

Town of Hampden

PLANNING & DEVELOPMENT COMMITTEE MEETING

Wednesday, July 17, 2019

6:00 P.M.

HAMPDEN TOWN OFFICE

AGENDA

1. Approval of Minutes
 - a. June 5, 2019 Meeting
2. Committee Applications
 - a. Richard Tinsman for the Planning Board as an alternate member, for a five year term
 - b. Sharon Kobritz for the Historic Preservation Commission as a full member, to serve the remainder of an unexpired term to 2020
3. Citizen's Initiatives
4. New Business
 - a. Discussion on potential Property Maintenance Ordinance (including safety issues at 676 and 722 Main Road North)
 - b.
5. Unfinished Business
 - a. Refer to Council endorsement of the Proclamation on Carbon Fee and Dividend Proposal before the U.S. Congress – Councilor Jarvi
 - b. Pine Tree Landfill Environmental Monitoring Report
6. Zoning Considerations/Discussion
7. Staff Updates
 - a. MRC/Fiberight
 - b. Staff Report
8. Public Comments
9. Committee Member Comments
10. Adjourn



Town of Hampden
Planning and Development Committee

Wednesday June 5, 2019, 6:00 pm
Municipal Building Council Chambers

Minutes

Attending:

Committee/Council

Eric Jarvi - Chair
Dennis Marble
Terry McAvoy
Mayor McPike
Stephen Wilde

Staff

Karen Cullen, Town Planner
Jim Chandler, Town Manager

Public

Ladoiya Wells
Numerous citizens for the Carbon Fee Proclamation
(see sign-in sheet attached)

Chairman Jarvi called the meeting to order at 6:00 pm.

1. Minutes for the April 3, 2019 meeting – **Motion** to approve as submitted made by Councilor McAvoy; second by Councilor Marble; carried 5/0/0.
2. Committee Applications:
 - a. i. Ladoiya Wells for a seat as a full member on the Planning Board to serve out the remainder of an unexpired term, to December 31, 2021. Ms. Wells stated she moved to Hampden nearly two years or so ago and wants to help her community and get involved. **Motion** made by Councilor Marble to refer this appointment to Town Council with a recommendation that Ladoiya Wells be appointed to the Planning Board as a full member to December 31, 2021; second by Mayor McPike; carried 5/0/0.
 - a. ii. Ladoiya Wells for a seat as a full member of the Board of Appeals with a three year term (to December 31, 2022). Manager Chandler and Planner Cullen said staff had researched the applicable ordinances and statutes as well as the Town Charter to determine if there is any prohibition from a single person serving on multiple boards, and found none. The applicants and staff are aware of the potential for conflict and a resolution has been found to deal with any that may arise. **Motion** made by Councilor Marble to refer this appointment to Town Council with a recommendation that Ladoiya Wells be appointed to the Board of Appeals as a full member to December 31, 2022; second by Councilor McAvoy; carried 5/0/0.
 - b. i. Brent Wells for a seat as a full member on the Planning Board to serve out the remainder of an unexpired term, to December 31, 2019. Ladoiya Wells spoke for her husband who was unable to attend the meeting tonight, stating he had spoken with Karen about it and is comfortable with the situation regarding potential conflict. **Motion** made by Councilor Wilde to refer this appointment to Town Council with a recommendation that Brent Wells be appointed to the Planning Board as a full member to December 31, 2019; second by Councilor Marble; carried 5/0/0.

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- b. ii. Brent Wells for a seat as a full member on the Historic Preservation Commission to serve out the remainder of an unexpired term, to December 31, 2020. **Motion** made by Councilor Wilde to refer this appointment to Town Council with a recommendation that Brent Wells be appointed to the Planning Board as a full member to December 31, 2019; second by Councilor Marble; carried 5/0/0.

3. Citizen's Initiatives: None

4. New Business:

a. A Proclamation on Carbon Fee and Dividend Proposal.

Connie Potrin spoke on behalf of the citizens in attendance, asking Town Council to show support of HR 763, a bipartisan bill in the US Congress intended to enact a carbon fee and dividend system as one action that can be taken to reduce emissions which contribute to climate change. Numerous citizens spoke on the issue, the main points raised were:

- The GAO has estimated the effects of climate change will increase costs to US taxpayers exceeding \$6 trillion in 20 years.
- US Senator Susan Collins has been supporting funding for research into the impacts of climate change for a number of years.
- The impacts of climate change are already apparent; e.g. wildfires out west, flooding throughout the US, exploding tick population in northeast, fisheries migrating northward as temperatures in the Gulf of Maine increase, increase in number and severity of potholes and need for infrastructure repairs.
- The more serious impacts will be felt by our children and grandchildren.
- Climate change affects everyone on the planet, it is not a local or national issue – but action needs to be taken at every level, from personal to global.
- Delaying action will only increase the costs we are already burdening future generations with.
- Climate change is an existential crisis and is the most important issue of our time.
- Municipalities across the country are starting to take action to reduce emissions; e.g. switching to renewable energy sources.
- Climate change is both a health concern and the biggest health opportunity of this century; e.g. Maine has highest rate of asthma in the country, possibly due to the fact that Maine is subject to carbon emissions from other states. Exploding tick population has caused increase in cases of Lyme disease which can have debilitating consequences.
- Hampden's efforts alone would have a miniscule impact on the global situation, but HR 763 could lead to changes throughout the world.
- Legislators need to hear from local communities, it means something to them.

Discussion with Committee:

- Difference of opinion as to whether it is appropriate for Town Council to take any action that does not have a direct impact on town business.
- Concern that funds collected could be siphoned off for other purposes and not for actions intended by the bill.
- The state of Maine is participating in the Regional Greenhouse Gas Initiative.
- Manager Chandler said the weather this past winter has impacted Hampden; the changing nature of winter storms has resulted in the need for the use of more salt to keep our roadways safe.

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- Manager Chandler said he is looking into ways the town can use solar energy and noted there are resources for municipalities to obtain solar energy.
- Discussion on need for additional information and time for councilors to understand HR 763.
- Suggestion that the Town Council discuss the creation of a policy regarding requests for endorsement of issues not directly related to town business.

This item was tabled until the next P&D meeting pending distribution to Committee members of the bill, HR 763 and other information as may be available.

- b. Discussion on safety issues at 676 Main Road North. Manager Chandler said the only conditions under which the Town can become involved is when there is a failed septic system or a dangerous building under 17 MRSA §2851-2859. The committee cannot make a determination if this property would meet the criteria to be deemed a dangerous building; the Code Enforcement Team would need to do so. It was noted there are many other similar buildings in town; need to be cautious regarding taking on liability for this or expectation for other properties to be dealt with by the town.

Manager Chandler said staff will look into the question on property tax status. He added that when the fire was extinguished, the Fire Dept. and DPW worked together to leave the site in a condition deemed safe. He also said there is a mechanism for the Town to recover costs incurred in the event the building is determined to be dangerous and the Town ends up incurring costs to deal with it.

The consensus of the Committee is to ask the Code Enforcement Team to research both this property and a second one (722 Main Road North) for potential action to be taken under 17 MRSA §2851-2859.

- c. Pine Tree Landfill Environmental Monitoring Report. Discussion regarding the potential need for Town Council to request DEP to look into the situation at the landfill in relation to monitoring results for some of the wells which do not appear to be improving in water quality. The Environmental Trust receives reports periodically but they do not have the authority to take any action when they see potential problems; they are asking P&D to look into it further. After discussion on process, the consensus of the committee is to table this to the next P&D meeting pending receipt and review of the final report from Drumlin Environmental, LLC, which is expected in about two weeks. Manager Chandler will also contact DEP on this issue. It was noted any costs incurred will be covered by the trust.

5. Unfinished Business:

- a. Town Center Plan / Market Study evaluation. Planner Cullen noted she had included a memo with the results of her research in the packet. No discussion.

6. Zoning Considerations/Discussions: None

7. Updates:

- a. MRC/Fiberight: Manager Chandler reported the wet end is now up and running and is currently being calibrated; this will be where one of the products are created which will be sold to other companies.
- b. Staff Report: Planner Cullen mentioned the packet included an updated listing of applications to the Planning Board.

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8. Manager Items: None
9. Public Comments: None
10. Committee Member Comments: Chairman Jarvi asked the Committee to reschedule the July meeting since it is scheduled the evening before the Fourth of July holiday; it was rescheduled to Wednesday July 17 at 6:00 pm.
11. Adjournment: Chairman Jarvi adjourned the meeting at 7:30 pm.

*Respectfully submitted by
Karen Cullen, Town Planner*

Items from this meeting for July 17, 2019 P&D meeting:

- Agenda Items:
 - Proclamation on Carbon Fee and Dividend Proposal (US HR 763)
 - Safety issues at 676 and 722 Main Road North (if report back from Code Team)
 - Pine Tree Landfill Environmental Monitoring Report
- Staff Report:
 - none

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**COMMITTEE MEETING ATTENDANCE
SIGN-IN SHEET**

Committee: Pa D

Date of Meeting: 6/5/19

Stephan Wilde

Stephan Wilde

PRINTED NAME	SIGN-IN
ERIC JARU	Eric Jaru
TERRY McAVOY	Terry McAvoy
JUAN McPIKE	Juan McPike
Dennis Marble	Dennis Marble
Paul Potvin	Paul Potvin
BILL LIPPINCOTT	Bill Lippincott
Dorothy Lippincott	Dorothy Lippincott
CHLOE LAWRENCE	Chloe Lawrence
Emi Verhar	Emi Verhar
Dave Roker	Dave Roker
Denise Roker	Denise Roker
Sarah Novak	Sarah Novak
JoAnna Wilson	JoAnna Wilson
Ladriya D. Wells	Ladriya D. Wells
Evan Allen	Evan Allen
Connie Potvin	Connie Potvin
Theresa HANER	Theresa Haner



Check One: Initial Application
 Reappointment Application

TOWN OF HAMPDEN
APPLICATION FOR TOWN BOARDS AND COMMITTEES

NAME: TINSMAN RICHARD E
LAST FIRST MI

ADDRESS: 16 COUNTRY MEADOW DR HAMPDEN (July 1, 2019)
STREET TOWN ZIP

MAILING ADDRESS (if different): PO Box 123, Stockton Springs, ME 04981

TELEPHONE: (207) 272-4997 (cell) _____
HOME WORK

EMAIL: DICKINSON@GMAIL.COM

OCCUPATION: RETIRED

BOARD OR COMMITTEE PREFERENCE:

FIRST CHOICE: PLANNING BOARD

SECOND CHOICE (OPTIONAL): _____

How would your experience, education and/or occupation be a benefit to this board or committee? SERVED CAPE ELIZABETH PLANNING BOARD (81-90);

CAPE ELIZABETH TOWN COUNCIL (70-78); STOCKTON SPRINGS PLANNING

BOARD (2014-2019). COMMUNITY PLANNING CONSULTANT (1969-1985)

Are there any issues you feel this board or committee should address, or should continue to address? NONE - NEW RESIDENT AS OF JULY 1, 2019

Richard E. Tinsman

3 YEAR

BOARD OF ASSESSMENT REVIEW
PERSONNEL APPEALS BOARD
LURA HOIT MEMORIAL POOL
HARBOR COMMITTEE

DYER LIBRARY
RECREATION COMMITTEE
BOARD OF APPEALS
HISTORIC PRESERVATION COMMISSION

5 YEAR
PLANNING BOARD

FOR TOWN USE ONLY		Date Application Received: _____
COUNCIL COMMITTEE ACTION: _____	DATE: _____	
COUNCIL ACTION: _____	DATE: _____	
<input type="checkbox"/> NEW APPT	<input type="checkbox"/> REAPPOINTMENT	DATE APPOINTMENT EXPIRES: _____

Sharon J. Kobritz

Avalon Village –The Manor House

2 Foxglove Drive

Hampden, ME 04444 (as of May 15)

SJK4Cats@gmail.com

April 28, 2019

Ms. Paula A. Scott, CCM

Assistant Town Manager/Town Clerk/Registrar

Town of Hampden

106 Western Avenue

Hampden, ME 04444

Dear Paula:

Enclosed is my application for consideration as appointee to The Edythe Dyer Community Library and the Historic Preservation Committee. Both situations are very exciting to me, and I look forward to becoming involved with Hampden activities.

My many years' experience in both the profit and non-profit sectors will add depth to continuing to allow Hampden to remain a unique Maine town.

I look forward to working with you and everyone involved in keeping Hampden beautiful and vital.

Sincerely,
Sharon J. Kobritz



Check One: Initial Application
 Reappointment Application

TOWN OF HAMPDEN
APPLICATION FOR TOWN BOARDS AND COMMITTEES

NAME: KOBRITZ SHARON J.
LAST FIRST MI

ADDRESS: 2 FOXGLOVE DRIVE, THE MANOR Hampden 04444
STREET TOWN ZIP

MAILING ADDRESS (if different): _____

TELEPHONE: _____
HOME WORK

EMAIL: SJK4Cats@gmail.com

OCCUPATION: Retired

BOARD OR COMMITTEE PREFERENCE:

FIRST CHOICE: Hampden Library Board of Trustees

SECOND CHOICE (OPTIONAL): Historic Preservation Committee

How would your experience, education and/or occupation be a benefit to this board or committee? To Both: 1) Boston Public Library Committees; 2) Fundraisers for Non-Profit Cultural organizations in U.S. and other countries; 3) international ^{corporate} negotiations; 4) High School and college instructor; 5) work on architecture of significant buildings in Boston; Master's in Victorian literature; 6) communications consultant

Are there any issues you feel this board or committee should address, or should continue to address? Continue: retain charm and character of Hampden; community involvement/fundraising for library

3 YEAR

BOARD OF ASSESSMENT REVIEW
PERSONNEL APPEALS BOARD
LURA E. HOIT MEMORIAL POOL
HARBOR COMMITTEE

EDYTHE L. DYER LIBRARY
RECREATION COMMITTEE
BOARD OF APPEALS
HISTORIC PRESERVATION COMMISSION

5 YEAR
PLANNING BOARD

FOR TOWN USE ONLY		Date Application Received: <u>5/1/19</u>
COUNCIL COMMITTEE ACTION: _____	DATE: _____	
COUNCIL ACTION: _____	DATE: _____	
<input type="checkbox"/> NEW APPT	<input type="checkbox"/> REAPPOINTMENT	DATE APPOINTMENT EXPIRES: _____

D/C Scott Webber
Inv. Joel Small
Ofc. Ben Eyles
Ofc. Marc Egan
Ofc. David Mushrall
Ofc. Monic Christian

Sgt. T.D. Stewart
Ofc. J.D. Burke
Ofc. Shawn Devine
Ofc. Wm. Miller
Ofc. Tony Lorenz



Lt. Dan Pugsley, Jr.
Lt. Jason Lundstrom
FF Jared LeBarnes
FF Shaun McNally
FF Matt Roope
FF Gavin Webb
FF Ken Roy
FF Oliver Bianchi

Lt. Matt St.Pierre
CH. Joe Dunton
FF Matt Thomas
CEO Myles Block
FF Chris Liepold
FF Ed Gardella
FF Chad Spann
FF Mike Simmons

Kandy McCullough, Office Manager
Chief Christian Bailey, Director of Public Safety

POLICE FIRE EMS CODE ENFORCEMENT LOCAL HEALTH OFFICE

Memorandum

To: Planning and Development Committee
From: Lt. Jason Lundstrom, Fire Inspector *JL*
Myles Block, Code Enforcement Officer *MB*
Date: May 30, 2019
CC: Chief Chris Bailey, Public Safety Director
Re: Status of 676 Main Rd N

The early morning of 2/23/19 the single-family dwelling at 676 Main Rd N was partially destroyed by fire. Since that time the Fire Department Investigators examined the cause of the fire and returned the structure back to the control of the owner, James Butler, Jr.

We have had no contact with the owner of the building since that time. Unfortunately, the Town of Hampden does not have a Code Enforcement mechanism to have the building secured or removed because of a lack of an ordinance or section in an existing ordinance allowing that.

The only mechanism the Town has is to have the Council deem the structure as a dangerous building under 17 M.R.S. §2851-2859; if the Council would like to pursue this action the Code Enforcement Team can start that process for you. When a building is deemed dangerous it give the Town/Council the power to secure the building and up to demolition of the building and then assess a "special tax" on the property to recoup the costs.

Proofed Version of the Proclamation on Carbon Fee and Dividend Proposal before the U.S. Congress

WHEREAS, Maine recognizes that the health of our citizens is dependent on the high quality of our air, water, and natural resources and that the health of much of the state's economy, including agriculture, forestry, fishing and tourism are favored by a stable climate; and

WHEREAS, the University of Maine's Climate Change Institute agrees with the consensus of climate scientists worldwide, that the climate is rapidly changing as the result of increased concentration of pollutant emissions of carbon dioxide and other greenhouse gases derived from burning carbon fuels; and

WHEREAS, the State of Maine has pursued efforts through the Regional Greenhouse Gas Initiative to reduce the burning of carbon fuels for generation of electricity, and is on target to reduce all emissions to 10% below 1990 levels by 2020, with a targeted 80% reduction by 2050; and

WHEREAS, putting a price on carbon fuels is widely accepted by economists as being the most effective means to achieve this goal; with revenues returned to the economy through equitable dividends distributed to households; and

WHEREAS, the carbon-fee-and-dividend proposal is expected to be revenue-neutral, effective, good for people, good for the economy, and bipartisan;

NOW THEREFORE BE IT RESOLVED that the Town of Hampden

1. Strongly urges the U.S. Congress to enact a carbon fee and dividend system (HR 763) that both:
(a) reduces CO₂-equivalent emissions to 10% of 1990 levels; and (b) encourages similar actions by other nations trading with the United States by suitable carbon-content-based tariffs for imports from, and rebates for exports to, nations that have not taken similar actions; and
2. That the U.S. Congress implement this policy with the speed appropriate to the gravity and urgency of the situation, and in recognition of the benefits that will be realized by a transition to clean energy.

116TH CONGRESS
1ST SESSION

H. R. 763

To create a Carbon Dividend Trust Fund for the American people in order to encourage market-driven innovation of clean energy technologies and market efficiencies which will reduce harmful pollution and leave a healthier, more stable, and more prosperous nation for future generations.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 24, 2019

Mr. DEUTCH (for himself, Mr. LIPINSKI, Mr. CRIST, Mr. PETERS, Ms. ESHOO, Ms. JUDY CHU of California, and Mr. ROONEY of Florida) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To create a Carbon Dividend Trust Fund for the American people in order to encourage market-driven innovation of clean energy technologies and market efficiencies which will reduce harmful pollution and leave a healthier, more stable, and more prosperous nation for future generations.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Energy Innovation and
3 Carbon Dividend Act of 2019”.

4 **SEC. 2. FINDINGS.**

5 The Congress finds that—

6 (1) efficient markets strengthen our economy
7 and benefit our Nation by encouraging competition,
8 innovation, and technological progress;

9 (2) efficient markets should reflect all costs of
10 goods to ensure that they advance America’s pros-
11 perity and national interests;

12 (3) emissions of carbon pollution and other
13 harmful pollutants into our Nation’s air impose sub-
14 stantial costs on all Americans and on future gen-
15 erations; and

16 (4) creation of a Carbon Dividend Trust Fund,
17 to be distributed to the American people, will make
18 markets more efficient, create jobs, and stimulate
19 competition, innovation, and technological progress
20 that benefit all Americans and future generations.

21 **SEC. 3. CARBON DIVIDENDS AND CARBON FEE.**

22 (a) IN GENERAL.—The Internal Revenue Code of
23 1986 is amended by adding at the end the following new
24 subtitle:

1 **“Subtitle L—CARBON DIVIDENDS**
 2 **AND CARBON FEE**

“CHAPTER 101. CARBON FEES.

“CHAPTER 102. CARBON BORDER FEE ADJUSTMENT.

3 **“CHAPTER 101—CARBON FEES**

“Sec. 9901. Definitions.

“Sec. 9902. Carbon fee.

“Sec. 9903. Emissions reduction schedule.

“Sec. 9904. Fee on fluorinated greenhouse gases.

“Sec. 9905. Decommissioning of Carbon Administration.

“Sec. 9906. Carbon Capture and Sequestration.

“Sec. 9907. Administrative authority.

4 **“SEC. 9901. DEFINITIONS.**

5 “For purposes of this subtitle:

6 “(a) ADMINISTRATOR.—The term ‘Administrator’
 7 means the Administrator of the Environmental Protection
 8 Agency.

9 “(b) CARBON DIOXIDE EQUIVALENT OR CO₂-E.—
 10 The term ‘carbon dioxide equivalent’ or ‘CO₂-e’ means the
 11 number of metric tons of carbon dioxide emissions with
 12 the same global warming potential as one metric ton of
 13 another greenhouse gas.

14 “(c) CARBON-INTENSIVE PRODUCT.—The term ‘car-
 15 bon-intensive product’ means, as identified by the Sec-
 16 retary by rule—

17 “(1) any manufactured or agricultural product
 18 which the Secretary in consultation with the Admin-
 19 istrator determines is emissions-intensive and trade-

1 exposed, except that no covered fuel is a carbon-in-
2 tensive product, and

3 “(2) until such time that the Secretary promul-
4 gates rules identifying carbon-intensive products, the
5 following shall be considered carbon-intensive prod-
6 ucts: iron, steel, steel mill products (including pipe
7 and tube), aluminum, cement, glass (including flat,
8 container, and specialty glass and fiberglass), pulp,
9 paper, chemicals, or industrial ceramics.

10 “(d) CARBON LEAKAGE.—The term ‘carbon leakage’
11 means an increase of global greenhouse gas emissions
12 which are substantially due to the relocation of greenhouse
13 gas sources from the United States to jurisdictions which
14 lack comparable controls upon greenhouse gas emissions.

15 “(e) COST OF CARBON OR CARBON COSTS.—The
16 term ‘cost of carbon’ or ‘carbon costs’ means a national
17 or sub-national government policy which explicitly places
18 a price on greenhouse gas pollution and shall be limited
19 to either a tax on greenhouse gases or a system of cap-
20 and-trade. The cost of carbon is expressed as the price
21 per metric ton of CO₂-e.

22 “(f) COVERED ENTITY.—The term ‘covered entity’
23 means—

24 “(1) in the case of crude oil—

1 “(A) a refinery operating in the United
2 States, and

3 “(B) any importer of any petroleum or pe-
4 troleum product into the United States,

5 “(2) in the case of coal—

6 “(A) any coal mining operation in the
7 United States, and

8 “(B) any importer of coal into the United
9 States,

10 “(3) in the case of natural gas—

11 “(A) any entity entering pipeline quality
12 natural gas into the natural gas transmission
13 system, and

14 “(B) any importer of natural gas into the
15 United States,

16 “(4) in the case of fluorinated gases any entity
17 required to report the emission of a fluorinated gas
18 under part 98 of title 40, Code of Federal Regula-
19 tions, and

20 “(5) any entity or class of entities which, as de-
21 termined by the Secretary, is transporting, selling,
22 or otherwise using a covered fuel in a manner which
23 emits a greenhouse gas to the atmosphere and which
24 has not been covered by the carbon fee, the

1 fluorinated greenhouse gas fee, or the carbon border
2 fee adjustment.

3 “(g) COVERED FUEL.—The term ‘covered fuel’
4 means crude oil, natural gas, coal, or any other product
5 derived from crude oil, natural gas, or coal which shall
6 be used so as to emit greenhouse gases to the atmosphere.

7 “(h) CRUDE OIL.—The term ‘crude oil’ means
8 unrefined petroleum.

9 “(i) EXPORT.—The term ‘export’ means to transport
10 a product from within the jurisdiction of the United States
11 to persons outside the United States.

12 “(j) FLUORINATED GREENHOUSE GAS.—The term
13 ‘fluorinated greenhouse gas’ means sulfur hexafluoride
14 (SF_6), nitrogen trifluoride (NF_3), and any fluorocarbon
15 except for controlled substances as defined in subpart A
16 of part 82 of title 40, Code of Federal Regulation, and
17 substances with vapor pressures of less than 1 mm of Hg
18 absolute at 25 degrees. With these exceptions, ‘fluorinated
19 greenhouse gas’ includes but is not limited to any
20 hydrofluorocarbon, any perfluorocarbon, any fully
21 fluorinated linear, branched or cyclic alkane, ether, ter-
22 tiary amine or aminoether, any perfluoropolyether, and
23 any hydrofluoropolyether.

1 “(k) FOSSIL FUEL.—The term ‘fossil fuel’ means
2 coal, coal products, petroleum, petroleum products, or nat-
3 ural gas.

4 “(l) FULL FUEL CYCLE GREENHOUSE GAS EMIS-
5 SIONS.—The term ‘full fuel cycle greenhouse gas emis-
6 sions’ means the greenhouse gas content of a covered fuel
7 plus that covered fuel’s upstream greenhouse gas emis-
8 sions.

9 “(m) GLOBAL WARMING POTENTIAL.—The term
10 ‘global warming potential’ means the ratio of the time-
11 integrated radiative forcing from the instantaneous release
12 of one kilogram of a trace substance relative to that of
13 one kilogram of carbon dioxide.

14 “(n) GREENHOUSE GAS.—The term ‘greenhouse gas’
15 means carbon dioxide (CO₂), methane (CH₄), nitrous
16 oxide (N₂O), sulfur hexafluoride (SF₆),
17 hydrofluorocarbons (HFCs), perfluorocarbon (PFCs), and
18 other gases as defined by rule of the Administrator.

19 “(o) GREENHOUSE GAS CONTENT.—The term
20 ‘greenhouse gas content’ means the amount of greenhouse
21 gases, expressed in metric tons of CO₂-e, which would be
22 emitted to the atmosphere by the use of a covered fuel
23 and shall include, nonexclusively, emissions of carbon diox-
24 ide (CO₂), nitrous oxide (N₂O), methane (CH₄), and other

1 greenhouse gases as identified by rule of the Adminis-
2 trator.

3 “(p) GREENHOUSE GAS EFFECT.—The term ‘green-
4 house gas effect’ means the adverse effects of greenhouse
5 gases on health or welfare caused by the greenhouse gas’s
6 heat-trapping potential or its effect on ocean acidification.

7 “(q) IMPORT.—Irrespective of any other definition in
8 law or treaty, the term ‘import’ means to land on, bring
9 into, or introduce into any place subject to the jurisdiction
10 of the United States.

11 “(r) PETROLEUM.—The term ‘petroleum’ means oil
12 removed from the earth or the oil derived from tar sands
13 or shale.

14 “(s) PRODUCTION GREENHOUSE GAS EMISSIONS.—
15 The term ‘production greenhouse gas emissions’ means
16 the quantity of greenhouse gases, expressed in metric tons
17 of CO₂-e, emitted to the atmosphere resulting from, non-
18 exclusively, the production, manufacture, assembly, trans-
19 portation, or financing of a product.

20 “(t) UPSTREAM GREENHOUSE GAS EMISSIONS.—
21 The term ‘upstream greenhouse gas emissions’ means the
22 quantity of greenhouse gases, expressed in metric tons of
23 CO₂-e, emitted to the atmosphere resulting from, non-
24 exclusively, the extraction, processing, transportation, fi-
25 nancing, or other preparation of a covered fuel for use.

1 **“SEC. 9902. CARBON FEE.**

2 “(a) CARBON FEE.—There is hereby imposed a car-
3 bon fee on any covered entity’s emitting use, or sale or
4 transfer for an emitting use, of any covered fuel.

5 “(b) AMOUNT OF THE CARBON FEE.—The carbon
6 fee imposed by this section is an amount equal to—

7 “(1) the greenhouse gas content of the covered
8 fuel, multiplied by

9 “(2) the carbon fee rate.

10 “(c) CARBON FEE RATE.—For purposes of this sec-
11 tion—

12 “(1) IN GENERAL.—The carbon fee rate, with
13 respect to any use, sale, or transfer during a cal-
14 endar year, shall be—

15 “(A) in the case of calendar year 2019,
16 \$15, and

17 “(B) except as provided in paragraph (2),
18 in the case of any calendar year thereafter—

19 “(i) the carbon fee rate in effect
20 under this subsection for the preceding cal-
21 endar year, plus

22 “(ii) \$10.

23 “(2) EXCEPTIONS.—

24 “(A) INCREASED CARBON FEE RATE
25 AFTER MISSED ANNUAL EMISSIONS REDUCTION
26 TARGET.—In the case of any year immediately

1 following a year for which the Secretary deter-
2 mines under 9903(b) that the actual emissions
3 of greenhouse gases from covered fuels exceeded
4 the emissions reduction target for the previous
5 year, paragraph (1)(B)(ii) shall be applied by
6 substituting ‘\$15’ for the dollar amount other-
7 wise in effect for the calendar year under such
8 paragraph.

9 “(B) CESSATION OF CARBON FEE RATE IN-
10 CREASE AFTER CERTAIN EMISSION REDUCTIONS
11 ACHIEVED.—In the case of any year imme-
12 diately following a year for which the Secretary
13 determines under 9903(b) that actual emissions
14 of greenhouse gases from covered fuels is not
15 more than 10 percent of the greenhouse gas
16 emissions from covered fuels during the year
17 2016, paragraph (1)(B)(ii) shall be applied by
18 substituting ‘\$0’ for the dollar amount other-
19 wise in effect for the calendar year under such
20 paragraph.

21 “(3) INFLATION ADJUSTMENT.—In the case of
22 any calendar year after 2019, each of the dollar
23 amounts in paragraphs (1)(A), (1)(B)(ii), and
24 (2)(A) shall be increased by an amount equal to—

25 “(A) such dollar amount, multiplied by

1 “(B) the cost-of-living adjustment deter-
2 mined under section 1(f)(3) for the calendar
3 year, determined by substituting ‘calendar year
4 2018’ for ‘calendar year 2016’ in subparagraph
5 (A)(ii) thereof.

6 “(d) EXEMPTION AND REFUND.—The Secretary
7 shall prescribe such rules as are necessary to ensure the
8 fee imposed by this section is not imposed with respect
9 to any nonemitting use, or any sale or transfer for a non-
10 emitting use, including rules providing for the refund of
11 any carbon fee paid under this section with respect to any
12 such use, sale, or transfer.

13 “(e) EXEMPTIONS.—

14 “(1) AGRICULTURE.—

15 “(A) FUEL.—If any covered fuel or its de-
16 rivative is used on a farm for a farming pur-
17 pose, the Secretary shall pay (without interest)
18 to the ultimate purchaser of such covered fuel
19 or its derivative, the total amount of carbon
20 fees previously paid upon that covered fuel or
21 its derivative, as specified by rule of the Sec-
22 retary.

23 “(B) FARM, FARMING USE, AND FARMING
24 PURPOSE.—The terms ‘farm’, ‘farming use’,
25 and ‘farming purpose’ shall have the respective

1 meanings given such terms under section
2 6420(c).

3 “(C) OTHER GREENHOUSE GASES EMIS-
4 SIONS FROM AGRICULTURE.—The carbon fee
5 shall not be levied upon non-fossil fuel green-
6 house gas emissions which occur on a farm.

7 “(2) ARMED FORCES OF THE UNITED
8 STATES.—If any covered fuel or its derivative is
9 used by the Armed Forces of the United States as
10 supplies for vessels of war, vehicles, or electrical
11 power generation equipment, the Secretary shall pay
12 (without interest) to the ultimate purchaser of such
13 covered fuel or its derivative, the total amount of
14 carbon fees previously paid upon that covered fuel or
15 its derivative, as specified by rule of the Secretary.

16 **“SEC. 9903. EMISSIONS REDUCTION SCHEDULE.**

17 “(a) IN GENERAL.—An emissions reduction schedule
18 for greenhouse gas emissions from covered fuels is hereby
19 established, as follows:

20 “(1) REFERENCE YEAR.—The greenhouse gas
21 emissions from covered fuels during the year 2016
22 shall be the reference amount of emissions and shall
23 be determined from the ‘Inventory of U.S. Green-
24 house Gas Emissions and Sinks: 1990–2016’ pub-

1 lished by the Environmental Protection Agency in
2 April of 2018.

3 “(2) EMISSIONS REDUCTION TARGET.—The
4 first emission reduction target shall be for the year
5 2022. The emission target for each year thereafter
6 shall be the previous year’s target emissions minus
7 a percentage of emissions during the reference year
8 determined in accordance with the following table:

“Year	Emissions Reduction Target
2016	Reference year
2020 to 2024	No emissions reduction target
2025 to 2034	5 percent of 2016 emissions per year
2035 to 2050	2.5 percent of 2016 emissions per year

9 “(b) ADMINISTRATIVE DETERMINATION.—Not later
10 than 60 days after the beginning of each calendar year
11 beginning after the enactment of this section, the Sec-
12 retary, in consultation with the Administrator, shall deter-
13 mine whether actual emissions of greenhouse gases from
14 covered fuels exceeded the emissions reduction target for
15 the preceding calendar year. The Secretary shall make
16 such determination using the same greenhouse gas ac-
17 counting method as was used to determine the greenhouse
18 gas emissions in the ‘Inventory of U.S. Greenhouse Gas
19 Emissions and Sinks: 1990–2016’ published by the Envi-
20 ronmental Protection Agency in April of 2018.

1 **“SEC. 9904. FEE ON FLUORINATED GREENHOUSE GASES.**

2 “(a) **FLUORINATED GAS FEE.**—A fee is hereby im-
3 posed upon any fluorinated greenhouse gas which is re-
4 quired to be reported under part 98 of title 40, Code of
5 Federal Regulations.

6 “(b) **AMOUNT.**—The fee to be paid by the covered
7 entity required to so report shall be an amount equal to—

8 “(1) the total amount, in metric tons of CO₂-
9 e, of emitted fluorinated greenhouse gases (or, in the
10 case of a supplier, emissions that would result deter-
11 mined under the rules of such part), multiplied by

12 “(2) an amount equal to 10 percent of the car-
13 bon fee rate in effect under section 9902(d)(1) for
14 the calendar year of such emission.

15 **“SEC. 9905. DECOMMISSIONING OF CARBON FEE.**

16 “(a) **IN GENERAL.**—At such time that—

17 “(1) the Secretary determines under 9903(b)
18 that actual emissions of greenhouse gases from cov-
19 ered fuels is not more than 10 percent of the green-
20 house gas emissions from covered fuels during the
21 year 2016, and

22 “(2) the monthly carbon dividend payable to an
23 adult eligible individual has been less than \$20 for
24 3 consecutive years,

25 the Secretary shall decommission in an orderly manner all
26 bureaus and programs associated with administering the

1 carbon fee, the carbon border fee adjustment, and the Car-
2 bon Dividend Trust Fund.

3 “(b) INFLATION ADJUSTMENT.—In the case of any
4 calendar year after 2020, the \$20 amount under sub-
5 section (a)(2) shall be increased by an amount equal to—

6 “(1) such dollar amount, multiplied by

7 “(2) cost-of-living adjustment determined under
8 section 1(f)(3) for the calendar year, determined by
9 substituting ‘calendar year 2017’ for ‘calendar year
10 2016’ in subparagraph (A)(ii) thereof.

11 **“SEC. 9906. CARBON CAPTURE AND SEQUESTRATION.**

12 “(a) IN GENERAL.—The Secretary, in consultation
13 with the Administrator and the Secretary of Energy, shall
14 prescribe regulations for making payments as provided in
15 subsection (b) to qualified facilities which capture and se-
16 quester qualified carbon dioxide.

17 “(b) PAYMENT AMOUNTS.—

18 “(1) IN GENERAL.—The Secretary shall make
19 payments to a qualified facility in the same manner
20 as if such payment was a refund of an overpayment
21 of the carbon fee imposed by section 9902, in cases
22 in which such qualified facility—

23 “(A) uses any covered fuel—

24 “(i) with respect to which the carbon
25 fee has been paid, and

1 “(ii) which results in the emission of
2 qualified carbon dioxide,

3 “(B) captures such emitted qualified car-
4 bon dioxide, and

5 “(C)(i) sequesters such qualified carbon di-
6 oxide in a manner which is safe, permanent,
7 and in compliance with any applicable local,
8 State, and Federal laws, or

9 “(ii) utilizes such qualified carbon dioxide
10 in a manner provided in paragraph (3)(C).

11 “(2) AMOUNT OF REFUND.—The payment de-
12 termined under this section shall be an amount
13 equal to the lesser of—

14 “(A)(i) the adjusted metric tons of quali-
15 fied carbon dioxide captured and sequestered or
16 utilized, multiplied by

17 “(ii) the carbon fee rate during the year in
18 which the carbon fee was imposed by section
19 9902 upon the covered fuel to which such car-
20 bon dioxide relates, or

21 “(B) the amount of the carbon fee imposed
22 by section 9902 with respect to such covered
23 fuel.

24 “(3) DEFINITIONS AND SPECIAL RULES.—For
25 purposes of this section—

1 “(A) QUALIFIED CARBON DIOXIDE; QUALI-
2 FIED FACILITY.—

3 “(i) QUALIFIED CARBON DIOXIDE.—

4 The term ‘qualified carbon dioxide’ has the
5 same meaning given such term under sec-
6 tion 45Q(b).

7 “(ii) QUALIFIED FACILITY.—The term
8 ‘qualified facility’ means any industrial fa-
9 cility at which carbon capture equipment is
10 placed in service.

11 “(B) ADJUSTED TOTAL METRIC TONS.—

12 The adjusted total metric tons of qualified car-
13 bon dioxide captured and sequestered or utilized
14 shall be the total metric tons of qualified carbon
15 dioxide captured and sequestered or utilized, re-
16 duced by the amount of any carbon dioxide like-
17 ly to escape and be emitted into the atmosphere
18 due to imperfect storage technology or other-
19 wise, as determined by the Secretary in con-
20 sultation with the Administrator.

21 “(C) UTILIZATION.—The Secretary, in
22 consultation with the Administrator, shall es-
23 tablish regulations providing for the methods
24 and processes by which qualified carbon dioxide
25 may be utilized so as to remove that qualified

1 dioxide safely and permanently from the atmos-
2 phere. Utilization may include the production of
3 substances such as but not limited to plastics
4 and chemicals. Such regulations shall minimize
5 the escape or further emission of the qualified
6 carbon dioxide into the atmosphere.

7 “(D) SEQUESTRATION.—Not later 540
8 days after the date of the enactment of this sec-
9 tion, the Secretary, in consultation with the Ad-
10 ministrator, shall prescribe regulations identi-
11 fying the conditions under which carbon dioxide
12 may be safely and permanently sequestered.

13 “(4) COORDINATION WITH CREDIT FOR CARBON
14 DIOXIDE SEQUESTRATION.—At such time that the
15 Secretary prescribes regulations implementing this
16 section, no payment under this section shall be al-
17 lowed to a taxpayer to whom a credit has been al-
18 lowed for any taxable year under section 45Q.

19 **“SEC. 9907. ADMINISTRATIVE AUTHORITY.**

20 “(a) IN GENERAL.—The Secretary in consultation
21 with the Administrator shall prescribe such regulations,
22 and other guidance, as may be necessary to carry out the
23 purposes of this subtitle and assess and collect the carbon
24 fee imposed by section 9902 and the fluorinated green-
25 house gas fee imposed by section 9904.

1 “(b) SPECIFICALLY.—Such regulations and guidance
2 shall include—

3 “(1) the identification of an effective point in
4 the production, distribution, or use of a covered fuel
5 or fluorinated greenhouse gas for collecting such car-
6 bon fee or fluorinated greenhouse gas fee, in such a
7 manner so as to minimize administrative burden and
8 maximize the extent to which full fuel cycle green-
9 house gas emissions from covered fuels or
10 fluorinated greenhouse gases have the carbon fee or
11 fluorinated greenhouse gas fee levied upon them,

12 “(2) the identification of covered entities which
13 shall be liable for the payment of the carbon fee or
14 the fluorinated greenhouse gas fee,

15 “(3) requirements for the monthly payment of
16 such fees,

17 “(4) as may be necessary or convenient, rules
18 for distinguishing between different types of covered
19 fuels,

20 “(5) as may be necessary or convenient, rules
21 for distinguishing between a covered fuel’s green-
22 house gas content and its upstream greenhouse gas
23 emissions,

24 “(6) rules to ensure that no covered fuel or
25 fluorinated greenhouse gas has the carbon fee,

1 fluorinated greenhouse gas fee, or carbon border fee
2 adjustment imposed upon it more than once, and

3 “(7) rules to ensure that the domestic imple-
4 mentation of the carbon fee and the fluorinated
5 greenhouse gas fee coordinate with the implementa-
6 tion of the carbon border fee adjustment of chapter
7 102.

8 **“CHAPTER 102—CARBON BORDER FEE**
9 **ADJUSTMENT**

“Sec. 9908. Carbon border fee adjustment.

“Sec. 9909. Administration of the carbon border fee adjustment.

“Sec. 9910. Allocation of carbon border fee adjustment revenues.

10 **“SEC. 9908. CARBON BORDER FEE ADJUSTMENT.**

11 “(a) IN GENERAL.—The fees imposed by, and re-
12 funds allowed under, this section shall be referred to as
13 ‘the carbon border fee adjustment’.

14 “(b) PURPOSE.—The purpose of the carbon border
15 fee adjustment is to protect animal, plant, and human life
16 and health, to conserve exhaustible natural resources by
17 preventing carbon leakage, and to facilitate the creation
18 of international agreements.

19 “(c) IMPORTED COVERED FUELS FEE.—In the case
20 of any person that imports into the United States any cov-
21 ered fuel, there shall be imposed a fee equal to the excess
22 (if any) of—

23 “(1) an amount equal to—

1 “(A) the amount of full fuel cycle green-
2 house gas emissions of such fuel, multiplied by

3 “(B) the carbon fee rate in effect for the
4 year in which such fuel is imported, over

5 “(2) the total foreign cost of carbon carried by
6 such fuel.

7 “(d) IMPORTED CARBON-INTENSIVE PRODUCTS
8 FEE.—In the case of any person that imports into the
9 United States any carbon-intensive products, there shall
10 be imposed a fee equal to the excess (if any) of—

11 “(1) an amount equal to—

12 “(A) production greenhouse gas emissions
13 of such product, multiplied by

14 “(B) the carbon fee rate in effect for the
15 year in which the production greenhouse gas
16 emissions of such product were emitted into the
17 atmosphere, over

18 “(2) the total foreign cost of carbon carried by
19 such product.

20 “(e) REFUND ON EXPORTS FROM UNITED
21 STATES.—

22 “(1) CARBON-INTENSIVE PRODUCTS.—Under
23 regulations prescribed by the Secretary, there shall
24 be allowed a credit or refund (without interest) to
25 exporters of carbon-intensive products manufactured

1 or produced in the United States an amount equal
2 to the excess (if any) of—

3 “(A) an amount equal to—

4 “(i) the production greenhouse gas
5 emissions of the exported carbon-intensive
6 product, multiplied by

7 “(ii) the carbon fee rate during the
8 year in which the carbon fee or fluorinated
9 greenhouse gas fee was paid upon the pro-
10 duction greenhouse gas emissions of the
11 exported carbon-intensive product, over

12 “(B) any total cost of carbon to be levied
13 upon the carbon-intensive product by any juris-
14 diction to which the carbon-intensive product is
15 to be imported.

16 Any such credit or refund shall be allowed in the
17 same manner as if it were an overpayment of the fee
18 imposed by section 9902 or 9904. The Secretary
19 shall establish fair, timely, impartial, and as nec-
20 essary confidential procedures by which any exporter
21 of any product from the United States may petition
22 the Secretary to include that exported product on
23 the list of carbon-intensive products.

24 “(2) COVERED FUELS.—Under regulations pre-
25 scribed by the Secretary, in the case of a covered

1 fuel produced in the United States with respect to
2 which the fee under section 9902 was paid, there
3 shall be allowed as a credit or refund (without inter-
4 est) to any exporter of such covered fuels an amount
5 equal to the excess (if any) of—

6 “(A) an amount equal to—

7 “(i) the full fuel cycle greenhouse gas
8 emissions of the covered fuel, multiplied by

9 “(ii) the carbon fee rate at the time
10 the carbon fee was paid upon the full fuel
11 cycle greenhouse gas emissions of the ex-
12 ported covered fuel, over

13 “(B) any total cost of carbon to be levied
14 upon the covered fuel by a jurisdiction to which
15 the carbon-intensive product is to be imported.

16 Any such credit or refund shall be allowed in the
17 same manner as if it were an overpayment of tax
18 imposed by section 9902.

19 “(f) DEFINITIONS.—For purposes of this section—

20 “(1) FOREIGN COST OF CARBON; FOREIGN CAR-
21 BON COSTS.—The term ‘foreign cost of carbon’ or
22 ‘foreign carbon cost’ means the cost of any laws of
23 a foreign jurisdiction which impose a system of cap-
24 and-trade with respect to, or a tax or fee on, green-

1 house gas. Such cost shall be determined and ex-
2 pressed as a price per metric ton of CO₂-e.

3 “(2) TOTAL COST OF CARBON CARRIED.—The
4 term ‘total cost of carbon carried’ means an amount
5 equal to—

6 “(A) the production greenhouse gas emis-
7 sions of a carbon-intensive product or the full
8 fuel cycle greenhouse gas emissions of a covered
9 fuel, multiplied by

10 “(B) the cost of carbon with respect to
11 such product or fuel, reduced by any amount
12 refunded with respect to such product or fuel
13 by a foreign jurisdiction.

14 The total cost of carbon carried shall be expressed
15 as price in United States dollars.

16 “(3) TOTAL FOREIGN COST OF CARBON CAR-
17 RIED.—The term ‘total foreign cost of carbon car-
18 ried’ means an amount equal to—

19 “(A) the production greenhouse gas emis-
20 sions of a carbon-intensive product, or the full
21 fuel cycle greenhouse gas emissions of a covered
22 fuel, multiplied by

23 “(B) the foreign cost of carbon with re-
24 spect to such product or fuel, reduced by the

1 amount refunded with respect to such product
2 or fuel by a foreign jurisdiction.

3 The total foreign cost of carbon carried shall be ex-
4 pressed as price in United States dollars.

5 **“SEC. 9909. ADMINISTRATION OF THE CARBON BORDER**
6 **FEE ADJUSTMENT.**

7 “(a) **GENERALLY.**—The Secretary in consultation
8 with the Administrator shall prescribe regulations and
9 guidance which implement the carbon border fee adjust-
10 ment under section 9908.

11 “(b) **COLLABORATION.**—In determining the produc-
12 tion greenhouse gas emissions of an imported carbon-in-
13 tensive product, the upstream greenhouse gas emissions
14 of an imported covered fuel, the full fuel cycle greenhouse
15 gas emissions of an imported covered fuel, or the foreign
16 cost of carbon, or otherwise administering the carbon bor-
17 der fee adjustment, it is the sense of Congress that the
18 Secretary should collaborate with authorized officers of
19 any jurisdiction, including sub-national governments, af-
20 fected by the carbon border fee adjustment.

21 “(c) **METHODOLOGY.**—In determining the production
22 greenhouse gas emissions of an imported carbon-intensive
23 product, the upstream greenhouse gas emissions of an im-
24 ported covered fuel, the full fuel cycle greenhouse gas
25 emissions of an imported covered fuel, or the foreign cost

1 of carbon, the Secretary shall use reliable methodologies,
2 which—

3 “(1) as may be necessary or convenient—

4 “(A) distinguish between different types of
5 covered fuels,

6 “(B) distinguish between a covered fuel’s
7 greenhouse gas content and that covered fuel’s
8 upstream greenhouse gas emissions,

9 “(C) distinguish between the different
10 types of greenhouse gas emissions which com-
11 pose a covered fuel’s upstream greenhouse gas
12 emissions or greenhouse gas content, as well as
13 the various processes which produced those
14 emissions, and

15 “(D) distinguish between the different
16 types of greenhouse gas emissions which com-
17 pose a carbon-intensive product’s production
18 greenhouse gas emissions, as well as the various
19 processes which produced those emissions,

20 “(2) ensure that no covered fuel, covered
21 fluorinated greenhouse gas, or carbon-intensive prod-
22 uct has the carbon fee, the fluorinated greenhouse
23 gas fee, or the border fee adjustment imposed upon
24 it more than once,

1 “(3) ensure that the implementation of the bor-
2 der carbon adjustment aligns with the carbon fee
3 and the fluorinated gas fee,

4 “(4) in the case of incomplete data, rely upon
5 the best available methodologies for interpolating
6 data gaps, and

7 “(5) are consistent with international treaties
8 and agreements.

9 “(d) SCHEDULE.—The Secretary shall determine—

10 “(1) not later than 3 years after the date of the
11 enactment of this section, the production greenhouse
12 gas emissions of imported carbon-intensive products,

13 “(2) not later than 180 days after the date of
14 the enactment of this section, the full fuel cycle
15 greenhouse gas emissions and the upstream green-
16 house gas emissions of every imported covered fuel,
17 and

18 “(3) not later than 3 years after the date of the
19 enactment of this section, the foreign cost of carbon
20 in all jurisdictions.

21 “(e) PROCEDURE.—The Secretary shall establish
22 fair, timely, impartial, and as necessary confidential proce-
23 dures by which the importer of any carbon-intensive prod-
24 uct or any covered fuel may petition the Secretary to re-
25 vise the Secretary’s determination of the production green-

1 house gas emissions, full fuel cycle greenhouse gas emis-
2 sions, or upstream greenhouse gas emissions of that im-
3 porter’s imported covered fuel or imported carbon-inten-
4 sive product, or the foreign cost of carbon carried by that
5 importer’s imported carbon-intensive product.

6 “(f) SHIPMENTS FROM THE UNITED STATES TO THE
7 TERRITORIES OF THE UNITED STATES.—Notwith-
8 standing any other treaty, law, or policy, shipments of cov-
9 ered fuels or carbon-intensive products from the United
10 States to Guam, the United States Virgin Islands, Samoa,
11 Puerto Rico, and the Northern Mariana Islands shall be
12 eligible for a refund of the carbon fee under section
13 9908(e).

14 “(g) IMPORTS TO THE TERRITORIES OF THE UNITED
15 STATES.—Notwithstanding any other treaty, law, or pol-
16 icy, imports of covered fuels or carbon-intensive products
17 to Guam, the United States Virgin Islands, Samoa, Puerto
18 Rico, and the Northern Mariana Islands shall not be sub-
19 ject to Section 9908(c) or 9908(d).”

20 **“SEC. 9910. ALLOCATION OF CARBON BORDER FEE ADJUST-**
21 **MENT REVENUES.**

22 “The revenues collected under this chapter may be
23 used to supplement appropriations made available in fiscal
24 years 2020 and thereafter—

1 “(1) to U.S. Customs and Border Protection, in
2 such amounts as are necessary to administer the
3 carbon border fee adjustment, then

4 “(2) to the Department of Treasury, in such
5 amounts as are necessary to allow refunds under
6 section 9908(e) to exporters of carbon-intensive
7 products and exporters of covered fuels.”.

8 (b) COORDINATION WITH CARBON OXIDE SEQUES-
9 TRATION CREDIT.—Section 45Q(f) is amended by adding
10 at the end the following new paragraph:

11 “(8) COORDINATION WITH CARBON CAPTURE
12 AND SEQUESTRATION PAYMENTS.—No credit shall
13 be allowed under this section to a taxpayer which
14 has received any payment under section 9906.”.

15 (c) TREATIES AND INTERNATIONAL NEGOTIA-
16 TIONS.—

17 (1) CONFORMANCE WITH INTERNATIONAL
18 TREATIES.—In the case that the Appellate Body of
19 the World Trade Organization, or any other authori-
20 tative international treaty interpreter, shall find any
21 portion of the carbon border fee adjustment under
22 chapter 102 of the Internal Revenue Code of 1986
23 to violate any treaty to which the United States is
24 a party, the Secretary of the Treasury is authorized
25 to alter any aspect of such carbon border fee adjust-

1 ment so as to bring the carbon border fee adjust-
2 ment into conformance with international law.

3 (2) INTERNATIONAL NEGOTIATIONS.—The Con-
4 gress finds the international mitigation of green-
5 house gas emissions to be of national importance.
6 Therefore, the Congress encourages the Secretary of
7 State, or the Secretary’s designee, to commence and
8 complete negotiations with other nations with the
9 goal of forming treaties, environmental agreements,
10 accords, partnerships or any other instrument that
11 effectively reduces global greenhouse gas emissions
12 to 10 percent of 2016 levels by 2050 and which re-
13 spect the principle of common but differentiated re-
14 sponsibilities and respective capabilities.

15 (3) SUSPENSION OF THE CARBON BORDER FEE
16 ADJUSTMENT.—Any part of the carbon border fee
17 adjustment shall be suspended, in whole or in
18 part,—

19 (A) by treaty or other international agree-
20 ment which includes provisions for the suspen-
21 sion of the carbon border fee adjustment, in
22 whole or in part, with any party signatory to
23 the treaty or other international agreement, or

24 (B) by a finding of the Secretary that a ju-
25 risdiction of importation has implemented poli-

1 cies which, in the case of high emitting coun-
2 tries, reduce greenhouse gas emissions at a rate
3 at least equivalent to United States greenhouse
4 gas emission reductions, or, in the case of low
5 emitting countries, prevent the increase in
6 greenhouse gas emissions.

7 Any such finding shall be reviewed at least every 3
8 years and amended or revoked as required.

9 **SEC. 4. ESTABLISHMENT OF THE CARBON DIVIDEND TRUST**
10 **FUND.**

11 (a) IN GENERAL.—Subchapter A of chapter 98 of the
12 Internal Revenue Code of 1986 is amended by adding at
13 the end the following:

14 **“SEC. 9512. CARBON DIVIDEND TRUST FUND.**

15 “(a) ESTABLISHMENT AND FUNDING.—There is
16 hereby established in the Treasury of the United States
17 a trust fund to be known as the ‘Carbon Dividend Trust
18 Fund’, consisting of such amounts as may be appropriated
19 to such trust fund as provided for in this section.

20 “(b) TRANSFERS TO THE CARBON DIVIDEND TRUST
21 FUND.—There is hereby appropriated to the Carbon Divi-
22 dend Trust Fund amounts equal to the fees received into
23 the Treasury less any amounts refunded or paid under
24 section 9902(d) or 9906 of chapter 101 for each month.

1 “(c) EXPENDITURES.—Amounts in the trust fund
2 shall be available for the following purposes:

3 “(1) ADMINISTRATIVE EXPENSES.—So much of
4 the expenses necessary to administer the Carbon
5 Dividend Trust Fund for each year, as does not ex-
6 ceed—

7 “(A) in the case of the first 5 calendar
8 years ending after the date of the enactment of
9 this section, the administrative expenses for any
10 year may not exceed 8 percent of amounts ap-
11 propriated to the Carbon Dividend Trust Fund
12 during such year, and

13 “(B) in the case of any calendar year
14 thereafter, 2 percent of the 5-year rolling aver-
15 age of the amounts appropriated to the Carbon
16 Dividend Trust Fund, and

17 “(2) OTHER ADMINISTRATIVE EXPENSES.—So
18 much of the expenses as are necessary to administer
19 chapter 101 for any year as does not to exceed 0.60
20 percent of the amounts appropriated to the Carbon
21 Dividend Trust Fund for the previous year, and fur-
22 ther limited as follows:

23 “(A) The Department of the Treasury.

24 “(B) The Social Security Administration.

1 “(C) The Environmental Protection Agen-
2 cy.

3 “(D) Department of State.

4 “(3) CARBON DIVIDEND PAYMENTS.—

5 “(A) IN GENERAL.—From the amounts in
6 the Carbon Dividend Trust Fund made avail-
7 able under paragraphs (1) and (2) of this sub-
8 section for any year, the Secretary shall for
9 each month beginning more than 270 days after
10 the date of the enactment of the Energy Inno-
11 vation and Carbon Dividend Act of 2019, make
12 carbon dividend payments to each eligible indi-
13 vidual.

14 “(B) PRO-RATA SHARE.—A carbon divi-
15 dend payment is one pro-rata share for each
16 adult, and half a pro-rata share for each child
17 under 19 years old, of amounts available for the
18 month in the Carbon Dividend Trust Fund.

19 “(C) ELIGIBLE INDIVIDUAL.—The term
20 ‘eligible individual’ means, with respect to any
21 month, any natural living person who has a
22 valid Social Security number or taxpayer identi-
23 fication number and is a citizen or lawful resi-
24 dent of the United States (other than any indi-
25 vidual who is a citizen of any possession of the

1 United States and whose bona fide residence is
2 outside of the United States). The Secretary is
3 authorized to verify an individual’s eligibility to
4 receive a carbon dividend payment.

5 “(D) FEE TREATMENT OF PAYMENTS.—
6 Amounts paid under this subsection shall be in-
7 cludible in gross income.

8 “(E) FEDERAL PROGRAMS AND FEDERAL
9 ASSISTED PROGRAMS.—The carbon dividend
10 amount received by any individual shall not be
11 taken into account as income and shall not be
12 taken into account as resources for purposes of
13 determining the eligibility of such individual or
14 any other individual for benefits or assistance,
15 or the amount or extent of benefits or assist-
16 ance, under any Federal program or under any
17 State or local program financed in whole or in
18 part with Federal funds.

19 “(F) ADVANCE PAYMENT.—The Secretary
20 shall transfer to the Carbon Dividend Trust
21 Fund such amounts as are necessary for the
22 disbursement of an advanced carbon dividend to
23 all eligible individuals as follows:

24 “(i) An advanced carbon dividend
25 shall be the same as the anticipated first

1 carbon dividend required to be distributed
 2 under subparagraph (A) and shall be dis-
 3 tributed the month prior to the first collec-
 4 tion of the carbon fee.

5 “(ii) Total amounts disbursed as ad-
 6 vanced carbon dividends shall be deducted
 7 from the carbon dividends on a pro-rata
 8 basis over the first 3 years after the dis-
 9 bursement of the first carbon dividends.

10 “(d) ADMINISTRATIVE AUTHORITY.—The Secretary
 11 shall promulgate rules, guidance, and regulations useful
 12 and necessary to implement the Carbon Dividend Trust
 13 Fund.”.

14 (b) CLERICAL AMENDMENT.—The table of sections
 15 for subchapter A of chapter 98 of such Code is amended
 16 by adding at the end the following new item:

“Sec. 9512. Carbon Dividend Trust Fund.”.

17 **SEC. 5. LIMITED DISCLOSURE OF INFORMATION.**

18 Section 6103(l) of the Internal Revenue Code of 1986
 19 is amended by adding at the end the following new para-
 20 graphs:

21 “(23) LIMITED DISCLOSURE OF IDENTITY IN-
 22 FORMATION RELATING TO CARBON DIVIDEND PAY-
 23 MENTS.—

24 “(A) DEPARTMENT OF TREASURY.—Indi-
 25 vidual identity information shall, without writ-

1 ten request, be open to inspection by or disclo-
2 sure to officers and employees of the Depart-
3 ment of the Treasury whose official duties re-
4 quire such inspection or disclosure for purposes
5 of administering section 9512 (relating the Car-
6 bon Dividend Trust Fund).

7 “(B) COMMISSIONER OF SOCIAL SECUR-
8 RITY.—The Commissioner of Social Security
9 shall, on written request, disclose to officers
10 and employees of the Department of the Treas-
11 ury individual identity information which has
12 been disclosed to the Social Security Adminis-
13 tration as is necessary to administer section
14 9512.

15 “(C) RESTRICTION ON DISCLOSURE.—In-
16 formation disclosed under this paragraph shall
17 be disclosed only for purposes of, and to the ex-
18 tent necessary in, carrying out section 9512.”.

19 **SEC. 6. NATIONAL ACADEMY OF SCIENCES REVIEW OF CAR-**
20 **BON FEE AND EMISSIONS REDUCTION**
21 **SCHEDULE.**

22 (a) IN GENERAL.—Not later than 10 years after the
23 date of the enactment of this Act, the Secretary of Energy
24 shall enter into an agreement with the National Academy
25 of Sciences to prepare a report relating to the carbon fee

1 imposed by section 9902 of the Internal Revenue Code of
2 1986 and the emissions reductions schedule established
3 under section 9903 of such Code.

4 (b) REPORT REQUIREMENTS.—Such report shall—

5 (1) assess the efficiency and effectiveness of the
6 carbon fee in achieving the emissions reduction tar-
7 gets set forth in section 9903 of such Code;

8 (2) describe and make recommendations on
9 whether the carbon fee rate and annual increases
10 prescribed by section 9902(c) of such Code should
11 be adjusted in order to optimize the efficiency and
12 effectiveness of this Act in achieving the emissions
13 reduction targets set forth in section 9903 of such
14 Code;

15 (3) describe the potential of the carbon fee to
16 achieve future emissions targets set forth in section
17 9903(a) of such Code through the year 2050;

18 (4) describe and evaluate the effectiveness of
19 the carbon fee in reducing emissions from key sec-
20 tors of the economy, including sectors of the econ-
21 omy that have decreased their carbon emissions, sec-
22 tors of the economy that have increased their carbon
23 emissions, and sectors of the economy in which car-
24 bon emissions have not changed;

1 of Sciences and the Administrator of the Environmental
2 Protection Agency to conduct a study, make recommenda-
3 tions, and submit a report regarding the impact of the
4 carbon fee on the use of biomass as an energy source and
5 the resulting impacts on carbon sinks and biodiversity.

6 (b) STUDY REQUIREMENTS.—The study conducted
7 under subsection (a) by the National Academy of Sciences
8 shall include analysis, documentation, and determinations
9 on—

10 (1) the carbon fee and its impact on the use of
11 biomass as an energy source and greenhouse gas
12 emissions from the use of biomass as an energy
13 source;

14 (2) the impacts of the use of biomass as an en-
15 ergy source on carbon sinks and biodiversity; and

16 (3) the various types of biomass that are being
17 used as an energy source.

18 (c) RECOMMENDATIONS.—Based on the findings and
19 conclusions of the study, the National Academy of
20 Sciences shall make recommendations to Federal depart-
21 ments and agencies and to Congress. The recommenda-
22 tions shall include any actions that should be taken to
23 mitigate impacts of the carbon fee on—

24 (1) increasing greenhouse gas emissions from
25 the use of biomass as an energy source; and

1 (2) degradation of carbon sinks and biodiversity
2 relating to the use of biomass as an energy source.

3 (d) REPORT.—The National Academy of Sciences
4 shall prepare a report that includes any findings and rec-
5 ommendations made pursuant to this section and, not
6 later than 18 months after the date of the enactment of
7 this Act, make such report electronically available to the
8 public.

9 **SEC. 8. AMENDMENTS TO THE CLEAN AIR ACT.**

10 (a) IN GENERAL.—Title III of the Clean Air Act (42
11 U.S.C. 7601) is amended by adding at the end the fol-
12 lowing:

13 **“SEC. 330. SUSPENSION OF REGULATION OF FUELS AND**
14 **EMISSIONS BASED ON GREENHOUSE GAS EF-**
15 **FECTS.**

16 “(a) FUELS.—Unless specifically authorized in sec-
17 tion 202, 211, 213, or 231 or this section, if a carbon
18 fee is imposed by section 9902 or 9908 of the Internal
19 Revenue Code of 1986 with respect to a covered fuel, the
20 Administrator shall not enforce any rule limiting the emis-
21 sion of greenhouse gases from the combustion of that fuel
22 under this Act (or impose any requirement on any State
23 to limit such emission) on the basis of the emission’s
24 greenhouse gas effects.

1 “(b) EMISSIONS.—Unless specifically authorized in
2 section 202, 211, 213, or 231 or this section, if a fee is
3 imposed by section 9904 of the Internal Revenue Code of
4 1986 with respect to a fluorinated greenhouse gas, the Ad-
5 ministrator shall not enforce any rule limiting such gas
6 under this Act (or impose any requirement on any State
7 to limit such gas) on the basis of the greenhouse gas ef-
8 fects of such gas.

9 “(c) AUTHORIZED REGULATION.—Notwithstanding
10 subsections (a) and (b), nothing in this section limits the
11 Administrator’s authority pursuant to any other provision
12 of this Act—

13 “(1) to limit the emission of any greenhouse
14 gas because of any adverse impact on health or wel-
15 fare other than its greenhouse gas effects;

16 “(2) in limiting emissions as described in para-
17 graph (1), to consider the collateral benefits of lim-
18 iting the emissions because of greenhouse gas ef-
19 fects;

20 “(3) to limit the emission of black carbon or
21 any other pollutant that is not a greenhouse gas
22 that the Administrator determines by rule has heat-
23 trapping properties; or

1 “(4) to take any action with respect to any
2 greenhouse gas other than limiting its emission, in-
3 cluding—

4 “(A) monitoring, reporting, and record-
5 keeping requirements;

6 “(B) conducting or supporting investiga-
7 tions; and

8 “(C) information collection.

9 “(d) EXCEPTION FOR CERTAIN GREENHOUSE GAS
10 EMISSIONS.—Notwithstanding subsections (a) and (b),
11 nothing in this section limits the Administrator’s authority
12 to regulate greenhouse gas emissions from—

13 “(1) sources that—

14 “(A) are subject to subpart OOOO or
15 OOOOa of part 60 of title 40, Code of Federal
16 Regulations, as in effect on January 1, 2020; or

17 “(B) would be subject to such subpart
18 OOOO or subpart OOOOa if such subpart ap-
19 plied regardless of the date on which construc-
20 tion, modification, or reconstruction of the
21 source involved commenced; or

22 “(2) POTW Treatment Plants (as defined in
23 section 403.3(r) of title 40, Code of Federal Regula-
24 tions).

25 “(e) SUSPENSION EXPIRATION.—

1 “(1) DETERMINATION.—The Administrator
2 shall make a determination by March 30, 2030, and
3 no less than once every five years thereafter, based
4 on the determination required by section 9903(b) of
5 the Internal Revenue Code of 1986, as to whether
6 cumulative greenhouse gas emissions from covered
7 fuels subject to taxation under section 9902 of such
8 Code during the period from calendar year 2022
9 through the calendar year preceding the determina-
10 tion exceed the cumulative emissions for that period
11 that would have occurred if the emission reduction
12 targets in section 9903(a)(2) of such Code were met.

13 “(2) CONSEQUENCE OF CUMULATIVE EMIS-
14 SIONS EXCEEDANCE.—If the Administrator deter-
15 mines under paragraph (1) that cumulative green-
16 house gas emissions from covered fuels subject to
17 tax under section 9902 of the Internal Revenue
18 Code of 1986 exceed the cumulative emissions for
19 the period covered by the determination that would
20 have occurred if the emission reduction targets in
21 section 9903(a)(2) of such Code were met, then the
22 prohibitions in subsection (a) of this section, and in
23 section 211(c)(5) of this Act, shall cease to apply.

24 “(f) ASSURING ENVIRONMENTAL INTEGRITY.—

1 “(1) AUTHORITY.—If the Administrator deter-
2 mines pursuant to subsection (e)(1) of this section
3 that the emission reduction targets in section 9903
4 (a)(2) of the Internal Revenue Code of 1986 are not
5 met—

6 “(A) subsections (a) and (b) shall cease to
7 apply; and

8 “(B) the Administrator shall—

9 “(i) issue such regulations as the Ad-
10 ministrator deems necessary to bring
11 greenhouse gas emissions from covered
12 fuels subject to taxation under section
13 9902 of the Internal Revenue Code of
14 1986 to levels that are at or below the
15 emission reductions targets in section
16 9903(a)(2) of such Code; and

17 “(ii) require in such regulations that
18 additional reductions in greenhouse gas
19 emissions are achieved to fully compensate
20 for any amount by which greenhouse gas
21 emissions from covered fuels subject to
22 taxation under section 9902 of such Code
23 have exceeded the targets in section
24 9903(a)(2) of such Code.

1 “(2) DEADLINE FOR FINALIZING REGULA-
2 TIONS.—The Administrator shall finalize any regula-
3 tions required by paragraph (1) not later than two
4 years after the Administrator makes the relevant de-
5 termination pursuant to such paragraph.

6 “(3) ACHIEVEMENT OF ADDITIONAL REDUC-
7 TIONS.—Regulations issued pursuant to paragraph
8 (1) shall ensure that any additional reductions re-
9 quired by paragraph (1)(B)(ii) are fully achieved by
10 no later than eight years after the Administrator
11 makes the determination pursuant to subsection
12 (e)(1) described in paragraph (1).

13 “(g) DEFINITIONS.—In this section, the terms
14 ‘greenhouse gas’ and ‘greenhouse gas effects’ have the
15 meanings given to those terms in section 9901 of the In-
16 ternal Revenue Code of 1986.”.

17 (b) NEW MOTOR VEHICLES AND NEW MOTOR VEHI-
18 CLE ENGINES.—Section 202(b) of the Clean Air Act (42
19 U.S.C. 7521(b)) is amended—

20 (1) by redesignating the second paragraph (3)
21 (as redesignated by section 230(4)(C) of Public Law
22 101–549 (104 Stat. 2529)) as paragraph (4); and

23 (2) by adding at the end the following:

24 “(5) Notwithstanding subsections (a) and (b) of
25 section 330, the Administrator may—

1 “(A) limit the emission of any greenhouse
2 gas (as defined in section 9901 of the Internal
3 Revenue Code of 1986) on the basis of the
4 emission’s greenhouse gas effects (as defined in
5 section 9901 of the Internal Revenue Code of
6 1986) from any class or classes of new motor
7 vehicles or new motor vehicle engines subject to
8 regulation under subsection (a)(1); and

9 “(B) grant a waiver under section
10 209(b)(1) for standards for the control of
11 greenhouse gas emissions.”.

12 (c) FUELS.—Section 211(c) of the Clean Air Act (42
13 U.S.C. 7545(c)) is amended by adding at the end the fol-
14 lowing new paragraph:

15 “(5) The Administrator shall not, pursuant to this
16 subsection, impose on any manufacturer or processor of
17 fuel any requirement for the purpose of reducing the emis-
18 sion of any greenhouse gas (as defined in section 9901
19 of the Internal Revenue Code of 1986) produced by com-
20 bustion of the fuel on the basis of the emission’s green-
21 house gas effects (as defined in section 9901 of the Inter-
22 nal Revenue Code of 1986).”.

23 (d) NONROAD ENGINES AND VEHICLES EMISSIONS
24 STANDARDS.—Section 213 of the Clean Air Act (42

1 U.S.C. 7547) is amended by adding at the end the fol-
2 lowing:

3 “(e) GREENHOUSE GAS EMISSIONS.—Notwith-
4 standing section 330(a), the Administrator may limit the
5 emission of any greenhouse gas (as defined in section
6 9901 of the Internal Revenue Code of 1986) on the basis
7 of the emission’s greenhouse gas effects (as defined in sec-
8 tion 9901 of the Internal Revenue Code of 1986) from
9 any nonroad engines and nonroad vehicles subject to regu-
10 lation under this section.”.

11 (e) AIRCRAFT EMISSION STANDARDS.—Section 231
12 of the Clean Air Act (42 U.S.C. 7571) is amended by add-
13 ing at the end the following new subsection:

14 “(d) Notwithstanding subsections (a) and (b) of sec-
15 tion 330, the Administrator may limit the emission of any
16 greenhouse gas (as defined in section 9901 of the Internal
17 Revenue Code of 1986) on the basis of the emission’s
18 greenhouse gas effects (as defined in section 9901 of the
19 Internal Revenue Code of 1986) from any class or classes
20 of aircraft engines, so long as any such limitation is not
21 more stringent than the standards adopted by the Inter-
22 national Civil Aviation Organization.”.

23 **SEC. 9. EFFECTIVE DATE.**

24 The amendments made by this Act shall take effect
25 on the date of the enactment of this Act, except the carbon

1 fee under section 9902 of the Internal Revenue Code of
2 1986 shall apply to uses, sales, or transfers more than
3 270 days after the date of the enactment of this Act.

4 **SEC. 10. PRINCIPLE OF INTERPRETATION.**

5 In the case of ambiguity, the texts of this statute and
6 its amending texts shall be interpreted so as to allow for
7 the most effective abatement of greenhouse gas emissions.

8 **SEC. 11. NO PREEMPTION OF STATE LAW.**

9 Nothing in this legislation shall preempt or super-
10 sede, or be interpreted to preempt or supersede, any State
11 law or regulation.

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	<p><u>Drumlin Environmental, LLC</u> Hydrogeologic and Engineering Consultants</p> <p>Soil Metrics, LLC</p>	
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REVIEW MEMORANDUM

To: Jim Chandler & Hampden Environmental Trust
From: Matt Reynolds
Date: May 27, 2019
Subject: Pine Tree Landfill –Initial Review of 2018 Annual Report

As you requested, I have done an initial review of water quality data from the Pine Tree Landfill (PTL) site from sampling events conducted in October 2018 and April 2019. Jeff Pelletier of New England Waste Services of Maine (NEWSME) also provided a copy of the 2018 Annual Monitoring Report for the PTL site and I have done an initial review of that report as well. An overview of recent site data based on these reports is provided below.

- In order to improve water quality around the landfill site, NEWSME extracts groundwater from 6 extraction wells and the perimeter underdrain. During 2018, NEWSME increased groundwater withdrawal from the 6 extraction wells by 29% compared to 2017, extracting 2.04 million gallons of groundwater. NEWSME also extracts landfill gas (LFG) from 4 gas extraction wells and in 2018 increased gas extraction compared to 2017.
- The majority of the data from monitoring wells around the landfill show that groundwater quality in 2018 was similar to groundwater quality in 2017. For most locations, this represents improved conditions compared to 2011, which was the first year that the landfill was closed. However groundwater quality at most locations remains significantly above the criteria established by the Maine Department of Environmental Protection for successful corrective action.
- During 2018 there were 3 of the 22 groundwater monitoring wells that were below the corrective action criteria for specific conductance of 500 umhos/cm during at least one of the sampling events. There are 4 additional monitoring wells that have been below this criteria in one or more sampling events in the last few years. However, 12 of the 22 wells continue to have specific conductance concentrations above 1000 umhos/cm.
- There were 4 of 22 wells that have a statistically significant 5-year trend of improving water quality as measured by specific conductance and 3 of 22 wells that have an improving 5-year trend as measured by dissolved methane. All of the wells with improving 5-year trends are located to the south of the landfill.
- During 2018 there were 7 of 22 monitoring wells where the data indicated a 5-year trend of increasing specific conductance concentration. Several of the wells with increasing specific conductance trends are to the north or west of the landfill in

locations that are not downgradient from the landfill and where non-landfill activities (e.g., Route 95) may also influence water quality.

- As noted in previous reviews, there are a several wells (MW-03-802B, MW03-803A, MW03-803B, MW03-804A) near the southwest side of the landfill that have exhibited a persistent trend of increasing concentrations over the past several years, and this trend continued in 2018. In June 2016, a seep was discovered originating from the landfill cover system near these wells. In July 2016, the cover was repaired and the impacted soil was excavated and removed. The 2016 Annual Monitoring Report suggested that this seepage may have been responsible in part for the increasing trend, which was expected to decline following the repairs and soil removal. However, the increasing trend persists in these wells. This suggests that the repair was incomplete or that there is a different condition that is responsible for the increasing trend in these wells.
- Following closure of PTL in 2010, on-site monitoring wells showed increasing concentrations of arsenic. At the request of the MEDEP, NEWSME conducted additional on- and off-site sampling for arsenic in 2014, 2015 and 2016. During 2018 (and 2017), water quality monitoring detected significantly lower arsenic concentrations comparison to the 2014 to 2016 period.
- During 2018, NEWSME recirculated approximately 371,000 gallons of leachate back into the landfill using leachate recirculation trenches 2 and 3. This was approximately 10% of the 3.4 million gallons proposed in the 2017 Annual Report. The decrease in recirculation was reportedly due to staffing limitations and a reduced need for fuel at the on-site gas-to-energy facility. The 2018 Annual Report proposes to recirculate up to 3.4 million gallons of leachate during 2019, as feasible considering staffing levels and fuel needs.

The PTL site was closed in 2010 and 2018 represents the 8th year of the 30-year post closure monitoring period. The overall trend of water quality monitored in association with the landfill represents slow improvement. The current corrective actions, including groundwater and gas extraction, are having a positive influence on water quality, but it is premature to conclude that these corrective actions will be sufficient to achieve the criteria established by the MEDEP within the 30-year post-closure period. The area to the southwest of the landfill monitored by the 802-, 803- and 804-series wells continued to exhibit an increasing trend during 2018. NEWSME and their engineers Sevee & Maher Engineers propose to continue monitoring to gather data to better understand the conditions that are causing this trend.

The items discussed above provide an overview based on our initial review of the 2018 data and Annual Report. As we have done in the past, we will prepare a more complete review memorandum and will provide that to you and the Environmental Trust. If you or the Trustees have any questions during or following your upcoming meeting, please feel free to call or email me at any time.

Project List - Planning

Project Name	Location	What it is	Size ¹	PB Action/Date	Type
F.A. Peabody	36/38 Main Road N	construction of new office building	4,500 sq ft	Approved	Site Plan
Day's Care Children's Center	100 Mayo Rd	convert house to child care center	1,335 sq ft	Approved	Conditional Use
F.W. Webb	Hampden Busn Park lots 33-35	construct new warehouse/wholesale facility	72,750 sq ft	Approved	Major Site Plan
Zucco's Dog House	Hampden Busn Park lot 25	construct new kennel (dog daycare)	3,512 sq ft	Approved	Conditional Use & Site Plan
Smith, Andrew	115 Main Road South	Addition for storage	1320 sq ft	Approved	Minor Site Plan
MRC/Fiberight	348 Coldbrook Road	insubstantial modifications to site plan	NA	Approved	Site Plan Modification
Daryl Coulliard	Back Winterport Rd	split second lot off parcel w/in 5 year period	2 lots	Approved	Minor Subdivision
Shaw Subdivision	Pond Rd/Fowler's Landing Rd	minor subdivision	2 lots	Approved	Minor Subdivision
Revision Energy	Littlefield Rd	solar array behind the White House Inn	NA	Approved	Major Site Plan
Bangor Realty Group LLC	Mayo Rd	multi-family cluster project	30 units	Approved	Major Site Plan & Subdiv.
Stearns Farm Subdivision	Main Rd North	single family cluster subdivision	39 lots	9/11/2019	Prelim Subdiv
Carmichael Transport	178 Ammo Park Rd	addition of a garage bay	1,800 sq ft	Approved	Minor Site Plan
Historical Society	83 Main Rd South	addition to building	1,020 sq ft	Approved	Minor Site Plan
T&A Realty	50 Main Road North	convert retail space to apartment	1 unit	Approved	Conditional Use
Zucco's Dog House	Hampden Busn Park lot 25	change grass to turf in outdoor dog area	16,000 sq ft	Approved	Minor Site Plan
Andrew Connolly	256 Main Rd N	convert existing space to accessory apartment	1 unit	Approved	Conditional Use
Dysart's	370 Coldbrook Rd	expand store, relocate pumps & replace USTs	4,275 sq ft	Approved	Major Site Plan & Shoreland
Amy Young	1240 Carmel Rd N	daycare facility (in home)	12 children	Approved	Conditional Use
Larry Emery	75 Chickadee Lane	amateur radio operator tower	50 ft tall	Approved	Conditional Use
Fiberight/CRM	348 Coldbrook Road	insubstantial modifications to site plan	NA	Approved	Site Plan Modification
Honey Hill Estates	238 Main Rd S	single family cluster subdivision	23 lots	7/16/2019	Prelim Subdiv
Hampden Municipal Complex	106 & 146 Western Ave	parking lot expansion, stormwater mgt system	add 105 spaces	7/10/2019	Major Site Plan
Nate Wicklow	Monroe Rd	construct new multi-family building	4 units	8/14/2019	Major Site Plan & Subdiv.

1. Size refers to square footage of building (new or addition), number of new building lots, number of new units, or acreage.