

BY: Economic and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL NO. 441

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Ash" strike "- Licensing"; strike beginning with "prohibiting" in line 3 down through "date" in line 9 and substitute "requiring a person to register ash use with the Department of the Environment before using certain forms of ash; establishing certain requirements for the registration of ash use; authorizing the Department to undertake certain activities before registering ash use; authorizing the Department to revoke certain registration of ash use under certain circumstances; establishing the applicability of certain existing enforcement procedures and civil and criminal penalties for violations of this Act; declaring certain determinations of the General Assembly"; and strike in their entirety lines 13 and 14 and substitute "Section 9-1730 through 9-1733 to be under the new part "Part IV. Incinerator Ash"".

AMENDMENT NO. 2

On page 1, strike in its entirety line 20 and substitute "PART IV. INCINERATOR ASH."; strike in its entirety line 21 and substitute "9-1730."; and in line 22, strike "SUBTITLE" and substitute "PART IV".

On page 2, strike in their entirety lines 3 through 5, inclusive; in line 6, strike "(D)" and substitute "(C)"; in lines 6 and 16, in each instance, strike "USE ASH" and substitute "ASH USE"; in lines 6 and 7, strike ": (I) UTILIZING ASH" and substitute "PROCESSING ASH OR MANUFACTURING ASH PRODUCTS FOR"; strike beginning with "1." in line 8 down through "2." in line 9 and substitute "(I) USE"; in line 11, strike "3. FOR" and substitute "(II) USE AS"; in line 12, strike "4. IN CONSTRUCTION," and substitute "(III) USE IN CONSTRUCTION; (IV) USE"; in the same line, after "BLOCK" insert a semicolon; strike beginning with "AND" in line 12 down through "5." in line 14 and substitute "(V) USE"; in line 14, after "AND" insert "(VI) ANY OTHER USE AS APPROVED BY THE DEPARTMENT."; strike line 15 in its entirety; and after line 17, insert:

(Over)

“(D) ‘‘LANDFILL’’ MEANS A SOLID WASTE LANDFILL THAT USES A LINER AND LEACHATE COLLECTION SYSTEM TO MINIMIZE THE DISCHARGE OF WASTE OR LEACHATE INTO THE ENVIRONMENT.”.

AMENDMENT NO. 3

On page 2, strike line 18 in its entirety and substitute “9-1731.”; in line 19, strike “FINDS AND”; strike beginning with the colon in line 19 down through “(2)” in line 23; in line 23, strike “SUBTITLE” and substitute “PART IV”; in the same line, strike “ENSURING” and substitute “ENSURE”; strike beginning with “THAT” in line 23 down through “LANDFILL,” in line 24; in line 25, after “WILL” insert “BE”; in the same line, strike the first “BE”; in line 26, strike “FOR MONITORING ITS EFFECTS”; and in the same line, strike “CONTROL” and substitute “MINIMIZE”.

AMENDMENT NO. 4

On page 2, strike in their entirety lines 28 through 33, inclusive.

On page 3, strike in their entirety lines 1 through 30, inclusive and substitute:

“9-1732.

(A) A PERSON SHALL REGISTER ASH USE IN THE STATE WITH THE DEPARTMENT FOR EACH USE PRIOR TO COMMENCING THAT USE.

(B) EACH APPLICANT SHALL FILE WITH THE DEPARTMENT:

(1) THE NAME AND ADDRESS OF THE APPLICANT;

(2) THE NAME AND ADDRESS OF THE PERSON WHO WILL UTILIZE THE ASH IF OTHER THAN THE APPLICANT;

(3) A FULL DESCRIPTION OF THE SOURCE AND PROCESSING OF THE ASH TO BE UTILIZED;

(4) A COMPLETE PHYSICAL AND CHEMICAL CHARACTERIZATION OF

THE ASH, UTILIZING METHODS THAT ARE ACCEPTABLE TO THE DEPARTMENT;

(5) A DESCRIPTION OF HOW THE PROPOSED PRODUCT WILL BE USED, INCLUDING THE SITE-SPECIFIC LOCATIONS; AND

(6) A DEMONSTRATION THAT THE ASH USE REGISTERED WILL NOT ADVERSELY AFFECT HUMAN HEALTH AND SAFETY, THE ENVIRONMENT, AND NATURAL RESOURCES.

(C) THE DEPARTMENT MAY REQUIRE THE SUBMISSION OF ANY ADDITIONAL TOXICOLOGICAL, ENVIRONMENTAL, OR HEALTH EFFECTS DATA THAT THE DEPARTMENT CONSIDERS APPROPRIATE.”;

in line 31, strike “(B)” and substitute “(D)”; in the same line, strike “IN DEVELOPING THE REGULATIONS” and substitute “BEFORE REGISTERING ASH USE”; and in the same line, strike “SHALL” and substitute “MAY”.

AMENDMENT NO. 5

On page 4, in line 12, after “RISKS;” insert “AND”; and strike beginning with “METHODS” in line 13 down through “AND” in line 34.

On page 5, strike in their entirety lines 1 through 9, inclusive and substitute “WHETHER USES SHOULD BE RESTRICTED TO THOSE THAT CAN BE TRACKED.”

(E) THE DEPARTMENT MAY REQUIRE THE APPLICANT TO DEMONSTRATE METHODS OF TRACKING THE PHYSICAL LOCATION AND MANNER OF ASH USE IN ALL INITIAL AND SUBSEQUENT USES.

(F) ASH USE WILL NOT BE REGISTERED BY THE DEPARTMENT UNTIL ALL OF THE CONDITIONS SET FORTH IN §§ 9-1731 AND 9-1732 OF THIS PART IV ARE MET BY THE APPLICANT.

(G) THE DEPARTMENT MAY REVOKE ANY REGISTRATION MADE UNDER THIS SECTION IF THE DEPARTMENT DETERMINES THAT:

(1) THE BASIS FOR THE ORIGINAL REGISTRATION WAS INCORRECT OR IS NO LONGER VALID; OR

(2) A VIOLATION OF ANY CONDITION THAT THE DEPARTMENT ATTACHED TO THE REGISTRATION HAS OCCURRED.

(H) THE PROVISIONS OF §§ 9-334 THROUGH 9-344 OF THIS TITLE SHALL APPLY TO ENFORCE VIOLATIONS OF THIS SECTION OR ANY CONDITIONS OF REGISTRATION IMPOSED IN ACCORDANCE WITH THIS SECTION. “

On page 5, strike in its entirety line 10 and substitute “9-1733.”.