

Act No. 52 (H.269). Conservation and land development; land use; waste management; contaminated soils

An act relating to the transportation and disposal of excavated development soils legally categorized as solid waste

This act relates to the excavation, management, and disposal of development soils containing certain concentrations of polycyclic aromatic hydrocarbons, arsenic, or lead. A person managing development soils under this act shall not be required to take corrective action procedures or obtain a solid waste certification provided the requirements of the act are met. The act creates an interim process for transportation and disposal of these soils until the Secretary of Natural Resources adopts rules by July 1, 2016. The act contains definitions, including for commencement of construction, development soils, origin site, and receiving site.

The interim process applies to soils from an origin site located in a designated downtown development district, growth center, neighborhood development area, TIF district, or village center. Prior to commencement of construction, a person applying to manage development soils under the interim process shall provide the Secretary with investigation workplans, a report of the results of any approved investigation workplan, management plans for the origin and receiving sites, and documentation that the concentration levels of the development soils are approximately equivalent to or less than the receiving site concentration levels. The Secretary has 45 days to issue a final ruling on investigation or management workplans. The plans shall be overseen by an environmental professional, and the Secretary shall hold public comment periods or public meetings as applicable. Development soils are eligible for disposal at a categorical disposal facility and for use as alternate daily cover.

The Secretary shall adopt rules by July 1, 2016 that allow for the management of excavated soils, not just development soils. The rules adopted shall be no less protective of human health and the environment than the standards for the development soils and the process established under the interim plan.

Effective Date: June 5, 2015