

MAINE STATE LEGISLATURE

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L.D. 1516

DATE: May 12, 1999

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NATURAL RESOURCES

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**STATE OF MAINE
SENATE
119TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A " to S.P. 515, L.D. 1516, Bill, "An Act Concerning Disposal of Solid Waste from Decommissioning Activities"

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

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

Whereas, decommissioning waste is being generated without public knowledge about disposal plans; and

Whereas, municipalities do not know whether this waste is being disposed of within their boundaries; and

Whereas, the Advisory Commission on Radioactive Waste and Decommissioning is providing an important service to the State by providing opportunities for public input and advising the Governor, the Legislature and other state agencies on matters relating to radioactive waste management and decommissioning; and

Whereas, the Advisory Commission on Radioactive Waste and Decommissioning will be repealed on June 30, 1999; and

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

COMMITTEE AMENDMENT

ADS

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

4 Sec. 1. 38 MRSA §1305-B is enacted to read:

6 §1305-B. Municipal notice of decommissioning waste

8 1. Disposal; notice. A person may not dispose of
10 decommissioning waste in this State without giving notice to the
12 municipality in which the decommissioning waste is to be disposed
of. Notice must be given at least 5 working days before the
first scheduled disposal. The notice must include:

14 A. The type of decommissioning waste to be delivered to the
16 landfill;

18 B. The anticipated amount of decommissioning waste to be
delivered to the landfill;

20 C. The anticipated number of loads that will be delivered
22 to the landfill; and

24 D. The estimated delivery schedule of the decommissioning
waste, including dates for delivery.

26 2. Definitions. As used in this section, unless the
28 context otherwise indicates, the following terms have the
following meanings.

30 A. "Decommissioning waste" means any materials, whether
32 solid or fluid, removed from a closed nuclear power plant,
other than:

34 (1) Licensed discharges from the plant; and

36 (2) High-level radioactive waste and low-level
38 radioactive waste regulated under chapter 14-A.

40 B. "Dispose of" means to deposit or attempt to deposit in
the land or waters of this State.

42 Sec. 2. 38 MRSA §1453-A, sub-§7, as amended by PL 1995, c.
44 488, §5, is further amended to read:

46 7. Repeal. This commission is subject to review and
48 terminates in accordance with Title 3, chapter 35, not including
the grace period, no later than June 30, 1999,--unless continued
or modified by law 2000.

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Sec. 3. PL 1997, c. 686, §12 is amended to read:

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Sec. 12. Reimbursement. Maine Yankee Atomic Power Company shall reimburse the Department of Environmental Protection for actual costs incurred in conducting activities related to decommissioning by the department's regular or project staff or by the department's contractors. Reimbursement charges may not exceed \$70,000 in fiscal year 1997-98 or \$100,000 in fiscal year 1998-99. Reimbursement charges may not exceed \$50,000 for each remaining year of decommissioning activity.

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

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

'FISCAL NOTE

1999-00

REVENUES

Other Funds \$50,000

Requiring that the Maine Yankee Atomic Power Company reimburse the Department of Environmental Protection for certain regulatory costs will increase dedicated revenue collected by the department for the Maine Environmental Protection Fund by \$50,000 in fiscal year 1999-00. The Maine Environmental Protection Fund within the Department of Environmental Protection has sufficient Other Special Revenue funds allocations to cover the increased regulatory costs of \$50,000 in fiscal year 1999-00, therefore, additional allocations are not needed to cover these costs.'

SUMMARY

This amendment replaces the bill. It requires that municipalities be given advance notice before decommissioning waste from closed nuclear power plants is disposed of within their boundaries. The amendment also extends the tenure of the Advisory Commission on Radioactive Waste and Decommissioning for another year. The amendment specifies that reimbursements to the Department of Environmental Protection for decommissioning costs may not exceed \$50,000 per year. It also adds an emergency preamble, an emergency clause and a fiscal note to the bill.