Testimony before the
Committee on Environment and Natural Resources
Peter Blair
Conservation Law Foundation
May 17, 2021

RE: Testimony in Support of LD 1639 – An Act to Protect the Health and Welfare of Maine Communities and Reduce Harmful Solid Waste.

Dear Senator Brenner, Representative Tucker, and members of the Environment and Natural Resources Committee:

My name is Peter Blair, I am a staff attorney with Conservation Law Foundation's ("CLF") Zero Waste Project. Thank you for the opportunity to submit testimony on LD 1639, an Act to Protect the Health and Welfare of Maine Communities and Reduce Harmful Solid Waste. Conservation Law Foundation **supports** this bill.

CLF is a member-supported nonprofit organization working to conserve natural resources, protect public health, and build healthy communities in Maine and throughout New England. Though its Zero Waste Project, CLF aims to improve waste diversion and recycling programs and protect communities and our environment from the dangers of unsustainable waste management practices and pollution from landfills and waste incinerators.

LD 1639 is a commonsense measure that will limit the growing amount of out-of-state waste being imported into Maine for disposal at the state-owned Juniper Ridge Landfill. Not only will this bill preserve the capacity of this state-owned resource for the benefit of Mainers, but it will also help minimize the amount of harmful construction and demolition debris buried at Juniper Ridge every day.

I. Protecting Maine's State-Owned Landfills

Over three decades ago, the Maine legislature grew increasingly concerned about the amount of out-of-state waste entering Maine for disposal. To protect Maine from becoming New England's dumping ground, the legislature passed a law that prohibited the development of new commercial landfills and restricted the capacity of state-owned landfills for Maine generated waste.[1]

[1] PL 1989 Chapter 585, An Act to Promote Reduction, Recycling and Integrated Management of Solid Waste and Sound Environmental Regulation. See, 38 M.R.S § 1310-N.11.

This forward thinking was needed because our neighbors are constantly looking outside of their boarders for solid waste disposal options. Each year, Massachusetts exports 24.2% of its waste to other states.[2] Connecticut, New Hampshire, Rhode Island, and Vermont all export over a quarter of the waste they produce.[3] Moreover, this trend of exportation is only increasing. Between 2012 and 2019, the amount of trash Massachusetts exports nearly doubled. Rising from 1,050,000 tons in 2012, to 1,970,000 tons in 2019.[4]

II. Out-of-State Construction and Demolition Debris Disposal in Maine

Much of the out-of-state waste being exported by our neighbors is construction and demolition debris, and much of it is being sent to Juniper Ridge. Massachusetts and Vermont both have banned the disposal of construction and demolition debris.[5] New Hampshire banned the incineration of construction and demolition debris.[6] These bans were imposed to both improve recycling and protect public health because construction and demolition debris is known to contain very harmful chemicals.

Construction and demolition debris is a varied waste stream that includes concrete, asphalt, asphalt shingles, wood, and gypsum generated from the construction, renovation, and demolition of buildings, roads, bridges, and dams. Construction and demolition debris is particularly dangerous due to the nature of these materials which often contain toxic solvents, adhesives, pigments, and coatings. Some of these chemicals used to treat these materials include ethylbenzene, methylene chloride, and toluene. Mercury is also often present in construction and demolition debris. In fact, many chemicals used in the construction industry may be considered hazardous waste, but without careful sorting this ends up in the regular construction and demolition debris waste stream.[7]

The toxic nature of this material is of significant concern because all landfills ultimately fail to contain the hazardous leachate they produce.[8] According to the Environmental Protection Agency, once landfills begin leaking, leachate generation may continue for thousands of years, perpetually polluting the surrounding environment.[9] In fact, landfills developed by the Roman Empire, 2,000 years ago, are still producing leachate.[10]

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[2] Conservation Law Foundation, Total Waste Disposed of by New England States. (Attachment A)
[3] *Id.* Percentage of total waste generation that is disposed of out-of-state: Vermont 25%, Rhode Island, 28.7%, Connecticut, 33.4%, and New Hampshire 35.5%.
[4] Massachusetts Department of Environmental Protection, 2019 Solid Waste Data Update, p. 3. (October 2020).
[5] Massachusetts - 310 C.M.R. 19.017, prohibits the disposal or incineration of asphalt, brick, concrete, wood, and gypsum wallboard. Vermont -
[6] N.H. Code Admin. R. Env-A 1001.09.
[7] PDH Center, Hazardous Waste Generated by Construction and Demolition, 2012.
[8] U.S. Environmental Protection Agency, 1988, Federal Register, v. 53, no. 168, August 30, 1988, p. 33345.
[9] Flawed Technology of Subtitle D Landfilling of Municipal Solid Waste, G. Fred Lee & Associates, Updated January 2015, Page 6.
[10] *Id.*

III. Extent of the Problem

The adoption of these disposal bans in neighboring states combined with the weak definition of Maine generated waste is allowing companies to bury significant amounts of construction and demolition debris generated outside of Maine at Juniper Ridge.

Since 2012, the fill-rate at Juniper Ridge has increased by 32%.[11] In 2017, disposal rates were 40% higher than the maximum amounts accepted only ten years prior.[12] The most recent expansion increased the annually disposal capacity of Juniper Ridge to 700,000 tons.[13] The increasing disposal rates are a direct result of the increasing amount of out-of-state construction and demolition debris brought into Maine.[14]

According to ReEnergy's 2019 Annual Report, 91% of the 235,640 tons of waste it accepted came from Massachusetts and New Hampshire. That is 213,850 tons of out-of-state waste. During that same year, it sent virtually all of this waste, 220,018 tons, to Juniper Ridge. This means that over 30% of the annual capacity for this state-owned landfill came from out-of-state waste. However, the numbers may be even higher. ReEnergy also sends ground-up construction and demolition debris to Juniper Ridge for landfill grading, shaping, and use as alternative daily cover.[15]

IV. Conclusion

Despite the intentions of the legislature over thirty-years ago, Maine is still under siege from harmful and polluting out-of-state waste. The only difference now is that Maine residents are footing the bill to fund the disposal of this waste in state-owned landfills. What's more, this waste is threatening the communities and environment that surrounds the Juniper Ridge. LD 1639 will reduce the influx of out-of-state waste and truly preserve the capacity of Juniper Ridge for Maine people and the waste that they generate and cannot recycle. CLF strongly supports LD 1639, and urges the committee to vote *ought to pass.* Thank you for your time and consideration of this testimony. I am happy to answer any questions you may have.

Respectfully submitted,

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[11] Maine Department of Environmental Protection, State Solid Waste Management and Recycling Plan 2019 Update, p. 9. (January 2019).
[12] *Id.*
[13] Maine Department of Environmental Protection, Juniper Ridge Landfill Expansion - #S-020700-WD-BI-N, p. 40. (June 1, 2017).
[14] Maine Department of Environmental Protection, State Solid Waste Management and Recycling Plan 2019 Update, p. 9. (January 2019).
[15] Maine Department of Environmental Protection, Juniper Ridge Landfill Expansion - #S-020700-WD-BI-N, p. 42. (June 1, 2017).