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STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



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COMMISSIONER

**TESTIMONY OF
ROB WOOD, DIRECTOR, BUREAU OF LAND RESOURCES
MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION**

SPEAKING IN OPPOSITION TO L.D. 92

**AN ACT TO REGARDING THE MANAGEMENT OF THE WASTE COMPONENTS OF
A SOLAR ENERGY DEVELOPMENT UPON DECOMMISSIONING**

SPONSORED BY REP. LEMELIN

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

DATE OF HEARING:

JANUARY 27, 2025

Senator Tepler, Representative Doudera, and members of the Committee, my name is Rob Wood and I am the Director of the Bureau of Land Resources at the Department of Environmental Protection, speaking in opposition to L.D. 92.

The Bureau of Land Resources administers the Solar Decommissioning Law in organized municipalities and, for larger projects that require a Site Law permit, in unorganized areas of the State as well. The law requires that a person may not construct or operate a solar energy development with ground-mounted solar panels occupying 3 or more acres without first obtaining approval of a decommissioning plan.

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The decommissioning plan submitted by the developer for approval must provide for the decommissioning of the solar energy development, grading and revegetation of disturbed areas, and financial capacity to fully fund decommissioning. The 131st Legislature amended the definition of “decommissioning” to explicitly include “the recycling of the waste components of the solar energy development that are recyclable, including, but not limited to, the solar panels, by a facility authorized to accept such materials for recycling and...the disposal of the waste components of the solar energy development that are not recyclable by a facility authorized to accept such materials for disposal.” (PL 2023, c. 300, §1.)

Since the amended law took effect, the Department has required that decommissioning plans provide for the recycling of recyclable components of solar developments and the disposal of non-recyclable components, in accordance with the amended law. If a solar operator decommissions a solar project in the future and the recyclable components of the facility are not recycled, the operator will be in violation of the terms of their decommissioning permit, and the Department could enforce against the operator accordingly.

However, L.D. 92 goes further in proposing that recycling and disposal must occur within 90 days of physical removal of the components from the development, or the developer will be in violation. The Department has some concerns with this proposal.

First, we believe it does not provide adequate flexibility for the timeline that may be necessary for recycling and disposal. The market for recycling and waste disposal regularly shifts and evolves, and it is unknown what the market will look like 20-40 years from now when a solar energy development may be decommissioned. It may take more than 90 days for the actual components of a solar energy development to be finally recycled or disposed of, depending on the circumstances.

Second, the Department believes the existing solid and hazardous waste statutes and rules are adequate to ensure that waste from solar developments is appropriately managed. The Maine Solid Waste Management Rules require that the type of solid

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waste likely to be generated from decommissioning solar developments may not be stored for more than 45 days without a license from the Department. Additionally, if components of the solar development are hazardous wastes, the Maine Hazardous Waste Management Rules require wastes be stored in a prescribed manner and, depending on the amount of waste generated from the development, the solar operator would have a maximum of 180 days to remove waste from the development site.

Thank you for the opportunity to testify before you today. I would be happy to answer any questions from the Committee, both now and at the work session.