

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 1386

S.P. 502

In Senate, April 2, 2009

**An Act Pertaining to Response Costs Incurred by the Department of
Environmental Protection under the Waste Motor Oil Disposal Site
Remediation Program**

(AFTER DEADLINE)

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 black ink, reading 'Joy J. O'Brien'.

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator GOODALL of Sagadahoc.
Cosponsored by Representative BOLDUC of Auburn and
Senators: SIMPSON of Androscoggin, SMITH of Piscataquis, Representatives: AYOTTE of
Caswell, DUCHESNE of Hudson, EDGECOMB of Caribou, WALSH INNES of Yarmouth,
KNAPP of Gorham, WELSH of Rockport.

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

2 **Sec. 1. 10 MRSA §1020-A, sub-§4, ¶A-1** is enacted to read:

3 A-1. As an alternative to the procedure described in paragraph A, when the authority
4 is advised by the Department of Environmental Protection of the issuance of a
5 statement of substantial final response costs and a final remedy selection that will or
6 has been implemented by the department, the authority shall determine those costs for
7 that waste motor oil disposal site that represent the collective share of those persons
8 eligible under subsection 7 to have their share of those costs for the waste motor oil
9 disposal site paid from the proceeds of revenue obligation securities. Revenue
10 obligation securities may be used only to fund the proportion of response costs
11 attributable to responsible parties that are eligible under subsection 7. In determining
12 the amount of response costs incurred by the department, the authority shall rely on a
13 written certificate of response costs from the department supported by copies of
14 invoices, receipts or other evidence of payment. The department shall make the
15 certificate of costs and supporting evidence available for public review and comment
16 for a minimum of 30 days before receiving any disbursements from the proceeds of
17 the revenue obligation securities. Notice of the availability of cost information and
18 the opportunity for public comment must be included in the public notice made
19 pursuant to subsection 7, paragraph B, on the publicly accessible website of the
20 department and to persons that have registered with the department as interested in
21 receiving a notice of availability of response cost information for the site. Upon
22 receipt of full payment of eligible response costs from the proceeds of the revenue
23 obligation securities for a waste motor oil disposal site, the department may not sue
24 or take administrative action pursuant to federal law or Title 38, section 1367 or any
25 other law for any releases or threats of release of hazardous substances that occurred
26 prior to January 1, 2009 at that site against any eligible responsible party on whose
27 behalf the authority has paid response costs to the department for that site.

28 **Sec. 2. 10 MRSA §1020-A, sub-§4, ¶B**, as enacted by PL 2007, c. 464, §6, is
29 amended to read:

30 B. With respect to a waste motor oil disposal site, following the determinations made
31 pursuant to paragraph A or A-1, the authority shall issue a certificate of determination
32 setting forth the amount of:

33 (1) The response costs paid or to be paid with respect to that waste motor oil
34 disposal site;

35 (2) The eligible response costs with respect to that waste motor oil disposal site to
36 be paid from the proceeds of revenue obligation securities; and

37 (3) The proceeds of the revenue obligation securities to be paid to or on behalf of
38 the responsible parties.

39 **Sec. 3. 10 MRSA §1020-A, sub-§5, ¶G**, as enacted by PL 2007, c. 464, §6, is
40 amended to read:

41 G. A person or its successor in interest that:

- 1 (1) Performed repairs at repair facilities located in this State on motor vehicles
2 that are owned by 3rd parties;
- 3 (2) Is identified as qualified under this subsection by the potentially responsible
4 party (PRP) group at the waste oil disposal site ~~as qualified under this subsection~~
5 or, in the case when the response action was or will be undertaken by the State,
6 by the Department of Environmental Protection; and
- 7 (3) Certifies to the authority under oath and subject to the provisions of Title
8 17-A, section 451 that it is qualified under this subsection;

9 **Sec. 4. 10 MRSA §1020-A, sub-§5, ¶H,** as enacted by PL 2007, c. 464, §6, is
10 amended to read:

11 H. Any person or its successor in interest that performed repairs on its own fleet of
12 motor vehicles, is identified by the potentially responsible party (PRP) group at the
13 waste motor oil disposal site or, in the case when the response action was or will be
14 undertaken by the State is identified by the Department of Environmental Protection,
15 as qualified under this subsection and certifies to the authority under oath and subject
16 to the provisions of Title 17-A, section 451 that it is qualified under this subsection.
17 The motor vehicles at all pertinent times must have been registered, garaged and
18 serviced in this State; and

19 **Sec. 5. 10 MRSA §1020-A, sub-§5, ¶I,** as enacted by PL 2007, c. 464, §6, is
20 amended to read:

21 I. Any person or its successor in interest that performed repairs, at repair facilities
22 located in this State, on special equipment or special mobile equipment, as defined in
23 Title 29-A, section 101, subsections 69 and 70, is identified by the potentially
24 responsible party (PRP) group at the waste motor oil disposal site or, in the case
25 when the response action was or will be undertaken by the State is identified by the
26 Department of Environmental Protection, as qualified under this subsection and
27 certifies to the authority under oath and subject to the provisions of Title 17-A,
28 section 451 that it is qualified under this subsection.

29 **SUMMARY**

30 This bill provides that the Finance Authority of Maine may use proceeds of revenue
31 obligation securities to fund the costs of the cleanup of certain waste motor oil disposal
32 sites implemented by the Department of Environmental Protection for eligible responsible
33 parties.