

PLEASE NOTE: Legislative Information *cannot* perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Stimulate Demand for Renewable Resources

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

Sec. 1. 35-A MRSA §3210, sub-§2, ¶B-3, as enacted by PL 2009, c. 542, §3, is amended to read:

B-3. "Renewable capacity resource" means a source of electrical generation:

(1) Whose total power production capacity does not exceed 100 megawatts and relies on one or more of the following:

(a) Fuel cells;

(b) Tidal power;

(c) Solar arrays and installations;

(d) Geothermal installations;

(e) Hydroelectric generators that meet all state and federal fish passage requirements applicable to the generator; or

(f) Biomass generators that are fueled by wood or wood waste, landfill gas or anaerobic digestion of agricultural products, by-products or wastes; or

(g) Waste energy resources; or

(2) That relies on wind power installations.

Sec. 2. 35-A MRSA §3210, sub-§2, ¶D is enacted to read:

D. "Waste energy resource" means a source of electrical generation, which may include pyrolytic waste systems:

(1) That is fueled by municipal solid waste in conjunction with recycling;

(2) Whose total power production capacity does not exceed 35 megawatts;

(3) That is licensed to comply with the air emission requirement levels for resource recovery

facilities established pursuant to Title 38, section 585, including, but not limited to, standards for mercury established pursuant to Title 38, section 585-B, subsection 5;

(4) That complies with all applicable licensing requirements for solid waste facilities as established pursuant to Title 38, section 1310-N; and

(5) Whose residuals are transported to a landfill that is licensed to meet at least the performance standards and siting criteria established by rules adopted pursuant to Title 38, section 1304, subsection 1B, including, but not limited to, standards prohibiting contamination of groundwater outside the solid waste boundary of landfills.

Sec. 3. 35-A MRSA §3210, sub-§3-B is enacted to read:

3-B. Portfolio requirements; waste energy resources. Portfolio requirements for waste energy resources are governed by this subsection.

A. Beginning July 1, 2012, as a condition of licensing pursuant to section 3203, a competitive electricity provider in this State must demonstrate in a manner satisfactory to the commission that no less than 3.5% of its portfolio of supply sources for retail electricity sales in this State is accounted for by waste energy resources. Waste energy resources used to satisfy the requirements of this paragraph may not be used to satisfy the requirements of subsection 3.

B. Retail electricity sales pursuant to a supply contract or standard-offer service arrangement executed by a competitive electricity provider that is in effect on the effective date of this subsection are exempt from the requirements of this subsection until the end date of the current term of the supply contract or standard-offer service arrangement.

The commission shall adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2A.

Sec. 4. 35-A MRSA §3210, sub-§10 is enacted to read:

10. Alternative compliance payment; portfolio requirements for waste energy resources. The commission shall allow competitive electricity providers to satisfy the portfolio requirements for waste energy resources under subsection 3-B through an alternative compliance payment mechanism in accordance with this subsection.

A. The commission shall set the alternative compliance payment rate by rule and shall publish the alternative compliance payment rate by January 31st of each year. In setting the rate, the commission shall take into account prevailing market prices, standard-offer service prices for electricity and reliance on alternative compliance payments to meet the requirements of subsection 3-B.

B. The commission shall collect alternative compliance payments made by competitive electricity providers and shall deposit all funds collected under this paragraph in the Renewable Resource Fund established under section 10121, subsection 2 to be used to fund research, development and demonstration projects relating to renewable energy technologies.

The commission shall adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

SUMMARY

Current law establishes as a policy of the State the encouragement of the generation of electricity from renewable and efficient resources by requiring that each competitive electricity provider in this State demonstrate that no less than 30% of its portfolio of supply sources for retail electricity sales in this State is accounted for by eligible resources. This bill implements that policy by stimulating demand for electricity from generators fueled by municipal solid waste in conjunction with recycling.

This bill amends the law in the following ways.

1. It amends the definition of "renewable capacity resource" to add waste energy resources.
2. It defines "waste energy resource" as a source of electrical generation that is fueled by municipal solid waste in conjunction with recycling and whose total power capacity does not exceed 35 megawatts. In addition, the waste energy resource would have to meet Maine's air emissions standards for resource recovery facilities and licensing standards for solid waste facilities and ensure that residuals from the waste energy resource are disposed of at a landfill meeting Maine's licensing standards.
3. It establishes a 3.5% portfolio requirement for electricity from waste energy resources.
4. It allows competitive electricity providers to meet the portfolio requirements for waste energy resources through the use of renewable energy credits or an alternative compliance payment to be set by the Public Utilities Commission.

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Resolve, To Change Rules Concerning Landfill Gas and Odor Management from Routine Technical Rules to Major Substantive Rules

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, rulemaking relating to the management of landfill gas and odor at solid waste facilities is currently in progress and could be complete before this legislation goes into effect unless this legislation is enacted as an emergency; and

Whereas, the scope of those rules is greater than expected when the effort was initiated in 2008, particularly with respect to the management of odors and landfill gas; and

Whereas, the increased scope of the rulemaking will cause a significant financial impact to publicly and privately owned solid waste incinerators, landfills, transfer stations, composting facilities and processing facilities, as well as the industries, businesses and municipalities directly reliant on such solid waste facilities; 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, be it

Sec. 1 Resolve 2007, c. 170, §1, amended. Resolved: That Resolve 2007, c. 170, §1 is amended to read:

Sec. 1 Landfill gas and odor management rules. Resolved: That the Department of Environmental Protection, Board of Environmental Protection shall adopt rules concerning landfill gas and odor management that incorporate quantitative standards that can be used to measure compliance. Rules adopted pursuant to this section are ~~routine technical~~ major substantive rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2A. By ~~January~~ March 15, ~~2009~~ 2012, the Department of Environmental Protection shall submit a report on the status of the rules to the joint standing committee of the Legislature having jurisdiction over natural resources matters.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

SUMMARY

This resolve requires that rules governing the management of landfill gas and odors at solid waste facilities adopted by the Department of Environmental Protection, Board of Environmental Protection pursuant to Resolve 2007, chapter 170 are major substantive rules rather than routine technical rules.

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An Act To Amend the Laws Governing Waste Processing

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

Sec. 1. 38 MRSA §1310-N, sub-§11, as enacted by PL 2007, c. 414, §3, is amended to read:

11. Waste generated within the State. Consistent with the Legislature's findings in section 1302, a solid waste disposal facility ~~owned by the State~~licensed under this section may not be licensed to accept waste that is not waste generated within the State. For purposes of this subsection, "waste generated within the State" includes residue and bypass generated by incineration, processing and recycling facilities within the State or waste, whether generated within the State or outside of the State, if it is used for daily cover, frost protection or stability or is generated within 30 miles of the solid waste disposal facility. For purposes of this subsection, "waste generated within the State" does not include waste that has its origin outside the State and was transported to another location within the State prior to being transported to the solid waste disposal facility.

SUMMARY

This bill requires that solid waste disposal facilities licensed in the State be licensed to only accept waste generated within the State and clarifies that waste generated within the State does not include waste that has its origin outside the State and was transported to another location within the State prior to being transported to the facility.

ANALYSIS OF ALL TONS FY 2011 Year to Date as of January 31, 2011												
Community	Owner, Associate, & Contract - Waste			Recycle Material			Commercial Waste			Total all Sources		
	FY 6/30/10	FY 6/30/11	over/(under)	FY 6/30/10	FY 6/30/11	over/(under)	FY 6/30/10	FY 6/30/11	over/(under)	FY 6/30/10	FY 6/30/11	over/(under)
Bridgton	1,419	1,425	6	361	387	26	-	0	0	1,780	1,812	32
Cape Elizabeth	1,564	1,561	(3)	690	786	96	48	40	(8)	2,302	2,387	85
Casco	562	552	(10)	125	216	91	472	284	(188)	1,158	1,052	(107)
Cumberland	1,008	943	(66)	426	525	100	136	92	(43)	1,570	1,560	(10)
Falmouth	1,330	1,227	(103)	1,028	1,037	9	331	349	18	2,690	2,613	(77)
Freeport	1,163	1,001	(162)	272	324	52	1,012	859	(152)	2,446	2,184	(262)
Gorham	1,297	1,263	(34)	771	742	(29)	998	1,023	25	3,066	3,028	(38)
Gray	1,533	1,573	40	-	-	-	6	29	22	1,539	1,602	63
Harrison	599	580	(19)	114	130	16	-	-	-	714	710	(3)
Hollis	578	566	(12)	193	185	(8)	162	162	0	932	913	(19)
Limington	1,023	929	(94)	64	66	1	9	26	17	1,096	1,020	(76)
Lynman	691	657	(34)	149	139	(10)	13	10	(3)	853	807	(47)
North Yarmouth	350	333	(17)	332	285	(47)	2	2	1	684	620	(64)
Ogunquit	429	405	(24)	53	51	(2)	-	13	13	482	469	(13)
Portland	6,161	5,929	(231)	2,946	3,090	144	24,847	24,760	(87)	33,953	33,780	(174)
Pownal	135	101	(35)	89	95	7	25	11	(14)	249	207	(42)
Scarborough	3,259	3,208	(51)	1,681	1,677	(5)	910	2,280	1,370	5,850	7,164	1,315
South Portland	4,103	3,646	(457)	1,439	1,498	59	3,149	5,473	2,324	8,692	10,617	1,925
Waterboro	1,450	1,092	(357)	264	327	64	101	281	180	1,814	1,700	(114)
Windham	1,319	1,255	(64)	951	956	5	1,624	1,477	(147)	3,895	3,689	(206)
Yarmouth	1,448	1,340	(109)	544	631	86	545	687	142	2,538	2,657	119
Owner Member Total	31,420	29,585	(1,834)	12,493	13,148	655	34,390	37,859	3,469	78,302	80,592	2,290
Baldwin	333	318	(15)	20	18	(2)	-	2	2	352	338	(14)
Hiram	333	314	(19)	20	24	5	45	2	(43)	397	340	(57)
Naples	688	672	(15)	153	78	(75)	30	16	(14)	870	766	(104)
Parsonsfield	554	413	(141)	56	61	6	12	9	(3)	622	483	(139)
Porter	333	318	(15)	20	18	(2)	15	8	(7)	368	344	(23)
Saco	3,009	3,011	2	1,039	1,064	25	44	16	(29)	4,092	4,091	(1)
Standish	1,782	1,794	12	435	388	(47)	404	141	(263)	2,621	2,323	(298)
Associate Member Total	7,031	6,841	(190)	1,741	1,651	(90)	550	194	(356)	9,322	8,686	(636)
Andover	-	-	-	16	16	0	-	-	-	-	16	16
Cornish	-	-	-	22	27	5	-	-	-	22	27	5
Harperswell	-	242	242	-	-	-	-	79	79	-	321	321
Jay	-	-	-	-	-	-	-	-	-	-	-	-
Livermore Falls	-	232	232	158	158	0	-	-	-	-	390	390
Limerick	-	-	-	-	-	-	-	-	-	-	-	-
Manchester	-	-	-	30	30	0	-	-	-	-	30	30
Monmouth	-	-	-	199	173	(26)	-	-	-	199	173	(26)
North Haven	-	12	12	-	-	-	-	-	-	-	12	12
Old Orchard Beach	-	-	-	177	177	0	-	-	-	-	177	177
Poland	-	-	-	266	243	(23)	-	-	-	266	243	(23)
Readfield	-	-	-	70	70	0	-	-	-	-	70	70
Sanford	61	61	0	655	655	0	-	-	-	-	715	715
Wayne	-	-	-	-	-	-	-	-	-	-	-	-
Contract Member Total	-	547	547	486	1,547	1,061	-	79	79	486	2,173	1,687
All Member Total	38,450	36,973	(1,477)	14,720	16,346	1,626	34,939	38,131	3,192	88,110	91,450	3,340
Spot Market Waste	-	-	-	-	-	-	44,069	25,713	(18,356)	44,069	25,713	(18,356)
Commercial Recycle	-	-	-	4,773	4,933	160	-	-	-	4,773	4,933	160
Total All tonnage	38,450	36,973	(1,477)	19,494	21,279	1,785	79,008	63,844	(15,164)	136,952	122,097	(14,856)

Note - detail of commercial waste by municipality is as reported by the driver to the scale house and may not be 100% accurate.

The first floor meeting room has many different uses for ecomaine; they range from tour meeting areas for all ages, safety training events, ecomaine board meetings, and award ceremonies, those along with an outreach meeting area for local agencies.

ecomaine staff has evaluated the conference room for its ability to meet the needs of all interested parties currently and in the future.

This meeting room is used on average 8-10 ten times weekly, occasionally large groups reach in excess of 100 people.

The following is the reasoning behind the proposed renovation and the scope of the work associated with the renovation:

Reasoning for meeting room renovations:

- Room is not large enough to host large ecomaine events
- Room did not meet fire code for large group gatherings
- Bathrooms did not accommodate more than one person at a time
- Bathroom do not meet ADA requirements
- Very poor site lines, presentation area located in wrong place

Project details:

- Expand meeting room to accommodate larger crowds
 1. Replace vertical beam with hidden horizontal beam
 2. Increased site lines throughout the meeting room
 3. Increased lighting, better focal presentation area
 4. Relocation of kitchen with easy access without interruption during meeting
 5. Relocate bathrooms with additional toilets to accommodate more people at one time also with easy access without interruption.
- **Use green/recycling building techniques where applicable**
 1. New rug will contain 66-73 % recycled material 32% post consumer, bottom will be re-used rubber from recycled tires.
 2. Energy efficient lighting.
 3. The use of recycled crushed glass (ecomaine) in kitchen and bathroom countertops.
 4. 60.4% recycled porcelain tile flooring 2.8% post consumer.
 5. 30% vinyl wall covering 20% post consumer.
 6. Water saving flushes in bathrooms.
 7. (Possible) new energy efficient appliances in the kitchen, if the re-use of existing appliances is not feasible.

- **Project Scope and Variables**

1. The footprint of this project is 2,700 sq/ft
2. Taking out a structural vertical beam and replacing it with a horizontal beam is a challenge.
3. Changing the entrance to the meeting room to a more open looking foyer, as we try to blend 20 year old design.
4. Creating one sleek sightline which enhances the presentation for any group who is utilizes this space.
5. Challenges to re-plumbing bathrooms to make larger
6. Reworking the electrical, plumbing, HVAC to meet code
7. Completing construction to make all areas esthetically pleasing meanwhile utilizing green/recycling technology.

- **Project Cost & Timeline**

1. We solicited bids through the ecomaine website and determined the bidding contractors had a history of successfully completing project similar in scope and size as this one.
2. Three local bidders showed interest in bidding on the project, utilizing other local contractors as sub contractors for various work scopes within the project.
3. Before we sent out an RFP we did a project cost estimate, the estimated cost of this project was \$273,000.00
4. The sealed bids were opened and reviewed on February 16th
5. The low bidder for this project was Dotens Contracting of Freeport at **\$191,785.00.**
6. The other two bids came in over \$230,000.00 all three bidders met our performance bonding and or letter of credit requirements.
7. Dotens Contracting has completed several projects of this size and our Architect highly recommended them for this type of work as they have worked on many projects with them throughout the local area.
8. At this point we have not made a decision on this project as we await approval.
9. The anticipated start date for this project is June 2011 and completion would be September 2011. Choosing these dates during the summer months when the conference room use is at a low, allows renovation without interruption.

Thank you

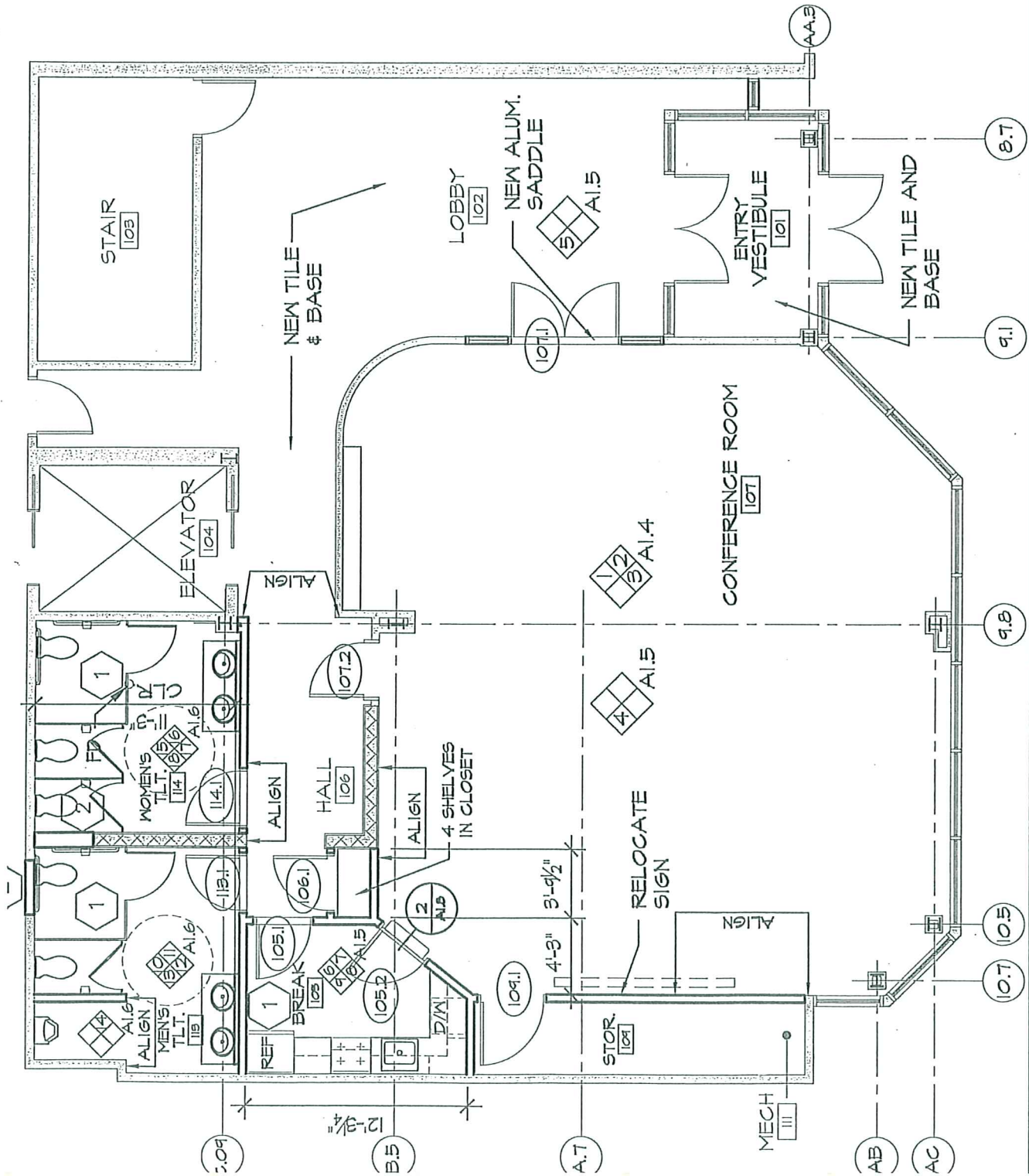
1 GENERAL PLAN DETAIL
1 1/2" = 1'-0"

GENERAL PLAN NOTES

1. TYPICAL NEW INTERIOR PART TO BE 2AS U.N.O.
2. REPAIR & PATCH FLOORING, PARTITION REMOVAL, PLUMBING FIXTURE REMOVAL, CASEWORK REMOVAL.
3. REPAIR EXISTING SLAB/ FLOOR AT TRENCHING FOR INSTALLATION OF NEW PLUMBING FIXTURES.
4. REPAIR & PATCH EXISTING WALL AT ELECTRICAL SWITCH OR DEVICE LOCATIONS.
5. ALIGN FINISHES WHERE NEW MEET EXISTING WALLS.

GENERAL PLAN KEY NOTES

- 1 PROVIDE PLUMBING, ELECTRICAL AND ALL CONNECTORS FOR OWNER SUPPLIED APPLIANCE COORDINATE W/ OWNER TO VERIFY SIZES.
- 2 FILL IN OPENING WITH MATERIAL TO MATCH EXISTING.



February 7, 2011



"Information paper is being replaced by electronic communication. I don't think it's a trend. It's a major inflection. That's what's really down."

Bruce Parker
National Solid Wastes Management Association

WASTE & RECYCLING NEWS

EPA: Waste generation falling

By Jim Johnson

Eight million tons. That's how much less municipal solid waste Americans generated in 2009 than the year before, according to new statistics just released by the federal government.

And 2009's trash total was even lower than 2007's amount.

Americans generated 243 million tons of garbage in 2009, the U.S. Environmental Protection Agency said in newly released statistics.

That's 8 million tons less than the 251 million tons generated in 2008 and 12 million tons less than the 265 million tons generated in 2007, the agency reported.

Waste generation in 2009 is similar to the 242.5 million tons posted in 2000.

Bruce Parker, CEO of the National Solid Wastes Management Association, a trade group representing privately owned trash companies, called the drop from 2007 to 2009 "enormous." And while the nation's recession certainly had some impact on the amount of waste being generated, Parker added that the decrease in trash should be viewed through the lens of societal change.

RockTenn Co. acquires Smurfit-Stone Container Corp. in a \$3.5 billion deal that will pay shareholders \$35 per share. Page 3

MUNICIPAL SOLID WASTE GENERATION 1960-2009

(Millions of tons)

	1960	1970	1980	1990	2000	2005	2007	2008	2009
Generation	88.1	121.1	151.6	208.3	242.5	252.4	255.0	251.0	243.0
Recovery for recycling	5.6	8.0	14.5	29.0	53.0	59.3	63.1	61.8	61.3
Recovery for composting	Neg.	Neg.	Neg.	4.2	16.5	20.6	21.7	22.1	20.8
Total Materials Recovery	5.6	8.0	14.5	33.2	69.5	79.9	84.8	83.9	82.0
Combustion with energy recovery	0.0	0.4	2.7	29.7	33.7	31.6	32.0	31.6	29.0
Discards to landfill, other disposal	82.5	112.7	134.4	145.3	139.4	140.9	138.2	135.6	131.9

Source: U.S. EPA / Municipal Solid Waste in the United States 2009

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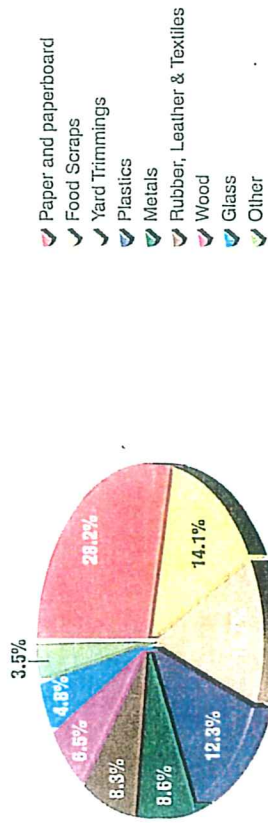
packaging weight and size, Parker said. Aluminum cans are lighter, for example, and milk jugs contain about half as much plastic as they did in 1965, he said.

"The whole nature of material management is changing in the United States, and probably the world, but certainly more in the developed countries," he said. "I think that's the big trend."

Parker said there have been recessions before, but the real trend is the zero waste movement. "It's sustainable materials management. It's the goal of sustainability, and it's not geographically centric. It's happening throughout the United States. It varies in degrees, obviously. The West Coast has always been the leader," he said.

"There are so many cities now that have zero waste plans. Zero waste really is nothing more than reduce, reuse, recycle. That's really what it is to a large degree. But it's more systemized now. And there's more of an ethical and cultural push to have it accomplished," Parker said. "It's no longer the individual consumer."

MSW GENERATION BY MATERIAL 2009 (TOTAL: 243 MILLION TONS)



Source: U.S. EPA / Municipal Solid Waste in the United States 2009

WASTE NEWS/SCOTT McHURVEY/ENR

Waste

Continued from Page 21

The EPA also reported that 61.3 million tons of municipal solid waste was recycled in 2009, a decrease of 500,000 tons from 2008. These numbers exclude composting.

Composting of food waste and yard trimmings totaled 20.8 million tons in 2009, down 1.3 million tons from 2008, the agency reported.

Recycling, including composting, was at 33.8% in 2009, up from 33.4% the year before, the EPA said.

"Although the tons recycled and composted decreased in 2009, the tons generated also decreased, resulting in an increase in the recycling rate," the EPA reported.

MSW generation fell to 4.34 pounds per person per day in 2009. That compares 4.54 pounds in 2008 and 4.63 pounds in 2007.

While overall MSW generation of 243 million pounds was similar to the total of 242.5 million tons posted in 2000, the per capita difference was more significant due to population increases during the past decade. Generation was 4.72 pounds per person per day in 2000, the EPA said.

"I can say with certainty that the industry is very much aware

of these developments, both the large publicly traded companies, for sure, and even the smaller companies," Parker said.

"They understand what's going on, and they see it in their own communities on their own particular scale. And the industry is in the process of digesting all this information — I'm speaking for everybody, large companies, small companies — and giving thought to where they stand and what changes need to be made."

Those companies are "trying to move that cheese, so to speak, before somebody else moves it for them," Parker said. ■

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