



**Environment and Natural Resources Committee**

**Testimony of Shelby D Wright, Manager of Engagement, Casella**

**In Opposition**

**LD 1632**

**May 17, 2021**

Senator Brenner, Representative Tucker, and esteemed members of the Joint Standing Committee on Environment and Natural Resources, my name is Shelby Wright and I am the Eastern Region Manager of Engagement for Casella.

Thank you for the opportunity to address you to address LD 1639 “An Act To Protect the Health and Welfare of Maine Communities and Reduce Harmful Solid Waste.”

At Casella, our mission is to protect the environment, strengthen our local communities, and grow our business by creating value from society’s waste streams. As the handler of almost half of Maine’s standard recycling a year, we take our commitment to sustainable practices to our core.

As such, Casella is opposed to LD 1639.

While it is well established that Reduction is the first and highest goal in the never-ending quest to eliminate waste in our consumer driven society, we believe that the proposals in LD 1639 will not achieve the goals highlighted in its title.

The bill will take the state backward in its commitment to recycling more waste and will send ripples through the recycling and solid waste management industry while creating unintended consequences for our environment.

This bill specifically targets a construction and demolition debris (CDD) processing facility that receives out of state materials, as well as, the state-owned landfill in Old Town.

For the past 30 years, Maine statute has defined waste that is processed in Maine as “waste generated in the state” for the purposes of disposal.

LD 1639 redefines “waste generated with in the state” with proponents framing the current definition as a “loophole.” In fact, the existing statute is a *lifeline* that allows Maine’s recycling and solid waste industry to better serve the residents and businesses of the state by maintaining a robust and affordable option for recycling and solid waste processing that affords good paying jobs for our friends and neighbors.

**Protect Maine’s recycling and solid waste management infrastructure**

The CDD recycling process creates a residual material that is largely used as a beneficial use material for Alternative Daily Cover (ADC.) The use of Daily Cover is required by law for landfill facilities throughout the state.

These and other beneficial use materials are a necessity to a well-functioning solid waste and recycling infrastructure.

Residuals from the CDD recycling process include fines and bulky materials that can’t be further recycled. These are used in Maine landfills for daily cover, grading and shaping, and bulking sludge and other wet

wastes that by themselves aren't ideal for landfilling because of structural issues. This means that they are being used for something other than waste disposal. By beneficially reusing process residuals, in this case as ADC, the state-owned landfill maintains adherence to Maine's Solid Waste Hierarchy whereby solid waste can be reused without harming or presenting a threat of harm to public health, safety or the environment.

Without the use of Beneficial Use materials for ADC, the alternative would be virgin soil or sand that would have to be excavated and trucked into the site for daily use. Preserving virgin resources is paramount to the highest rung on the waste hierarchy, the reduction of waste, as well protecting Maine's natural environment.

Other impacts on the state if LD 1639 were to pass:

- Result in the closure of the ReSource Lewiston processing facility.
  - A loss of over 75 direct and indirect jobs, particularly in the trucking industry
- Cause the abrupt halt of CDD recycling in the state.
  - The bill deletes the recycling mandate
  - All CDD would be landfilled unprocessed
- Increase tipping fees to municipalities and other waste disposal consumers.
  - The loss of ADC material from ReSource to the state-owned landfill would result in approximately \$1.6 million shortfall needed to cover the cost of using virgin soil for daily cover at the state-owned landfill
  - Require municipalities to absorb price increases or pass them on to residents and taxpayers
- Eliminate temporary roads onto the state-owned landfill due to the decrease or total loss of ADC material received from ReSource Lewiston.
- Cause a reduction in the ability to dispose of wastewater sludge at the state-owned landfill.
  - The loss of an essential bulking agent from ReSource to the facility
    - Oversized Bulky Waste is used to safely stabilize sludge
  - If a replacement source can't be found, the facility would have to limit the amount of sludge accepted for disposal which could prove devastating for Nine Dragons and municipalities across the state that rely on the facility for disposal of wastewater sludge
- Result in a price increase in bark mulch created in Maine.
  - Causing Maine mulch to become uncompetitive due to a loss of back-hauls to offset transportation costs
- Host Community Benefits and other revenue losses for Old Town, Lewiston, and the State.

Additionally, all the above impacts will be felt without any reduction in landfill volume.

### **Investments are being made to increase CDD recycling capacity in the state**

Last session, the 129<sup>th</sup> legislature worked diligently with the Maine DEP and stakeholders to reach a compromise aimed at limiting the amount of ADC that a permitted waste processing facility could claim as part of its recycling requirements.

The legislation revised the amount of Alternative Daily Cover (ADC) that could be used by a waste processing facility to count towards its permit mandated 50% diversion rate. Now, only 50% of the 50% can be ADC to be counted towards the overall 50% diversion required to maintain a solid waste processing facility permit in good standing.

ReSource is currently investing millions to increase recovery and recycling rates at its Lewiston facility to comply with new state mandates and expand intake capacity at a viable waste processing facility for the state of Maine.

LD 1639 would equate to a loss of that investment and a total shut-down of the facility costing 75+ jobs and sending a message to any others interested in investing in Maine that inconsistencies in the policy and regulatory environment at the state level make doing business in Maine too much of a risk.

**The current state of CDD recycling in Maine is grim**

Finally, to focus only on imported CDD waste, as LD 1639 does, means we are missing the bigger picture of the environmental impact Maine's own waste is having on a larger scale.

Currently, the processing facilities in the state only process a fraction of Maine's CDD generated in-state due to geographical location and transportation expense.

According to the Maine DEP's bi-annual report on statewide waste generation released this year, the amount of CDD generated in Maine in 2018 & 2019 was approximately 900,000 tons. Of that amount 2.3% (21,000/tons) was recycled leaving the remaining 879,000/tons of in state CDD unprocessed and landfilled.

In comparison to Maine-generate CDD of 900,000 tons, the amount of out of state CDD waste processed and recycled in Maine in the same timeframe was approximately 215,000 tons – most at the ReSource facility in Lewiston. This facility owners are currently investing millions in equipment to dramatically improve recovery and recycling rates for both in-state and out-of-state CDD.

In the bigger picture, the fight against CDD coming into Maine for processing and recycling is going after low hanging fruit when the tree is rotten.

A genuine environmental vision instead calls us to develop more infrastructure in Maine to process and recycle the 879,000/tons of in-state generated CDD waste that is currently being landfilled raw when beneficial uses are available for that material if it were processed and recycled.

If we want to preserve landfill disposal capacity for Maine and encourage the recycling of more CDD, we must focus on the real issue. We must turn our collective efforts to the unprocessed CDD waste generated in Maine and take action to address our incapacity to deal with it.

The waste industry encourages the use of legislation to support existing CDD recycling infrastructure and develop new facilities to process and recycle CDD. This will increase the state's recycling rate for the material and encourage the processing and recycling of CDD instead of the current practice of shipping the vast majority of raw CDD to landfills across the state.

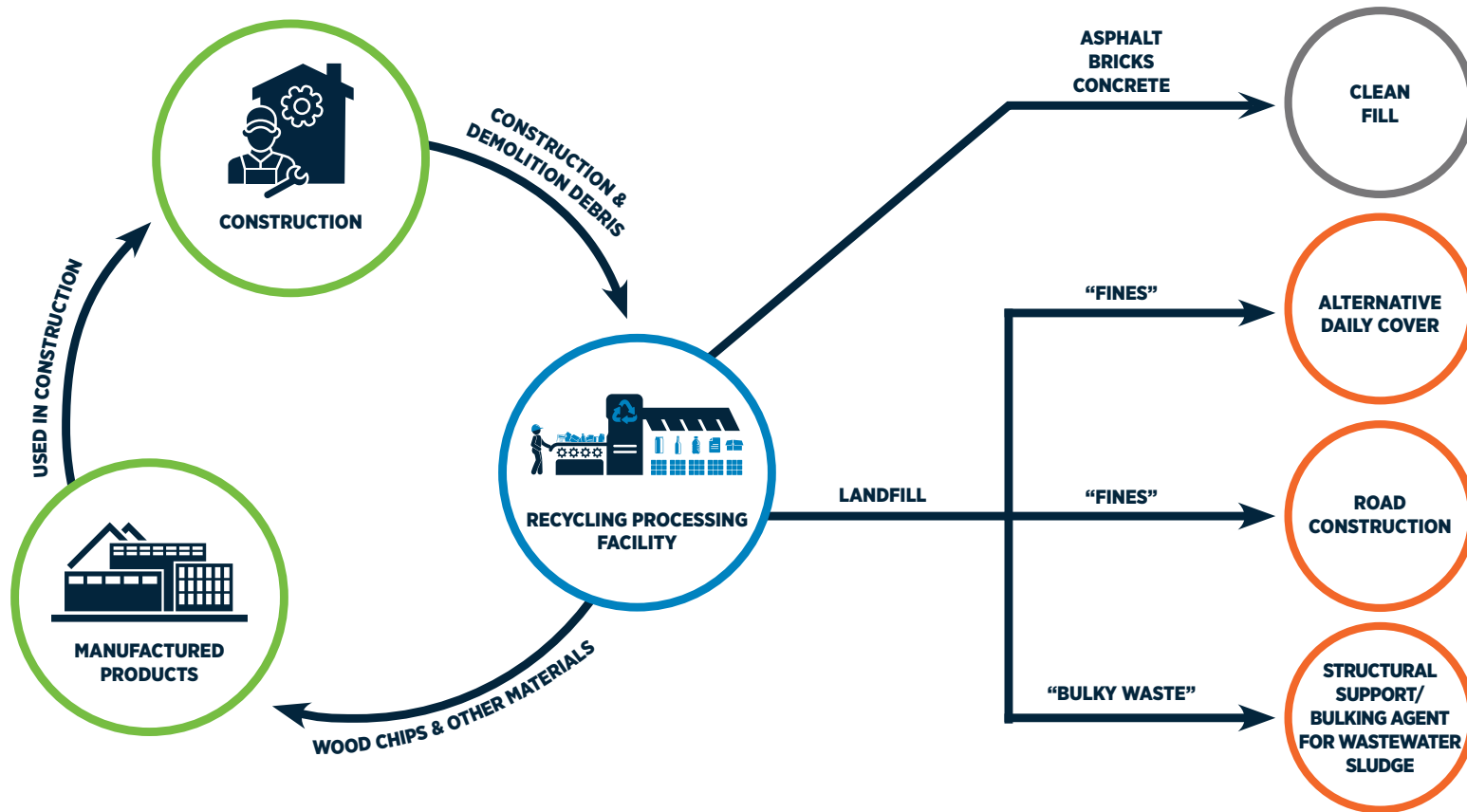
Casella agrees it's time to have a serious discussion about how we can recycle more CDD waste and ultimately beneficially reuse materials recovered from it.

In its efforts to eliminate some out-of-state waste, LD 1639 removes any CDD recycling mandates, ensures that no in-state CDD gets recycled, closes a necessary recycling facility and, in doing so, could put over 75 people out of a job.

Please vote ought not to pass on LD 1639.

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# MANAGING MAINE'S CONSTRUCTION AND DEMOLITION DEBRIS



## Benefits of the Current System

- More recycled material put back into the marketplace.
- Waste material put to beneficial use in the landfill rather than simply being waste material.
- Preservation of virgin soils and other natural resources used in landfill operations.
- Preservation of needed disposal capacity for Maine waste.

## Dangers of LD 1639

- Rising cost of construction material and demolition disposal.
- Increased mining of virgin soils for landfill operations.
- Less recycling and more disposal.
- Loss of jobs and economic activity.
- More difficult for odor control and slope control at landfills.