

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)



119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1692

H.P. 1181

House of Representatives, March 4, 1999

An Act to Expedite the Contaminated Groundwater Remediation Process.

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

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative CLOUGH of Scarborough.
Cosponsored by Senator AMERO of Cumberland and
Representatives: COWGER of Hallowell, JOY of Crystal, LABRECQUE of Gorham,
MURPHY of Kennebunk, TOBIN of Windham, USHER of Westbrook, Senators:
MITCHELL of Penobscot, TREAT of Kennebec.

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

2
4 **Sec. 1. 38 MRSA §568, sub-§2**, as amended by PL 1991, c. 494, §8, is further amended to read:

6 **2. Restoration of water supplies.** The commissioner may
8 clean up any discharge of oil and take temporary and permanent
10 remedial actions at locations threatened or affected by the
12 discharge of oil, including restoring or replacing water supplies
14 contaminated or threatened by oil with alternatives the
16 commissioner finds are cost effective, technologically feasible
18 and reliable and that effectively mitigate or minimize damage to
20 and provide adequate protection of the public health, welfare and
22 the environment. When the remedial action taken includes the
24 installation of a public water supply or the extension of mains
26 of an existing utility, the department's obligation is limited to
28 construction of those works that are necessary to furnish the
30 contaminated or potentially contaminated properties with a supply
32 of water sufficient for existing uses. The department may finance extensions of public water supplies to restore or replace water supplies contaminated by the discharge of oil when such extensions are not the least costly alternative if extensions, in the opinion of the commissioner, are practical. The department is not obligated to contribute to a utility's system development charge or to provide works or water sources exceeding those required to abate the threats or hazards posed by the discharge. The fund may be used to pay costs of operation, maintenance and depreciation of the works or water supply for a period not exceeding 20 years. The commissioner shall consult with the affected party prior to selecting the alternative to be implemented.

34 **Sec. 2. 38 MRSA §1319-E, sub-§1, ¶A**, as amended by PL 1993, c. 355, §54, is further amended to read:

36 A. Costs incurred in the removal or abatement of an
38 unlicensed discharge or threatened discharge of hazardous
40 waste, waste oil or biomedical waste. Funds may be disbursed to finance extensions of public water supplies to restore or replace water supplies contaminated by hazardous waste or waste oil when such extensions are not the least costly alternative if extensions, in the opinion of the commissioner, are practical. Whenever practical, the
44 commissioner may offer the responsible party the opportunity
46 to remove or abate the discharge or threatened discharge;

48 **Sec. 3. 38 MRSA §1364, sub-§5**, as amended by PL 1995, c. 462, Pt. A, §78, is further amended to read:

2 **5. Mitigation.** The commissioner may take whatever action
3 necessary to abate, clean up or mitigate the threats or hazards
4 posed or potentially posed by an uncontrolled site or to protect
5 the public health, safety or welfare or the environment,
6 including administering or carrying out measures to abate, clean
7 up or mitigate the threats or hazards, and implementing remedies
8 to remove, store, treat, dispose of or otherwise handle hazardous
9 substances located in, on or over an uncontrolled site, including
10 soil and water contaminated by hazardous substances. When the
11 necessary action includes the installation of a public water
12 supply or the extension of mains of an existing water utility,
13 the department's obligation is limited to construction of those
14 works that are necessary to furnish the contaminated or
15 potentially contaminated properties with a supply of water
16 sufficient for existing uses. The department may finance
17 extensions of public water supplies to restore or replace water
18 supplies contaminated by hazardous substances when such
19 extensions are not the least costly alternative if extensions, in
20 the opinion of the commissioner, are practical. The department
21 is not obligated to contribute to a water utility's system
22 development charge, nor to provide works or water sources
23 exceeding those required to abate the threats or hazards posed by
24 the uncontrolled site. The department may pay the costs of
25 operation, maintenance and depreciation of the works or water
26 supply for a period not exceeding 20 years if funds are available
27 from Other Special Revenue or proceeds from the sale of bonds.
28 If a water supply well is installed after October 1, 1994 to
29 serve a location that immediately before the well installation
30 was served by a viable community public water system, and the
31 well is or becomes contaminated with a hazardous substance:

32 A. Neither the commissioner nor any responsible party is
33 obligated under this chapter to reimburse any person for the
34 expense of treating or replacing the well if the well is
35 installed in an area delineated by the department as
36 contaminated as provided in section 548, subsection 1; and

38 B. The obligation of the commissioner or any responsible
39 party under this chapter with regard to replacement or
40 treatment of the well is limited to reimbursement of the
41 expense of installing the well and its proper abandonment if
42 the well is installed in an area other than one described in
43 paragraph A. The well owner is responsible in such a case
44 for other expenses of replacing or treating the water supply
45 well, including the cost of any pump or piping installed
46 with the well.

48 For purposes of this subsection, "viable community public water
49 system" has the same meaning as in section 548.
50

2

SUMMARY

4

This bill authorizes the Department of Environmental Protection to finance extensions of public water supplies to restore or replace water supplies contaminated by hazardous wastes, waste oil or discharges of oil when such extensions are not the least costly alternative, when such extensions are practical.

6

8