

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

SECOND REGULAR SESSION-2010

Legislative Document

No. 1633

H.P. 1161

House of Representatives, December 23, 2009

**An Act To Expand Eligibility of Certain Municipal Landfills To
Participate in the State's Remediation and Closure Program**

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

Received by the Clerk of the House on December 21, 2009. Referred to the Committee on Natural Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland

MILLICENT M. MacFARLAND

Clerk

Presented by Representative JOHNSON of Greenville.

Cosponsored by Representatives: CLARK of Millinocket, DUCHESNE of Hudson, THOMAS of Ripley.

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

2 **Sec. 1. 38 MRSA §1310-E-1, sub-§2, ¶A,** as amended by PL 1999, c. 556, §37,
3 is further amended to read:

4 A. ~~The landfill is a licensed municipal solid waste landfill or the municipality has~~
5 ~~been ordered to close or remediate a landfill pursuant to section 1310-D, subsection 2~~
6 ~~in which case the landfill must be closed in accordance with subsection 1; and~~

7 **Sec. 2. 38 MRSA §1310-F, sub-§1-B,** as repealed and replaced by PL 1997, c.
8 479, §1, is amended to read:

9 **1-B. Closure cost-share fraction.** Subject to the availability of funds, the
10 commissioner shall issue grants or payments for the following percentages of landfill
11 closure costs incurred by municipalities.

12 A. The state cost share is 75% of closure costs incurred before July 1, 1994.

13 B. The state cost share is 50% of landfill cover costs and 75% of other closure costs
14 incurred on or after July 1, 1994 and before January 1, 1996.

15 C. The state cost share is 30% of landfill cover costs and 75% of other closure costs
16 incurred on or after January 1, 1996 and before January 1, 2000.

17 D. Notwithstanding paragraphs B and C, the state cost share is 75% of closure
18 costs, including landfill cover costs, incurred on or after July 1, 1994 and before
19 January 1, 2000, if:

20 (1) The costs are incurred pursuant to a written agreement between the
21 municipality and the department executed before July 1, 1994; or

22 (2) The commissioner determines that the closure work was delayed for reasons
23 beyond the control of the municipality and the costs are identified in and incurred
24 pursuant to a written agreement between the municipality and the department.

25 E. Notwithstanding paragraphs B, C and D, the state cost share is 75% of closure
26 costs, including landfill cover costs, incurred on or after July 1, 1994 and before
27 December 31, 2014, if:

28 (1) The commissioner issued a license for operation of the landfill and found
29 that the landfill met the design requirements and environmental protection
30 standards at the time of licensing; and

31 (2) The commissioner has since determined that the landfill or portion of the
32 landfill must be closed or encapsulated based on the finding that the original
33 design no longer meets the environmental protection standards.

34 The state cost share is 0% of landfill closure costs incurred on or after January 1, 2000,
35 except that the commissioner may issue grants or payments as provided in paragraph E or
36 for 30% of those costs if incurred pursuant to an alternative closure schedule commitment
37 executed before January 1, 2000, and if specifically identified in a department order or
38 license, schedule of compliance or consent agreement.

1 As used in this subsection, "landfill cover costs" means the cost of materials and the cost
2 of placement of materials associated with the physical construction of that portion of a
3 cover over a landfill that meets the minimum landfill cover permeability of 1×10^{-5}
4 cm./sec. and the thickness standards of 40 Code of Federal Regulations, Part 258,
5 Section 258.60(a).

6

SUMMARY

7 This bill allows municipal landfills that were allowed to remain in operation after
8 January 1, 2000 but are subsequently ordered closed or encapsulated by December 31,
9 2014 because they do not meet current environmental protection standards to receive
10 funding from the State's remediation and closure program for a portion of closure costs if
11 funding is available.