

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 743

S.P. 273

In Senate, March 5, 2015

**An Act To Protect the Environment and Assist Municipalities with
the Recycling, Reuse and Processing of Solid Waste**

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

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator ROSEN of Hancock.

Cosponsored by Senators: DAVIS of Piscataquis, KATZ of Kennebec, Representatives:
CAMPBELL of Orrington, DUCHESNE of Hudson, PICCHIOTTI of Fairfield, STANLEY of
Medway.

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

2 **CONCEPT DRAFT**

3 **SUMMARY**

4 This bill is a concept draft pursuant to Joint Rule 208.

5 This bill proposes to enact measures to support the State's solid waste management
6 hierarchy and provide for the effective and efficient management of solid waste
7 throughout the State by encouraging the conversion of municipal solid waste to electrical
8 energy as a means to minimize the amount of municipal solid waste that is disposed of
9 and stored in landfills.

10 The bill encourages materials management and conversion of municipal solid waste
11 into electrical energy through the establishment of a net electrical billing process that will
12 have the effect of reducing energy costs to municipalities who are the primary disposers
13 of the waste. The net electrical billing process will also serve to encourage the reduction,
14 recycling and effective management of municipal solid waste; preserve many existing
15 well-paying jobs; enhance the diversification of the State's energy resource mix; stabilize
16 the State's energy supply infrastructure; and result in a net environmental benefit to the
17 State and its citizens.

18 1. The bill would establish a waste management net electrical billing program in
19 accordance with the following provisions.

20 A. An eligible participating waste-to-energy facility in the State would be authorized
21 to develop and offer a contract for the converting of municipal solid waste to
22 electricity that provides net electrical billing credits based upon the number of
23 metered kilowatt-hours produced by the incineration of the municipal solid waste that
24 is originated with each eligible governmental entity customer that enters into a
25 contract. No contract would be authorized unless it is certified by the Department of
26 Environmental Protection.

27 B. There would be 2 types of metering in the program:

28 (1) Generation meters registering the flow of electricity produced through the
29 incineration of municipal solid waste at each eligible participating waste-to-
30 energy facility; and

31 (2) Consumption meters registering the consumption of electricity by the eligible
32 governmental entity customer.

33 C. Each eligible participating waste-to-energy facility would annually calculate the
34 annual electrical crediting ratio by taking the total metered electrical power generated
35 and dividing it by the total number of tons of municipal solid waste processed during
36 the reporting year. The annual electrical crediting calculation would be certified and
37 provided by each eligible participating waste-to-energy facility to the Department of
38 Environmental Protection and the Public Utilities Commission on or before a date
39 determined by the Department of Environmental Protection.

- 1 D. Based on net electrical crediting calculations, the Department of Environmental
2 Protection, in cooperation with the Public Utilities Commission, would set the annual
3 ratio at which net electrical billing credits will be determined by each eligible
4 participating waste-to-energy facility during the next program administrative year.
- 5 E. Each eligible participating waste-to-energy facility would provide monthly data
6 on the number of electrical billing credits each participating eligible governmental
7 entity customer has earned during the preceding 30-day period to the electrical utility
8 that provides service to each participating eligible governmental entity customer.
9 Copies of the report would be provided monthly to the participating eligible
10 governmental entity customer. Contracts supporting the net electrical billing process
11 would be developed between eligible participating waste-to-energy facilities and
12 utilities, as well as the utilities and the eligible governmental entity customers
13 participating in the program. A contract would not be used unless it is certified by
14 the Department of Environmental Protection and the Public Utilities Commission.
- 15 F. Each electrical utility would apply the reported net electrical billing credits for
16 each participating eligible governmental entity customer on its next electrical service
17 billing. Any credits not used on a given monthly electrical billing for a participating
18 eligible governmental entity customer would be carried over and applied to a future
19 monthly electrical service bill for that customer.
- 20 G. The program would be administered by the Department of Environmental
21 Protection in consultation with the Public Utilities Commission.
- 22 H. The Board of Environmental Protection would adopt routine technical rules
23 necessary for the operation and administration of the program.
- 24 2. The bill would establish definitions necessary to implement the waste
25 management net electrical billing program, including:
- 26 A. Defining "eligible governmental entity customer" as a governmental entity
27 organized and existing pursuant to the laws of the State that provides an annual
28 written certification that it operates an established program of solid waste reduction,
29 recycling and composting relative to the solid waste it collects before it sends that
30 solid waste to an eligible participating waste-to-energy facility for processing and
31 conversion into electricity;
- 32 B. Defining "eligible participating waste-to-energy facility" as a facility licensed
33 pursuant to the provisions of the Maine Revised Statutes, Title 38 that converts
34 municipal solid waste to electricity through an incineration process that is licensed by
35 the Department of Environmental Protection, reduces the volume of the municipal
36 solid waste it processes by at least 80% and the weight by at least 65% and is not a
37 party to a power purchase agreement;
- 38 C. Defining "municipal solid waste" as solid waste that has been collected by a
39 participating eligible governmental entity customer other than waste that the
40 customer has diverted through reduction, recycling and composting before it is sent to
41 an eligible participating waste-to-energy facility for processing and conversion into
42 electricity; and

1 D. Defining "net electrical billing credits" as the monetary credits that are applied by
2 an electrical utility to the monthly bill of an eligible governmental entity customer
3 that has earned those credits by sending municipal solid waste that it has collected to
4 an eligible participating waste-to-energy facility for conversion into electricity.