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Date: (Filing No. H-)

ENVIRONMENT AND NATURAL RESOURCES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1417, L.D. 1911, “An Act To Prohibit the Contamination of Clean Soils with So-called Forever Chemicals”

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

'An Act To Prevent the Further Contamination of the Soils and Waters of the State with So-called Forever Chemicals'

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

'Sec. 1. 38 MRSA §413, sub-§12 is enacted to read:

12. Sampling for perfluoroalkyl and polyfluoroalkyl substances. Notwithstanding section 414-A or any other provision of law to the contrary, the department by written notification may require a person licensed by the department to discharge wastewater to groundwater or any waters of the State to sample the effluent discharged for perfluoroalkyl and polyfluoroalkyl substances and to report the sample data to the department. Upon receipt of the written notification and as directed by the department, the person shall conduct the required sampling of the effluent for perfluoroalkyl and polyfluoroalkyl substances and report the sample data to the department.

As used in this subsection, "perfluoroalkyl and polyfluoroalkyl substances" has the same meaning as in Title 32, section 1732, subsection 5-A.

Sec. 2. 38 MRSA §1306, sub-§7 is enacted to read:

7. Prohibitions on land application of sludge and septage; sale and distribution of compost and other agricultural products and materials containing sludge and septage; sale, distribution and use of crops grown at septage application sites. This subsection governs the land application of sludge and septage, the sale and distribution of compost and other agricultural products and materials containing sludge and septage and the sale, distribution and use of crops grown at septage application sites.

A. Notwithstanding any provision of law to the contrary, except as provided in paragraph B, beginning March 1, 2023, a person may not:

COMMITTEE AMENDMENT

- 1 (1) Apply to or spread on any land in the State:
- 2 (a) Sludge generated from a municipal, commercial or industrial wastewater
- 3 treatment plant or septage;
- 4 (b) Compost material that included in its production sludge generated from a
- 5 municipal, commercial or industrial wastewater treatment plant or septage; or
- 6 (c) Any other product or material that is intended for use as a fertilizer, soil
- 7 amendment, topsoil replacement or mulch or for other similar agricultural
- 8 purpose that is derived from or contains sludge generated from a municipal,
- 9 commercial or industrial wastewater treatment plant or septage;
- 10 (2) Sell or distribute in the State:
- 11 (a) Compost material that included in its production sludge generated from a
- 12 municipal, commercial or industrial wastewater treatment plant or septage; or
- 13 (b) Any other product or material that is intended for use as a fertilizer, soil
- 14 amendment, topsoil replacement or mulch or for other similar agricultural
- 15 purpose that is derived from or contains sludge generated from a municipal,
- 16 commercial or industrial wastewater treatment plant or septage; or
- 17 (3) Sell, distribute or use in the State an agricultural crop or other vegetative
- 18 material for any agricultural purpose, including, but not limited to, for use as
- 19 animal feed, if the agricultural crop or vegetative material was grown at a location
- 20 in the State where septage is licensed or permitted to be applied or spread.

21 B. The prohibitions in paragraph A do not apply to:

- 22 (1) The disposal or placement at a solid waste landfill of any of the materials that
- 23 are prohibited from application, spreading, sale, distribution or use by this
- 24 subsection; or
- 25 (2) The land application of sludge or septage or the sale or distribution of compost
- 26 material or other product or material derived from or containing sludge or septage
- 27 that has been tested for perfluorooctanoic acid, or PFOA, and for perfluorooctaine
- 28 sulfonic acid, or PFOS, consistent with the analytical methods for such testing
- 29 established by the department, and the results of that testing indicate that the
- 30 sludge, septage, compost material or other product or material contains less than
- 31 25 parts per billion of PFOA and less than 50 parts per billion of PFOS.

32 **Sec. 3. 38 MRSA §1310-B-1, sub-§2, ¶A**, as enacted by PL 2021, c. 478, §1, is
33 amended to read:

34 A. The fund is ~~funded by the fee under subsection 3 and any~~ may accept revenue from
35 any source, public or private funds, that may be available for carrying out the purposes
36 of the fund. The department shall deposit with the Treasurer of State to the credit of
37 the fund money in the fund not currently needed by the department to carry out the
38 purposes of the fund, which may be invested as provided by law. Interest earned on
39 investment of money under this paragraph must be credited to the fund.

40 **Sec. 4. 38 MRSA §1310-B-1, sub-§3**, as enacted by PL 2021, c. 478, §1, is
41 repealed.

