

MAINE STATE LEGISLATURE

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LD 718

Date 6/14/23

MAJORITY

(Filing No S-330)

ENVIRONMENT AND NATURAL RESOURCES

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

STATE OF MAINE

SENATE

131ST LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S P 276, L D 718, "An Act to Increase the Beneficial Reuse of Construction and Demolition Debris"

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

'An Act to Facilitate the Management of Wastewater Treatment Plant Sludge at the State-owned Juniper Ridge Landfill'

Amend the bill by inserting after the title and before the enacting clause the following

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies, and

Whereas, following the enactment of changes to the waste management laws under Public Law 2021, chapter 626, the operator of the state-owned Juniper Ridge Landfill implemented limitations on the amount of sludge accepted for landfilling and imposed additional and significant transportation and other sludge-management related costs on municipal and quasi-municipal customers, and

Whereas, implementation of the provisions in this legislation facilitates the landfilling of additional sludge amounts at the state-owned landfill by providing additional sludge bulking and stabilization material, and

Whereas, as memorialized in a written pledge dated May 16, 2023 from the operator of the state-owned landfill and provided to the Joint Standing Committee on Environment and Natural Resources, the landfilling of those additional sludge amounts, as facilitated in this legislation, will eliminate the additional transportation and sludge-management related costs the operator has imposed on municipal and quasi-municipal customers as a result of the enactment of Public Law 2021, chapter 626, and

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 necessary for the preservation of the public peace, health and safety, now, therefore,'

COMMITTEE AMENDMENT

1 Amend the bill by striking out everything after the enacting clause and inserting the
 2 following

3 **Sec. 1. 38 MRSA §1310-N, sub-§5-A, ¶B**, as amended by PL 2021, c 626, §2,
 4 is further amended by amending subparagraph (2) to read

5 (2) A solid waste processing facility that generates residue requiring disposal shall
 6 recycle or process into fuel for combustion all waste accepted at the facility to the
 7 maximum extent practicable, but in no case at a rate less than 50% For purposes
 8 of this subsection, "recycle" includes, but is not limited to, the reuse of waste
 9 generated within the State as defined in section 1303-C, subsection 40-A,
 10 paragraph C, the recovery of metals from waste, the use of waste or waste-derived
 11 product as material substitutes in construction, and the use of waste as boiler fuel
 12 substitutes

13 At least 50% of the waste that a solid waste processing facility characterizes as
 14 recycled under this subparagraph must have been reused or recycled by the facility
 15 through methods other than placement of the waste in a solid waste landfill, except
 16 that a solid waste processing facility that was in operation during calendar year
 17 2018, that accepts exclusively construction and demolition debris and that accepted
 18 more than 200,000 tons of such debris in calendar year 2018 shall

19 (a) Reuse or recycle at least 15% of such debris through methods other than
 20 placement in a solid waste landfill by ~~January 1, 2022~~ July 1, 2024,

21 (b) Reuse or recycle at least 20% of such debris through methods other than
 22 placement in a solid waste landfill by ~~January 1, 2023~~ July 1, 2025,

23 (c) Reuse or recycle at least 30% of such debris through methods other than
 24 placement in a solid waste landfill by ~~January 1, 2024~~ July 1, 2026,

25 (d) Reuse or recycle at least 40% of such debris through methods other than
 26 placement in a solid waste landfill by ~~January 1, 2025~~ July 1, 2027, and

27 (e) Reuse or recycle at least 50% of such debris through methods other than
 28 placement in a solid waste landfill by ~~January 1, 2026~~ July 1, 2028

29 **Sec. 2. Temporary allowance for disposal or placement of oversized bulky**
 30 **waste in landfill.** Notwithstanding any provision of the Maine Revised Statutes, Title
 31 38, section 1303-C, subsection 40-A to the contrary, for the period beginning on the
 32 effective date of this Act and ending July 1, 2025

33 1 If in any 12-month period the total weight of the residue generated by a solid waste
 34 processing facility and disposed of or otherwise placed in a solid waste landfill exceeds the
 35 total weight of the solid waste initially generated within the State that was processed by the
 36 facility in that 12-month period, such excess residue, not to exceed 25,000 tons in that 12-
 37 month period, is deemed to be waste generated within the State within the meaning of Title
 38 38, section 1303-C, subsection 40-A as long as that excess residue is composed of oversized
 39 bulky waste and is disposed of or otherwise placed in a state-owned solid waste landfill,
 40 and

41 2 Any excess residue, other than the excess residue identified in subsection 1,
 42 generated by the facility in that 12-month period is deemed not to be waste generated within
 43 the State within the meaning of Title 38, section 1303-C, subsection 40-A

1 As used in this section, "oversized bulky waste" means large items of solid waste that
2 are residue from processing construction and demolition debris, including, but not limited
3 to, household appliances, furniture and mattresses

4 **Sec. 3. Sludge management and landfill study.** The Department of
5 Environmental Protection, in consultation with the Public Utilities Commission, shall
6 evaluate options for and develop recommendations regarding state regulation of the
7 transportation, landfill disposal and other management of sludge generated from
8 wastewater treatment plants as the activities of a public utility and regarding state
9 regulation of the operation of state-owned solid waste landfills as a public utility On or
10 before January 15, 2024, the department shall submit a report outlining the results of the
11 study and recommendations, including any proposed legislation, to the Joint Standing
12 Committee on Environment and Natural Resources After reviewing the report, the
13 committee may report out legislation relating to the report to the Second Regular Session
14 of the 131st Legislature

15 **Sec. 4. Appropriations and allocations.** The following appropriations and
16 allocations are made

17 **ENVIRONMENTAL PROTECTION, DEPARTMENT OF**
18 **Remediation and Waste Management 0247**

19 Initiative Allocates funding for grants to municipalities for the costs of landfill closure and
20 remediation

21	OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
22	All Other	\$375,000	\$375,000
23			
24	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$375,000</u>	<u>\$375,000</u>

25 **Sec. 5. Retroactivity.** That section of this Act that amends the Maine Revised
26 Statutes, Title 38, section 1310-N, subsection 5-A, paragraph B, subparagraph (2) applies
27 retroactively to December 31, 2021

28 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
29 takes effect when approved '

30 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
31 number to read consecutively

32 **SUMMARY**

33 This amendment, which is the majority report of the committee, changes the title of
34 and replaces the bill, which is a concept draft It amends the law regarding the reuse or
35 recycling of construction and demolition debris by certain solid waste processing facilities
36 that were in operation during calendar year 2018 and accept exclusively construction and
37 demolition debris by extending the dates by which such facilities must reuse or recycle a
38 certain percentage of such debris through methods other than placement in a solid waste
39 landfill The amendment makes those changes in effective dates retroactive to December
40 31, 2021

41 It provides that for the period beginning on the effective date of the Act and ending
42 July 1, 2025, if in any 12-month period the total weight of the residue generated by a solid

1 waste processing facility and disposed of or otherwise placed in a solid waste landfill
 2 exceeds the total weight of the solid waste initially generated within the State that was
 3 processed by the facility in that 12-month period, such excess residue, not to exceed 25,000
 4 tons in that 12-month period, is deemed to be waste generated within the State within the
 5 meaning of the Maine Revised Statutes, Title 38, section 1303-C, subsection 40-A as long
 6 as that excess residue is composed of oversized bulky waste and is disposed of or otherwise
 7 placed in a state-owned solid waste landfill Any other excess residue generated by the
 8 facility in that 12-month period is deemed not to be waste generated within the State

9 It also directs the Department of Environmental Protection, in consultation with the
 10 Public Utilities Commission, to evaluate options for and develop recommendations
 11 regarding state regulation of the transportation, landfill disposal and other management of
 12 sludge generated from wastewater treatment plants as the activities of a public utility and
 13 regarding state regulation of the operation of state-owned solid waste landfills as a public
 14 utility On or before January 15, 2024, the department is required to submit a report
 15 outlining the results of the study and recommendations, including any proposed legislation,
 16 to the Joint Standing Committee on Environment and Natural Resources After reviewing
 17 the report, the committee may report out legislation relating to the report to the Second
 18 Regular Session of the 131st Legislature

FISCAL NOTE REQUIRED

(See attached)

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131st MAINE LEGISLATURE

LD 718

LR 349(02)

An Act to Increase the Beneficial Reuse of Construction and Demolition Debris

Fiscal Note for Bill as Amended by Committee Amendment "A" (S 330)
 Committee: Environment and Natural Resources
 Fiscal Note Required: Yes

Fiscal Note

	FY 2023-24	FY 2024-25	Projections FY 2025-26	Projections FY 2026-27
Appropriations/Allocations				
Other Special Revenue Funds	\$375,000	\$375,000	\$375,000	\$375,000
Revenue				
Other Special Revenue Funds	\$375,000	\$375,000	\$375,000	\$375,000

Fiscal Detail and Notes

This bill changes the law regarding the reuse or recycling of construction and demolition debris by certain solid waste processing facilities by delaying the date by which those facilities must reuse or recycle a certain percentage of such debris. This delay reverses a revenue loss and deallocation of \$375,000 contained in P L2021, c 626. Any additional costs to the Department of Environmental Protection or the Public Utilities Commission as a result of the additional reporting requirement related to operation of State-owned landfills or the management of sludge generated by wastewater treatment plants are anticipated to be minor and can be absorbed within existing budgeted resources.