

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

me
H. O. I. S.

L.D. 1797

Date: 3/22/18

(Filing No. H-670)

1
2
3 **ENVIRONMENT AND NATURAL RESOURCES**

4 Reproduced and distributed under the direction of the Clerk of the House.

5 **STATE OF MAINE**
6 **HOUSE OF REPRESENTATIVES**
7 **128TH LEGISLATURE**
8 **SECOND REGULAR SESSION**

9 COMMITTEE AMENDMENT "A" to H.P. 1242, L.D. 1797, "Resolve, Regarding
10 Legislative Review of Portions of Chapter 418: Maine Solid Waste Management Rules:
11 Beneficial Use of Solid Wastes, a Major Substantive Rule of the Department of
12 Environmental Protection"

13 Amend the resolve by striking out everything after the emergency preamble and
14 before the emergency clause and inserting the following:

15 **'Sec. 1. Adoption. Resolved:** That final adoption of portions of Chapter 418:
16 Maine Solid Waste Management Rules: Beneficial Use of Solid Wastes, a provisionally
17 adopted major substantive rule of the Department of Environmental Protection that has
18 been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title
19 5, chapter 375, subchapter 2-A, is authorized only if the following changes are made:

20 1. The rule must be amended in Section 3(S), Section 5, Section 6(B), Appendix C
21 and in any other affected sections of the rule relating to the beneficial use of emulsified
22 asphalt encapsulated contaminated soil to allow the beneficial use of emulsified asphalt
23 encapsulated contaminated soil that is produced from soil contaminated with
24 contaminants other than oil only upon the issuance of a beneficial use license pursuant to
25 Section 9 of the rule;

26 2. The rule must be amended to authorize the department to require a beneficial use
27 licensee authorized pursuant to the rule to use secondary material as construction fill to
28 implement an environmental monitoring plan, subject to review and approval by the
29 department; and

30 3. All other necessary changes must be made to the rule to ensure conformity
31 throughout the rule with the changes directed in this section.'

32 **SUMMARY**

33 This amendment amends the resolve by authorizing final adoption of portions of
34 Chapter 418: Maine Solid Waste Management Rules: Beneficial Use of Solid Wastes, a
35 major substantive rule of the Department of Environmental Protection that was submitted

COMMITTEE AMENDMENT

H.P.

COMMITTEE AMENDMENT "A" to H.P. 1242, L.D. 1797

1 to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375
2 on January 12, 2018, but only if the following amendments to the rule are incorporated
3 prior to final adoption:

4 1. The rule is amended to allow the beneficial use of emulsified asphalt encapsulated
5 contaminated soil that is produced from soils contaminated with contaminants other than
6 oil only upon the issuance of a beneficial use license pursuant to the rule; and

7 2. The rule is amended to authorize the department to require a beneficial use
8 licensee authorized pursuant to the rule to use secondary material as construction fill to
9 implement an environmental monitoring plan, subject to review and approval by the
10 department.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



128th MAINE LEGISLATURE

LD 1797

LR 2860(02)

Resolve, Regarding Legislative Review of Portions of Chapter 418: Maine Solid Waste Management Rules: Beneficial Use of Solid Wastes, a Major Substantive Rule of the Department of Environmental Protection

Fiscal Note for Bill as Amended by Committee Amendment 'A' (H-670)
Committee: Environment and Natural Resources

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

Any additional costs to the Department of Environmental Protection as a result of final adoption of provisionally adopted rules regarding the beneficial use of solid wastes are anticipated to be minor and can be absorbed within existing budgeted resources.