

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 909

S.P. 307

In Senate, February 2, 1999

**An Act to Amend the Laws Governing the Land Application of
Municipal Wastewater Treatment Plant Sludge.**

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

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator LIBBY of York.
Cosponsored by Senator TREAT of Kennebec.

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

Sec. 1. 38 MRSA §1305, sub-§8, as amended by PL 1997, c. 38, §2, is further amended to read:

8. **Septage and sludge permits; municipal enforcement.**
Pursuant to Title 30-A, section 4452, subsection 6, a municipality, after notifying the department, may enforce the terms and conditions of a septage land disposal or storage site permit or a sludge land application or storage site permit issued by the department under this subchapter. Upon the request of the municipal officials, the department shall assist that municipality in the monitoring and enforcement of all permits the department has issued for sludge or septage land applications by physically inspecting each permitted site in the municipality at least once during the calendar year of the request provided residuals were applied to the permitted site during that year. The department shall provide the municipality sufficient notice of its on-site inspection so that the municipal officials may join the department in its inspection.

Sec. 2. 38 MRSA §1310-U, 2nd ¶, as amended by PL 1995, c. 126, §2, is further amended to read:

Under the municipal home rule authority granted by the Constitution of Maine, Article VIII, Part Second and Title 30-A, section 3001, municipalities, except as provided in this section, may enact ordinances with respect to solid waste facilities that contain standards the municipality finds reasonable, including, without limitation, conformance with federal and state solid waste rules; fire safety; traffic safety; levels of noise heard outside the facility; distance from existing residential, commercial or institutional uses; ground water protection; surface water protection; erosion and sedimentation control; and compatibility of the solid waste facility with local zoning and land use controls, provided that the standards are not more strict than those contained in this chapter and in chapter 3, subchapter I, articles 5-A and 6 and the rules adopted under these articles. This section does not preempt municipalities from enacting ordinances with respect to the land application of municipal wastewater treatment plant sludge that is subject to site-specific permitting that require the actual sludge material that will be spread in that municipality to be laboratory tested for consistency with standards otherwise established by state law or rule, with all costs associated with collection and testing to be borne by the applicant. Testing is limited to one composite sample analysis per licensed application site per year. Municipal ordinances must use definitions consistent with those adopted by the board.

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SUMMARY

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6 Under current state law, wastewater treatment plant sludge
is batch-tested for compliance with standards governing the
various chemical constituents at the facilities where the sludge
8 is generated. This bill clarifies the partial preemption of home
rule authority that governs municipal ordinances regarding solid
10 waste facilities to allow municipalities to require the testing
of the actual wastewater treatment plant sludge that is going to
12 be spread in that municipality to ensure that it meets the
standards or parameters that are otherwise established by state
14 law or rule. The municipal testing authority will be limited to
one analysis per site for each year. In addition, this bill
16 requires the Department of Environmental Protection to conduct at
least one inspection annually of all the sites that are located
18 in municipalities that the department approves for the spreading
of sludge if sludge was applied to the site during the calendar
20 year.