

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 1849

S.P. 657

Received by the Secretary, December 5, 2001

**An Act Regarding the Deferment of Loan Repayments for Remediation
of Waste Oil Sites.**

Received by the Secretary of the Senate on December 5, 2001. Referred to the Committee on Natural Resources and ordered printed pursuant to Joint Rule 308.2.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator MARTIN of Aroostook.
Cosponsored by Representative: STANLEY of Medway.

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

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;

B-1. The applicant has signed the West Site/Hows Corner RI/FS Group Agreement;

B-2. The applicant has entered into a consent decree with the United States and the State regarding past cost settlement at the Plymouth waste oil disposal site and the applicant is a participant in that consent decree or the applicant has entered into an inability-to-pay settlement with the United States Environmental Protection Agency;

C. The applicant is not a state or federal agency; and

D. There is a reasonable likelihood that the applicant will be able to repay the loan.

Money in the fund may not be used for attorney's fees associated with costs of the Plymouth waste oil site remedial study, past cost settlement or time-critical removal action.

A past cost settlement share may not be paid from the fund to a person if the United States Environmental Protection Agency has waived payment of the share based on the person's financial

2 capacity. The authority may condition payments related to the
3 Plymouth waste oil disposal site on receipt of an ability-to-pay
4 determination from the agency.

5 The authority, pursuant to Title 5, chapter 375, subchapter II,
6 shall adopt rules for determining eligibility, feasibility,
7 terms, conditions, security and fees for the loans, including
8 deferred loans. The authority shall adopt rules that provide for
9 a simplified loan application process for loan requests of under
10 \$2000. Rules adopted pursuant to this subsection are routine
11 technical rules as defined in Title 5, chapter 375, subchapter
12 II-A. The authority shall charge an interest rate of 0% on all
13 loans. ~~Loan repayment must be deferred until a final remedy at
14 the waste oil disposal site is determined in the Record of
15 Decision for the site and the cost of the final remedy is
16 determined.~~ Loan repayment must be deferred until the United
17 States Environmental Protection Agency is reimbursed for the
18 costs incurred by the agency for performance and oversight of the
19 final remedy at the waste oil disposal site as determined in the
20 Record of Decision for the site and any 3rd party is reimbursed
21 for the costs of performing the final remedy at the waste oil
22 disposal site. If the total amount of the loan requests exceeds
23 funds available under section 1023-L, the authority shall prorate
24 the amount of the loan available to each applicant by the ratio
25 of the funds available to the total loans requested.

28 SUMMARY

30 This bill defers repayments of loans issued under the
31 Plymouth waste oil loan program until the United States
32 Environmental Protection Agency is reimbursed for its costs and
33 all 3rd parties are reimbursed for their costs of performing the
34 final remedy at the waste oil sites.