

**Testimony of Brian Rayback**  
**Before the Joint Standing Committee on Environment and Natural Resources**  
**In Opposition to LD 2070, An Act to Prohibit Landfill Expansion into Wetlands**  
**February 11, 2026**

Good morning, Senator Tepler, Representative Doudera, and members of the Joint Standing Committee on the Environment and Natural Resources. My name is Brian Rayback. I am a resident of Cape Elizabeth and a lawyer with Pierce Atwood. I am here today on behalf of my client, Casella Waste Services, to testify in opposition to LD 2070, An Act to Prohibit Landfill Expansion into Wetlands.

This bill prohibits the Department of Environmental Protection (DEP) from issuing a permit under the Natural Resources Protection Act (NRPA) or a license under the solid waste management laws for the altering of freshwater wetlands in connection with the expansion of a solid waste landfill. This would prevent any expansion at the Juniper Ridge Landfill, which is owned by the State's Bureau of General Services (BGS) and operated by Casella.

The existing landfill at Juniper Ridge is expected to reach its permitted capacity in early 2028, assuming current disposal rates. This is a significant concern for the entire State. Just over 50% of the waste landfilled in Maine each year is handled at Juniper Ridge, including 90% of the wastewater treatment plant sludge. BGS and Casella have proposed to expand the landfill to add an additional 10-12 years of landfill life.

I advised Casella on preparing the application for the landfill expansion permit that, with input and support from BGS, was submitted to the DEP in November. The total application takes up five volumes. One entire volume, 969 pages long, is the wetlands application under NRPA. It is a robust document and includes, among other things:

- Technical studies that map wetlands and other natural resources, classify the types of wetlands, and analyzes what functions and values they provide.
- An alternatives analysis showing that the project is the least environmentally damaging, practicable alternative by avoiding and minimizing wetland impacts as much as possible, while still accomplishing the project purpose.
- An erosion and sedimentation control plan.
- Engineering plans.

- A compensation plan to offset wetland impacts by preserving and remediating high value habitats that will require payment of more than \$763,000 to a fund managed by the Nature Conservancy for this purpose.

Ultimately, for DEP to approve the application, it will need to determine if the project meets multiple criteria, including:

- No unreasonable interference with existing scenic, aesthetic, and recreational uses.
- Will not cause unreasonable soil erosion.
- No unreasonable harm to habitats.
- Will not unreasonably interfere with the natural flow of surface or subsurface waters.
- Will not violate any state water quality law.
- Will not unreasonably cause or increase flooding.

DEP's review of permit applications is meant to balance these considerations with reasonable development, regardless of who the developer is or whether the developer is proposing a single-family home, a parking lot, or a landfill. This bill would be the only prohibition on wetland impacts caused by a particular type of development.

Further, DEP has already determined that the proposed expansion of the State-owned landfill at Juniper Ridge is needed. In the 2024 Solid Waste Management and Recycling Plan, DEP concluded that the expansion of the landfill "will be necessary to ensure there is adequate capacity for the entire state of Maine over the next ten years." Likewise, an engineering firm hired by DEP wrote in a report titled "2023 Evaluation of Biosolids Management in Maine" that "if [Juniper Ridge] is not expanded, the State faces a dire situation for solid waste in Maine." The demonstrated need for the project is an important aspect of the project review because each of the permitting criteria has to be weighed against this need to ensure that wetlands are not impacted without very good reasons.

In short, there is already a robust regulatory framework for DEP to evaluate whether a project may impact wetlands. As evidenced by a nearly 1,000-page application, the DEP's requirements are rigorous and apply regardless of the type of development being proposed. Accordingly, we respectfully submit that LD 2070 is not needed.

Thank you for your time. I would be happy to answer any questions and can be available for the work session.