

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 670

S.P. 234

In Senate, February 14, 2003

An Act Regarding the Disposal of Sludge

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator HALL of Lincoln.

Cosponsored by Senators: DAMON of Hancock, TREAT of Kennebec, Representative:
GERZOFKY of Brunswick.

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48

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

Sec. 1. 38 MRSA §1303-C, sub-§§7-A to 7-C are enacted to read:

7-A. Compost. "Compost" means any organic material, excluding human waste, that has undergone a composting process.

7-B. Composted sludge. "Composted sludge" means any organic material that includes human waste and that has undergone a composting process.

7-C. Composting. "Composting" means the biological decomposition of organic materials under predominantly aerobic conditions and controlled temperatures between 110 degrees and 150 degrees Fahrenheit.

Sec. 2. 38 MRSA §1303-C, sub-§18-A is enacted to read:

18-A. Manure. "Manure" means the excrement and urine created by animals, including any bedding material, used to fertilize the soil.

Sec. 3. 38 MRSA §1303-C, sub-§24-A is enacted to read:

24-A. Residual. "Residual" means any material generated as a by-product of a nonagricultural production or treatment process that has value as a source of crop nutrients or as a soil amendment. "Residual" does not include composted sludge.

Sec. 4. 38 MRSA §1310-U, first ¶, as amended by PL 1995, c. 656, Pt. A, §26, is further amended to read:

Municipalities Except as provided in section 1310-CC, municipalities are prohibited from enacting stricter standards than those contained in this chapter and in the solid waste management rules adopted pursuant to this chapter governing the hydrogeological criteria for siting or designing solid waste disposal facilities or governing the engineering criteria related to waste handling and disposal areas of a solid waste disposal facility. Except as provided in section 2173, municipalities are further prohibited from enacting or applying ordinances that regulate solid waste disposal facilities owned by the office or a regional association.

Sec. 5. 38 MRSA §1310-CC is enacted to read:

§1310-CC. Sludge; septage; composted sludge

2 1. Municipal ordinances. Nothing in this chapter prohibits
4 a municipality from enacting standards that are stricter than
6 those standards adopted under this chapter for the storage and
8 use of sludge, septage or composted sludge if the ordinance is
adopted by the governing body of the municipality after a public
hearing is held. This subsection does not apply to the storage
and use of compost, manure or residuals.

10 2. Record of use. If sludge, septage or composted sludge
12 is spread on land, the owner of the land shall record the
following information with the register of deeds for the county
where the land is situated:

14 A. The location of the property on which the material was
spread;

16 B. The date when the material was spread; and

18 C. The volume and type of material spread.
20

22 SUMMARY

24 This bill allows a municipality to enact stricter standards
26 than the standards adopted by the Department of Environmental
Protection for the storage and use of sludge, septage and
28 composted sludge, provided the governing body of the municipality
adopted the stricter standards after a public hearing was held.
The authority to adopt stricter standards does not apply to
30 compost, manure or residuals. The bill also requires a property
owner to record information with the register of deeds if sludge,
32 septage or composted sludge is spread on the owner's land.