

MAINE STATE LEGISLATURE

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L.D. 141

DATE: 4-7-06

(Filing No. S-573)

NATURAL RESOURCES

Reported by: Reported by: Majority

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**STATE OF MAINE
SENATE
122ND LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "C" to S.P. 47, L.D. 141, Bill, "An Act To Ensure Proper Disposal of Debris and Protection of the Environment"

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

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

Whereas, the current rules regarding beneficial use of secondary materials do not adequately provide for the regulation of the use of construction and demolition debris; and

Whereas, rules are needed to provide facilities and potential facilities that are seeking to make investments in the State with the necessary regulatory framework under which facilities will be required to operate; 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 enacted by the People of the State of Maine as follows:

COMMITTEE AMENDMENT

2 **Sec. 1. 38 MRS §1306, sub-§6** is enacted to read:

4 **6. Construction and demolition debris.** The substitution of
6 wood from construction and demolition debris for conventional
 fuels used in a boiler may not exceed 50% of total fuel by weight
 combusted on an average annual basis.

8 **Sec. 2. Rule adoption.** Notwithstanding the Maine Revised
10 Statutes, Title 5, chapter 375 and Title 38, section 341-D,
12 subsection 1-B, within 30 days after the effective date of this
14 Act, the Board of Environmental Protection shall adopt the rule
16 amendments to Chapter 418: Beneficial Use of Solid Wastes,
18 Chapter 402: Transfer Stations and Storage Sites for Solid Waste,
20 Chapter 405: Water Quality Monitoring, Leachate Monitoring, and
22 Waste Characterization and Chapter 409: Processing Facilities
24 that were proposed to the Board of Environmental Protection by
26 the Department of Environmental Protection and that, following
28 notice and comment as required by Title 5, chapter 375, were the
30 subject of a public hearing before the board on November 17,
 2005, except that the rules must reflect the changes made by the
 department that were contained in the draft rules submitted to
 the board on March 16, 2006 and may not allow the substitution of
 wood from construction and demolition debris for conventional
 fuels used in a boiler to exceed 50% of total fuel by weight
 combusted on an average annual basis pursuant to Title 38,
 section 1306, subsection 6. Amendments to chapters 418, 402, 405
 and 409 that are adopted by the board after 30 days after the
 effective date of this Act are routine technical rules as defined
 by Title 5, chapter 375, subchapter 2-A.

32 **Sec. 3. Source separation report.** The Department of
34 Environmental Protection shall evaluate the feasibility of
36 requiring source separation and state-of-the-art processing that
38 will achieve, to the greatest extent practicable, the removal of
40 all toxic materials from construction and demolition debris prior
42 to combustion in a boiler. The evaluation must include, but is
44 not limited to, a review of the "positive pick" method of
 sorting, and requiring material separation at the location at
 which buildings are demolished. By February 1, 2007, the
 department shall submit a report in connection with the
 evaluation to the joint standing committee of the Legislature
 having jurisdiction over natural resources matters. The report
 must include the department's findings and recommendations and
 any proposed legislation.

46 **Sec. 4. Best available control technology report.** The Department
48 of Environmental Protection shall evaluate the economic and
50 technological feasibility of requiring all boilers that burn
 construction and demolition debris to use the best available
 control technology in order to minimize toxic air

emissions. By February 1, 2007, the department shall submit a report in connection with the evaluation to the joint standing committee of the Legislature having jurisdiction over natural resources matters. The report must include the department's findings and recommendations and any proposed legislation.

Sec. 5. Report regarding amount of construction and demolition debris wood fuel substitution. The Department of Environmental Protection shall evaluate the effects of allowing the substitution of wood from construction and demolition debris for conventional fuels used in a boiler to exceed 50% of total fuel by weight combusted on an annual average basis if the following conditions are met:

1. The boiler is designed and constructed for the primary purpose of power generation and not waste disposal;

2. The boiler employs the best available control technology as determined by the department; and

3. All other applicable regulatory standards are met with regard to the facility.

By February 1, 2007, the Department of Environmental Protection shall submit a report in connection with the evaluation to the joint standing committee of the Legislature having jurisdiction over natural resources matters. The report must include the department's findings and recommendations and any proposed legislation.

Sec. 6. Authority to report legislation. The joint standing committee of the Legislature having jurisdiction over natural resources matters may report out legislation to the First Regular Session of the 123rd Legislature relating to the reports submitted by the Department of Environmental Protection pursuant to sections 3, 4 and 5.

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

SUMMARY

This amendment is the majority report and replaces the bill. The amendment adds an emergency preamble and clause. The amendment limits the amount of wood from construction and demolition debris that may be substituted for conventional fuel in a boiler. The amendment also requires the Board of Environmental Protection to adopt specific rules regarding beneficial use of solid waste, transfer stations and storage

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2 sites for solid waste, water quality monitoring, leachate
monitoring, waste characterization and processing facilities.
4 The amendment requires the Department of Environmental Protection
to evaluate the feasibility of requiring best available control
6 technology, source separation and state-of-the-art processing of
construction and demolition debris. It also requires the
8 department to evaluate the effects of allowing more than 50% of
construction and demolition debris wood fuel to be combusted on
an average annual basis. The amendment requires the department
10 to submit reports and authorizes the joint standing committee of
the Legislature having jurisdiction over natural resources
12 matters to report out legislation relating to the reports.

FISCAL NOTE REQUIRED
(See attached)



Approved: 04/03/06 *MAC*

122nd MAINE LEGISLATURE

LD 141

LR 0109(05)

An Act To Ensure Proper Disposal of Debris and Protection of the Environment

Fiscal Note for Bill as Amended by Committee Amendment 'C'

Committee: Natural Resources

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund