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THE MAINE SENATE

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**Testimony of Sen. Anne Carney Introducing LD 1639  
An Act to Protect the Health and Welfare of Maine Communities and  
Reduce Harmful Solid Waste**

Good morning Senator Brenner, Representative Tucker, and esteemed colleagues of the Environment and Natural Resources Committee. I am Senator Anne Carney, and I am pleased to be before the committee today to introduce LD 1639, An Act to Protect the Health and Welfare of Maine Communities and Reduce Harmful Solid Waste. This bill is critical to preserving the capacity of our state-owned Juniper Ridge Landfill and protecting the communities that live in the surrounding area from the harms of toxic out-of-state waste.

I want to thank the members of Don't Waste Maine, and its Chairs Ed Spencer, Bill Lippincott, and Hillary Lister for their powerful and tireless work on this issue, and express appreciation to Sunlight Media Collective for covering and raising awareness.

*Background Information*

In 1989, in order to “protect the health, safety, and welfare of the citizens, enhance and maintain the quality of the environment, conserve natural resources and prevent air, water and land pollution,” the Legislature enacted P.L. 1989 Ch. 585, An Act to Promote Reduction, Recycling, and Integrated Management of Solid Waste and Sound Environmental Regulation.

This law became the basis for our modern solid waste management framework. It included provisions that would give the State more control over how we manage our waste, as well as the amount and sources of the waste being brought in from neighboring states to be burned and buried here. The law prohibited the development of any new commercial landfill and the disposal of out-of-state waste in state-owned landfills. Moving forward, state-owned landfills could only be used to provide capacity for Maine generated waste.

At the time, the legislature was concerned with the rising amount of trash being brought into Maine from other states, and it wanted to take proactive measures to stop Maine from becoming New England’s dumping ground. The pressure on Maine to accept out-of-state waste, including construction and demolition debris that contains toxins such as lead, mercury and arsenic, has

continued and even increased as other states adopt measures to protect the environment within their jurisdiction.

### *Explaining the Loophole*

Unfortunately, while the 1989 law created a good framework, the weak definition of Maine generated waste undermined the protections the Legislature sought to create. The system created a loophole that private waste processing facilities can use to circumvent the ban on disposing of out-of-state waste in state-owned landfills. Today, thousands of tons of out-of-state waste ends up our state-owned Juniper Ridge landfill every year. This practice is both fueling the need for landfill expansions and threatening nearby communities.

Here is how the loophole works. The private waste processing facilities operating in Maine accept thousands of tons of out-of-state waste. They are then free to manage that waste however they would like. In some instances private processing facilities remove and recycle only a small fraction of the total amount of waste they import. After processing, the residual waste is deemed to be Maine generated waste, despite the fact that it was generated outside of Maine, and is eligible for disposal in our state-owned Juniper Ridge Landfill.

### *Impact of the Loophole/ Harm to Nearby Communities*

Under this system, the Juniper Ridge Landfill has become a dumping ground for toxic and harmful out-of-state waste like construction and demolition debris, a form of waste known to contain hazardous chemicals such as mercury, lead, and arsenic. Currently at least one third of the waste going to Juniper Ridge is from outside Maine. The practice we tried to prevent previously is still occurring. Our neighbors are still using Maine as a dumping ground, only now the landfills that are filling up with out-of-state waste were funded by the taxpayers who wanted to prevent this waste from entering Maine.

Our neighbors are continuing to strengthen their waste regulations. Efforts to protect their own states from toxic waste have increased the pressure on Maine's state-owned landfill. Solid waste management companies in states with more protective waste management regulations continue to exploit Maine by sending their unwanted waste here for disposal.

Not only is it wrong that Mainers paid for a landfill that has become a refuge for harmful and unwanted waste from other states, but this waste has significantly threatened the surrounding environment and those who live in the shadow of the landfill. The toxic out-of-state waste buried at Juniper Ridge threatens the drinking water and environment of nearby communities and sites of historical, cultural, and spiritual significance for the Penobscot Nation.

### *Role of LD 1639*

LD 1639 will put an end to this system and protect Mainers from the harm posed by out-of-state waste. This bill amends Maine's waste management law to establish a fair, balanced and proportional definition of Maine generated waste in a manner that limits the amount of residual waste these processing facilities can send to our state-owned landfill.

The bill will also provide communities most impacted by landfills a greater say in the licensing and expansion of these facilities by adding consideration of environmental justice to the public benefit determination process.

Limiting the proportion of out-of-state waste that goes into our state-owned landfill will ensure that our taxpayer funded resource benefits Mainers. This policy will only impact waste processing facilities that take in more out-of-state waste than in-state waste, and that fail to significantly recycle and reduce the waste they process. For these facilities, the bill will put needed pressure on them to better reduce, reuse, and recycle the waste they manage. Facilities that primarily process in-state waste and reduce the volume before sending it to a landfill are unlikely to be affected.

### *Conclusion*

Now is the time to take control over the waste being imported and buried here in Maine. Maine is doing tremendous work to limit the amount of waste we create and keep toxins like lead, mercury and arsenic out of our landfills and our water. The loophole undermines that work. The loophole also undermines the policies other states in our region have implemented to support recycling and reduce use of landfills. We should all work together, regionally, to implement laws that increase recycling and protect our environment. Thank you for your time this morning. I urge you to vote ought to pass on LD 1639, and am happy to answer your questions.