

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

S.P. 276 - L.D. 718

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

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,

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

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

(2) A solid waste processing facility that generates residue requiring disposal shall recycle or process into fuel for combustion all waste accepted at the facility to the maximum extent practicable, but in no case at a rate less than 50%. For purposes of this subsection, "recycle" includes, but is not limited to, the reuse of waste

generated within the State as defined in section 1303-C, subsection 40-A, paragraph C; the recovery of metals from waste; the use of waste or waste-derived product as material substitutes in construction; and the use of waste as boiler fuel substitutes.

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

- (a) Reuse or recycle at least 15% of such debris through methods other than placement in a solid waste landfill by ~~January 1, 2022~~ July 1, 2024;
- (b) Reuse or recycle at least 20% of such debris through methods other than placement in a solid waste landfill by ~~January 1, 2023~~ July 1, 2025;
- (c) Reuse or recycle at least 30% of such debris through methods other than placement in a solid waste landfill by ~~January 1, 2024~~ July 1, 2026;
- (d) Reuse or recycle at least 40% of such debris through methods other than placement in a solid waste landfill by ~~January 1, 2025~~ July 1, 2027; and
- (e) Reuse or recycle at least 50% of such debris through methods other than placement in a solid waste landfill by ~~January 1, 2026~~ July 1, 2028.

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

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

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

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

Sec. 3. Sludge management and landfill study. The Department of Environmental Protection, in consultation with the Public Utilities Commission, shall evaluate options for and develop recommendations regarding state regulation of the transportation, landfill disposal and other management of sludge generated from wastewater treatment plants as the activities of a public utility and regarding state

regulation of the operation of state-owned solid waste landfills as a public utility. On or before January 15, 2024, the department shall submit a report outlining the results of the study and recommendations, including any proposed legislation, to the Joint Standing Committee on Environment and Natural Resources. After reviewing the report, the committee may report out legislation relating to the report to the Second Regular Session of the 131st Legislature.

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

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

Initiative: Allocates funding for grants to municipalities for the costs of landfill closure and remediation.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$375,000	\$375,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$375,000	\$375,000

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

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