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**TESTIMONY OF
MELANIE LOYZIM, COMMISSIONER**

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

**SPEAKING IN OPPOSITION TO
L.D. 1793 AN ACT TO IMPROVE MANAGEMENT AND REDUCE THE VOLUME OF
SOLID WASTE**

SPONSORED BY SEN. GROHOSKI

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

DATE OF HEARING:

APRIL 28, 2025

Senator Tepler, Representative Doudera, and members of the Committee, I am Melanie Loyzim, Commissioner of the Department of Environmental Protection, speaking in opposition to L.D.1793, An Act to Improve Management and Reduce the Volume of Solid Waste.

The Department supports regulating waste materials in a manner that properly incentives their management in accordance with the State's goals for recycling, waste

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management and food recovery. There are state laws and rules already in place to support these goals.

L.D. 1793 creates responsibilities for the Department that are redundant with existing statutory requirements in Title 38, Chapters 13 and 24 to plan for and restrict management of solid waste in Maine. LD 1793 would create a new Task Force to review the Department's recommendations to the Legislature under Title 38, Chapter 24 for statewide waste management planning and Chapter 18 for Product Stewardship. Quite frankly, it appears to relieve the Legislature of its current responsibility to consider the Department's recommendations under these existing laws by creating an intermediary Task Force. The Department is currently required to submit annual recommendations for management of wastes through product stewardship programs, a biennial assessment of municipal solid waste management, and a 5-year update to the statewide plan for management of solid waste. LD 1793 appears to be based either in disagreement with the Department's recommendations presented through those planning processes, or disappointment with the Legislature's utilization of those recommendations to regulate waste management in Maine. LD 1793 would create a waste management planning process that is redundant, but would be scheduled to occur in a way that is out of sync with those other statutorily-required review and planning processes.

LD 1793 also grants a broad authority to the Department that is very restrictive. When issuing any new or amended license for a solid waste facility, it requires the Department to "take all action necessary to ensure" that wastes are managed in a manner consistent with multiple waste management hierarchies. This would apply not only to landfill expansions, but also to municipal transfer stations that want to add a baler and to composting facilities proposing to change their inputs. It creates a significant litigation risk for licensees, as any licensing decision regarding management of solid waste in Maine could be challenged and judged against this standard.

Sections 3 and 4 would apply to all persons with a solid waste license, including municipalities. All of the information provided to the Department in a license application and in annual reports is a matter of public record available to anyone who requests it. It is unclear what additional information is contemplated by LD 1793 that is not already required as part of solid waste facility licenses and annual reports, or if the intention of LD 1793 is to simply require that the Department make those annual reports readily accessible to the public.

Section 6 of the bill would require the Department to implement a pilot program to "evaluate innovative solid waste management solutions" and to report on this program to the Legislature in 2027. The Department currently utilizes the limited funding available in the Solid Waste Management Fund to support the legislatively proscribed Diversion Grants Program. It is unclear if LD 1793 intends to redirect this existing Other Special Revenue or anticipates that other funding would be provided to the Department for this pilot program.

The Department recognizes that LD 1793 is likely born from disagreement with recommendations and/or decisions by the Department under existing statutory provisions for solid waste facility licensing. Rather than creating new statutory provisions and additional planning exercises for the Department, the Department recommends that the Legislature identify whatever revisions to existing law are needed to achieve the desired, but un-obtained outcomes.

Thank you for the opportunity for this testimony and I would be happy to answer any questions you have now or at worksession.