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H.P. 158

House of Representatives, January 21, 2025

Resolve, Regarding the Operation and Future Capacity of State-owned Landfills

(EMERGENCY)

Received by the Clerk of the House on January 16, 2025. Referred to the Committee on Environment and Natural Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

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

ROBERT B. HUNT
Clerk

Presented by Representative CAMPBELL of Orrington.
Cosponsored by Representatives: ANKELES of Brunswick, DILL of Old Town, SOBOLESKI of Phillips.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** the Maine Revised Statutes, Title 38, section 1305, subsection 1 mandates
4 that "Each municipality shall provide solid waste disposal services for domestic and
5 commercial solid waste generated within the municipality and may provide these services
6 for industrial wastes and sewage treatment plant sludge"; and

7 **Whereas,** in the State, 115 municipalities have entered into contracts with the
8 Municipal Review Committee to satisfy this mandate through provision of municipal solid
9 waste handling, processing and disposal services at the Municipal Review Committee's
10 recycling and anaerobic digestion facility in the Town of Hampden now known as Coastal
11 Resources of Maine, LLC and approximately 44 municipalities have entered into contracts
12 with Penobscot Energy Recovery Company to satisfy this mandate through provision of
13 municipal solid waste processing and disposal services at Penobscot Energy Recovery
14 Company's waste-to-energy facility in the Town of Orrington; and

15 **Whereas,** the Municipal Review Committee has been unable to provide municipal
16 solid waste handling, processing and disposal services at the Coastal Resources of Maine,
17 LLC recycling and anaerobic digestion facility since its closure on May 28, 2020; and

18 **Whereas,** Penobscot Energy Recovery Company ceased to provide municipal solid
19 waste handling, processing and disposal services at its waste-to-energy facility as of May
20 2, 2023, and, although the facility was sold at auction in November 2023, it has yet to
21 resume operation; and

22 **Whereas,** as required by their solid waste disposal facility licenses issued by the
23 Department of Environmental Protection, municipal solid waste from these 159
24 municipalities has been and is being disposed of primarily at the state-owned Juniper Ridge
25 Landfill located almost entirely in the City of Old Town with a portion of the landfill right-
26 of-way access located in the Town of Alton; and

27 **Whereas,** the state-mandated curtailment of spreading wastewater treatment plant
28 sludge on land because of the perfluoroalkyl and polyfluoroalkyl substances contamination
29 has resulted in the disposal of some of this sludge at the Juniper Ridge Landfill; and

30 **Whereas,** land disposal of waste at a landfill is the least desirable solid waste disposal
31 option under the State's solid waste management hierarchy under Title 38, section 2101;
32 and

33 **Whereas,** the Department of Environmental Protection approved only a partial
34 expansion of the Juniper Ridge Landfill in 2017, granting a license for a capacity of 9.3
35 million cubic yards of the available 22 million cubic yards; and

36 **Whereas,** as a result of this temporary increase in disposal of municipal solid waste
37 and wastewater treatment plant sludge at the Juniper Ridge Landfill, the partial expansion,
38 which was expected to last through 2033, is now expected to use that capacity by 2028,
39 thus necessitating another permitting process to complete the expansion; and

40 **Whereas,** the loss of municipal solid waste handling, processing and disposal services
41 at the Coastal Resources of Maine, LLC facility and at the Penobscot Energy Recovery
42 Company waste-to-energy facility and the increased rate of municipal solid waste and

1 wastewater treatment plant sludge disposal at the Juniper Ridge Landfill is creating a
2 hardship for the City of Old Town and its residents, is placing stress on the 159
3 municipalities that have statutory obligations to provide municipal solid waste disposal
4 services and is straining the resources of sewer and utility districts and departments, as well
5 as consuming valuable and finite state-owned solid waste landfill resources that are
6 supposed to be the last resort for solid waste disposal; and

7 **Whereas**, the Department of Administrative and Financial Services, Bureau of
8 General Services is responsible for oversight and management of state-owned property,
9 including the Juniper Ridge Landfill; and

10 **Whereas**, under Title 38, section 2122, the Department of Environmental Protection
11 is required to "prepare an analysis of, and a plan for, the management, reduction and
12 recycling of solid waste for the State. The plan must be based on the priorities and recycling
13 goals established in sections 2101 and 2132. The plan must provide guidance and direction
14 to municipalities in planning and implementing waste management and recycling programs
15 at the state, regional and local levels" and to provide periodic updates of that plan; and

16 **Whereas**, in the judgment of the Legislature, these facts create an emergency within
17 the meaning of the Constitution of Maine and require the following legislation as
18 immediately necessary for the preservation of the public peace, health and safety; now,
19 therefore, be it

20 **Sec. 1. Report on Jay landfill. Resolved:** That the Department of Environmental
21 Protection shall evaluate the potential costs and benefits to the State of the State's acquiring
22 ownership of the former paper mill landfill in the Town of Jay for the primary purpose of
23 increasing disposal capacity in the State for wastewater treatment plant sludge and special
24 waste but with consideration given to the potential for the disposal of municipal solid waste
25 at that landfill. The evaluation must include, but is not limited to, consideration of existing
26 conditions at the Jay landfill, including liner condition, leachate collection systems and the
27 presence of perfluoroalkyl and polyfluoroalkyl substances and other environmental
28 contaminants; capacity, including disposal capacity and the potential for expansion of
29 capacity; facility needs in the areas of odor management, gas management and leachate
30 management and treatment; options for managing wastewater treatment plant sludge; and
31 any other conditions relevant to the potential future operation of a landfill. In conducting
32 the evaluation under this section, the Department of Environmental Protection may, as
33 necessary, consult with the Department of Administrative and Financial Services, Bureau
34 of General Services, referred to in this resolve as "the bureau."

35 On or before January 1, 2026, the Department of Environmental Protection shall submit
36 to the Joint Standing Committee on Environment and Natural Resources a report outlining
37 the findings and recommendations of the evaluation under this section and including any
38 proposed legislation. After reviewing the report, the committee may report out legislation
39 relating to the report to the Second Regular Session of the 132nd Legislature.

40 **Sec. 2. Report on Old Town landfill operating services agreement.**
41 **Resolved:** That the bureau and the Department of Environmental Protection shall evaluate
42 options for amending the operating services agreement of February 5, 2004, as amended,
43 between the bureau and the operator of the state-owned Juniper Ridge Landfill in the City
44 of Old Town concerning the operation of the landfill for the purpose of enhancing the

1 transparency and oversight of the operation of the landfill and of the related activities of
2 the operator of the landfill.

3 On or before January 1, 2026, the bureau and the department shall jointly submit to the
4 Joint Standing Committee on Environment and Natural Resources a report outlining the
5 findings and recommendations of the evaluation under this section and including any
6 proposed legislation. After reviewing the report, the committee may report out legislation
7 relating to the report to the Second Regular Session of the 132nd Legislature.

8 **Sec. 3. Amendment of operating services agreement for Old Town landfill.**

9 **Resolved:** That, in accordance with the provisions of this section, the bureau shall initiate
10 a process to negotiate an amendment to the operating services agreement of February 5,
11 2004, as amended, referred to in this section as "the agreement," with the operator of the
12 state-owned Juniper Ridge Landfill in the City of Old Town, referred to in this section as
13 "the landfill," concerning the operation of the landfill.

14 1. Notwithstanding any provision of law or bureau rule to the contrary, the bureau may
15 not execute any amendment to the agreement:

16 A. Prior to the bureau's submission to the Department of Environmental Protection of
17 an application for a public benefit determination for a license for the expansion of the
18 landfill in accordance with the Maine Revised Statutes, Title 38, section 1310-AA; and

19 B. Unless the amendment to the agreement includes the provisions described in
20 subsection 2.

21 2. Subject to the limitation provided in subsection 1, paragraph A, the bureau shall
22 negotiate with the operator of the landfill and execute an amendment to the agreement that:

23 A. Requires the operator to disclose and make available to the bureau the terms and
24 conditions of all contracts and agreements between the operator and its contractors,
25 subcontractors and customers regarding the use, operation and maintenance of the
26 landfill;

27 B. Requires the operator to implement and operate at the landfill the technology,
28 facilities or processes necessary to ensure that the leachate collected from the landfill
29 is treated prior to discharge such that the concentration of regulated PFAS
30 contaminants in the treated leachate does not exceed the drinking water standards
31 applicable to community water systems and nontransient, noncommunity water
32 systems established by the Department of Health and Human Services pursuant to the
33 Maine Revised Statutes, Title 22, section 2611. The amendment may include
34 provisions that account for future amendments to applicable treatment standards for
35 regulated PFAS contaminants, including, but not limited to:

36 (1) Future amendment by the Department of Health and Human Services pursuant
37 to Title 22, section 2611 of the applicable drinking water standards for community
38 water systems and nontransient, noncommunity water systems regarding the
39 concentration of regulated PFAS contaminants; and

40 (2) Future establishment by the Department of Environmental Protection of
41 effluent discharge standards applicable to the concentration of regulated PFAS
42 contaminants in discharged effluent containing treated landfill leachate.

1 The amendment must provide the bureau with the authority, in consultation with the
2 Department of Environmental Protection, to review, approve and monitor the
3 operator's implementation and operation at the landfill of the perfluoroalkyl and
4 polyfluoroalkyl substances treatment technology, facilities or processes required by
5 this paragraph.

6 As used in this paragraph, "community water system" has the same meaning as in Title
7 22, section 2660-B, subsection 2; "nontransient, noncommunity water system" means
8 a nontransient, noncommunity water system as described in Title 22, section 2660-B,
9 subsection 5, paragraph A; and "regulated PFAS contaminants" has the same meaning
10 as in Title 22, section 2660-AA, subsection 4; and

11 C. Includes other terms, conditions or changes to the agreement that are negotiated
12 and agreed upon by the bureau and the operator of the landfill.

13 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
14 takes effect when approved.

15 SUMMARY

16 This resolve does the following.

17 1. It requires the Department of Environmental Protection to evaluate the potential
18 costs and benefits to the State of the State's acquiring ownership of the former paper mill
19 landfill in the Town of Jay for the primary purpose of increasing disposal capacity in the
20 State for wastewater treatment plant sludge and special waste. On or before January 1,
21 2026, the department is required to submit to the Joint Standing Committee on
22 Environment and Natural Resources a report outlining the findings and recommendations
23 of the evaluation and including any proposed legislation, and the committee may report out
24 related legislation to the Second Regular Session of the 132nd Legislature.

25 2. It requires the Department of Administrative and Financial Services, Bureau of
26 General Services and the Department of Environmental Protection to evaluate options for
27 amending the operating services agreement of February 5, 2004, as amended, between the
28 bureau and the operator of the state-owned Juniper Ridge Landfill in the City of Old Town
29 concerning the operation of the landfill for the purpose of enhancing the transparency and
30 oversight of the operation of the landfill and of the activities of the operator of the landfill.
31 On or before January 1, 2026, the bureau and the Department of Environmental Protection
32 are required to jointly submit to the Joint Standing Committee on Environment and Natural
33 Resources a report outlining the findings and recommendations of this evaluation and
34 including any proposed legislation. After reviewing the report, the committee may report
35 out related legislation to the Second Regular Session of the 132nd Legislature.

36 3. It requires the Department of Administrative and Financial Services, Bureau of
37 General Services to initiate a process to negotiate an amendment to the operating services
38 agreement of February 5, 2004, as amended, with the operator of the state-owned Juniper
39 Ridge Landfill in the City of Old Town concerning the operation of the landfill. It prohibits
40 the bureau from executing any amendment to that agreement prior to the bureau's
41 submission of an application for a public benefit determination for a license for the
42 expansion of the landfill in accordance with the Maine Revised Statutes, Title 38, section
43 1310-AA and unless the amendment to the agreement includes certain specified provisions.
44 Those provisions include requirements that the operator disclose and make available to the

1 bureau the terms and conditions of all contracts and agreements between the operator and
2 its contractors, subcontractors and customers regarding the use, operation and maintenance
3 of the landfill and requirements that the operator implement and operate at the landfill the
4 technology, facilities or processes necessary to ensure that the leachate collected from the
5 landfill is treated prior to discharge such that the concentration of regulated PFAS
6 contaminants in the treated leachate does not exceed specified standards.