

MAINE STATE LEGISLATURE

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2 Date: 06-20-07

(Filing No. S- 357)

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AGRICULTURE, CONSERVATION AND FORESTRY

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Reproduced and distributed under the direction of the Secretary of the Senate.

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STATE OF MAINE

6

SENATE

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123RD LEGISLATURE

8

FIRST REGULAR SESSION

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COMMITTEE AMENDMENT "B" to S.P. 176, L.D. 564, Bill, "An Act To Streamline the Regulation of Agricultural Composters"

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Amend the bill by striking out the title and substituting the following:

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'Resolve, To Streamline the Regulation of Agricultural Composters'

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Amend the bill by striking out everything after the title and before the summary and inserting the following:

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'Preamble. Whereas, the Legislature recognizes the benefits of agricultural composting operations to the environment, farms and rural economies; and

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Whereas, the Department of Agriculture, Food and Rural Resources and the Department of Environmental Protection share an interest in encouraging the development of geographically dispersed agricultural composting operations; now, therefore, be it

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Sec. 1. Department of Environmental Protection directed to revise rules. Resolved: That the Commissioner of Environmental Protection shall revise the Department of Environment Protection's rules pertaining to the licensing of solid waste processing facilities to clearly differentiate licensing requirements for agricultural composting operations from requirements for operations that compost municipal sludge, septage, industrial sludge or other materials with a higher risk of contamination. For the purposes of this resolve, "agricultural composting operation" means composting that takes place on a farm and uses only animal manure, animal carcasses and offal, fish waste, leaves, wood chips, animal bedding and other vegetative waste, produce and other vegetable and food waste. The Commissioner of Environmental Protection, in consultation with the Commissioner of Agriculture, Food and Rural Resources, shall review and revise the tiers that determine volumes of materials that may be composted at an agricultural composting operation without triggering the requirement for a waste facilities license from the Department of Environmental Protection; and be it further

COMMITTEE AMENDMENT

H. 46.

COMMITTEE AMENDMENT "B" to S.P. 176, L.D. 564

1 **Sec. 2. Department of Agriculture, Food and Rural Resources to**
2 **establish components of a compost management plan. Resolved:** That the
3 Commissioner of Agriculture, Food and Rural Resources, working with the Department
4 of Environmental Protection, shall develop necessary components of a compost
5 management plan for agricultural composting operations. The purpose of a plan is to
6 demonstrate that the facility is designed to prevent the discharge of pollutants, control
7 leachates, minimize odors and the dispersion of disease vectors and ensure a stable, high-
8 quality end product. A compost management plan must be specific to the proposed
9 compost site and the farm's available land base for the operation. The 2 departments shall
10 provide technical assistance in the development of a compost management plan to
11 persons proposing to establish or expand an agricultural composting operation; and be it
12 further

13 **Sec. 3. Commissioners to report to the Joint Standing Committee on**
14 **Agriculture, Conservation and Forestry and the Joint Standing Committee**
15 **on Natural Resources. Resolved:** That, no later than December 3, 2007, the
16 Commissioner of Agriculture, Food and Rural Resources and the Commissioner of
17 Environmental Protection shall report to the Joint Standing Committee on Agriculture,
18 Conservation and Forestry and the Joint Standing Committee on Natural Resources on the
19 status of the rules revision required under section 1, and a description of elements to be
20 included in a compost management plan for agricultural composting operations under
21 section 2. The commissioners shall report on any other activities initiated or materials
22 produced to provide guidance to farmers considering developing or expanding an
23 agricultural composting operation. The commissioners shall articulate in their report
24 agreement on jurisdictional boundaries relating to oversight of agricultural composting
25 operations, unresolved issues and recommendations to further the goal of encouraging
26 appropriate siting, design and operation of agricultural composting operations; and be it
27 further

28 **Sec. 4. Authority to submit legislation. Resolved:** That the Joint Standing
29 Committee on Agriculture, Conservation and Forestry may submit legislation pertaining
30 to the regulation of agricultural composting operations to the Second Regular Session of
31 the 123rd Legislature.'

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SUMMARY

33 This amendment changes the bill to a resolve directing the Commissioner of
34 Environmental Protection to revise the Department of Environmental Protection's rules
35 pertaining to the licensing of agricultural composting operations as waste management
36 facilities. The Commissioner of Agriculture, Food and Rural Resources is directed to
37 develop components to be included in a compost management plan. The commissioners
38 are directed to consult with one another as they proceed with these directives and are
39 required to report back to both the Joint Standing Committee on Agriculture,
40 Conservation and Forestry and the Joint Standing Committee on Natural Resources. The
41 Joint Standing Committee on Agriculture, Conservation and Forestry is authorized to
42 submit legislation pertaining to agricultural composting operations during the Second
43 Regular Session of the 123rd Legislature.

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COMMITTEE AMENDMENT "B" to S.P. 176, L.D. 564

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FISCAL NOTE REQUIRED
(See attached)



Approved: 06/19/07 *MAC*

123rd MAINE LEGISLATURE

LD 564

LR 446(04)

An Act To Streamline the Regulation of Agricultural Composters

Fiscal Note for Bill as Amended by Committee Amendment "B"

Committee: Agriculture, Conservation and Forestry

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

The additional costs associated with this legislation can be absorbed by the Department of Environmental Protection and the Department of Agriculture, Food and Rural Resources utilizing existing budgeted resources.