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ENVIRONMENT AND NATURAL RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
SECOND SPECIAL SESSION

COMMITTEE AMENDMENT " " to H.P. 1265, L.D. 1781, Bill, "An Act To Allow the Board of Environmental Protection To Make Changes through Routine Technical Rulemaking to Federally Based Screening Levels for the Beneficial Use of Solid Waste"

Amend the bill by striking out the title and substituting the following:

'An Act To Clarify the Authority of the Board of Environmental Protection To Adopt or Amend Rules Regarding the Beneficial Use of Solid Waste'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 38 MRSA §1304, sub-§1-D is enacted to read:

1-D. Rules; beneficial use of solid waste. The board may adopt or amend rules relating to the beneficial use of solid waste. Rules adopted pursuant to this subsection are major substantive rules, as defined in Title 5, chapter 375, subchapter 2-A, except that rules adopted pursuant to this subsection that adopt or amend screening levels for beneficial use derived using the standard risk assessment protocols of the United States Environmental Protection Agency or derived using models used by the United States Environmental Protection Agency for assessing risk to groundwater are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. PL 2011, c. 304, Pt. F, §2 is repealed.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment, which is the majority report of the committee, changes the title of and replaces the bill. The amendment authorizes the Board of Environmental Protection to adopt or amend rules relating to the beneficial use of solid waste through major substantive rulemaking pursuant to the Maine Revised Statutes, Title 5, chapter 375,

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1 subchapter 2-A, except that rules relating to the beneficial use of solid waste that adopt or  
2 amend screening levels for beneficial use derived using the standard risk assessment  
3 protocols of the United States Environmental Protection Agency or derived using models  
4 used by the United States Environmental Protection Agency for assessing risk to  
5 groundwater may be adopted or amended through routine technical rulemaking. It also  
6 repeals a prior enacted unallocated law that contains a similar rule-making authority.

7 **FISCAL NOTE REQUIRED**

8 **(See attached)**