

# MAINE STATE LEGISLATURE

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*m*  
**R.O.S.**

L.D. 1849

DATE: *March 8, 2002* (Filing No. S-458)

## NATURAL RESOURCES

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### STATE OF MAINE SENATE 120TH LEGISLATURE SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 657, L.D. 1849, Bill, "An Act Regarding the Deferment of Loan Repayments for Remediation of Waste Oil Sites"

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

'Sec. 1. 10 MRSA §1023-M, sub-§2, as amended by PL 2001, c. 356, §7, is further amended to read:

2. Eligibility to participate in loan program. The authority may use money in the fund to carry out any power of the authority under this section or under section 1026-S, including, but not limited to, the pledge or transfer and deposit of money in the fund as security for and the application of money in the fund in payment of principal, interest and other amounts due on insured loans. Money in the fund may be used for direct loans or deferred loans for all or part of the costs of the Plymouth waste oil site remedial study, past cost settlement and time-critical removal action costs when the authority determines that:

A-1. The applicant has been identified by the United States Environmental Protection Agency as a potentially responsible party with respect to the waste oil disposal site and the applicant is alleged by the United States Environmental Protection Agency to have generated waste oil from an address or location within the State;

B. The applicant has signed the Administrative Order by Consent pursuant to United States Environmental Protection Agency Docket No. CERCLA 1-2000-0004;

# COMMITTEE AMENDMENT

R. of S.

- 2 B-1. The applicant has signed the West Site/Hows Corner  
4 RI/FS Group Agreement;
- 6 B-2. The applicant has entered into a consent decree with  
8 the United States and the State regarding past cost  
10 settlement at the Plymouth waste oil disposal site and the  
12 applicant is a participant in that consent decree or the  
14 applicant has entered into an inability-to-pay settlement  
16 with the United States Environmental Protection Agency;
- 18 C. The applicant is not a state or federal agency; and
- 20 D. There is a reasonable likelihood that the applicant will  
22 be able to repay the loan.
- 24 Money in the fund may not be used for attorney's fees associated  
26 with costs of the Plymouth waste oil site remedial study, past  
cost settlement or time-critical removal action.
- 28 A past cost settlement share may not be paid from the fund to a  
30 person if the United States Environmental Protection Agency has  
32 waived payment of the share based on the person's financial  
34 capacity. The authority may condition payments related to the  
36 Plymouth waste oil disposal site on receipt of an ability-to-pay  
38 determination from the agency.
- 40 The authority, pursuant to Title 5, chapter 375, subchapter II,  
42 shall adopt rules for determining eligibility, feasibility,  
44 terms, conditions, security and fees for the loans, including  
46 deferred loans. The authority shall adopt rules that provide for  
a simplified loan application process for loan requests of under  
\$2000. Rules adopted pursuant to this subsection are routine  
technical rules as defined in Title 5, chapter 375, subchapter  
II-A. The authority shall charge an interest rate of 0% on all  
loans. ~~Loan repayment must be deferred until a final remedy at  
the waste oil disposal site is determined in the Record of  
Decision for the site and the cost of the final remedy is  
determined.~~ Loan repayment must be deferred until the United  
States Environmental Protection Agency determines that  
construction of the final remedy is complete. If the total  
amount of the loan requests exceeds funds available under section  
1023-L, the authority shall prorate the amount of the loan  
available to each applicant by the ratio of the funds available  
to the total loans requested.'
- Further amend the bill by inserting at the end before the  
summary the following:

R. of S.

COMMITTEE AMENDMENT "A" to S.P. 657, L.D. 1849

**FISCAL NOTE**

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The additional costs associated with changing the deferment schedule for loans issued under the Plymouth waste oil loan program can be absorbed by the Finance Authority of Maine utilizing existing budgeted resources.'

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**SUMMARY**

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The amendment defers repayments of loans issued under the Plymouth waste oil loan program until the United States Environmental Protection Agency determines that construction of the final remedy is complete.

**COMMITTEE AMENDMENT**