

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

R.M.
R. of S.

DATE: 5-13-97

(Filing No. H-459)

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46

NATURAL RESOURCES

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 351, L.D. 474, Bill, "An Act to Amend the Waste Management Laws Regarding Landfill Closure"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 38 MRSA §1310-F, sub-§1-B, as amended by PL 1995, c. 665, Pt. HH, §1, is repealed and the following enacted in its place:

1-B. Closure cost-share fraction. Subject to the availability of funds, the commissioner shall issue grants or payments for the following percentages of landfill closure costs incurred by municipalities.

A. The state cost share is 75% of closure costs incurred before July 1, 1994.

B. The state cost share is 50% of landfill cover costs and 75% of other closure costs incurred on or after July 1, 1994 and before January 1, 1996.

C. The state cost share is 30% of landfill cover costs and 75% of other closure costs incurred on or after January 1, 1996 and before January 1, 2000.

D. Notwithstanding paragraphs B and C, the state cost share is 75% of closure costs, including landfill cover costs,

COMMITTEE AMENDMENT

2 incurred on or after July 1, 1994 and before January 1,
3 2000, if:

4 (1) The costs are incurred pursuant to a written
5 agreement between the municipality and the department
6 executed before July 1, 1994; or

8 (2) The commissioner determines that the closure work
9 was delayed for reasons beyond the control of the
10 municipality and the costs are identified in and
11 incurred pursuant to a written agreement between the
12 municipality and the department.

14 The state cost share is 0% of landfill closure costs incurred on
15 or after January 1, 2000, except that the commissioner may issue
16 grants or payments for 30% of those costs if incurred pursuant to
17 an alternative closure schedule executed before January 1, 2000,
18 and if specifically identified in a department order or license,
19 schedule of compliance or consent agreement.

20 As used in this subsection, "landfill cover costs" means the cost
21 of materials and the cost of placement of materials associated
22 with the physical construction of that portion of a cover over a
23 landfill that meets the minimum landfill cover permeability of 1
24 x 10(-5)cm./sec. and the thickness standards of 40 Code of
25 Federal Regulations, Part 258, Section 258.60(a).

28 **Sec. 2. 38 MRSA §1310-F, sub-§2, ¶A,** as repealed and replaced
29 by PL 1995, c. 462, Pt. A, §77, is amended to read:

30 A. The commissioner may act to abate public health, safety
31 and environmental threats at ~~sites~~ municipal solid waste
32 landfills identified as uncontrolled hazardous substance
33 sites under section 1362, subsection 3 or at federally
34 declared Superfund sites. Notwithstanding ~~any--other~~
35 ~~provision--of--this--article~~ subsections 1-A and 1-B, the
36 commissioner shall determine the amount of ~~funds--expended~~
37 grants or payments issued to municipalities for the costs of
38 remediation and closure at those sites.

40 **Sec. 3. Allocation.** The following funds are allocated from
41 Other Special Revenue to carry out the purposes of this Act.

	1997-98	1998-99
46 ENVIRONMENTAL PROTECTION,		
47 DEPARTMENT OF		
48 Solid Waste Management		
50		

2	Positions - Legislative count		(1.000)
	Personal Services	\$29,908	\$91,028
	All Other	2,500	7,500
4			
6	TOTAL	<u>\$31,408</u>	<u>\$98,528</u>

8 Allocates funds for the
 9 continuation of one
 10 Environmental Specialist III
 11 position and one
 12 Environmental Specialist IV
 13 position.'

14 Further amend the bill by inserting at the end before the
 15 summary the following:

18 **FISCAL NOTE**

20		1997-98	1998-99
22	APPROPRIATIONS/ALLOCATIONS		
24	Other Funds	\$31,408	\$98,528

26 The Department of Environmental Protection is likely to
 28 incur additional annual costs of up to \$500,000 in fiscal years
 1997-98 and 1998-99 for the estimated state share of costs for
 30 closing certain municipal landfills. These costs will have to be
 met by either additional General Fund appropriations, proceeds
 32 from General Fund bond issues or by reduced spending on currently
 eligible projects.

34 The Department of Environmental Protection will require
 36 additional Other Special Revenue allocations of \$31,408 and
 \$98,528 in fiscal years 1997-98 and 1998-99, respectively, for
 38 the costs of continuing an Environmental Specialist III position
 and a Environmental Specialist IV position. Both positions are
 40 currently scheduled for elimination at different times during the
 1998-1999 biennium. The Maine Solid Waste Management Fund has
 42 sufficient financial resources to cover this additional expense.'

44 **SUMMARY**

46 This amendment replaces the bill. The bill extended for 2
 48 years the state cost-share program for municipal landfill closure
 costs by changing the date after which the State is not required
 50 to reimburse municipalities for closure costs from January 1,

COMMITTEE AMENDMENT

1998 to January 1, 2000. The amendment clarifies the state
2 cost-share fraction of landfill closure costs incurred by
municipalities and also extends the state cost-share program for
4 2 years. The amendment also clarifies the Commissioner of
Environmental Protection's authority to issue grants or payments
6 to municipalities in the amount of 75% of closure costs incurred
when the state cost share is 50% or 30% of closure costs if the
8 commissioner determines that the closure work was delayed for
reasons beyond the control of the municipality and the costs are
10 identified in and incurred pursuant to a written agreement
between the municipality and the Department of Environmental
12 Protection.

14 The amendment also clarifies that the state cost-share
fraction for remediation and closure costs does not apply to
16 municipal solid waste landfills that have been identified as
uncontrolled hazardous substance sites or Superfund sites. The
18 commissioner shall determine the amount of grants or payments
issued to municipalities for the costs of remediation and closure
20 at those sites.

22 The amendment also adds an allocation section and a fiscal
note to the bill.

24