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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 §1304, sub-§20** is enacted to read:

**20. Land application of septage; prohibitions.** Notwithstanding any provision of law to the contrary:

A. The department may not issue a new license or permit authorizing a person to apply or spread septage at any location in the State; and

B. A person licensed or permitted by the department to apply or spread septage at one or more locations in the State may not apply septage at a location authorized under that license or permit if the department provides to the person a written determination that,

**COMMITTEE AMENDMENT**

1 based on testing conducted at or in close proximity to the location, the department has  
2 determined that the concentration of perfluoroalkyl and polyfluoroalkyl substances in  
3 groundwater at that location or in drinking water sources in close proximity to that  
4 location exceeds the applicable drinking water standard for perfluoroalkyl and  
5 polyfluoroalkyl substances.

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

8 **Sec. 3. 38 MRSA §1305, sub-§7**, as enacted by PL 1983, c. 726, §2, is repealed.

9 **Sec. 4. 38 MRSA §1306, sub-§2**, as amended by PL 1985, c. 612, §19, is repealed.

10 **Sec. 5. 38 MRSA §1306, sub-§7** is enacted to read:

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

17 A. Notwithstanding any provision of law to the contrary, except as provided in  
18 paragraph B, a person may not:

19 (1) Apply to or spread on any land in the State:

20 (a) Sludge generated from a municipal, commercial or industrial wastewater  
21 treatment plant;

22 (b) Compost material that included in its production sludge generated from a  
23 municipal, commercial or industrial wastewater treatment plant or septage; or

24 (c) Any other product or material that is intended for use as a fertilizer, soil  
25 amendment, topsoil replacement or mulch or for other similar agricultural  
26 purpose that is derived from or contains sludge generated from a municipal,  
27 commercial or industrial wastewater treatment plant or septage;

28 (2) Sell or distribute in the State:

29 (a) Compost material that included in its production sludge generated from a  
30 municipal, commercial or industrial wastewater treatment plant or septage; or

31 (b) Any other product or material that is intended for use as a fertilizer, soil  
32 amendment, topsoil replacement or mulch or for other similar agricultural  
33 purpose that is derived from or contains sludge generated from a municipal,  
34 commercial or industrial wastewater treatment plant or septage; or

35 (3) Sell, distribute or use in the State an agricultural crop or other vegetative  
36 material for any agricultural purpose, including, but not limited to, for use as  
37 animal feed, if the agricultural crop or vegetative material was grown at a location  
38 in the State where septage is licensed or permitted to be applied or spread.

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

1           (1) The disposal or placement at a solid waste landfill of any of the materials that  
2           are prohibited from application, spreading, sale, distribution or use by this  
3           subsection;

4           (2) The land application of or the sale or distribution of compost material or other  
5           agricultural product or material derived from or containing residuals generated as  
6           a result of the processing or cultivation of food, food waste, crops or vegetative  
7           material, the brewing of malt liquor, the fermenting of wine or hard cider or the  
8           distilling of spirits, including, but not limited to, blueberries, apples, grapes,  
9           potatoes, seaweed, fish and seafood and spent grain or malt, provided that such  
10           residuals are not mixed with sludge from a municipal, commercial or industrial  
11           wastewater treatment plant, septage, sewage or sanitary wastewater prior to or  
12           during land application or the production of the compost material or other  
13           agricultural product or material; or

14           (3) The land application of or the sale or distribution of compost material or other  
15           agricultural product or material derived from or containing sludge resulting from  
16           the production of precipitated calcium carbonate.

17           **Sec. 6. 38 MRSA §1310-B-1, sub-§2, ¶A**, as enacted by PL 2021, c. 478, §1, is  
18 amended to read:

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

25           **Sec. 7. 38 MRSA §1310-B-1, sub-§3**, as enacted by PL 2021, c. 478, §1, is  
26 repealed.

27           **Sec. 8. 38 MRSA §1310-B-1, sub-§4**, as enacted by PL 2021, c. 478, §1, is  
28 amended to read:

29           **4. Rules.** The board ~~shall~~ may adopt rules necessary for the administration of the fund  
30           and any underlying program or purpose under or funded by the fund ~~and for the assessment~~  
31           ~~and collection of the fee under subsection 3.~~ Rules adopted pursuant to this subsection are  
32           routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

33           **Sec. 9. PL 2021, c. 478, §2, sub-§4** is repealed.

34           **Sec. 10. Department of Environmental Protection to develop plan to**  
35           **prohibit land application of septage; report.** The Department of Environmental  
36           Protection shall study methods of and develop a plan for prohibiting the land application  
37           of septage in the State. The plan must include, but is not limited to, identification of the  
38           available capacity at wastewater treatment plants or other treatment or disposal facilities in  
39           the State or regionally to manage the septage that is currently land applied in the State,  
40           determination of the capacity anticipated to be necessary to manage that septage if land  
41           application is prohibited in the State, development of recommendations for supporting and  
42           funding the development of such additional management capacity if necessary and

1 development of recommendations concerning a framework and appropriate time frame for  
2 prohibiting the land application of septage in the State.

3 On or before January 15, 2023, the department shall submit to the joint standing  
4 committee of the Legislature having jurisdiction over environment and natural resources  
5 matters a report containing its findings and recommendations, including any suggested  
6 legislation, resulting from the study under this section. After receiving the report, the joint  
7 standing committee may report out legislation to implement any such recommendations.

8 As used in this section, "septage" has the same meaning as in the Maine Revised  
9 Statutes, Title 38, section 1303-C, subsection 27.

10 **Sec. 11. Appropriations and allocations.** The following appropriations and  
11 allocations are made.

12 **ENVIRONMENTAL PROTECTION, DEPARTMENT OF**  
13 **Land Application Contaminant Monitoring Fund N385**

14 Initiative: Provides deallocation as a result of the repeal of the septage and sludge handling  
15 fee.

16	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2021-22</b>	<b>2022-23</b>
17	All Other	(\$1,799,500)	(\$3,599,500)
18			
19	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<u>(\$1,799,500)</u>	<u>(\$3,599,500)</u>

20 ' Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
21 number to read consecutively.  
22

23 **SUMMARY**

24 This amendment, which is the majority report of the committee, changes the title of  
25 and replaces the bill and does the following.

26 1. It authorizes the Department of Environmental Protection to require a person  
27 licensed to discharge wastewater to sample the effluent discharged for perfluoroalkyl and  
28 polyfluoroalkyl substances and to report the sample data to the department.

29 2. It provides that a person licensed or permitted by the department to apply or spread  
30 septage at one or more locations in the State may not apply septage at any location  
31 authorized under that license or permit if the department provides to the person a written  
32 determination that, based on testing conducted at the location or in close proximity to that  
33 location, the department has determined that the concentration of perfluoroalkyl and  
34 polyfluoroalkyl substances in groundwater at that location or in drinking water sources in  
35 close proximity to that location exceeds the applicable drinking water standard for  
36 perfluoroalkyl and polyfluoroalkyl substances.

37 3. It prohibits the department from issuing any new license or permit authorizing a  
38 person to apply or spread septage at any location in the State.

39 4. It repeals provisions of law that authorize a homeowner to arrange for septage from  
40 a residence on the homeowner's property to be disposed of on that property.

1           5. Subject to certain listed exceptions, it prohibits the application or spreading on any  
2 land in the State of sludge, any compost material that included in its production sludge  
3 generated from a municipal, commercial or industrial wastewater treatment plant or septage  
4 or any other product or material that is intended for use as a fertilizer, soil amendment,  
5 topsoil replacement or mulch or for other similar agricultural purpose that is derived from  
6 or contains sludge generated from a municipal, commercial or industrial wastewater  
7 treatment plant or septage.

8           6. Subject to certain listed exceptions, it prohibits the sale or distribution in the State  
9 of any compost material that included in its production sludge generated from a municipal,  
10 commercial or industrial wastewater treatment plant or septage or any other product or  
11 material that is intended for use as a fertilizer, soil amendment, topsoil replacement or  
12 mulch or for other similar agricultural purpose that is derived from or contains sludge  
13 generated from a municipal, commercial or industrial wastewater treatment plant or  
14 septage.

15           7. Subject to certain listed exceptions, it prohibits the sale, distribution or use in the  
16 State of an agricultural crop or other vegetative material for any agricultural purpose,  
17 including, but not limited to, for use as animal feed, if the agricultural crop or vegetative  
18 material was grown at a location in the State where septage is licensed or permitted to be  
19 applied or spread.

20           8. It repeals the provision in law imposing a \$10 per ton fee on the handling of sludge  
21 and septage beginning January 1, 2022 and makes related statutory changes.

22           9. It repeals a provision of Public Law 2021, chapter 478 that prohibits a person  
23 licensed or permitted by the department to apply sludge or septage at a location subject to  
24 department evaluation for perfluoroalkyl and polyfluoroalkyl substances contamination  
25 from requesting to surrender the license or permit prior to its expiration unless the person  
26 has submitted to the evaluation and provided the results to the department.

27           10. It requires the department to study methods of and develop a plan for prohibiting  
28 the land application of septage in the State and, on or before January 15, 2023, to submit  
29 to the joint standing committee of the Legislature having jurisdiction over environment and  
30 natural resources matters a report containing its findings and recommendations, including  
31 any suggested legislation, resulting from that study. After receiving the report, the joint  
32 standing committee may report out legislation to implement any such recommendations.

33           The amendment also adds an appropriations and allocations section.

34                                   **FISCAL NOTE REQUIRED**

35                                   **(See attached)**

**COMMITTEE AMENDMENT**