify the municipal officers
9 or their designees from the municipality in which the site
10 or facility would be located of the application and the name
11 and address of the applicant. The department shall provide
12 the municipal officers with copies of all test results
13 performed on the sludge material that is proposed to be
14 spread in that municipality. Prior to approving an
15 application for a sludge land application site or storage
16 facility, the department shall consult with the municipal
17 officers or their designees in the municipality in which the
18 site or facility is proposed and provide them with an
19 opportunity to suggest conditions, including additional
20 setbacks, to be imposed on a permit or license. If the
21 department does not impose conditions on a permit or license
22 that have been suggested in writing by the municipal
23 officers, the department shall provide a written explanation
24 to the municipal officers.

25 B. The department shall consult with the municipal officers
26 within 10 days of receiving a request by the sludge
27 generator to change the terms or conditions of a permit or
28 license. The municipality may petition the commissioner to
29 review a generating facility's testing protocol for sludge.
30 The commissioner shall respond to the municipality in
31 writing within 10 days of the municipality's petition. The
32 commissioner may order the applicant to conduct an
33 additional test at the applicant's cost. A copy of the
34 additional test results must be provided to the municipal
35 officers.

36
37 Sec. 4. 38 MRSA §1305, last ¶, as enacted by PL 1997, c. 38,
38 §4, is repealed.

39
40 Sec. 5. 38 MRSA §1310-N, sub-§2-G is enacted to read:

41
42 2-G. **Setback requirement for land application and off-site**
43 **storage of sludge.** The department may not issue a license for a
44 sludge land application site that is within 75 feet of a river,
45 perennial stream or great pond. The department may not issue a
46 license for a sludge storage site or storage facility off the
47 site of generation that is within 250 feet of a river, perennial
48 stream or great pond. Upon the written request to the department
49 of a person who owns property that abuts a sludge land
50 application site or storage facility, the department shall
51 restrict the sludge application or sludge storage site to no less
52 than the setback requirements of the applicable zoning ordinance.

COMMITTEE AMENDMENT

A. d. S.

2 than 50 feet from that abutting property boundary. The board may
3 establish other setbacks by rule.'

4 Further amend the bill by inserting at the end before the
5 summary the following:

8 **FISCAL NOTE**

10 The Department of Environmental Protection will incur some
11 minor additional costs to make certain notifications to
12 municipalities and to adopt certain rules pertaining to the
13 agronomic utilization of sludge. These costs can be absorbed
14 within the department's existing budgeted resources.'

16 **SUMMARY**

18 This amendment amends the bill as follows.

20 1. It provides for a definition of "sludge" for the Maine
22 Hazardous Waste, Septage and Solid Waste Management Act.

24 2. It provides that, effective January 1, 2000, all rules
26 adopted relating to the agronomic utilization of sludge are major
substantive rules.

28 3. It requires the Department of Environmental Protection
30 to notify the affected municipality within 14 working days from
its receipt of an application for a sludge land application site
32 or storage facility.

34 4. It requires the department to provide a municipality
with copies of all test results performed on the sludge material
36 that will be spread in that municipality.

38 5. It requires the department to consult with the municipal
officers within 10 days of receiving any request by the generator
40 to change the terms or conditions of any permit or license.

42 6. It allows the municipality to petition the Commissioner
of Environmental Protection to review a generating facility's
44 testing protocol for sludge.

46 7. It permits the Commissioner of Environmental Protection
to order the applicant to conduct an additional test at the
48 applicant's cost. A copy of the additional test results must be
provided to the municipality.

50 8. It prohibits sludge land application sites within 75
52 feet of any river, perennial stream or great pond, and a storage
site or storage facility that is off the site of generation of

R.S.

COMMITTEE AMENDMENT "A" to S.P. 307, L.D. 909

2 the sludge and that is within 250 feet of any river, perennial
stream or great pond.

4 9. It allows a person who owns property that abuts a sludge
6 land application site or storage facility to restrict the sludge
application or sludge storage site to no less than 50 feet from
8 the abutting property boundary.