** LANGUAGE REVIEW – LD 2070 AMENDMENT**

Committee: ENR
Drafter: DT
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New Title?: Yes
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LD 2070
Unanimous committee amendment

New Title: "An Act to Improve the Management of Landfill Leachate and Wastewater Treatment Plant Sludge at Solid Waste Landfills"

Amend the bill by striking everything after the title and before the summary and inserting the following in its place.

Sec. 1. 38 MRSA §590, sub-§1, ¶F is enacted to read:

F. A facility that is required to be licensed under this chapter and that processes or incinerates sludge must implement best available control technology for any new source and best practical treatment for any existing source to minimize emissions of perfluoroalkyl and polyfluoroalkyl substances from the facility to the ambient air.

(1) An applicant for license under this chapter that is a facility that processes or incinerates sludge must propose in the application the best available control technology or best practical treatment, as applicable, for department approval.

(2) A license issued by the department pursuant to this chapter to a facility that processes or incinerates sludge must require the licensee to demonstrate compliance with perfluoroalkyl and polyfluoroalkyl substances emission limits or emission reduction requirements established by the department in the license, which must include requirements for the licensee to conduct emission testing for perfluoroalkyl and polyfluoroalkyl substances.

For purposes of this paragraph, perfluoroalkyl and polyfluoroalkyl substances are an air contaminant and a regulated pollutant under this chapter.

As used in this paragraph, "perfluoroalkyl and polyfluoroalkyl substances" has the same meaning as in section 1614, subsection 1, paragraph F; and "sludge" has the same meaning as in section 1303-C, subsection 28-A.

Sec. 2. 38 MRSA §590, sub-§1, last ¶ is amended to read:

The board may adopt rules to implement paragraphs A to ~~E~~ F. Rules initially adopted to implement paragraphs A to ~~E~~ F are major substantive rules as defined in Title 5, chapter 375,

subchapter 2-A. Any subsequent revision to rules adopted to implement paragraphs A to ~~E~~ F are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 3. 38 MRSA §1310-N, sub-§10-C is enacted to read:

10-C. Landfill leak detection system; testing of landfill site groundwater for perfluoroalkyl and polyfluoroalkyl substances. In accordance with a schedule approved by the department, a new or expanded solid waste landfill that requires for its construction or expansion a permit under the Natural Resources Protection Act for the alteration of freshwater wetlands shall:

A. Incorporate a leak detection system into the landfill's engineering design;

B. Integrate into the landfill's department-approved water quality monitoring plan the use of that leak detection system and the sampling and analysis of groundwater on the landfill site for perfluoroalkyl and polyfluoroalkyl substances; and

C. In accordance with the landfill's department-approved water quality monitoring plan, provide the results of the groundwater sampling and analysis conducted pursuant to paragraph B to the department as part of the landfill's annual report.

This subsection does not apply to a solid waste landfill that is less than 6 acres in size that accepts only inert fill, construction and demolition debris, debris from land clearing and wood wastes. As used in this subsection, "freshwater wetlands" has the same meaning as in section 480-B, subsection 4.

Sec. 4. 38 MRSA §1310-N, sub-§10-D is enacted to read:

10-D. Sludge testing required. A solid waste facility licensed under this chapter may not process, beneficially reuse or dispose of sludge at that facility unless the sludge has been characterized by the entity that generated the sludge in accordance with a plan approved by the department, which must include sampling and analysis of the sludge for perfluoroalkyl and polyfluoroalkyl substances.

Sec. 5. 38 MRSA §1310-AA, sub-§1-B, ¶C is amended to read:

C. Notwithstanding any provision of this section to the contrary, the commissioner may not find that a new or expanded solid waste landfill owned by the State provides a substantial public benefit in accordance with subsection 3 unless the solid waste landfill treats the leachate collected from the landfill to reduce the concentrations of perfluoroalkyl and polyfluoroalkyl substances in the leachate, in accordance with a license issued by the department pursuant to section 1310-N, and otherwise satisfies the standards in subsection 3.

Sec. 6. 38 MRSA §2152-A, sub-§4 is enacted to read:

4. Prohibition on development or use of Carpenter Ridge site as State-owned solid waste landfill. The Legislature intends that the Carpenter Ridge site may not be developed as or used for the operation of a State-owned solid waste landfill. Notwithstanding any provision of this Title or other law to the contrary:

A. The bureau or other State agency may not apply for, and the department may not issue, a new or expanded license or an amendment to or renewal of an existing license for the operation of a State-owned solid waste landfill at the Carpenter Ridge site; and

B. The bureau or other State agency may not operate or contract for the operation of a State-owned solid waste landfill at the Carpenter Ridge site.

The Legislature further intends that the Penobscot Nation has the right of first refusal to purchase the Carpenter Ridge site, or any portion of the Carpenter Ridge site, that may be proposed for sale by the bureau or other State agency having ownership over the site, in a manner consistent with applicable laws or rules regulating the sale of State-owned property.

As used in this subsection, "Carpenter Ridge site" means a parcel of land owned by the State, consisting of approximately 1,500 acres located in the unorganized territory in Penobscot County, in Township 2, Range 8, approximately two miles west of Exit 227 on Interstate 95, for which a license to operate a solid waste landfill was issued by the Department of Environmental Protection to the former State Planning Office on April 24, 1996; and "Penobscot Nation" has the same meaning as in Title 30-A, section 6203, subsection 10.

Sec. 7. Bureau of General Services, procurement of technical waste management information; report. The Department of Administrative and Financial Services, Bureau of General Services shall procure technical information from waste industry professionals regarding options for the sustainable management of special wastes and municipal solid waste bypass to ensure sufficient capacity is available for those wastes that are generated in the State until at least 2050, which must include information regarding options for siting new solid waste facilities in the State. On or before January 15, 2027, the bureau shall submit to the joint standing committee having jurisdiction over environment and natural resources matters a report setting forth the technical information procured by the bureau pursuant to this section. After reviewing the report, the joint standing committee may report out legislation relating to the report to the 133rd Legislature in 2027.

Sec. 8. Department of Environmental Protection; evaluation of State solid waste facility rules; report. The Department of Environmental Protection shall conduct an evaluation of its rules regulating solid waste facilities and identify opportunities to develop new or support or improve existing facilities, technologies, programs, initiatives or processes in a manner consistent with the State's solid waste management hierarchy under the Maine Revised Statutes, Title 38, section 2101. In conducting its work under this section, the department shall solicit input from and invite the participation of waste industry stakeholders and the general public. On or before January 15, 2028, the department shall submit a report setting forth the results of the

evaluation under this section, including any recommendations for legislative action, to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters. The report required under this section may be included in the report required by Title 38, section 2124-A. After reviewing the report, the joint standing committee may report out legislation relating to the report to the Second Regular Session of the 133rd Legislature.

SUMMARY

This amendment changes the title of, replaces the bill and does the following.

1. It provides that a facility requiring an air emissions license that processes or incinerates sludge must implement best available control technology for any new source and best practical treatment for any existing source to minimize emissions of perfluoroalkyl and polyfluoroalkyl substances from the facility to the ambient air.

2. It provides that, in accordance with a schedule approved by the Department of Environmental Protection, a new or expanded solid waste landfill that requires for its construction or expansion a permit under the Natural Resources Protection Act for the alteration of freshwater wetlands shall incorporate a leak detection system into the landfill's engineering design; integrate into the landfill's water quality monitoring plan the use of that leak detection system and the sampling and analysis of groundwater on the landfill site for perfluoroalkyl and polyfluoroalkyl substances; and provide the results of that groundwater sampling and analysis as part of the landfill's annual report.

3. It prohibits a licensed solid waste facility from processing, beneficially reusing or disposing of sludge at that facility unless the sludge has been characterized by the entity that generated the sludge in accordance with a plan approved by the department, which must include sampling and analysis of the sludge for perfluoroalkyl and polyfluoroalkyl substances.

4. It prohibits the Commissioner of Environmental Protection from finding, for the purposes of a public benefit determination under the Maine Revised Statutes, Title 38, section 1310-AA, that a new or expanded solid waste landfill owned by the State provides a substantial public benefit unless the landfill treats the leachate collected from the landfill to reduce the concentrations of perfluoroalkyl and polyfluoroalkyl substances in the leachate in accordance a license issued by the Department of Environmental Protection.

5. It amends provisions of law regulating State-owned solid waste disposal facilities to express the intent of the Legislature that the Carpenter Ridge site may not be developed as or used for the operation of a State-owned solid waste landfill. It prohibits the Bureau of General Services or other State agency from applying for and the Department of Environmental Protection from issuing a new or expanded license or an amendment to or renewal of an existing license for the operation of a State-owned solid waste landfill at the Carpenter Ridge site. It also prohibits the bureau or other State agency from operating or contracting for the operation of a State-owned solid waste landfill at the Carpenter Ridge site. It further expresses the intent of the Legislature that the Penobscot Nation has the right of first refusal to purchase the Carpenter

Ridge site, or any portion of the Carpenter Ridge site, that may be proposed for sale by the bureau or other State agency having ownership over the site, in a manner consistent with applicable laws or rules regulating the sale of State-owned property. As used in the amendment, "Carpenter Ridge site" means a parcel of land owned by the State, consisting of approximately 1,500 acres located in the unorganized territory in Penobscot County, in Township 2, Range 8, approximately two miles west of Exit 227 on Interstate 95, for which a license to operate a solid waste landfill was issued by the department to the former State Planning Office on April 24, 1996.

6. It directs the Bureau of General Services to procure technical information from waste industry professionals regarding options for the sustainable management of special wastes and municipal solid waste bypass to ensure sufficient capacity is available for those wastes that are generated in the State until at least 2050, which must include information regarding options for siting new solid waste facilities in the State. On or before January 15, 2027, the bureau is required to submit to the joint standing committee having jurisdiction over environment and natural resources matters a report setting forth the technical information procured by the bureau, and the committee is authorized to report out related legislation.

7. It directs the Department of Environmental Protection to conduct an evaluation of its rules regulating solid waste facilities and identify opportunities to develop new or support or improve existing facilities, technologies, programs, initiatives or processes in a manner consistent with the State's solid waste management hierarchy under the Maine Revised Statutes, Title 38, section 2101. In conducting that work, the department is required to solicit input from and invite the participation of waste industry stakeholders and the general public. On or before January 15, 2028, the department is required to submit a report, which may be included in the report required by Title 38, section 2124-A, setting forth the results of the evaluation under this section, including any recommendations for legislative action, to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters, and the committee is authorized to report out related legislation.