



Public Hearing Comments on L.D. 401, April 3, 2019

Senator Brownie Carson, Representative Ralph Tucker and members of the Environmental and Natural Resources Committee, my name is Rod Carr and I am the Public Affairs Manager at the Penobscot Energy Recovery Company facility (PERC) located in Orrington, Maine.

PERC is the largest waste-to-energy facility in the state, and has over 250,000 tons per year of financially driven capacity. We have concerns that LD 401, as it is currently outlined, may have significant unintended consequences for the waste industry. Therefore, we respectfully recommend that the Committee convene a stakeholders group to identify and address many of those unintended consequences for your consideration. However for the purpose of this public hearing we have limited our comments to those matters that could have most impact on the operation of the PERC facility.

Within item 1, with respect to accurate tracking of waste, specifically municipal solid waste, we are unsure of what the goal is. We take note that Paula Clark of the Maine DEP has testified that tracking programs are adequate for most purposes. On the matter of tracking, we do ask that the Legislature consider removing certain financial reporting requirements applicable only to waste-to-energy facilities, specifically the statute under 38 MRS §2232 whereby tipping fees must be publicly divulged. We feel this puts our industry at a competitive disadvantage.

On item 2, the matter of tracking waste through final disposition, we believe that solid waste processing facilities should be included in the list of affected facilities.

On item 3, processing of co-mingled in-state and out-of-state wastes, it is our understanding that waste-to-energy facilities are regulated as "Incinerators", therefore this item would not apply to our industry. If our understanding in this matter is incorrect, the financial impact for PERC to dispose of co-mingled ash and co-mingled residues at a disposal facility other than the Juniper Ridge Landfill may be insurmountable.

Skipping down to item 7C, strategic bypass events can prevent excess inventory. More recently PERC has bypassed municipal solid waste to both prevent excess inventory and to handle the logistics associated with test-driving new process equipment and methods as we reconfigure our new process systems. To that end, we have no issues with how item 7C is currently written.

Thank you for the opportunity to submit comment on this matter.