



Testimony In Opposition to LD 401, An Act to Preserve State Landfill Capacity and Promote Recycling

By Toni M. King, P.E., Region Engineer, Casella Waste Systems, Inc.

Before the Joint Standing Committee on Environment and Natural Resources

April 3, 2019

Good morning Senator Carson, Representative Tucker, and members of the Joint Standing Committee on Environment and Natural Resources,

My name is Toni King, and I am a Region Engineer with Casella Waste Systems. I am testifying in opposition to LD 401, An Act to Preserve State Landfill Capacity and Promote Recycling. Before I begin, I want to commend and thank you for your efforts to learn more about Maine's solid waste management system, *and the economic and environmental impacts related to it. I look forward to continued discussions related to that.*

Today, I will address briefly the various sections of LD 401, combining those that address the same or similar issues.

First, Sections 3 and 7 (C) propose to change the definition of "Maine-generated waste" to material that originates in the first instance in Maine. While Juniper Ridge Landfill (JRL) is prohibited from directly receiving out of state waste, under the 30-year definition of "Maine-generated waste," the residues generated from processing out of state material at Maine facilities, such as ReEnergy, PERC, and potentially Lewiston MRF and Agri-Energy, are defined as Maine-generated waste, and are acceptable at JRL. This definition change would:

- a. have serious economic impacts to the State, municipalities and businesses, as well as to processing facilities, and therefore to JRL. This would result in higher costs, loss of jobs and lost revenues;
- b. prohibit JRL from using the fines generated at ReEnergy for Alternative Daily Cover. There is no other viable substitute daily cover available. *In her briefing to the Committee on the State's waste management plan, Paula Clark stated that JRL could use other waste materials such as ash and sludge, instead of processing fines from ReEnergy, for alternative daily cover, and not have to use virgin soil. This is incorrect. JRL's ash sources were cut in half when the Maine Energy incinerator closed in 2012, and have been further reduced by PERC's new operations plan. JRL's remaining ash sources are used for other purposes at the landfill such as covering waste treatment plant sludge as it is unloaded for odor control. Casella once tried using short paper fiber sludge for daily cover at the Pine Tree Landfill. It was operationally ineffective and was*

discontinued. Without ReEnergy fines, JRL would most certainly have to use virgin soil for daily cover, which is not consistent with Maine's laws to avoid using virgin material;

- c. *because other landfills cannot be prohibited from taking out of state waste due to the US Constitution's commerce clause, they would likely be the recipient of ReEnergy's fines, likely at a higher cost to ReEnergy than its current contract with JRL, and those costs would be passed on to consumers;*
- d. decrease overall state landfill capacity because the fines would be used at other Maine landfills, and JRL would be adding virgin soil for ADC; and
- e. *create a unilateral change to the 2004 Operating Services Agreement (between Casella and the State of Maine), by reversing a significant business factor considered when Casella entered into that Agreement.*

Second, Section 4 proposes that waste materials that are used for Alternative Daily Cover not be counted toward the State's recycling goals. Similarly, Section 7(B) proposes to amend the definition of "recycle" and "recycling" such that any material "left" at a landfill (*whatever that means*) is not considered recycled. ReEnergy processing fines are recycled at JRL as Alternative Daily Cover. *This is already recognized as a form of recycling under Maine law, and what better reuse of waste, but as Daily Cover in a landfill, rather than having to utilize virgin soil. Last week, you heard from ReEnergy on the devastating impact this proposal would have on its operation, and in turn, JRL would lose the valuable alternative daily cover currently received from ReEnergy.*

Finally, we don't understand the purpose or need for sections 1, 2, 5, 6, and 7(A) of this concept bill, as Maine law already provides for all of these.

In closing, so long as Maine's two large landfills are operated in an environmentally sound manner, it serves the state's citizens, municipalities and businesses well to regulate and operate them on equal terms. This maintains competitive pricing in the market place, *or said another way, avoids creating a monopoly.* In the meantime, we respectfully request that the Committee vote Ought-Not to Pass on LD 401.

Thank you, and we look forward to participating in the work session on this bill.