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

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

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

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

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

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

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

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

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

G. A person or its successor in interest that:

(1) Performed repairs at repair facilities located in this State on motor vehicles that are owned by 3rd parties;

(2) Is identified as qualified under this subsection by the potentially responsible party (PRP) group at the waste oil disposal site ~~as qualified under this subsection~~or, in the case when the response action was or will be undertaken by the State, by the Department of Environmental Protection; and

(3) Certifies to the authority under oath and subject to the provisions of Title 17-A, section 451 that it is qualified under this subsection;

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

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

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

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

SUMMARY

SP0502, LD 1386, item 1, 124th Maine State Legislature
An Act Pertaining to Response Costs Incurred by the Department of Environmental
Protection under the Waste Motor Oil Disposal Site Remediation Program

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