

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 262

H.P. 215

House of Representatives, February 1, 2011

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

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative JOHNSON of Greenville.  
Cosponsored by Senator THOMAS of Somerset and  
Representative: DAVIS of Sangerville.

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

2 **Sec. 1. 38 MRSA §1310-F, sub-§1-B**, as repealed and replaced by PL 1997, c.  
3 479, §1, is amended to read:

4 **1-B. Closure cost-share fraction.** Subject to the availability of funds, the  
5 commissioner shall issue grants or payments for the following percentages of landfill  
6 closure costs incurred by municipalities.

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

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

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

12 D. Notwithstanding paragraphs B and C, the state cost share is 75% of closure costs,  
13 including landfill cover costs, incurred on or after July 1, 1994 and before January 1,  
14 2000, if:

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

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

20 E. Notwithstanding paragraphs B, C and D, the state cost share is 75% of closure  
21 costs, including landfill cover costs, incurred on or after July 1, 1994 and before  
22 December 31, 2015, if:

23 (1) The commissioner originally issued a license on or before September 1, 1989  
24 for operation of the landfill and found that the landfill met the design  
25 requirements and environmental protection standards at the time of licensing; and

26 (2) The commissioner has since determined that the landfill or portion of the  
27 landfill must be closed based on the finding that the landfill is contaminating  
28 groundwater and that corrective actions have not been successful.

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

34 As used in this subsection, "landfill cover costs" means the cost of materials and the cost  
35 of placement of materials associated with the physical construction of that portion of a  
36 cover over a landfill that meets the minimum landfill cover permeability of 1 x  
37 10(-5)cm./sec. and the thickness standards of 40 Code of Federal Regulations, Part 258,  
38 Section 258.60(a).

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## SUMMARY

This bill allows municipal landfills that were allowed to remain in operation after January 1, 2000 but are subsequently ordered closed or encapsulated by December 31, 2015 because they do not meet current environmental protection standards to receive funding from the State's remediation and closure program for a portion of closure costs if funding is available. It also makes the State's cost-share program for municipal landfill closure applicable to municipal landfills that were originally licensed on or before September 1, 1989 and contingent on a finding that the landfill is contaminating groundwater and that corrective actions have not been successful.