

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## SECOND SPECIAL SESSION-2004

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Legislative Document

No. 1863

S.P. 709

In Senate, February 24, 2004

**An Act To Provide Additional Financing for Costs Associated with  
the Remediation of a Waste Oil Handling Facility Site in Plymouth**

(AFTER DEADLINE)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

A handwritten signature in cursive script, reading 'Joy J. O'Brien'.

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator MARTIN of Aroostook.  
Cosponsored by Representative CARR of Lincoln and  
Senators: SAWYER of Penobscot, STANLEY of Penobscot, Representative: KOFFMAN of  
Bar Harbor.

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

2           **Sec. 1. 10 MRSA §1023-M, sub-§2**, as amended by PL 2003, c.  
4 129, §§1 and 2 and affected by §5, is further amended to read:

6           **2. Eligibility to participate in loan program.** The  
8 authority may use money in the fund to carry out any power of the  
10 authority under this section or under section 1026-S, including,  
12 but not limited to, the pledge or transfer and deposit of money  
14 in the fund as security for and the application of money in the  
16 fund in payment of principal, interest and other amounts due on  
18 insured loans. Money in the fund may be used for direct loans or  
20 deferred loans for all or part of the costs of the Plymouth waste  
oil site remedial study, remedial design, technical  
impracticability study, past cost settlement, implementation of  
institutional controls selected by the United States  
Environmental Protection Agency to prevent use of contaminated  
groundwater by nearby residents and time-critical removal action  
costs when the authority determines that:

22           A-1. The applicant has been identified by the United States  
24 Environmental Protection Agency as a potentially responsible  
26 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;

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

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

36           B-2. The applicant has entered into a consent decree with  
38 the United States and the State regarding past cost  
40 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;

42           B-3. To the extent that money in the fund will be used for  
44 all or part of the costs of remedial design, the applicant  
has signed the Administrative Order by Consent for remedial  
design in the matter of the West Site/Hows Corner, Maine;

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

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

2 Money in the fund may not be used for attorney's fees associated  
with costs of the Plymouth waste oil site remedial study,  
4 remedial design, technical impracticability study, past cost  
settlement, implementation of institutional controls or  
6 time-critical removal action, except that money in the fund may  
be used for attorney's fees incurred for the preparation of  
8 restrictive covenants, including deed and title research, for the  
properties within the area identified by the United States  
10 Environmental Protection Agency as the institutional control zone  
in order to implement the institutional controls selected by the  
12 United States Environmental Protection Agency.

14 A past cost settlement share may not be paid from the fund to a  
person if the United States Environmental Protection Agency has  
16 waived payment of the share based on the person's financial  
capacity. The authority may condition payments related to the  
18 Plymouth waste oil disposal site on receipt of an ability-to-pay  
determination from the agency.

20 The authority, pursuant to Title 5, chapter 375, subchapter ~~II~~ 2,  
22 shall adopt rules for determining eligibility, feasibility,  
terms, conditions, security and fees for the loans, including  
24 deferred loans. The authority shall adopt rules that provide for  
a simplified loan application process for loan requests of under  
26 \$2000. Rules adopted pursuant to this subsection are routine  
technical rules as defined in Title 5, chapter 375, subchapter  
28 ~~II~~-A 2-A. The authority shall charge an interest rate of 0% on  
all loans. Loan repayment must be deferred until the United  
30 States Environmental Protection Agency determines that  
construction of the final remedy is complete. If the total  
32 amount of the loan requests exceeds funds available under section  
1023-L, the authority shall prorate the amount of the loan  
34 available to each applicant by the ratio of the funds available  
to the total loans requested.

36 **Sec. 2. 10 MRSA §1023-M, sub-§2-B** is enacted to read:

38 **2-B. Deadline for applications.** Applications submitted  
40 pursuant to subsection 2 must be received within 90 days after  
42 the effective date of this subsection, except that the authority  
may extend that deadline by an additional period of time not to  
44 exceed 60 days for good cause shown.

## 46 SUMMARY

48 This bill specifies that money in the Waste Oil Clean-up  
Fund may be used for the costs of remedial design and technical  
50 impracticability study.