



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM
COMMISSIONER

TESTIMONY OF
SUSANNE MILLER, DIRECTOR,
BUREAU OF REMEDIATION AND WASTE MANAGEMENT
MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

SPEAKING IN SUPPORT OF L.D. 297
AN ACT TO UPDATE THE SOLID WASTE MANAGEMENT HEIRARCHY

SPONSORED BY REP. BRIDGEO
BEFORE THE JOINT STANDING COMMITTEE
ON
ENVIRONMENT AND NATURAL RESOURCES

DATE OF HEARING:

MAY 28, 2025

Senator Tepler, Representative Doudera, and members of the Committee, my name is Susanne Miller and I am the Director of the Bureau of Remediation and Waste Management, at the Department of Environmental Protection, speaking in support of L.D. 297.

This bill proposes to make four changes to amend P.L. 2023, Chapter 283, Section 2:

1. It extends the end date of the law's applicability from July 1, 2025 to July 1, 2028.

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

2. It removes the provision that any excess residue generated by the facility other than what is specified in Section 2, Subsection 1 is deemed to not be “waste generated within the State.”
3. It adds a provision that any excess residue associated with the processing of oversized bulky waste that is used as alternative daily cover, is deemed to be “waste generated within the State”.
4. It makes the changes in #2 and #3 above retroactive to June 23, 2023.

By way of background, the solid waste landfill license¹ issued by the Department to the Bureau of General Services for the Juniper Ridge Landfill (JRL) limits accepted wastes to only non-hazardous *waste generated within the State* and does not include municipal solid waste, except for MSW bypass. “Waste generated within the State” is defined under 38 M.R.S. §1303-C (40-A). The current statutory definition is the result of many years of debate regarding JRL, often involving the construction and demolition debris processing facility in Lewiston. It is a long definition and in summary it states that “waste generated in the State” may also include some wastes that are first “processed” within the state regardless of whether they actually first came from out of state so long as specific provisions are met. One key provision is that beginning on February 1, 2023, the total weight of the residue generated in a calendar year by a recycling facility or solid waste processing facility that is disposed of or otherwise placed in a solid waste landfill in that calendar year may not exceed the total weight of the Maine-generated solid waste processed by that facility in that calendar year. If there is any excess residue generated by that facility, the residue is not considered to be waste generated within the State.

In 2023, the Legislature enacted an emergency measure to allow JRL to temporarily accept additional (or excess) residues from the ReSource Lewiston construction and demolition debris processing facility for the purposes of bulking wastewater treatment

¹ Juniper Ridge Landfill Expansion, #S-020700-WD-BI-N and #L-19015-TG-D-N (June 1, 2017).
<https://www.maine.gov/dep/waste/juniperridge/index.html>.

plant sludge. The additional residues were not to exceed 25,000 tons over a 12-month period of time. Within these parameters these wastes were deemed to be “waste generated within the State.”

This measure was enacted into law in response to a confluence of events that started in the latter half of 2022 leaving municipal wastewater treatment plant operators struggling to find an outlet to dispose of their sludge. Solids must be removed from wastewater to meet wastewater discharge limits. Sludge can no longer be land applied in Maine, and Maine does not have any sewage sludge incinerators to manage this waste stream. Regionally there is no additional capacity to take Maine’s sludge with the exception of sending it to Canada at high cost. JRL has been the repository for 90% of Maine’s sludge. However, JRL indicated concerns about accepting large quantities of high moisture content sludge, noting stability and safety concerns at the landfill, without taking additional oversized bulky wastes (OBW) for bulking material. But JRL could not take additional OBW without running afoul of the limitations on waste that is not generated within the state. This is why the emergency legislation was put in place in 2023.

Fast forward to now. We are close to July 1, 2025, the date that this emergency provision runs out and there still is not a viable solution in place to manage all of Maine’s sludge in a safe and cost-effective manner. On a positive note, Waste Management plans to have a condensing sludge dryer fully operational at their landfill in Norridgewock by mid-2026. They expect they will be able to accept 73,000 tons of sludge per year, which is about 84% of Maine’s sludge. (See attached fact sheet from WM). The Department also strongly supports L.D. 25, a bond initiative to invest in additional sludge management infrastructure across the state. L.D. 25 would ensure Mainers do not have to be reliant on only one or two facilities to manage all of Maine’s sludge. The Department anticipates those wastewater treatment plant improvements will be operational in 2028.

Until sludge drying equipment is operational to reduce (and maybe eliminate) the need to bulk sludge for landfilling, the Department supports the time extension proposed in LD 297. The time extension could be shortened to reflect the new facility at Waste Management coming online before 2028 if Maine's wastewater districts are able to secure contracts with Waste Management. These districts are likely to have existing contracts that need to reach their term or end date before they have the ability to secure a new contract without penalty.

The other changes in this bill are a bit more specific and would address some practical issues with implementation of the emergency measure. In 2024 as the Department worked closely with the operators of JRL and Resource to make sure that the quantities of waste generated in the State were being met in accordance with statute, it became clear that the Department, JRL, and Resource interpreted the statutory language differently. From the Department's perspective it appeared that JRL was accepting more than 25,000 tons of excess residue as authorized under the emergency measure. As is typical with any regulated entity, the Department engaged in several discussions and meetings with JRL to identify the crux of the differing interpretations and to figure out a path to compliance.

JRL and ReSource explained that after waste is processed at ReSource's Lewiston facility, both OBW and "fines" associated with OBW processing are transported to JRL together. They indicated that there are challenges with separating these materials and as such they both arrive together. In looking at the legislative intent, there was no discussion of fines which is an inherent byproduct of OBW processing. The intent of the legislation appeared to be to ensure that there was a sufficient quantity of OBW allowed to provide for the safe and stable landfilling of Maine's sludge; but there was no discussion of whether the 25,000-ton limit applied to both the OBW and fines combined or the OBW alone, which comes with additional tonnage of fines as they are intrinsically linked.

During these discussions, it became evident to the Department that the statute and legislative intent behind it was sufficiently confusing to cause different and reasonable interpretations. Attached to this testimony I've provided a hypothetical example to help illustrate the different calculations that must be completed to determine which kind of wastes are considered to be waste generated in State and which wastes are considered recyclable versus not recyclable. If nothing else, this should illustrate there are several opportunities for miscalculations.

The changes proposed in LD 297 would address the issues that came up in 2024. The language that is deleted and new language inserted clarifies that "excess residue associated with the processing of OBW that is used as alternative daily cover is considered waste generated within the State." The Department understands the intent of this new language is to make clear that the extra 25,000 tons is the limit for OBW only with an allowance for associated processing fines to be used as alternative daily cover. The change proposed to make this retroactive to 2023 is to recognize the sufficient confusion in the law and to not penalize JRL for this confusion.

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.

38 M.R.S. §1303-C, subsection 40

40-A. Waste generated within the State. "Waste generated within the State" means:

A. Waste initially generated within the State; [PL 2019, c. 619, §3 (NEW).]

B. Residue generated by an incineration facility or a recycling facility that is located within the State, regardless of whether the waste incinerated or processed by that facility was initially generated within the State or outside the State; [PL 2019, c. 619, §3 (NEW).]

C. Residue generated by a solid waste processing facility that is located within the State, regardless of whether the waste processed by that facility was initially generated within the State or outside the State, as long as:

(1) The residue is used at a solid waste landfill for daily cover, frost protection or other operational or engineering-related purpose, including, but not limited to, landfill shaping or grading, and such use has been approved by the department under the landfill's license and such use complies with all applicable rules of the department and all applicable conditions of the landfill's license; and

(2) The use of the residue under subparagraph (1) complies with the requirements of section 1310-N, subsection 5-A, paragraph B, subparagraph (2); [PL 2019, c. 619, §3 (NEW).]

D. Residue generated by a solid waste processing facility that is located within the State, regardless of whether the waste processed by that facility was initially generated within the State or outside the State, as long as:

(1) The residue does not meet the requirements of paragraph C; and

(2) The residue is generated by the facility only as an ancillary result of the facility's processing operations; and [PL 2019, c. 619, §3 (NEW).]

E. Residue generated by a solid waste processing facility that is located within the State, regardless of whether the waste processed by that facility was initially generated within the State or outside the State, as long as:

(1) The residue does not meet the requirements of paragraph C or D;

(2) The residue is not considered recycled under section 1310-N, subsection 5-A, paragraph B, subparagraph (2) and is disposed of at a solid waste landfill; and

(3) The solid waste processing facility is in compliance with the requirements of section 1310-N, subsection 5-A, paragraph B, subparagraph (2). [PL 2019, c. 619, §3 (NEW).]

Beginning February 1, 2023, notwithstanding paragraphs B, C and E, if the total weight of the residue generated in a calendar year by an incineration facility, recycling facility or solid waste processing facility that is disposed of or otherwise placed in a solid waste landfill in that calendar year exceeds the total weight of the solid waste initially generated within the State that was incinerated or processed by that facility in that calendar year, any such excess residue generated by that facility is not considered waste generated within the State.

WM Crossroads Biosolids Processing Facility

Circular Management of Maine's Biosolids



WM is North America's leading provider of comprehensive environmental solutions. WM is driven by commitments to put people first and achieve success with integrity. The company, through its subsidiaries, provides collection, recycling, and disposal services to millions of residential, commercial, industrial, and municipal customers throughout the U.S. and Canada.

In Maine, WM operates two hauling companies in Portland and Norridgewock, and the Crossroads Landfill in Norridgewock.

The Project

- WM is in the process of executing on plans to invest over \$37M to construct a state-of-the-art biosolids processing facility (BPF) at Crossroads Landfill using an innovative energy efficient drying system.
- The project has received necessary local and Maine Department of Environmental Protection (DEP) state permits.
- Construction commenced in August 2024, and we expect the project to start operating in early 2026.

Project Need

- Given the lack of long-term disposal options for municipal sludge (also known as "biosolids") in the State of Maine, there is an urgent need for new, innovative disposal alternatives. Maine DEP estimates that 88,000 tons of biosolids are generated by Maine wastewater treatment facilities each year.¹
- WM's BPF is expected to accept 73,000 tons per year of municipal biosolids, which equates to approximately 83% of the biosolids generated in the State of Maine. The BPF is designed to reduce the volume by drying the material, and then the dried biosolids can be landfilled on-site.

Project Details

- The BPF is designed to process approximately 200 tons per day of inbound municipal biosolids.
- Of that 200 tons per day, we expect to be able to send approximately 50 tons of dried biosolids to the landfill for secure disposal without the need for any additional bulking agents.
- The BPF is designed to be fully enclosed with engineered odor control.
- As a complimentary project, WM has also commenced construction of a foam fractionation treatment facility at Crossroads Landfill. This facility is designed to remove PFAS compounds from the residual liquid generated by the operation of the BPF, as well as from the leachate generated by Crossroad Landfill's ordinary operations.

A Unique 'Closed Loop' Solution

- Wastewater treatment plants generate biosolids, which are the solids removed from the treatment of wastewater to remove nutrients and organic material from the wastewater.
- These biosolids are then transported to the BPF where the material is dried.
- The dried biosolids are then disposed at the landfill and generate biogas as the biosolids degrade.
- Biogas collected at the landfill is then piped to a 3.2 MW landfill-gas-to-energy plant. Approximately two-thirds of the renewable electricity generated by the landfill-gas-to-energy plant is expected to be used to power the heat pump driers at the BPF.
- The BPF:
 - Operates at a low temperature;
 - Uses a third of the energy of conventional biosolids driers; and importantly,
 - Because the air is recirculated within the drier, air emissions are minimal.

A Solution For Maine Communities

- WM's Biosolids Processing Facility will provide long-term, secure disposal of biosolids for Maine's wastewater treatment plants. WM is excited to offer this solution for Maine communities.

¹ME DEP An Evaluation of Biosolids Management in Maine and Recommendations for the Future <https://www.maine.gov/dep/publications/reports/index.html>

Forward Looking Statements - This fact sheet contains forward-looking statements, including all statements regarding future events, future investments and all outcomes or benefits of such investments. Such statements are based on the facts and circumstances as of the date the statements are made and are subject to risks and uncertainties that could cause actual results to be materially different. Please see Part I, Item 1A of the Annual Report on Form 10-K, and subsequent Forms 10-Q, available at investors.wm.com for information regarding such risks and uncertainties. WM assumes no obligation to update any forward-looking statement.

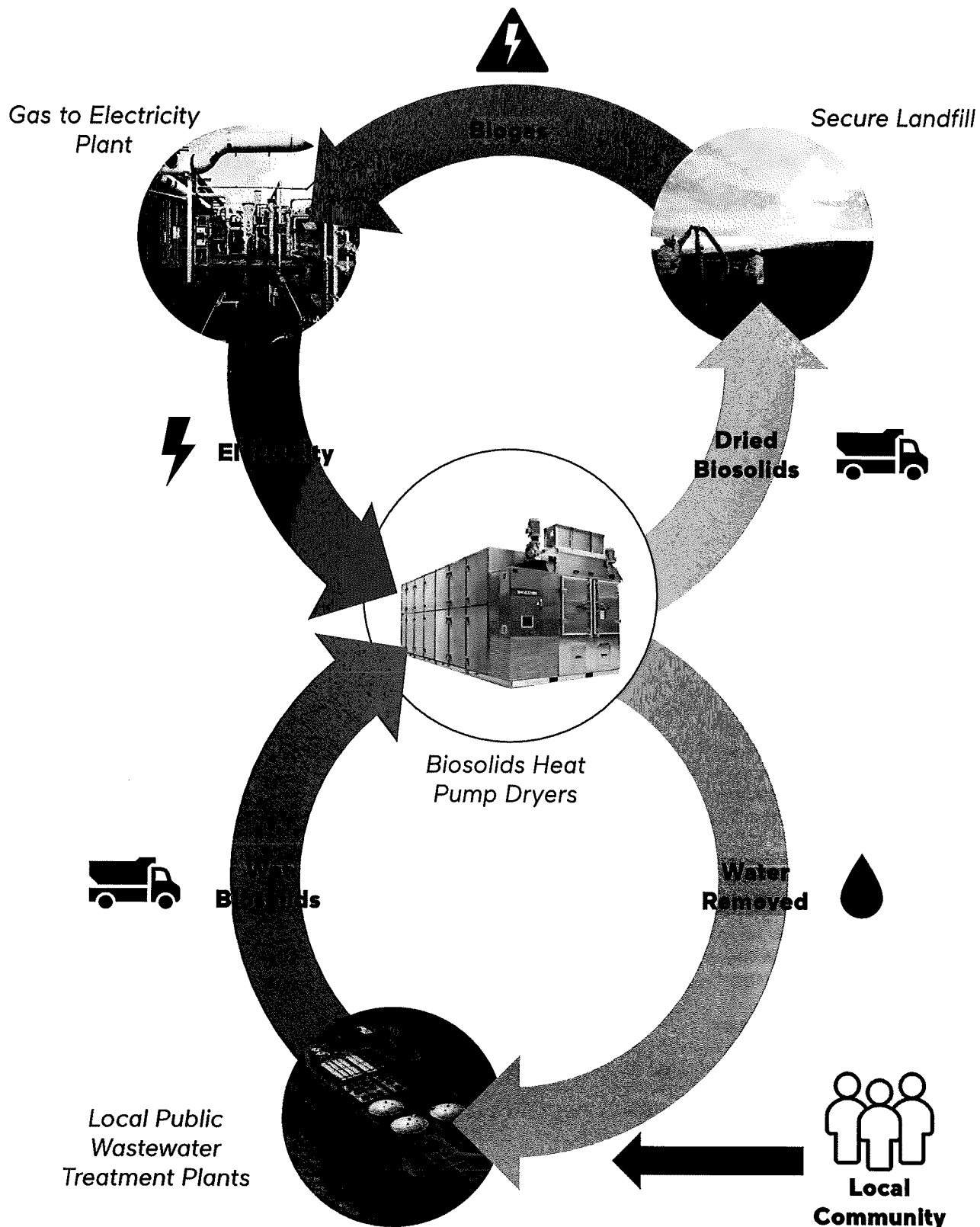
Contact Us

James Ecker, PE jecker@wm.com

Jeff McGown jmcgown@wm.com

WM Crossroads Biosolids Processing Facility

Circular Management of Maine's Biosolids



Contact Us

James Ecker, PE jecker@wm.com

Jeff McGown jmcgown@wm.com

Hypothetical Example for Fiscal* Year 2025

(These DEP calculations are based strictly on the theoretical example provided herein, and do not reflect any evaluation of actual data provided in facility annual reports or based on specific facility activities)

** Based on FY25 due to statute using July 1 as starting date (see below)*

Total inbound materials (tons) = 104,500 <ul style="list-style-type: none"> - 54,500 from in-state - 50,000 is from out-of-state. 	Total outbound materials (tons) = 104,500 <ul style="list-style-type: none"> - 40,000 = ADC - 35,000 = OBW - 29,500 = recycled products
--	---

Statutory Requirements for Hypothetical – Example Calculations

38 M.R.S. § 1310-N(5-A)(B)(2)	<p>A processing facility must recycle at least 50%:</p> <p>$104,500 \times 0.5 = 52,250$</p> <p>Min. required to be recycled = 52,250</p> <p>In this case $40,000 \text{ (ADC)} + 29,500 \text{ (Recycled products)} = 69,500$ actually recycled.</p>
38 M.R.S. § 1310-N(5-A)(B)(2)(b)	<p>At least 20% of the 50% recycled (above) above must not constitute “placement in a landfill”* (As of July 1, 2025):</p> <p>$52,250 \times 0.2 = 10,450$</p> <p>Min. required: 10,450</p> <p>In this case the facility reports 29,500 in recycled products which meets the minimum.</p> <p><i>* ADC constitutes placement in a landfill.</i></p>

Maine Department of Environmental Protection
Hypothetical Calculations for Recycling, In-state waste generation, and OBW at JRL

<p>38 M.R.S. § 1303-C(40-A)</p>	<p>Beginning February 1, 2023, total weight of residue generated by a processing facility that is disposed or otherwise placed in a landfill may not exceed total inbound generated within the state:</p> <p>Total disposed + placed in a landfill</p> <p>35,000(OBW) + 40,000 (ADC) = 75,000</p> <p>Total inbound generated within the State of Maine = 54,500</p> <p>In this case the amount disposed of or otherwise placed in a landfill is in excess of what arrived in-bound generated in-state.</p> <p>75,000 – 54,500 = 20,500</p>
<p>Public Law 2023, Chapter 283, Section 2</p>	<p>Until July 1, 2025; the amount of excess residue above is deemed to be “waste generated within the state as long as it falls within a 12-month period, does not exceed 25,000 tons, and is composed of OBW <u>and</u> is otherwise placed in a state-owned solid waste landfill.</p> <p>20,500 in excess Falls within 1 FY (12-month period of time)</p> <p>In this case the facility would need to demonstrate that the excess residue is attributable to <u>OBW</u> which is either disposed of or otherwise placed in a state-owned solid waste landfill.</p>
<p>PROPOSED LEGISLATION LD 297</p>	<p>Extends provision until July 1, 2028.</p> <p>Modifies the term excess residue to include materials associated with processing OBW (not just OBW, but may include fines as ADC as an example).</p>