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Date: (Filing No. H-)

ENVIRONMENT AND NATURAL RESOURCES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1242, L.D. 1797, “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”

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

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

- 1. The rule must be amended in Section 3(S), Section 5, Section 6(B), Appendix C and in any other affected sections of the rule relating to the beneficial use of emulsified asphalt encapsulated contaminated soil to allow the beneficial use of emulsified asphalt encapsulated contaminated soil that is produced from soil contaminated with contaminants other than oil only upon the issuance of a beneficial use license pursuant to Section 9 of the rule;
- 2. The rule must be amended to authorize the department to require a beneficial use licensee authorized pursuant to the rule to use secondary material as construction fill to implement an environmental monitoring plan, subject to review and approval by the department; and
- 3. All other necessary changes must be made to the rule to ensure conformity throughout the rule with the changes directed in this section.'

SUMMARY

This amendment amends the resolve by authorizing final adoption 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 that was submitted

COMMITTEE AMENDMENT

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.