

# MAINE STATE LEGISLATURE

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R.S.

L.D. 1209

DATE: 4-3-00

(Filing No. H-1028)

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**NATURAL RESOURCES**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
119TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 852, L.D. 1209, Bill, "An Act Regarding Property Owners Whose Land Abuts a Solid or Special Waste Landfill"

Amend the bill by striking out the title and substituting the following:

**'An Act Regarding Water Quality Testing for Property Abutting a Special Waste Landfill'**

Further 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-N, sub-§10 is enacted to read:**

10. Water supply testing. Upon written request to the department from the owner of property abutting a commercial solid waste disposal facility that accepts special waste for landfilling, the department shall require the facility licensee to have conducted biannual sampling and analysis of a private water supply well used by the requestor for drinking water. This subsection applies only if the requestor owned and resided and the private water supply well existed on that property prior to the time the property became an abutting property. For purposes of this subsection, "abutting" means both contiguous to the property on which the facility is located, including directly across a public or private right-of-way, and within one mile of the location of the facility.

A. Sampling and analysis must be conducted by a certified laboratory selected by the property owner in a manner specified by, and that meets criteria developed by, the

**COMMITTEE AMENDMENT**

2 department. The criteria must allow for split samples to be  
3 taken by the laboratory selected by the property owner and  
4 by a laboratory selected by the licensee.

6 B. The water supply must be analyzed for all parameters or  
7 chemical constituents determined by the department to be  
8 appropriate and consistent with department rules regarding  
9 solid waste management. The laboratory performing the  
10 sampling and analysis shall provide written copies of sample  
11 results to the licensee, the landowner and the commissioner.

12 C. If the analysis indicates possible contamination from  
13 the facility, the commissioner shall require the licensee to  
14 conduct additional sampling and analysis in conformance with  
15 department rules regarding solid waste management to  
16 determine more precisely the nature, extent and source of  
17 contamination. The commissioner shall, if necessary,  
18 require this sampling beyond the boundaries of the property  
19 abutting the facility.

20 D. If a facility adversely affects a public or private  
21 water supply by contamination, pollution, degradation,  
22 diminution or other means that result in a violation of the  
23 state drinking water standards as determined by the  
24 commissioner, the licensee shall restore the affected supply  
25 at no cost to the consumer or replace the affected supply  
26 with an alternative source of water that is of like quantity  
27 and quality to the original supply at no cost to the  
28 consumer.

30 E. The licensee shall provide owners of property abutting  
31 the facility with written notice of their rights under this  
32 subsection on a form prepared by the commissioner as follows:

34 (1) On or before December 1, 2000, for a commercial  
35 solid waste disposal facility that accepts special  
36 waste for landfilling licensed under this chapter prior  
37 to October 1, 2000; and

40 (2) At or before the time of license issuance for a  
41 commercial solid waste disposal facility that accepts  
42 special waste for landfilling licensed under this  
43 chapter on or after October 1, 2000.

44 This subsection applies to a new, expanded or existing commercial  
45 solid waste disposal facility that accepts special waste for  
46 landfilling. When licensing any such facility, the department  
47 shall incorporate the provisions of this subsection into the  
48 license. The provisions of this subsection apply only to a

2 commercial solid waste disposal facility that accepts special  
3 waste for landfilling.'

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5 Further amend the bill by inserting at the end before the  
6 summary the following:

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10 **FISCAL NOTE**

11 The Department of Environmental Protection will incur some  
12 minor additional costs to develop criteria for certain water  
13 supply testing. These costs can be absorbed within the  
14 department's existing budgeted resources.'

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17 **SUMMARY**

18 This amendment replaces the bill and changes the title. It  
19 requires that biannual testing of private water supply wells be  
20 performed at the written request of a person who owns property  
21 abutting a commercial solid waste disposal facility that accepts  
22 special waste for landfilling and requires the licensee to pay  
23 for the testing.

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25 The amendment requires the testing to be conducted by a  
26 certified laboratory selected by the property owner and in a  
27 manner specified by and meeting criteria developed by the  
28 Department of Environmental Protection. The amendment requires  
29 that written copies of test results be provided to the licensee,  
30 the landowner and the department. The amendment requires a  
31 licensee to provide owners of property abutting the facility with  
32 written notice of their right to water quality testing.

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34 The amendment adds a fiscal note to the bill.  
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