

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND EIGHTEEN

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

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

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

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.

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