

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 638

S.P. 216

In Senate, January 26, 1999

**An Act to Amend the Closure and Remediation Cost-sharing Program
Concerning Landfills.**

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator CASSIDY of Washington.
Cosponsored by Senators: FERGUSON of Oxford, LIBBY of York, Representative:
LEMONT of Kittery.

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

2
4 **Sec. 1. 38 MRSA §1310-F, sub-§2**, as amended by PL 1997, c.
479, §2, is further amended by amending the first paragraph to
read:

6
8 **2. Eligibility.** A municipality that owns, rents or leases
a solid waste landfill for which obligations are required or
permitted by this chapter or rules adopted under this chapter is
eligible for cost-sharing grants or reimbursement payments. In
order to receive reimbursement pursuant to this section, the
municipality must, at a minimum, provide such reasonable proof of
municipal expenditures as the department may require, as well as
certification signed by the municipal officers that, to the best
of their knowledge and the knowledge of all the pertinent
municipal officials, the closure activities were performed in
accordance with the applicable standards established by section
1310-E-1. A municipality that has spent funds to close its solid
waste landfill or to remedy environmental and public health
hazards posed by the landfill prior to the adoption of a closure
or remediation plan under this subchapter or that closed a
landfill or remediated environmental or public health hazards
posed by a landfill is also eligible for reimbursement of closure
or remediation costs incurred after February 1, 1976, as long as
the closure or remediation actions were in conformance with all
applicable laws or rules in effect at the time. Costs incurred
by closure or remediation actions taken after the adoption of a
closure or remediation plan under this subchapter are eligible
for reimbursement only if those actions conform to that plan.
Grant or reimbursement payments may not be made to a municipality
for a portion of payments to settle civil or criminal judgments
against that municipality for damages or injuries caused by the
landfill. In addition, for landfills in operation prior to
January 1, 1993, grant payments may not be made to a municipality
for remediation to mitigate a threat posed by that landfill to
structures built after January 1, 1994 by that municipality, the
county in which that municipality is located, a school
administrative unit as defined in Title 20-A, section 1, a
quasi-municipal corporation as defined in Title 30-A, section
2351 or a special district as defined in Title 30-A, section 5704
that includes any portion of the municipality unless the
commissioner determines that the municipality could not have
reasonably anticipated the threat. Any interest paid by a
municipality prior to reimbursement on a municipal bond or
commercial bank note issued to raise funds for remediation and
closure activities is a cost eligible for reimbursement under
this section. Unless otherwise directed by the terms of a bond
issue approved by the voters, the commissioner shall use at least
1/3 of the funds approved by the voters for municipalities
eligible for reimbursement of closure and remediation costs

2 eligible under this subsection until all those municipalities
3 have been reimbursed. The remainder of the available funds must
4 be allocated in an equitable manner so that, at a minimum, an
5 adequate cap is constructed over all identified high-risk
6 landfills subject to closure. The department shall issue, upon
7 the request of a municipality, a notice in writing that projects
8 to a date certain the availability of cost-sharing funds for
9 which the municipality is eligible. The inability or failure of
10 the department to issue a written projection to a date certain
11 means that the cost-sharing funds are not available for the
12 foreseeable future. A landfill that is privately owned and
13 operated is not eligible for reimbursement under this subchapter,
14 except as provided in subsection 3, paragraph C.

15 **Sec. 2. 38 MRS §1310-F, sub-§3,** as amended by PL 1991, c.
16 519, §11, is further amended to read:

17 **3. Sanitary and refuse disposal districts; other municipal**
18 **landfills.** Any of the following public entities owning ~~or~~,
19 operating or accepting responsibility for the closure of a solid
20 waste landfill is eligible for reimbursement ~~of~~ or cost-sharing
21 grants for closure or remediation costs incurred after February
22 1, 1976, if the closure or remediation actions were in
23 conformance with all applicable laws or rules in effect at the
24 time:

25
26 A. A sanitary district created under chapter 11 or by
27 special act of the Legislature; ~~or~~

28
29 B. A regional association as defined in section 1303-C,
30 subsection 24, or

31
32 C. The Town of Steuben.
33
34

35 SUMMARY

36
37 The bill adds accepting responsibility for the closure of a
38 landfill as a reason to be eligible for reimbursement or
39 cost-sharing grants for costs incurred in the closure or
40 remediation of a solid waste landfill.