

# MAINE STATE LEGISLATURE

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(EMERGENCY)

FIRST REGULAR SESSION

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ONE HUNDRED AND ELEVENTH LEGISLATURE

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Legislative Document

No. 1419

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S.P. 465

In Senate, April 6, 1983

On Motion of Senator Pray of Penobscot, referred to the Committee on Appropriations and Financial Affairs. Sent down for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Senator Diamond of Cumberland.

Cosponsors: Representative Carroll of Gray and Representative Mitchell of Freeport.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-THREE

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**AN ACT to Create an Uncontrolled Site  
Clean-up Program and to Provide for the  
Removal of Certain Hazardous Waste  
from the McKin Site in Gray, Maine.**

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

Whereas, uncontrolled sites used for the storage of toxic or hazardous substances pose an eminent threat to the health of the people of the State by the introduction or potential introduction of these substances into the environment; and

Whereas, certain obligations and expenses incident to the clean up of uncontrolled hazardous waste sites are immediately necessary and vital to protect health and the environment; and

1           Whereas, in the judgment of the Legislature,  
2 these facts create an emergency within the meaning of  
3 the Constitution of Maine and require the following  
4 legislation as immediately necessary for the preser-  
5 vation of the public peace, health and safety; now,  
6 therefore,

7 Be it enacted by the People of the State of Maine as  
8 follows:

9           Sec. 1. 38 MRSA §1318-C is enacted to read:

10       §1318-C. Uncontrolled Site Clean-up Program

11           There is established an Uncontrolled Site  
12 Clean-up Program within the Bureau of Oil and Hazard-  
13 ous Material Control in the Department of Environ-  
14 mental Protection. The program shall be staffed by  
15 individuals with training and experience in remedial  
16 response, hydrogeology, engineering, chemistry and  
17 related fields.

18           1. Purposes. The Uncontrolled Site Clean-up  
19 Program shall:

20           A. Conduct investigations as necessary to deter-  
21 mine whether a site constitutes and imminent  
22 threat to public health or the environment;

23           B. Determine the extent of contamination at a  
24 site and develop remedial alternatives;

25           C. Formulate remedies to treat or remove hazard-  
26 ous conditions and prevent further degradation of  
27 the environment; and

28           D. Accomplish the design remedy.

29           2. Expenditures for clean up. Notwithstanding  
30 section 1319-E, the department may:

31           A. Pay an amount at least 10%, but not to exceed  
32 50%, of the expense of a remedial response pro-  
33 gram developed pursuant to the United States Com-  
34 prehensive Environmental Response, Compensation  
35 and Liability Act of 1980, United States Public  
36 Law 96-510; and

1           B. Pay up to 100% of the expense of uncontrolled  
2 site clean up in which the total cost of the  
3 project does not exceed \$250,000. These expendi-  
4 tures shall require approval of the Board of  
5 Environmental Protection and a determination by  
6 the board that payment of 100% of the total  
7 project cost is the most cost-effective funding  
8 alternative.

9           3. Acceptance of funds. The department may ac-  
10 cept any public or private funds which may be avail-  
11 able for carrying out the purposes of this chapter.  
12 Any funds so collected that are unexpended at the end  
13 of the fiscal year shall not lapse but shall be car-  
14 ried forward to fulfill the purposes of this chapter.

15           **Sec. 2. Clean-up program for McKin site in Gray.**  
16 The Uncontrolled Site Clean-up Program, established  
17 in section 1, shall immediately commence the remedial  
18 process of removing the most hazardous waste identi-  
19 fied at the McKin site in Gray, Maine from that site  
20 and properly disposing of them.

21           **Sec. 3. Appropriation.** The following funds are  
22 appropriated from the General Fund to carry out the  
23 purposes of section 2.

24 1983-84

25 ENVIRONMENTAL PROTECTION,  
26 DEPARTMENT OF

27           Bureau of Oil and Hazardous  
28           Materials Control

29           Positions (1)

30           All Other \$100,000

31           **Emergency clause.** In view of the emergency  
32 cited in the preamble, this Act shall take effect  
33 when approved.

1 STATEMENT OF FACT

2 Adequate measures must be taken to ensure that  
3 any threats to the health of the people of the State  
4 posed by the introduction of potentially toxic and  
5 hazardous substances into the environment are  
6 responded to by those responsible for protecting the  
7 public's health and environment. The purpose of this  
8 bill is to provide for the removal of certain hazard-  
9 ous waste from the McKin site at Gray, Maine and to  
10 create an Uncontrolled Site Clean-up Program within  
11 the Department of Environmental Protection, Bureau of  
12 Oil and Hazardous Materials Control, which would pro-  
13 vide the department with the capability it requires  
14 to manage the state's responsibilities under Title  
15 38, section 1319, et seq., and the United States Com-  
16 prehensive Environmental Response, Compensation and  
17 Liability Act of 1980, Public Law 96-510 (Superfund).

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