



For a thriving New England

CLF Maine 53 Exchange Street, Suite 200
Portland, ME 04101
P: 207.210.6439
F: 207.221.1240
www.clf.org

**Testimony before the
Committee on Environment and Natural Resources**
Nora Bosworth
Conservation Law Foundation
January 24, 2024

RE: Testimony Neither for Nor Against LD 2135– Resolve, to Investigate and Address Municipal Solid Waste Disposal Services Issues

Good morning Senator Brenner, Representative Gramlich, and members of the Environment and Natural Resources Committee:

My name is Nora Bosworth, and I am a Staff Attorney for the Conservation Law Foundation’s (“CLF”) Zero Waste Project. CLF’s Zero Waste Project works to identify and address polluting and unsustainable waste management practices while promoting proven and effective solutions such as source reduction, reuse, recycling and composting. These goals are the same solutions outlined in Maine’s solid waste hierarchy.ⁱ

CLF supports the spirit of LD 2135, but as currently written it is doubtful that this resolve would achieve anything productive. We too want to find solutions to Maine’s waste management issues that align with the State’s solid waste management hierarchy, and therefore we urge the committee to amend the resolve so that it results in a report of actual significance. As it stands, LD 2135 directs the Department of Administrative and Financial Services, the Bureau of General Services and the Department of Environmental Protection to investigate and make recommendations to your committee regarding solid waste disposal options for the 159 municipalities with contracts with the Municipal Review Committee and with Penobscot Energy Recovery Company. The question is what, if anything, will this resolve result in that is not already presented in DEP’s 2024 State Waste Management and Recycling Plan Update (“the 2024 Waste Management Plan”).

We fully understand that handling Maine’s waste is a complicated and multifaceted process and appreciate that DEP is tasked with a very hard job. That said, DEP’s 2024 Waste Management Plan unfortunately identified expanding Juniper Ridge Landfill as “necessary” and pushed for “full operation of incineration”, while slowly approaching waste-reducing methods, like food waste diversion, with plans for more studies. The current caution around implementing highly effective waste diversion policies should be redirected at practices that we know, without any additional study, poison our communities and our environment—like incineration and landfilling.

Incineration not only emits climate-altering greenhouse gases, but also releases significant levels of toxic pollutants and chemicals that harm our communities. Air pollutants, heavy metals like lead and mercury, and toxic chemicals like PFAS and dioxins are all released when we burn garbage.ⁱⁱ Living near an incinerator can increase cancer, birth defects, and other poor health

outcomes.

Incineration is often touted as a landfill alternative, but after incineration, roughly 25% of the weight of incoming waste remains in the form of residual ash that must be landfilled.ⁱⁱⁱ This ash contains high levels of dioxin, mercury, lead, polychlorinated biphenyls (“PCBs”) and polychlorinated naphthalens (“PCNs”).^{iv} When incinerator ash is deposited in landfills, these pollutants can leach out and pose a threat to groundwater, drinking water, and surface water bodies, also impacting wildlife habitat.

Burning garbage is not the solution to waste management in Maine. Nobody wants to live near an incinerator; those who do tend to compose our most vulnerable populations.

The cost of landfilling on our communities and natural resources is equally well documented. Like incinerators, landfills disproportionately burden environmental justice communities. In our State we have seen the leachate from Juniper Ridge Landfill poison the Penobscot River with per- and polyfluoroalkyl substances (PFAS), endangering the Penobscot Nation and destroying their access to a sacred source of sustenance. We also know that landfills are the third-largest source of human-related methane emissions in the United States.^v Methane is a greenhouse gas that has over 80 times the warming power of carbon dioxide in its first twenty years in the atmosphere.^{vi} Landfills also lower property values, further harming already disenfranchised communities.

Throughout the country, and Maine is no exception, landfills and incinerators disproportionately burden low-income communities and communities of color. Environmental justice entails recognizing the disparate impacts of environmental harms on such communities.^{vii} Considering cumulative impacts when making policy recommendations is especially important to prevent communities already experiencing pollution from existing facilities from being overly burdened. For LD 2135 to have any real impact, the following should be incorporated into the resolve:

- Recommendations in the report should prioritize actions promoting waste diversion and reduction, in line with our statutory Solid Waste Management Hierarchy, not advocate for waste disposal methods that are at the bottom of the hierarchy.
- Any waste disposal methods proposed should incorporate an assessment and thorough explanation of how such actions would affect environmental justice communities, including any expected cumulative impacts on said communities.^{viii}
- Specifically, any recommendation to expand Juniper Ridge Landfill should include, at a minimum, an assessment of the anticipated cumulative impacts from such expansion on the Penobscot Nation, as well as on the residents of the City of Old Town and the Town of Alton. When looking at the cumulative impacts on the Penobscot Nation, the anticipated increase in leachate and discharges into the Penobscot River must also be considered and analyzed.
- Any recommendation to expand Juniper Ridge Landfill should be accompanied by an assessment of Casella’s existing Operating Services Agreement, particularly identifying any and all areas of the agreement that lack transparency and lack sufficient Departmental oversight. For instance, in DEP’s [Analysis of Sludge and State-owned Landfill as Public Utilities](#), published last week, DEP recommended that “any amendments or extensions to the agreement between the State of Maine

and Casella for operation of JRL include a requirement for the operator to disclose to the State all terms of individual agreements between the operator and their customers.”^{ix} Other areas needing greater transparency and oversight should be identified.

I encourage this Committee to amend LD 2135 to ensure that the resolve produces recommendations aligned with the State’s waste management hierarchy, and results in a report that truly prioritizes the environmental and public health of Maine.

Respectfully submitted,



Nora Bosworth
Staff Attorney, Zero Waste Project Conservation Law Foundation
nbosworth@clf.org

ⁱ [38 M.R.S.A. 2101](#)

ⁱⁱ Natural Resources Defense Council, Burned: Why Waste Incineration is Harmful, July 19, 2021, available at <https://www.nrdc.org/bio/daniel-rosenberg/burned-why-waste-incineration-harmful>.

ⁱⁱⁱ U.S. EPA, Municipal Solid Waste in the United States: 2011 Facts and Figures 143–44, 2013, available at https://archive.epa.gov/epawaste/nonhaz/municipal/web/pdf/mswcharacterization_fnl_060713_2_rpt.pdf.

^{iv} Jindrich Petrlik and Ralph Anthony Ryder, After Incineration: The Toxic Ash Problem, 4–6, 2005, available at https://ipen.org/sites/default/files/documents/ipen_incineration_ash-en.pdf.

^v EPA, Basic Information about Landfill Gas, available at <https://www.epa.gov/lmop/basic-information-about-landfill-gas>

^{vi} USDA, Food Waste and its Links to Greenhouse Gases and Climate Change, available at <https://www.usda.gov/media/blog/2022/01/24/food-waste-and-its-linksgreenhouse-gases-and-climate-change>; [Importance of Methane | US EPA](#); Environmental Defense Fund, Methane: A Crucial Opportunity in the Climate Fight, available at <https://www.edf.org/climate/methane-crucial-opportunity-climate-fight>

^{vii} EPA, Title VI and Environmental Justice, available at

<https://www.epa.gov/environmentaljustice/title-vi-and-environmental-justice>.

^{viii} Cumulative impacts means exposures, public health or environmental effects from the combined emissions and discharges, in a geographic area, including environmental pollution from all sources, whether single or multi-media, routinely, accidentally, or otherwise released. Impacts will take into account sensitive populations and socio-economic factors, where applicable, and to the extent data are available. See CalEPA definition used in the CalEnviroScreen model, available at, <https://oehha.ca.gov/media/downloads/calenviroscreen/report/calenviroscreen40report2021.pdf>.

^{ix} Maine DEP, Analysis of Sludge and State-owned Landfill as Public Utilities, Jan. 17, 2024, available at <https://www.maine.gov/tools/whatsnew/attach.php?id=12275717&an=1>.