



Memorandum

DATE: February 3rd, 2015
TO: Chairman and Members of the Board
FROM: Kevin H. Roche, CEO/General Manager
SUBJECT: Agenda for the Executive Committee Meeting
February 10th, 2015 @ 4:00 PM

There is an **ecomaine Executive Committee Meeting** scheduled for the date noted above. The agenda for this meeting is as follows:

1. Approval of Minutes (**Attachment A**)
2. Audit Committee Report – Gary Foster, Chair
3. Finance Committee Report – Matthew Frank, Chair
4. Recycling Committee Report – Erik Street, Chair
5. Sub-Committee – Regional Hauler Permitting
6. Sub-Committee – Salary Survey for the CEO/General Manager
7. Ogunquit Withdrawal Agreement – Follow-up on Questions and Status
8. Manager's Report
 - o Status of Land Purchases
 - o Legislative & Environmental Update
 - Fees
 - LD 105 (**Attachment B1**)
 - HP 937 - 1278 (**Attachment B2**)
 - o Virtual Net-Metering Bill (**Attachment C**)
 - o Recycling Bills
 - o FY Financials (*provided under separate cover*)
 - o Financial Summary
 - o Tonnage - Graph
 - o Statistical Data
 - o Statement of Revenues and Expenses
 - o Tonnage – Graph
 - o Statement of Cash Balances
 - o Summary Analysis of All Tons by Community
 - o Electrical Generation Summary

Future Meetings:

- Recycling Committee Meeting: February 26th, 2015 (Thursday) @ 4:00 PM
- Full Board Meeting: March 19th, 2015 (Thursday) @ 4:00 PM
- Finance Committee/Budget Workshop Meeting: April 2nd, 2014 (Thursday) @ 4:00 PM
- Audit Committee Meeting: April 16th, 2015 (Thursday) @ 3:00 PM
- Full Board Meeting: April 16th, 2015 (Thursday) @ 4:00 PM
- Recycling Committee Meeting: April 30, 2015 (Thursday) @ 4:00 PM
- Finance Committee Meeting: May 21st, 2015 (Thursday) @ 3:00 PM
- Executive Committee Meeting: May 21st, 2015 (Thursday) @ 4:00 PM
- Full Board/Annual Meeting: June 18th, 2015 (Thursday) @ 11:30 AM

The Board of Directors may wish to go into Executive Session for any of the above items under Section 405 of Title 1 of the Maine Revised Statutes ([per the following legislative website: http://janus.state.me.us/legis/statutes/1/title1ch13sec0.html](http://janus.state.me.us/legis/statutes/1/title1ch13sec0.html).)

2/4/2015

Memorandum

DATE: February 3rd, 2015
TO: Chairman and Members of the Board
FROM: Kevin H. Roche, CEO/General Manager
SUBJECT: Executive Committee Minutes – December 18th, 2014

There was an **ecomaine Executive Committee Meeting** held on the date noted above @ **ecomaine**. The meeting was called to order by Jim Gailey, Chairman.

Item #1: - Minutes:

Richard Brobst motioned to accept the minutes as written. The motion was seconded by George Sutton and unanimously approved by the members of the Executive Committee.

Item #2: - Audit Committee Report:

Gary Foster reported that the Audit Committee met on October 16th, 2014 and reported to the Full Board on that date. Gary reported that the committee decided to use RKO for the FY 15 Audit and the committee plans to review the selection on an annual basis. The next Audit Committee Meeting is scheduled for April 16th, 2015.

Item #3: - Finance Committee Report:

Matthew Frank reported that the Finance Committee met on November 20th prior to the Executive Committee. The following was discussed at the meeting:

- New Investment Advisor HM Payson – Dan Lay
- Cash Disbursements
- Financials YTD
- Procurement Review Process

Next meeting of the Finance Committee is scheduled for January 15th, 2015.

Item #4: - Recycling Committee Report:

Erik Street reported that the Recycling Committee met on October 30th, 2014. The committee has received 23 applications for Education Grant Program and funded 18. PR efforts are underway. In addition, the committee reviewed outreach, website analytics as well as recent financial, tonnage and marketing reports. Erik also requested assistance from the committee with nominations for the upcoming 2015 eco-excellence awards.

The next Recycling committee is scheduled for December 4th, 2014.

Item # 5: - Sub-Committee Hauler Permit:

Dave Cole gave an update on the Sub-Committee meeting. The committee recommended ecomaine establish a single permitting system. The program start-up will be voluntary and the revenue generated will go to ecomaine for the administration of the program. There was a brief discussion on the legal aspects, ordinances and cost to haulers. In addition, there were discussions on the goals which are efficiency, promoting consistency in a business friendly environment and waste being delivered to ecomaine.

Item # 6: - Withdrawal Agreement:

Kevin Roche stated there are no changes since the last month meeting on Ogunquit. He has responded to Ogunquit's comments and questions.

The Board of Directors may wish to go into Executive Session for any of the above items under Section 405 of Title 1 of the Maine Revised Statutes ([per the following legislative website: http://janus.state.me.us/legis/statutes/1/title1ch13sec0.html](http://janus.state.me.us/legis/statutes/1/title1ch13sec0.html).)

Item #7: - Manager Report

Kevin Roche introduced **ecomaine** two new employees Arthur Colvin, Landfill Manager & Wei Po Huang, Accounting Assistant.

Kevin Roche informed the committee of the upcoming Bid on Power Purchase Agreement and requested authorization from the committee to sign the contract agreement. David Cole motioned to authorize the signing of the Power Purchase Agreement by Kevin Roche. The motioned was seconded by Richard Brobst. All in favor.

In addition, Kevin Roche provided a summary on the RMP Metals Recovery at ecomaine landfill a report was provided as a handout to the committee. There was discussion by committee members on space at the landfill, Kevin will follow-up with Landfill Managers and report back to the committee. An update was also provided on current legislations, MACT Rules, Clean Air and other policy issues.

Anne Hewes provided the committee with an update on the Stack Test Results.

Kevin Roche provided a review of the FY Financials.

Richard Brobst motioned to adjourn the meeting and seconded by Gary Foster. All in favor.

Board:

Linda Boudreau
Michael Bobinsky
Richard Brobst
David Cole
Dennis Doughty
Gary Foster
Matthew Frank
Jim Gailey
Troy Moon
Mike Shaw
Erik Street
Ed Suslovic

Staff:

Arthur Birt
Arthur Colvin
Wei Po Hoang
Denise Mungen
Kevin Roche
Kevin Trytek



127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 105

S.P. 42

In Senate, January 20, 2015

**An Act To Enhance the Competitiveness of Maine's Biomass
Facilities by Exempting from Waste Handling Fees Certain
Construction and Demolition Debris**

Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script, reading 'Heather J.R. Priest'.

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator LIBBY of Androscoggin.
Cosponsored by Representative HARLOW of Portland and
Senator: BRAKEY of Androscoggin, Representatives: BUCKLAND of Farmington,
GILBERT of Jay, GOLDEN of Lewiston, LAJOIE of Lewiston, ROTUNDO of Lewiston.

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

2 **Sec. 1. 38 MRSA §2203-A, sub-§2, ¶D,** as amended by PL 2011, c. 544, §3, are
3 further amended to read:

4 D. A fee may not be imposed under this section on construction and demolition
5 debris or residue from the processing of construction and demolition debris that is
6 used for the purpose of required daily cover at any landfill or that is disposed of at a
7 municipal or regional association landfill that is less than 6 acres in size and accepts
8 only inert fill, construction and demolition debris, debris from land clearing and
9 wood wastes.

10 **SUMMARY**

11 This bill prohibits the imposition of a fee for the disposal of construction and
12 demolition debris or residue from the processing of construction and demolition debris
13 used for daily cover.

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND TWELVE

H.P. 937 - L.D. 1278

An Act To Stabilize Solid Waste Management Funding

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

Sec. 1. 38 MRSA §2201, 3rd ¶, as amended by PL 2005, c. 618, §21, is further amended to read:

Funds related to administration may be expended only in accordance with allocations approved by the Legislature for administrative expenses directly related to the office's and the department's programs, including actions by the department necessary to abate threats to public health, safety and welfare posed by the disposal of solid waste. Funds related to fees imposed on the disposal of construction and demolition debris and residue from the processing of construction and demolition debris may be expended only for the state cost share to municipalities under the closure and remediation cost-sharing program for solid waste landfills established in section 1310-F. Funds related to operations may be expended only in accordance with allocations approved by the Legislature and solely for the development and operation of publicly owned facilities owned or approved by the office and for the repayment of any obligations of the office incurred under article 3. These allocations must be based on estimates of the actual costs necessary for the office and the department to administer their programs, to provide financial assistance to regional associations and to provide other financial assistance necessary to accomplish the purposes of this chapter. Beginning in the fiscal year ending on June 30, 1991 and thereafter, the fund must annually transfer to the General Fund an amount necessary to reimburse the costs of the Bureau of Revenue Services incurred in the administration of Title 36, chapter 719. Allowable expenditures include "Personal Services," "All Other" and "Capital Expenditures" associated with all office activities other than those included in the operations account.

Sec. 2. 38 MRSA §2202, sub-§2, as enacted by PL 1989, c. 585, Pt. A, §7, is repealed.

Sec. 3. 38 MRSA §2203-A, as amended by PL 1999, c. 564, §1, is further amended to read:

§2203-A. Waste handling fees

1. Fees. Fees are imposed in the following amounts to be levied for solid waste that is disposed of at commercial, municipal, state-owned and regional association landfills.

Asbestos	\$5 per cubic yard
Oil-contaminated soil, gravel, brick, concrete and other aggregate	\$25 per ton
Waste water facility sludge	\$5 per ton
Ash, coal and oil	\$5 per ton
Paper mill sludge	\$5 per ton
Industrial waste	\$5 per ton
Sandblast grit	\$5 per ton
All other special waste	\$5 per ton
Municipal solid waste ash	\$1 per ton
Front end process residue (FEPR)	\$1 per ton
<u>Beginning January 1, 2013 and ending December 31, 2013, construction and demolition debris and residue from the processing of construction and demolition debris</u>	<u>\$1 per ton</u>
<u>Beginning January 1, 2014, construction and demolition debris and residue from the processing of construction and demolition debris</u>	<u>\$2 per ton</u>

2. Exceptions. Notwithstanding subsection 1:

A. A municipal or regional association landfill that has accepted 12,000 tons or more of special waste, other than municipal solid waste ash, asbestos and oil-contaminated soil, gravel, brick, concrete and other aggregate, in calendar year 1998 shall continue to pay \$2 per ton to the department for those categories of waste accepted in that calendar year;

B. A municipal or regional association landfill shall continue to pay \$2 per ton to the department on all categories of special waste other than municipal solid waste ash,

asbestos and oil-contaminated soil, gravel, brick, concrete and other aggregate that was generated by the municipality or regional association and accepted for disposal in its landfill in calendar year 1998; and

C. A municipal or regional association landfill that has accepted 550 tons or more of oil-contaminated soil, gravel, brick, concrete and other aggregate in calendar year 1998 shall pay \$5 per ton for that category of waste; and

D. A fee may not be imposed under this section on construction and demolition debris or residue from the processing of construction and demolition debris disposed of at a municipal or regional association landfill that is less than 6 acres in size and accepts only inert fill, construction and demolition debris, debris from land clearing and wood wastes.

In House of Representatives, 2012

Read twice and passed to be enacted.

..... Speaker

In Senate, 2012

Read twice and passed to be enacted.

..... President

Approved 2012

..... Governor

STATE OF MAINE
127TH LEGISLATURE

LEGISLATIVE NOTICES

JOINT STANDING COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

Sen. Thomas Saviello, Senate Chair

Rep. Joan Welsh, House Chair

PUBLIC HEARING: Wednesday, February 04, 2015, 1:00 PM, Cross Building, Room 216

- (L.D. 85) Bill "An Act To Prohibit Synthetic Plastic Microbeads in Personal Care Products and Over-the-counter Drugs" (SP0033) (Presented by Senator SAVIELLO of Franklin) (Cosponsored by Senator HAMPER of Oxford, Senator DAVIS of Piscataquis, Senator MIRAMANT of Knox, Representative WELSH of Rockport, Representative POULIOT of Augusta, Representative TEPLER of Topsham, Representative DUCHESNE of Hudson)
- (L.D. 105) Bill "An Act To Enhance the Competitiveness of Maine's Biomass Facilities by Exempting from Waste Handling Fees Certain Construction and Demolition Debris" (SP0042) (Presented by Senator LIBBY of Androscoggin) (Cosponsored by Representative HARLOW of Portland, Senator BRAKEY of Androscoggin, Representative GOLDEN of Lewiston, Representative BUCKLAND of Farmington, Representative LAJOIE of Lewiston, Representative ROTUNDO of Lewiston, Representative GILBERT of Jay)

CONTACT PERSON:

Tyler Washburn

100 State House Station

Sponsor: Senator Kimberly Rosen

DRAFT

An Act to Protect the Environment and Assist Municipalities With the Recycling, Reuse and Processing of Solid Waste

(The following is a concept draft of the proposed solid waste management net electrical billing legislation which would be located at the end of the existing Chapter 24 of Title 38 as a new subchapter 9, starting with Section 2240.)

38 M.R.S.A. §2240. Declaration of Policy.

The Legislature finds and declares that, in furtherance of the existing Declaration of Policy contained in §1302 of this Title, and, in order to support the solid waste hierarchy and provide for the effective and efficient management of solid waste throughout the State, it is in the public interest and in the interest of protecting the health, safety and welfare of the State's citizens to enhance and maintain the quality of the environment. It is, therefore, essential to encourage the utilization of the process of conversion of municipal solid waste to electrical energy as a means to minimize the amount of municipal solid waste that is disposed of and stored in landfills.

The Legislature finds and declares further that an appropriate means of encouraging such materials management and conversion of municipal solid waste into electrical energy is through the establishment of a net electrical billing process which will have the effect of reducing energy costs to municipalities who are the prime disposers of the waste. This process will also serve to encourage the reduction, recycling, and effective management of that municipal solid waste. This will also serve to preserve many existing well-paying jobs, enhance the diversification of Maine's energy resource mix, stabilize its energy supply infrastructure, and result in a net environmental benefit to the State and its citizens.

The Legislature finds and declares that the provisions of this subchapter shall be construed liberally to address the findings and accomplish the policies contained in this section.

38 M.R.S.A. §2241. Definitions. As used in this subchapter, unless the context otherwise indicates, the following terms shall have the following meanings:

1. **Eligible Participating Waste-to-Energy Facility.** An eligible participating waste-to-energy facility is a facility duly licensed pursuant to the provisions of this Title which converts municipal solid waste to electricity through an incineration process that is duly licensed by the Maine Department of Environmental Protection, reduces the volume of the municipal solid waste it processes by at least eighty percent and the weight by at least sixty-five percent and is not a party to a power purchase agreement.

2. **Eligible Governmental Entity Customer.** An eligible governmental entity customer is a governmental entity organized and existing pursuant to the laws of the State of Maine which provides an annual written certification that it operates an established program of solid waste reduction, recycling and composting relative to the solid waste it collects before it sends that

solid waste to an eligible participating waste-to-energy facility for processing and conversion into electricity.

3. **Municipal Solid Waste to Electricity Conversion Factor.** The municipal solid waste to electricity conversion factor is a ratio of the total number of metered kilowatt hours of electricity as derived from the burning of one ton of municipal solid waste. It shall be determined by using the following equation: divide the total metered electrical power generated by an eligible participating waste-to-energy facility by the total number of tons of municipal solid waste processed during a given period.

4. **Virtual Net Billing.** Virtual net billing means a process by which net electrical billing credits from an eligible waste-to-energy facility are credited against the electric bills of eligible governmental entity customers.

5. **Net Electrical Billing Credits.** Net electrical billing credits are the monetary credits which shall be applied by an electrical utility to the monthly bill of an eligible governmental entity customer that has earned those credits by sending municipal solid waste that it has collected to an eligible participating waste-to-energy facility for conversion into electricity.

6. **Certified Solid Waste Management Net Electrical Billing Contract.** A certified waste management net electrical billing contract is a contract offered by an eligible participating waste-to-energy facility that has been certified by the Maine Department of Environmental Protection.

7. **Municipal Solid Waste.** As used in this subchapter, municipal solid waste means the solid waste that has been collected by an eligible participating governmental entity customer other than that which it has diverted through reduction, recycling and composting before it is sent to an eligible participating waste-to-energy facility for processing and conversion into electricity.

38 M.R.S.A. §2242. Solid Waste Management Net Electrical Billing Program. The Waste Management Net Electrical Billing Program established under this subchapter shall operate as follows:

1. **Contracts.** An eligible waste-to-energy facility in the State licensed pursuant to this Title may develop and offer a contract for the converting of municipal solid waste to electricity, which provides net electrical billing credits based upon the number of metered kilowatt hours produced by the incineration of the municipal solid waste that is originated with each eligible governmental entity customer that enters into a contract. No contract may be utilized unless it has been certified by the Department of Environmental Protection as complying with the provisions of this subchapter.

2. **Metering.** There shall be two types of metering in this program:

(a) Generation meters registering the flow of electricity produced through the incineration of municipal solid waste at each eligible participating waste-to-energy facility; and

(b) Consumption meters registering the consumption of electricity at the qualified governmental entity facility.

3. Annual Electrical Crediting Ratio. Each eligible participating waste-to-energy facility shall annually perform a calculation of the annual electrical crediting ratio by taking the total metered electrical power generated and dividing it by the total number of tons of municipal solid waste processed during the reporting year. The annual electrical crediting calculation shall be certified and provided by each eligible participating waste-to-energy facility to the Department of Environmental Protection and the Public Utilities Commission on or before a date determined by the Department of Environmental Protection.

4. Annual Electrical Crediting Rate. Based on the net electrical crediting calculations provided pursuant to subsection 3 of this section, the Department of Environmental Protection, in cooperation with the Public Utilities Commission, shall set the annual rate at which net electrical billing credits will be determined by each participating waste-to-energy facility during the next program administrative year.

5. Reporting of Net Electrical Billing Credits. Each participating waste-to-energy facility shall provide monthly the data relative to the number of electrical billing credits each participating governmental entity customer has earned during the preceding thirty-day period to the electrical utility that provides service to each eligible participating governmental entity customer. Copies of this report shall also be provided each month to the eligible participating governmental entity customer. Contracts supporting this net electrical billing process shall be developed between eligible participating waste-to-energy facilities and utilities, as well as those utilities and the eligible governmental entities participating in this program. No such contract may be utilized unless it has been certified by the Department of Environmental Protection and the Public Utilities Commission as complying with the provisions of this subchapter.

6. Application of Electrical Billing Credits. Each electrical utility shall apply the reported electrical billing credits for each participating governmental entity customer on its next electrical service billing. Any such credits not used on a given monthly electrical billing for a participating governmental entity customer shall be carried over and applied to a future monthly electrical service bill for that customer.

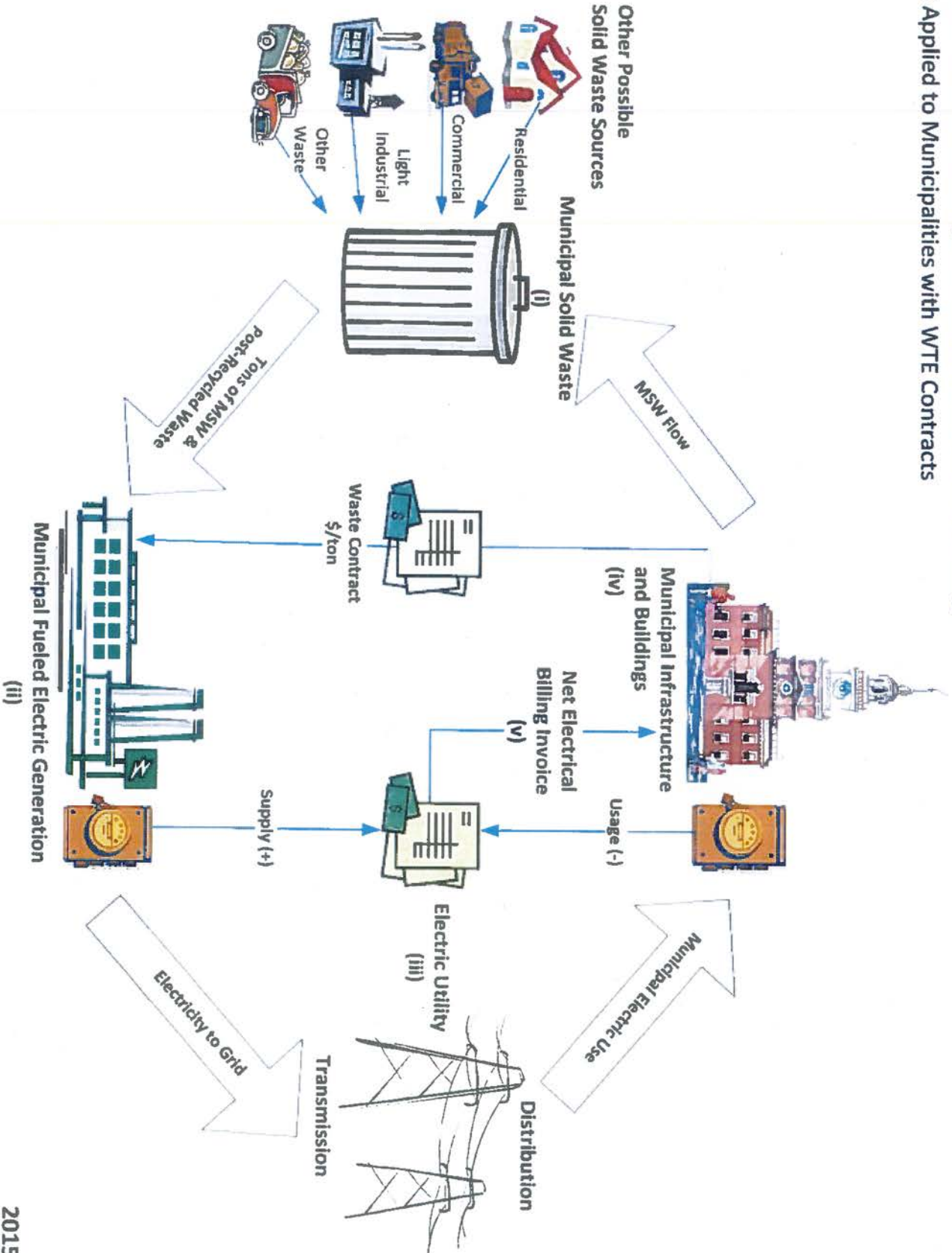
38 M.R.S.A. §2243. Program Administration. The program created under this subchapter shall be administered by the Department of Environmental Protection in consultation, when deemed appropriate, with the Public Utilities Commission.

38 M.R.S.A. §2244. Rulemaking. Subject to the Maine Administrative Procedures Act, the Board of Environmental Protection shall adopt, amend or repeal reasonable rules and emergency rules necessary for the operation and administration of the program created by this subchapter. Rules adopted pursuant to this section shall be routine technical rules.

SUMMARY

Solid Waste Management Net Electrical Billing

As Applied to Municipalities with WTE Contracts



Municipal Solid Waste Net Electrical Billing

Guide to Flow Diagram

- i. **MSW Collection:** Municipal solid waste is collected, transferred and disposed at the direction of the municipality. This will remain as currently structured by each participating municipality.
- ii. **MSW Delivered:** MSW delivered to an in-state WTE facility and processed consistent with current operating practices and facility design. The power generated will be available to the grid and metered at the delivery point into the transmission grid at EHV levels. No change to system, structure or additional equipment required.
- iii. **Electricity Transmitted:** Energy is available to the interconnected transmission grid. A participating municipality in the netting program would continue to have its energy usage measured through its current metering system.
- iv. **Energy Consumed and Metered:** Changes to current operating practices comes not in the physical operation but in the contractual and accounting practices for the electricity produced at the plant and consumed at the municipal level.
 - a. Instead of the WTE facility entering into contracts for the sale of the electricity to a Third Party the facility through a series of reports to the electric utility provides data to determine the electric credits earned by the participating municipality based upon the MSW tonnage delivered (currently accounted and reported); unit conversion ratio (tons MSW to kWh produced- also called unit heat rate); metered electric kWh delivered to the transmission system over a specific period of time.
 - b. Where currently the municipalities receive performance credits from PERC in the form of quarterly payments they will receive monthly electric credits in the form of kWhr to be netted against the total electricity consumed for a similar period. These accounting activities and parameters will be reflected in the electric utility's monthly invoice.
 - c. Thereby reducing at retail the total cost of service to the municipal from the local utility.
- v. **Municipal Benefit:** Each municipal entity which sends municipal solid waste to an eligible waste-to-energy facility and pays the current tipping fee would then receive net electrical billing credits from the electricity produced from the incineration of that municipal solid waste thereby reducing the overall net cost of municipal solid waste disposal for the municipality. Substantially little has changed prior to or after implementation of the program for either the electric utility or the Municipality.