

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

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Legislative Document

No. 1153

H.P. 848

House of Representatives, April 1, 1993

**An Act to Improve the Administration of the Landfill Closure Program.**

(EMERGENCY)

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Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative ROTONDI of Athens.  
Cosponsored by Representatives: COLES of Harpswell, MARSH of West Gardiner, Senator:  
CIANCHETTE of Somerset.

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

4           Whereas, the closure of municipal landfills must be  
6 coordinated more effectively with and linked to the availability  
of state cost-sharing money that is not sufficient presently to  
8 meet the requirement to reimburse municipalities; and

10           Whereas, sufficient state revenues will not be available for  
the foreseeable future to reimburse municipalities appropriately  
12 for the State's required share of interim or permanent landfill  
closure costs; and

14           Whereas, existing state and local resources need to be  
16 targeted more effectively to the closure of high-risk landfills;  
and

18           Whereas, in the judgment of the Legislature, these facts  
20 create an emergency within the meaning of the Constitution of  
Maine and require the following legislation as immediately  
22 necessary for the preservation of the public peace, health and  
safety; now, therefore,

24           **Be it enacted by the People of the State of Maine as follows:**

26           **Sec. 1. 38 MRSA §1310-F, first ¶,** as amended by PL 1991, c. 519,  
28 §8, is further amended to read:

30           The commissioner shall administer a closure and remediation  
32 cost-sharing program to assist municipalities and other public  
entities as provided in subsection 3 in the planning and  
implementation of the municipalities' closure and remediation  
34 ~~orders~~ obligations. The program is subject to the following  
provisions.

36           **Sec. 2. 38 MRSA §1310-F, sub-§2,** as amended by PL 1991, c.  
38 519, §10, is further amended to read:

40           **2. Eligibility.** Any municipality that owns, rents or  
42 leases a solid waste landfill for which a remediation or closure  
plan ~~has been adopted~~ may be required as a matter of law or rule  
is eligible for grants. A municipality that has acted to close  
44 its solid waste landfill or to remedy environmental and public  
health hazards posed by the landfill prior to the adoption of a  
46 closure or remediation plan under this subchapter or that closed  
a landfill or remediated environmental or public health hazards  
48 posed by a landfill, is also eligible for reimbursement of  
closure or remediation costs incurred after February 1, 1976, as  
50 long as the closure or remediation actions were in conformance

2 with all applicable laws or rules in effect at the time. Costs  
4 incurred by closure or remediation actions taken after the  
6 adoption of a closure or remediation plan under this subchapter  
8 are eligible for reimbursement only if those actions conform to  
10 that plan. Any interest paid by a municipality prior to  
12 reimbursement on a municipal bond issued to raise funds for  
14 remediation and closure activities during this period is a cost  
eligible for reimbursement under this section. The commissioner  
shall use at least 1/3 of the available funds for municipalities  
eligible for reimbursement of closure and remediation costs under  
this subsection until all those municipalities have been  
reimbursed. A landfill that is privately owned and privately  
operated is not eligible for reimbursement under this subchapter.

16 A. The commissioner may act to abate public health, safety  
18 and environmental threats at sites identified as  
20 uncontrolled hazardous substance sites under section 1362,  
22 subsection 3 or at federally declared Superfund sites.  
Notwithstanding any other provision of this article, the  
commissioner shall determine the amount of funds expended at  
such sites.

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

28 **Sec. 3. 38 MRSA §1310-G, sub-§2**, as affected by PL 1989, c.  
30 890, Pt. A, §40 and amended by Pt. B, §239, is further amended to  
read:

32 **2. Violation of schedule.** A Notwithstanding any other  
34 provision of law or rule, a party responsible for closure or  
remediation under this article chapter is not in violation of a  
time schedule established under--this--section by the board,  
36 department, commissioner or rule if the party is eligible for a  
cost-sharing grant under section 1310-F and that grant is not  
38 currently available from the commissioner, unless the  
commissioner finds that the level of environmental hazard poses  
40 an immediate hazard to public health. When making a grant  
subsequent to such a delay, the board, commissioner or department  
42 shall revise the time schedule to reflect the delay as long as  
there is no immediate hazard to public health and the environment.

44 **Emergency clause.** In view of the emergency cited in the  
46 preamble, this Act takes effect when approved.

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## STATEMENT OF FACT

4 This bill clarifies an existing statutory link between the  
6 availability of state landfill closure cost-sharing funds and the  
8 municipal obligation to engineer and construct caps on  
10 landfills. Previously, municipalities have been required to  
12 implement a landfill closure plan entirely at local expense even  
if there was no reasonable prospect of the State's being able to  
provide the 75% or 90% reimbursement required by law. Some  
municipalities wait many months to be reimbursed.

14 Under this bill, a municipality that stops using its  
16 municipal solid waste landfill on December 31, 1992 may not be  
18 required to incur closure costs until the State is able to meet  
its reimbursement obligations. Municipalities that choose may  
incur closure costs and wait for eventual reimbursement as is now  
the case.