

m			L.D. 141
130	2	DATE: 4-7-06	
	4		(Filing No. S-573)
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	6	NATURAL RESOURCES	
	8	Reported by: Reported by: Majority	
	10	Reproduced and distributed under the of the Senate.	e direction of the Secretary
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	14	STATE OF MAINE SENATE 122ND LEGISLATURE	
	16 SECOND REGULAR S		
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	20	COMMITTEE AMENDMENT 'C' to S.P. 47, L.D. 141, Bill, "An Act To Ensure Proper Disposal of Debris and Protection of the	
	22	Environment"	
	22	Amend the bill by striking out everything after the title	
	24	and before the summary and inserting in its place the following:	
	26	'Emergency preamble. Whereas, acts of the Legislature do not become effective until 90 days after adjournment unless enacted	
	28	as emergencies; and	
	30	Whereas, the current rules r secondary materials do not adequatel	
	32	of the use of construction and demoli	
	34	Whereas, rules are needed to potential facilities that are seekin	to provide facilities and g to make investments in the
	36	State with the necessary regulat	ory framework under which
	38	facilities will be required to operat	
	40	Whereas, in the judgment of t create an emergency within the mea Maine and require the following	ning of the Constitution of
	42	necessary for the preservation of t safety; now, therefore,	
	44	Be it enacted by the People of the State of Maine as follows:	
	46	De n enacieu by the reopte of the state of n	Maine as Iunuws;

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#### COMMITTEE AMENDMENT "(" to S.P. 47, L.D. 141

#### Sec. 1. 38 MRSA §1306, sub-§6 is enacted to read:

6. Construction and demolition debris. The substitution of 4 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. 6

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

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

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

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#### COMMITTEE AMENDMENT "C" to S.P. 47, L.D. 141

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.

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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 16 purpose of power generation and not waste disposal;

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

3. All other applicable regulatory standards are met with 22 regard to the facility.

24 By February 1, 2007, the Department of Environmental Protection shall submit a report in connection with the 26 evaluation to the joint standing committee of the Legislature having jurisdiction over natural resources matters. The report 28 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**

44 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 50 beneficial use of solid waste, transfer stations and storage

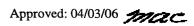
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### COMMITTEE AMENDMENT "C: to S.P. 47, L.D. 141

sites for solid waste, water quality monitoring, leachate monitoring, waste characterization and processing facilities. 2 The amendment requires the Department of Environmental Protection to evaluate the feasibility of requiring best available control 4 technology, source separation and state-of-the-art processing of construction and demolition debris. It also requires the 6 department to evaluate the effects of allowing more than 50% of 8 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 matters to report out legislation relating to the reports. 12

> FISCAL NOTE REQUIRED (See attached)

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### **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