

*Testimony of Anya Trundy, Deputy Commissioner
Department of Administrative and Financial Services
Testifying in Opposition*

LD 2070, An Act to Prohibit Landfill Expansion into Wetlands

Sponsored by Rep. Dill

To the Joint Standing Committee on Environment and Natural Resources

Senator Tepler, Representative Doudera, and members of the Joint Standing Committee on Environment and Natural Resources, I am Anya Trundy, Deputy Commissioner for the Department of Administrative and Financial Services. I am here today to provide testimony in opposition to L.D. 2070.

Our opposition to this bill is not borne out of disagreement with the bill's objective to protect freshwater wetlands and the local aquifers, streams and rivers that surround the Juniper Ridge Landfill. Rather, we oppose this bill, because a robust framework for contemplating and mitigating impact to wetlands by any project already exists in Maine's Natural Resources Protection Act and in Department of Environmental Protection rules. The Expansion Application that the Bureau of General Services has submitted to the DEP for their extensive review, devotes significant attention to demonstrating the consideration given to limiting and off-setting the proposed expansion's wetland impact.

Landfill Siting

Landfill siting requirements prohibit construction of landfills over highly conductive locations such as sand and gravel aquifers, and fault lines that have been active over the last 11,000 years. Soils preferred for landfill siting are consistent with the soils found in wetlands due to their low hydraulic conductivity. Make no mistake, this isn't to say that wetland are sought when siting a landfill, just that that the desired soil conditions are similar.

The Maine Natural Resources Protection Act (NRPA) and the supporting DEP Rules allow for projects to impact wetlands if the project meets certain criteria such as in the case of JRL:

1. The expansion of a landfill meets the definition of a health and safety project;
2. This is an expansion of an existing facility that cannot practicably be located elsewhere because of its integral relation to the existing landfill, which was initially built before September 1, 1996.

Alternatives Explored and Proposed Compensation

The Bureau of General Service's Expansion Application includes an Alternative Analysis, as required by statute and rule, demonstrating that as the applicant, we considered and compared four alternatives to the specific proposed expansion that we are advancing as the most practicable

alternative available, providing necessary long-term landfill capacity for the State while minimizing the impact to wetlands as much as possible.

The currently authorized landfill has a 122-acre footprint and a 57-acre phased expansion of that footprint that would ultimately impact 3.75-acres of wetland function as proposed. Expansion of the existing landfill facility is consistent with the site's current land use and with the preference to expand existing environmentally suitable disposal sites, which Maine law acknowledges are in short supply, instead of developing new "greenfield" sites. Even considering waste reduction and recycling efforts occurring across the state, a no-build alternative is impracticable as existing licensed landfills cannot fully accommodate the future waste disposal needs for the state. A free-standing landfill alternative could provide enough capacity to meet the State's needs, but would impact twice as much wetland as the proposed expansion. Two adjacent alternatives have less wetland impact but would only allow for 3.3 - 5.1 million cubic yards of landfill capacity. Of the four alternatives to the current design presented in the Expansion Application, Alternative #3 had the least impact to wetlands at .5 acres, but that scenario reduces the available landfill capacity by over 8 million cubic yards and would extend the life of JRL by only 3.5-4 years, through 2032. The current OSA does not expire until 2034, and the full applied for expansion is expected to extend JRL's life until 2040 at current landfilling rates.

Ultimately, the Expansion Application proposes compensation of \$763,103 by the State's operator Casella (NEWSME), calculated in accordance with DEP Rules, to off-set the loss of 3.75-acres of wetland function.

In conclusion, as many members of the Committee had the opportunity to see first-hand this past fall, JRL is a sophisticated, highly engineered, scientifically operated facility. JRL's scale, when you are riding on top of the landfill in a school bus, certainly dwarfs whatever preconceived notion you might have had based upon your local landfill. Possibly to your surprise, there is not trash everywhere, there isn't an overwhelming odor, most of the landfill is covered and grass grows on its slopes. Beneath the surface, JRL's is a fully lined landfill, its liner exceeds regulatory requirements, and the landfill has been constructed to entirely prevent ground water contamination. The landfill's leachate and off-gas is collected, monitored, and treated or repurposed.

Waste reduction and recycling are preferable to landfilling, but for the waste that we must landfill, JRL is the caliber of facility where you'd want that waste to ultimately end up. Legislation intended to simply prevent the planned expansion of JRL, does not offer any comparable alternative to meet the State's solid waste capacity demands.