



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM
COMMISSIONER

**TESTIMONY OF
CARLA HOPKINS, DIRECTOR
DIVISION OF MATERIALS MANAGEMENT**

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

SPEAKING IN OPPOSITION TO L.D. 2135

**RESOLVE, TO INVESTIGATE AND ADDRESS MUNICIPAL SOLID WASTE
DISPOSAL SERVICES ISSUES**

SPONSORED BY REPRESENTATIVE DILL

**BEFORE THE JOINT STANDING COMMITTEE
ON
ENVIRONMENT AND NATURAL RESOURCES**

DATE OF HEARING:

JANUARY 24, 2024

Senator Brenner, Representative Gramlich, and members of the Committee, I am Carla Hopkins, Director of the Division of Materials Management at the Department of Environmental Protection, speaking in opposition to L.D. 2135.

This bill proposes to require the Department of Administrative and Financial Services (DAFS) and the Department of Environmental Protection ("Department") to meet with

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143

public and private solid waste management facility owners and operators and municipal and quasi-municipal officials to investigate and make recommendations in a written report to the Legislature on the existence and development of feasible potential short-term and long-term municipal solid waste disposal options, whether public, private or a mixture of both, for the approximately 159 municipalities with municipal solid waste disposal contracts with the Municipal Review Committee and with Penobscot Energy Recovery Company and wastewater treatment plant sludge disposal options for sewer and utility districts and departments, in order to address the issues facing municipalities and to ensure that the use of the state-owned Juniper Ridge Landfill ("JRL") is consistent with the Legislature's policy on solid waste management and the solid waste management hierarchy as set out in the 38 M.R.S. § 2101.

The Department is currently taking several steps to address the concerns and tasks outlined in this bill:

- On January 1, 2024, the Department issued its *Materials Management Plan: 2024 State Waste Management and Recycling Plan Update and 2022 Waste Generation and Disposal Capacity Report* ("Plan").
 - In developing the Plan, the Department encouraged public input on its contents as well as the direction of future materials management efforts by holding five public meetings across the State in Aroostook, Washington, Penobscot, Kennebec, and Cumberland counties. The meetings were held both in person and online to encourage participation. Meeting recordings were posted on the Department's website and written comments were accepted by email. Attendance at each of the meetings ranged from 5 to approximately 20 participants and included representatives of Maine's public and private solid waste disposal facilities as well as the general public. The Department also received nine written comments submitted through e-mail.
 - The Plan contains much detail about Maine's solid waste management landscape including: the amount of municipal solid waste ("MSW") and

construction and demolition debris (“CDD”) generated and disposed in Maine each year; the capacity at Maine’s MSW and special waste landfills; the status of Maine’s solid waste incinerators; the status of the MRC/MWS solid waste processing facility in Hampden; and an evaluation of short- and long-term strategies to help move Maine closer to its waste diversion goals.

- The Department is in the process of implementing its Extended Producer Responsibility for Packaging Program (“EPR/Packaging Program”).
 - The EPR/Packaging Program will incentivize producers of packaging materials to reduce the generation and use of unnecessary packaging materials requiring a place for disposal and to increase the recyclability of the packaging used.
 - The proposed EPR/Packaging rules were recently posted by the Board of Environmental Protection with a public hearing scheduled for March 7, 2024.
 - As part of the implementation of the EPR/Packaging program, a statewide recycling needs assessment will be conducted.
 - The first payments to municipalities are expected in 2027.
- The Department and its contractor are in the process of conducting a Food Loss and Waste Generation Study that will provide extensive insight into the locations, types, and quantity of food loss and waste, as well as the quality of that food, across the state. Given that up to 40% of the waste stream is comprised of organic materials, the information gathered during this study will aid the Department in determining how to best divert this portion of the waste stream from disposal. The final report is expected in April 2024.
- The Department is also undertaking a comprehensive Waste Characterization Study. The data gathered from this study will provide a baseline of data for Maine’s waste streams and by sector to include the types, amounts and sources of materials generated and destined for disposal. This study will also provide the state with an improved understanding of the sources, content, and condition of

both MSW and CDD. The study will account for seasonal variability, an important consideration given Maine's tourism industry and its considerable seasonal population. The information obtained by the study will allow the Department to identify and prioritize the waste streams of most significance for diversion efforts. The results of this study are expected in early 2025.

- In response to a significant increase in disposal of municipal wastewater treatment plant sludge and associated bulking materials required to safely dispose of this material, the Department, in collaboration with the Maine Water Environment Association, commissioned a study to evaluate sludge management practices in Maine and make recommendations. The results of the study, *An Evaluation of Biosolids Management in Maine and Recommendations for the Future*, were published in December 2023. The Department is currently reviewing the recommendations from this study.

It is our understanding that DAFS will be holding a public hearing on January 25, 2024, regarding extension of the Operating Services Agreement it has with Casella Waste Systems, Inc. ("Casella") to operate JRL until February 5, 2040. Additionally, the Department has received a Preliminary Information Report from DAFS/Casella, a first step in applying for an expansion of JRL. We expect a Public Benefit Determination application from DAFS/Casella in the very near future, the next step in the application process.

The Department believes that based on the information contained in the Plan and the forthcoming data from the studies outlined above, much of the information sought in this Resolve is already available or will be gathered as part of the studies that are currently being undertaken by the Department.

Finally, if the Legislature were to require the Department and DAFS to submit an additional study with information not already available in the Plan and the forthcoming data from the studies outlined above, we would ask for more time than two months in

LD 2135, Resolve, to Investigate and Address Municipal Solid Waste Disposal Services Issues

Testimony of: Carla Hopkins/DEP

Public Hearing: January 24, 2023

Page 5 of 5

which to do so. This timeframe will not allow staff to be able to continue their core operations and it would be rushed which would not guarantee accurate and useful data.

Thank you for the opportunity to provide testimony. I am available to answer questions of the Committee, both now and at work session.