

MAINE STATE LEGISLATURE

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Date: 3/15/24

L.D. 2135
(Filing No. H-828)

ENVIRONMENT AND NATURAL RESOURCES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1359, L.D. 2135, "Resolve, to Investigate and Address Municipal Solid Waste Disposal Services Issues"

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

'Resolve, Regarding the Operation and Future Capacity of State-owned Landfills'

Amend the resolve in the emergency preamble by striking out the 5th paragraph (page 1, lines 18 to 21 in L.D.) and inserting the following:

'Whereas, Penobscot Energy Recovery Company ceased to provide municipal solid waste handling, processing and disposal services at its waste-to-energy facility as of May 2, 2023 and, although the facility was sold at auction in November 2023, it has yet to resume operation; and'

Amend the resolve by striking out all of section 1 and inserting the following:

'Sec. 1. Report on Jay landfill. Resolved: That the Department of Environmental Protection shall evaluate the potential costs and benefits to the State of the State's acquiring ownership of the former paper mill landfill in the Town of Jay for the primary purpose of increasing disposal capacity in the State for wastewater treatment plant sludge and special waste but with consideration given to the potential for the disposal of municipal solid waste at that landfill. The evaluation must include, but is not limited to, consideration of existing conditions at the Jay landfill, including liner condition, leachate collection systems and the presence of perfluoroalkyl and polyfluoroalkyl substances and other environmental contaminants; capacity, including disposal capacity and the potential for expansion of capacity; facility needs in the areas of odor management, gas management and leachate management and treatment; options for managing wastewater treatment plant sludge; and any other conditions relevant to the potential future operation of a landfill. In conducting the evaluation under this section, the department may, as necessary, consult with the Department of Administrative and Financial Services, Bureau of General Services, referred to in this resolve as "the bureau."

COMMITTEE AMENDMENT

1 On or before January 1, 2025, the department shall submit to the joint standing
 2 committee of the Legislature having jurisdiction over environment and natural resources
 3 matters a report outlining the findings and recommendations of the evaluation under this
 4 section and including any proposed legislation. After reviewing the report, the committee
 5 may report out legislation relating to the report to the 132nd Legislature in 2025.

6 **Sec. 2. Report on Old Town landfill operating services agreement.**
 7 **Resolved:** That the bureau and the Department of Environmental Protection shall evaluate
 8 options for amending the operating services agreement of February 5, 2004, as amended,
 9 between the bureau and the operator of the state-owned Juniper Ridge Landfill in the City
 10 of Old Town concerning the operation of the landfill for the purpose of enhancing the
 11 transparency and oversight of the operation of the landfill and of the related activities of
 12 the operator of the landfill.

13 On or before January 1, 2025, the bureau and the department shall jointly submit to the
 14 joint standing committee of the Legislature having jurisdiction over environment and
 15 natural resources matters a report outlining the findings and recommendations of the
 16 evaluation under this section and including any proposed legislation. After reviewing the
 17 report, the committee may report out legislation relating to the report to the 132nd
 18 Legislature in 2025.

19 **Sec. 3. Amendment of operating services agreement for Old Town landfill.**
 20 **Resolved:** That, in accordance with the provisions of this section, the bureau shall initiate
 21 a process to negotiate an amendment to the operating services agreement of February 5,
 22 2004, as amended, referred to in this section as "the agreement," with the operator of the
 23 state-owned Juniper Ridge Landfill in the City of Old Town, referred to in this section as
 24 "the landfill," concerning the operation of the landfill.

25 1. Notwithstanding any provision of law or bureau rule to the contrary, the bureau may
 26 not execute any amendment to the agreement:

27 A. Prior to the bureau's submission to the Department of Environmental Protection of
 28 an application for a public benefit determination for a license for the expansion of the
 29 landfill in accordance with the Maine Revised Statutes, Title 38, section 1310-AA; and

30 B. Unless the amendment to the agreement includes the provisions described in
 31 subsection 2.

32 2. Subject to the limitation provided in subsection 1, paragraph A, the bureau shall
 33 negotiate with the operator of the landfill and execute an amendment to the agreement that:

34 A. Requires the operator to disclose and make available to the bureau the terms and
 35 conditions of all contracts and agreements between the operator and its contractors,
 36 subcontractors and customers regarding the use, operation and maintenance of the
 37 landfill;

38 B. Requires the operator to implement and operate at the landfill the technology,
 39 facilities or processes necessary to ensure that the leachate collected from the landfill
 40 is treated prior to discharge such that the concentration of regulated PFAS
 41 contaminants in the treated leachate does not exceed the drinking water standards
 42 applicable to community water systems and nontransient, noncommunity water
 43 systems established by the Department of Health and Human Services pursuant to the
 44 Maine Revised Statutes, Title 22, section 2611. The amendment may include

1 provisions that account for future amendments to applicable treatment standards for
 2 regulated PFAS contaminants, including, but not limited to:

3 (1) Future amendment by the Department of Health and Human Services pursuant
 4 to Title 22, section 2611 of the applicable drinking water standards for community
 5 water systems and nontransient, noncommunity water systems regarding the
 6 concentration of regulated PFAS contaminants; and

7 (2) Future establishment by the Department of Environmental Protection of
 8 effluent discharge standards applicable to the concentration of regulated PFAS
 9 contaminants in discharged effluent containing treated landfill leachate.

10 The amendment must provide the bureau with the authority, in consultation with the
 11 Department of Environmental Protection, to review, approve and monitor the
 12 operator's implementation and operation at the landfill of the perfluoroalkyl and
 13 polyfluoroalkyl substances treatment technology, facilities or processes required by
 14 this paragraph.

15 As used in this paragraph, "regulated PFAS contaminants" has the same meaning as in
 16 Title 22, section 2660-AA, subsection 4; "community water system" has the same
 17 meaning as in Title 22, section 2660-B, subsection 2; and "nontransient,
 18 noncommunity water system" means a nontransient, noncommunity water system as
 19 described in Title 22, section 2660-B, subsection 5, paragraph A; and

20 C. Includes other terms, conditions or changes to the agreement that are negotiated
 21 and agreed upon by the bureau and the operator.'

22 Amend the resolve by relettering or renumbering any nonconsecutive Part letter or
 23 section number to read consecutively.

24 **SUMMARY**

25 This amendment changes the title of the resolve and does the following.

26 1. It replaces the provisions of the resolve requiring an investigation with a requirement
 27 that the Department of Environmental Protection evaluate the potential costs and benefits
 28 to the State of the State's acquiring ownership of the former paper mill landfill in the Town
 29 of Jay for the primary purpose of increasing disposal capacity in the State for wastewater
 30 treatment plant sludge and special waste. On or before January 1, 2025, the department is
 31 required to submit to the joint standing committee of the Legislature having jurisdiction
 32 over environment and natural resources matters a report outlining the findings and
 33 recommendations of the evaluation and including any proposed legislation, and the
 34 committee may report out related legislation to the 132nd Legislature in 2025.

35 2. It requires the Department of Administrative and Financial Services, Bureau of
 36 General Services and the Department of Environmental Protection to evaluate options for
 37 amending the operating services agreement of February 5, 2004, as amended, between the
 38 bureau and the operator of the state-owned Juniper Ridge Landfill in the City of Old Town
 39 concerning the operation of the landfill for the purpose of enhancing the transparency and
 40 oversight of the operation of the landfill and of the activities of the operator of the landfill.
 41 On or before January 1, 2025, the bureau and the department are required to jointly submit
 42 to the joint standing committee of the Legislature having jurisdiction over environment and
 43 natural resources matters a report outlining the findings and recommendations of this

COMMITTEE AMENDMENT

1 evaluation and including any proposed legislation. After reviewing the report, the
2 committee may report out related legislation to the 132nd Legislature in 2025.

3 3. It requires the Department of Administrative and Financial Services, Bureau of
4 General Services to initiate a process to negotiate an amendment to the operating services
5 agreement of February 5, 2004, as amended, with the operator of the state-owned Juniper
6 Ridge Landfill in the City of Old Town concerning the operation of the landfill. It prohibits
7 the bureau from executing any amendment to that agreement prior to the bureau's
8 submission of an application for a public benefit determination for a license for the
9 expansion of the landfill in accordance with the Maine Revised Statutes, Title 38, section
10 1310-AA and unless the amendment to the agreement includes certain specified provisions.
11 Those provisions include requirements that the operator disclose and make available to the
12 bureau the terms and conditions of all contracts and agreements between the operator and
13 its contractors, subcontractors and customers regarding the use, operation and maintenance
14 of the landfill and requirements that the operator implement and operate at the landfill the
15 technology, facilities or processes necessary to ensure that the leachate collected from the
16 landfill is treated prior to discharge such that the concentration of regulated perfluoroalkyl
17 and polyfluoroalkyl substances, or PFAS, contaminants in the treated leachate does not
18 exceed specified standards.

19 **FISCAL NOTE REQUIRED**

20 (See attached)



131st MAINE LEGISLATURE

LD 2135

LR 2798(02)

Resolve, to Investigate and Address Municipal Solid Waste Disposal Services Issues

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-828)
Committee: Environment and Natural Resources

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

Any additional costs to the Department of Environmental Protection or the Department of Administrative Services, Bureau of General Services from the provisions of this bill are expected to be minor and can be absorbed within existing budgeted resources.