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Date: (Filing No. S- )

**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 “ ” 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 <b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2023-24</b>	<b>2024-25</b>
22 All Other	\$375,000	\$375,000
23		
24 OTHER SPECIAL REVENUE FUNDS TOTAL	\$375,000	\$375,000

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.

19 **FISCAL NOTE REQUIRED**

20 **(See attached)**