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COMMISSIONER

TESTIMONY OF  
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BUREAU OF REMEDIATION AND WASTE MANAGEMENT  
MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

SPEAKING IN OPPOSITION TO L.D. 1782

AN ACT REGARDING MUNICIPAL SOLID WASTE DISPOSAL PLANNING AND THE  
JUNIPER RIDGE LANDFILL IN THE CITY OF OLD TOWN

SPONSORED BY REP. DILL

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 opposition to L.D. 1782.

This bill proposes several changes pertaining to Juniper Ridge Landfill (JRL). Some of these proposed changes require action on the part of the Department of Administrative

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and Financial Services (DAFS), Bureau of General Services (BGS), the Department, or both concurrently. This testimony aims to summarize the Department's comments on each of the sections of the bill in two parts.

**Sections 1 and 3, 4, and 5 of the bill require the following three actions:**

- The Department and BGS to concurrently charge the contract operator of each state-owned landfill a \$5 per ton base fee for all accepted wastes, and update this fee annually for inflation. Revenues collected from this base fee would then be distributed 50/50 by the Department between the host municipality and regional schools or school units serving the host community.
- The Department to impose an additional per ton surcharge on municipal solid waste (MSW) sent to the state-owned landfill from a municipality that is not making "reasonable efforts" to meet the state's recycling goals. The Department must set the surcharge "at a level sufficient to incentivize compliance."
- The Department and BGS to ensure that the contract operator of a state-owned or state-operated landfill provides free disposal of household municipal solid waste for residents of a municipality hosting a state-owned or state-operated landfill.

The Department's concerns with this section are as follows: First, it is unclear how implementation of the base fees would occur with two agencies having concurrent authority and two very different missions. As a reminder, BGS is the owner of the JRL and the Department serves as the regulator of the JRL. The Department suggests clarifying roles and responsibilities. The Department also notes that the Town of Alton is also a host community for JRL but is not addressed in the bill.

Second, imposing a surcharge on MSW is problematic for two primary reasons: JRL is not authorized to directly receive MSW unless it is bypass from a Maine incinerator or the Hampden waste processing facility; and it is unclear how the Department would determine whether a "municipality is not making reasonable efforts to meet the state's recycling goals." Where JRL is not authorized to accept MSW directly from municipalities, it may arrive already mixed together with other waste categories from facilities sending it as bypass. Tying volumes of MSW to individual municipalities will be a challenge. Tracking this has been inconsistent at best and a struggle for the Department to obtain for its routine reporting as municipalities have varying abilities and resources to track waste generation. Moreover, it is unclear how the Department would determine whether or not municipalities are making reasonable efforts at recycling. This is a subjective standard that is open to interpretation and inequity. Municipalities' recycling efforts are largely based on their financial ability and some municipalities may be at significant disadvantage from others.

Third, where JRL is not currently authorized to accept MSW outside of bypass, the proposed legislation would need to make a clear exception to this requirement for the host municipality or municipalities that would receive free disposal. 38. M.R.S. § 2152-A(3) states that the Department may approve the land disposal of non-bypass MSW at a state-owned landfill under certain conditions including that there is a specific need for disposal, the disposal is consistent with the solid waste management hierarchy, and options for the management of MSW that represent a higher priority on the hierarchy are not otherwise reasonably available. Additionally, it is not clear if this would also apply to the costs of collection and transportation (not just disposal itself). Similar to the base fee above, it is not clear how concurrent authority with both the Department and BGS would work in terms of compliance and enforcement.

Regarding host community compensation, the operator of JRL has already entered into a host community agreement with the City of Old Town and a community benefit

agreement with the Town of Alton. In 2023, these community and neighborhood benefits totaled approximately \$2.6 million dollars. Additionally, adjacent property owners are provided with property tax reimbursement and a property value guarantee. These benefits have been provided since at least 2005.

**Section 2 and 6 of the bill requires the following action:**

- The Department and BGS to jointly develop a comprehensive solid waste management plan for state-owned landfills to address a list of specific criteria. This would involve a stakeholder engagement process. Upon completion the plan would need to be submitted to the Legislature for approval. A draft of this plan must be submitted to the Legislature by November 1, 2025, with a final version after the committee provides comments, by January 15, 2026.

The Department has already completed the exhaustive task of evaluating the landscape of solid waste management and operations in Maine as part of its required 5-year Maine Materials Management Plan (MMMP) submitted in 2024. Pertaining to JRL, the Department did this exercise specifically as it relates to JRL with the 2024 approval of the Public Benefit Determination (PBD) application submitted by the Bureau of General Services. Both the MMMP and the JRL PBD have extensive narrative about the landscape of solid waste in Maine and how various disposal facilities, upcoming stewardship programs and recycling opportunities impact landfill capacity and planning. It speaks at length to specific operations and waste management activities at JRL in both documents. It is not clear what additional information is sought by this proposed legislation that has not already been evaluated.

The Department in both instances (the MMMP and the JRL PBD) sought out robust stakeholder engagement by hosting both in person and virtual meetings prior to development of both documents. For the MMMP, despite the amount of effort the Department put into making opportunities available, very few stakeholders actually took

part in the process. At least one stakeholder meeting was held both in person and virtually in each region of the state for the MMMP. Public notice was provided. For the PBD, the Department hosted virtual and in-person meetings for the community, public notice was provided, and many community members attended. The Department also specifically reached out to the Penobscot Nation. The Department also obtained permission from the applicant to extend the comment period mandated by statute<sup>1</sup> to allow for more opportunity for written public comment. All of this information is available on the Department's webpage for Juniper Ridge Landfill<sup>2</sup>.

The next annual Waste Generation and Disposal Capacity Report (WGDC) is due to the Legislature on January 15, 2026 pursuant to 38 M.R.S. §2124-A. Requiring the Department to develop an additional solid waste report by November 1, 2025 is counterproductive and burdensome, as the same staff will also be completing the WGDC and are responsible for their core activities of solid waste licensing, enforcement, complaint investigation, and rulemaking. As an alternative, the Department suggests that the Committee identify what considerations were missing from the 2024 MMMP and the 2024 JRL PBD that should be addressed in the 2026 WGDC.

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.

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<sup>1</sup> 38 M.R.S. 1310-AA, subsection 2. <https://www.mainelegislature.org/legis/statutes/38/title38sec1310-AA.html>

<sup>2</sup> <https://www.maine.gov/dep/waste/juniperridge/index.html>