

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. 851

H.P. 628

House of Representatives, February 20, 2003

An Act To Test for and Reduce Mercury Emissions from Resource Recovery Facilities

(EMERGENCY)

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative TWOMEY of Biddeford.
Cosponsored by Senator STRIMLING of Cumberland and
Representatives: BARSTOW of Gorham, COWGER of Hallowell, HUTTON of Bowdoinham,
KOFFMAN of Bar Harbor, LAVERRIERE-BOUCHER of Biddeford, MAKAS of Lewiston,
McKEE of Wayne, Senator: PENDLETON of Cumberland.

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

4
6 **Whereas,** testing for mercury is not specifically included in
current law requiring testing of incineration facilities for the
emission of dioxin and heavy metals; and

8
10 **Whereas,** this bill establishes mercury discharge limits for
incineration facilities burning municipal waste, limits that are
necessary for the health of Maine citizens;

12
14 **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
16 necessary for the preservation of the public peace, health and
safety; now, therefore,

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

20 **Sec. 1. 38 MRSA §590-B, sub-§§1 and 2,** as amended by PL 1989,
22 c. 890, Pt. B, §165 and affected by Pt. A, §40, are further
amended to read:

24 **1. Testing; first 2 years of commercial operation.** Testing
26 is required at each resource recovery facility burning municipal
solid waste at least once in every 6-month period during the
28 first 2 years of commercial operation for the presence of dioxin
and heavy metals, including, but not limited to, lead, mercury,
30 cadmium and chromium in the emissions of the facility. The cost
of these tests must be paid by the applicant or permittee.

32 **2. Testing after first 2 years of licensure.** After the
34 facility has been in operation and licensed for 2 years, testing
is required for dioxin and heavy metals, including, but not
36 limited to, lead, mercury, cadmium and chromium in the emissions
of the facility at a frequency determined by the board by rule,
38 but in no event may such testing occur less frequently than
annually. The cost of these tests must be paid by the applicant
40 or permittee.

42 A. The rules adopted by the board under this section
establish a system of monitoring the overall air emission
44 performance of resource recovery facilities employing
surrogate measures of combustion efficiency and other
46 parameters that, in the judgment of the board, may affect
the creation of dioxin emissions and the emission of heavy
48 metals. The board shall provide for minimum acceptable
operating conditions as indicated by the surrogate
50 measures. Failure to achieve and maintain these conditions

2 will result in testing for dioxin and heavy metals as
indicated by the surrogate measures.

4 B. Scheduling of tests required by this subsection must
6 reflect the operating conditions that originally required
the testing to ensure the greatest protection of public
8 health and the environment. Seasonal differences in waste
stream composition and atmospheric and climatic conditions
must be taken into account in conducting the tests.

10 C. The board shall adopt rules under this section on or
12 before January 1, 1989.

14 **Sec. 2. 38 MRSA §610-B** is enacted to read:

16 **§610-B. Emission limits for municipal waste burning facilities**

18 **1. Applicability.** A resource recovery facility with
20 combustion units with a combined design capacity to burn 100 tons
per day or more of municipal solid waste shall reduce its mercury
22 emissions to achieve a mercury emission rate of no more than
0.028 milligrams per dry standard cubic meter corrected to 7%
24 oxygen by volume on a dry basis, or at least 85% control
efficiency.

26 **2. Compliance.** A person may not operate a resource
28 recovery facility with combustion units with a combined design
capacity to burn 100 tons per day or more of municipal solid
30 waste without a license issued by the department in accordance
with section 1310-N. A resource recovery facility subject to
32 this chapter shall file an application for a license or license
amendment and a plan for achieving compliance with this chapter.

34 **3. Compliance deadline.** The owner or operator of a
36 resource recovery facility with a combustor with a design
capacity of less than 350 tons per day but not less than 100 tons
per day, in operation as of January 1, 2003, shall submit the
38 application and plan required by subsection 2 within 3 months
after the effective date of this section and shall complete
40 installation and begin operation of the necessary emission
control equipment as expeditiously as possible, but not later
42 than 18 months after receipt of all required state and local
permits and approvals. The owner or operator of any such
44 combustor shall demonstrate compliance with the emission limits
in subsection 1, no later than 21 months after receipt of all
46 required state and local licenses.

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

50

2

SUMMARY

4 This bill specifically requires that the presence of mercury
be tested for in the emissions of resource recovery facilities
6 burning municipal waste. This bill also establishes limits on
mercury emission rates for a resource recovery facility that has
8 the capacity to burn 100 tons per day or more of municipal waste
and requires facilities that burn more than 100 tons but less
10 than 350 tons per day of municipal waste to be licensed.