

MAINE STATE LEGISLATURE

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R. of S.

L.D. 1687

(Filing No. S- 296)

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STATE OF MAINE
SENATE
115TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 639, L.D. 1687, Bill, "An Act to Clarify the Solid Waste Landfill Remediation and Closure Program"

Amend the bill in section 1 in paragraph A in the 3rd line (page 1, line 8 in L.D.) by striking out the following: "January 1, 1983" and inserting in its place the following: 'February 1, 1976'

Further amend the bill in section 1 in paragraph C in the 5th and 6th lines (page 1, lines 22 and 23 in L.D.) by striking out the following: "January 1, 1983" and inserting in its place the following: 'February 1, 1976'

Further amend the bill in section 3 in paragraph E in the last line (page 1, line 34 in L.D.) by inserting after the following: "includes" the following: 'publicly owned'

Further amend the bill in section 4 in subsection 2 in paragraph B in the first line (page 2 line 11 in L.D.) by striking out the following: "To" and inserting in its place the following: 'Te When appropriate, to'

Further amend the bill in section 4 in subsection 2 in paragraph B in the first line (page 2 line 11 in L.D.) by striking out the following: "including" and inserting in its place the following: 'includng which may include'

Further amend the bill by striking out all of section 8 and inserting in its place the following:

'Sec. 8. 38 MRSa 1310-F, first ¶, as repealed and replaced by PL 1991, c. 66, Pt. A, §35, is amended to read:

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2 The commissioner shall administer a closure and remediation
3 grants cost-sharing program to assist municipalities and other
4 public entities as provided in subsection 3 in the planning and
5 implementation of the closure and remediation plans orders. The
6 program is subject to the following provisions.

7 Further amend the bill by striking out all of sections 10
8 and 11 and inserting in their place the following:

9 'Sec. 10. 38 MRSA §1310-F, sub-§2, as affected by PL 1989, c.
10 890, Pt. A, §40 and amended by Pt. B, §238, is further amended to
11 read:

12
13 2. **Eligibility.** Any municipality owning a solid waste
14 landfill for which a remediation or closure plan has been adopted
15 is eligible for grants. A municipality, ~~which that~~ has acted to
16 close its solid waste landfill or to remedy environmental and
17 public health hazards posed by the landfill prior to the award of
18 a grant under this section, but after ~~January 1, 1983~~ February 1,
19 1976, is also eligible for reimbursement of past and future costs
20 consistent with the plan adopted under this subchapter. Any
21 interest paid by a municipality prior to reimbursement on a
22 municipal bond issued to raise funds for remediation and closure
23 activities during this period is a cost eligible for
24 reimbursement under this section. The commissioner shall use at
25 least 1/3 of the available funds for municipalities eligible for
26 reimbursement of closure and remediation costs under this
27 subsection until all those municipalities have been reimbursed.

28
29 A. The commissioner may act to abate public health, safety
30 and environmental threats at sites identified as
31 uncontrolled hazardous substance sites under section 1362,
32 subsection 3 or at federally declared Superfund sites.
33 Notwithstanding any other provision of this article, the
34 commissioner shall determine the amount of funds expended at
35 such sites.

36
37 B. The commissioner may enter into contracts with the Maine
38 Municipal Bond Bank to manage bonds issued under this
39 article, as long as the management fee structure does not
40 allow dilution of the bond principal.

41
42 Sec. 11. 38 MRSA §1310-F, sub-§3, as repealed and replaced by
43 PL 1991, c. 66, Pt. A, §36, is amended to read:

44
45 3. **Sanitary and refuse disposal districts.** Any of the
46 following public entities owning or operating a solid waste
47 landfill ~~for which a remediation or closure plan has been adopted~~
48 is eligible for grants ~~under this section~~ reimbursement of
49 closure or remediation costs incurred after February 1, 1976, if
50 the closure or remediation actions were in conformance with all
51 applicable laws or rules in effect at the time:

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2 A. A sanitary district created under chapter 11 or by special act of the Legislature; or

4 B. A regional association as defined in section 1303-C, subsection 24.

6 Sec. 12. 38 MRSA §1310-F, sub-§5 is enacted to read:

8
10 5. Audit. A municipality or other public entity receiving grants or reimbursement of interest shall include the remediation or closure project in its annual independent audit to provide assurance of the proper expenditure of state funds. A copy of this audit must be provided in a timely manner to the solid waste closure and remediation program of the Department of Environmental Protection.'

16 Further amend the bill by inserting at the end before the statement of fact the following:

20 **FISCAL NOTE**

22 This bill provides authorization for retroactive reimbursement to municipalities and sanitary and refuse disposal districts within the solid waste remediation and closure program of the Department of Environmental Protection. This additional reimbursement will increase bond proceed payments between \$4,000,000 and \$10,000,000, depending upon the availability of bond funds.

30 This bill also includes a provision to limit eligibility for the use of bond funds within the solid waste remediation and closure program by allowing the Commissioner of Environmental Protection to seek federal Superfund money or 3rd-party reimbursement when a municipal landfill qualifies as an uncontrolled hazardous substance site or a federally declared Superfund site. The commissioner has the discretion to determine the amount of funds expended at these sites, which will extend the availability of the bond funds.'

42 **STATEMENT OF FACT**

44 This amendment clarifies several provisions in the bill, including clarifications to section 10 of the bill pertaining to eligibility criteria for reimbursement of landfill closure costs. The amendment adds new language to the bill clarifying that the reimbursement provisions applicable to municipalities are also applicable to sanitary districts. This amendment also restructures portions of the Maine Revised Statutes, Title 38, section 1310-F to reflect passage of Public Law 1991, chapter 66, Part A, sections 35 and 37.