

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)



132nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2026

Legislative Document

No. 2227

H.P. 1504

House of Representatives, March 3, 2026

An Act to Update Financial Assurance Requirements for Certain Solid Waste Facilities

Reported by Representative DOUDERA of Camden for the Joint Standing Committee on Environment and Natural Resources pursuant to the Maine Revised Statutes, Title 38, section 2124-A, subsection 2.

Reference to the Committee on Environment and Natural Resources suggested and ordered printed pursuant to Joint Rule 218.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

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

2 **Sec. 1. 38 MRSA §1310-Y**, as amended by PL 2023, c. 517, §§7 and 8, is further
3 amended to read:

4 **§1310-Y. Financial assurance**

5 An owner or operator of a solid waste processing facility that processes plastic waste
6 through chemical plastic processing that is licensed under section 1310-N or of a solid
7 waste disposal facility that is licensed under section 1310-N shall provide the department
8 assurance of its financial ability to satisfy the estimated cost of corrective action for known
9 releases from the facility and its financial capacity to satisfy the estimated cost of closure
10 and postclosure care and maintenance at the facility for a period of at least 30 years after
11 closure. The board may adopt rules that increase or decrease that postclosure care period,
12 as long as those rules are consistent with applicable federal rules. The department may
13 consider the use of more than one acceptable form of financial assurance per facility to
14 satisfy the financial assurance requirement of this section. This section applies to all
15 privately owned solid waste disposal facilities licensed by the department, including
16 facilities licensed by the department before June 16, 1993, and to all solid waste processing
17 facilities that process plastic waste through chemical plastic processing. This section does
18 not apply to a municipally owned or operated solid waste disposal facility that accepts
19 exclusively special waste, construction and demolition debris, land-clearing debris or any
20 combination of those types of waste or to a municipally owned or operated solid waste
21 disposal facility licensed before June 16, 1993.

22 **1. Acceptable forms of financial assurance.** Acceptable forms of financial assurance
23 ~~are under this section must satisfy the applicable financial assurance criteria of 40 Code of~~
24 ~~Federal Regulations, Part 258, Subpart G, as in effect on April 10, 1998, and must include~~
25 ~~at least one of the following:~~

26 A. A letter of credit that satisfies the requirements of 40 Code of Federal Regulations,
27 Section 258.74(c);

28 B. A surety bond that satisfies the requirements of 40 Code of Federal Regulations,
29 Section 258.74(b);

30 ~~C. An escrow account;~~

31 ~~D. A reserve account calculated in a manner consistent with the United States Internal~~
32 ~~Revenue Code;~~

33 ~~E. An irrevocable trust account; or~~

34 ~~F. In the case of a municipal solid waste disposal facility, any of the allowable financial~~
35 ~~assurance mechanisms set forth in applicable federal rules.~~

36 G. A trust fund that satisfies the requirements of 40 Code of Federal Regulations,
37 Section 258.74(a);

38 H. An insurance policy that satisfies the requirements of 40 Code of Federal
39 Regulations, Section 258.74(d);

40 I. A corporate financial test that satisfies the requirements of 40 Code of Federal
41 Regulations, Section 258.74(e);

