

TESTIMONY OF WILLIAM MAYO
Regarding LD 2135, “Resolve, to Investigate and Address
Municipal Solid Waste Disposal Services Issues.”

January 24, 2024

Senate Chair Brenner, House Chair Gramlich and Members of the Joint Standing Committee on Environment and Natural Resources, my name is William Mayo, and I am the City Manager for the City of Old Town, Maine. I am speaking in support of LD 2135.

Unlike most other Maine municipalities, the City of Old Town has several roles with regard to solid waste management.

- Old Town, like all Maine municipalities, has a mandatory obligation under Maine statute to “provide solid waste disposal services for domestic and commercial solid waste generated within the municipality and may provide these services for industrial wastes and sewage treatment plant sludge.” 38 M.R.S.A. §1305(1). It does this through 1) a contract with Casella subsidiary Pine Tree Waste to collect municipal solid waste (MSW) and recyclables, and 2) a long-term contract with Penobscot Energy Recovery Company (PERC) to process and dispose of the MSW delivered by the City through Pine Tree. The City pays Pine Tree for the cost of the collection of MSW and recyclables (and their processing), and pays PERC a per ton tipping fee for MSW disposal of residential MSW; Old Town pays these costs from the property tax.

- Old Town is unique, in that it is the host community for Juniper Ridge Landfill (JRL), the State-owned, privately operated landfill. JRL began as the Fort James Corporation’s landfill (the West Old Town Landfill), which was acquired by the State in 2003 in an economic development effort to keep the paper company in operation. After the paper company closed, the State indirectly wound up owning a permitted and operating landfill – something it had been unable to do directly through years of funding and staffing the Maine Waste Management Agency, which was unable to site, permit, and construct an operating landfill anywhere in Maine.

Under State ownership (and operation by Casella under a 30-year agreement with the State, from 2004 through 2034), JRL commenced operation as a Construction and Demolition Debris landfill that would take limited by-pass and incinerator ash, but not unprocessed MSW, from PERC and limited amounts of sludge from wastewater treatment plant facilities. It since has morphed into accepting unprocessed MSW from the several municipalities contracting with the currently closed Hampden Maine Waste Solutions, LLC (MWS) facility (closed since May 2020) and from the PERC municipalities (closed since May 2023). Although the default disposal location for bypass MSW from the MWS municipalities is the Waste Management facility at Norridgewock, several MWS municipalities, noting the time and cost of extended periods of waste transportation for disposal at Norridgewock, asked for and obtained a “waste swap” with Casella to permit disposal of their unprocessed MSW at JRL. In addition, public wastewater treatment plant (WWTP) sludge from across the State is being disposed of at JRL because PFAS and PFOS contamination of that sludge precludes its landspreading and limits disposal options.

This means increased truck travel of MSW and sludge through Old Town, increased amounts of disposal of unprocessed MSW and of WWTP sludge at JRL, increased rates of filling of JRL, and now, a need for a second expansion of JRL. This was **not** the agreement between the State and Old Town back in 2003 and 2004.

- Old Town also is a regulator in this area -- it regulates expansion of JRL under local ordinances and codes. During the first expansion, Old Town's Planning Board spent a year in review of Casella's/the State's application for expansion, and soon, it will be called upon to again do the same.

The State has an obligation to manage JRL under the terms of the Operating Services Agreement (OSA) it negotiated and entered into with the City of Old Town. Maine Bureau of General Services (BGS) is the agency that oversees JRL. On January 8, 2024, BGS announced it is holding a public hearing on Thursday, January 25 at 6:00 pm at Jeff's Catering in Brewer to extend the OSA from 02/05/34 to 02/05/2040 because of the proposed (second) expansion of JRL. BGS states that it also will consider other changes to the OSA at that time. What is the State's plan under this extension? Additional expansions? Changing waste streams? Long-term disposal of unprocessed MSW and WWTP sludge? Will the host community be compensated in any way for such changes?

As MWS has not operated since May of 2020, what is the State's intent moving forward if it continues to not operate? Send unprocessed MSW to Norridgewock and JRL? Compensate Old Town for the additional MSW that was never planned to be disposed of in Old Town?

If MWS's Hampden facility does restart, what will happen to its unprocessable residuals? MRC sent an email on January 4, 2024 stating that testing is going to take place at MWS to produce gas from its anaerobic digestion process. For the materials that cannot be processed by the facility in this process, what is the State's plan? To direct MWS to send these materials to JRL?

Again, the State's original intent and bargain with Old Town regarding JRL was that it would be a Construction and Demolition Debris landfill that would take limited by-pass and incinerator ash, but not unprocessed MSW, from PERC and limited amounts of sludge from wastewater treatment plant facilities. That original intent has changed over the past 20 years as the State, without a coherent overall solid waste management plan lurches from crisis to crisis in its management of JRL. This lack of a plan affects Old Town directly and negatively in its multiple roles as a municipality that must provide solid waste disposal services, as host community for a landfill that has changed significantly in the types of wastes it accepts, and as a regulator. The State has an obligation to manage JRL correctly and wisely; Casella simply is the contracted on-site, day-to-day operations manager of what the State allows to take place at JRL.

Old Town's major concern in approaching this issue is for the health, safety and welfare of its residents, and for people in the region, and hopes that the State both shares this concern and is willing to demonstrate it by enacting and implementing LD 2135.