

# MAINE STATE LEGISLATURE

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L.D. 1897

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NATURAL RESOURCES

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STATE OF MAINE  
SENATE  
120TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "*A*" to S.P. 695, L.D. 1897, Bill, "An Act to Facilitate the Closure of Privately Owned Solid Waste Landfills"

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

'Sec. 1. 38 MRSA §1310-Y, as amended by PL 2001, c. 315, §4, is further amended to read:

§1310-Y. Financial assurance

An owner or operator of a solid waste disposal facility licensed under section 1310-N shall provide the department assurance of its financial ability to satisfy the estimated cost of corrective action for known releases from the facility and its financial capacity to satisfy the estimated cost of closure and postclosure care and maintenance at the facility for a period of at least 30 years after closure. The board may adopt rules that increase or decrease that postclosure care period, as long as those rules are consistent with applicable federal rules. The department may consider the use of more than one acceptable form of financial assurance per facility to satisfy the financial assurance requirement of this section. This section applies to all privately owned solid waste disposal facilities licensed by the department, including facilities licensed by the department before June 16, 1993. This section does not apply to a municipally owned or operated solid waste disposal facility that accepts exclusively special waste, construction and demolition

**COMMITTEE AMENDMENT**

COMMITTEE AMENDMENT "A" to S.P. 695, L.D. 1897

2 debris, land-clearing debris or any combination of those types of  
waste or to a municipally owned or operated solid waste disposal  
4 facility licensed before June 16, 1993.

6 1. **Acceptable forms of financial assurance.** Acceptable  
forms of financial assurance are:

- 8 A. A letter of credit;
- 10 B. A surety bond;
- 12 C. An escrow account;
- 14 D. A reserve account calculated in a manner consistent with  
the United States Internal Revenue Code;
- 16 E. An irrevocable trust account; or
- 18 F. In the case of a municipal solid waste disposal  
20 facility, any of the allowable financial assurance  
mechanisms set forth in applicable federal rules.

22 1-A. Substitute requirements. The department may  
24 substitute part of the acceptable forms of financial assurance  
under subsection 1 with one or more of the following requirements:

- 26 A. A current rating for its senior unsubordinated debt of  
28 AAA, AA, A or BBB as issued by Standard and Poor's  
30 Corporation or Aaa, Aa, A or Baa as issued by Moody's  
Investors Services, Inc.;
- 32 B. A ratio of less than 1.5 comparing total liabilities to  
net worth; or
- 34 C. A ratio of greater than 0.10 comparing the sum of net  
36 income plus depreciation, depletion and amortization, minus  
\$10,000,000, to total liabilities.

38 2. **Report.** An owner or operator of a solid waste disposal  
40 facility shall annually prepare a report containing a sworn  
statement providing the year-end balance of any escrow, trust or  
42 reserve account established under this section. That report must  
be submitted to the commissioner by March 31st of each year or  
44 such other date as the commissioner may designate.'

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

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**FISCAL NOTE**

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The Department of Environmental Protection will incur some minor additional costs to administer the use of differing financial assurance mechanisms to provide for the closure and postclosure care of privately owned landfills. These costs can be absorbed within the department's existing budgeted resources.'

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**SUMMARY**

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This amendment provides the Department of Environmental Protection with discretion to use more than one financial assurance mechanism to provide for the closure and postclosure care of privately owned landfills. It also allows the department to substitute certain financial requirements for any of the financial assurance mechanisms allowed under the law.

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The amendment also adds a fiscal note to the bill.