

The Joint Standing Committee On Environment And Natural Resources

Testimony IN SUPPORT of

LD 1639 An Act To Protect The Health And Welfare Of Maine Communities And Reduce Harmful Solid
Waste

Honorable Chairwoman Senator Stacy Brenner and Honorable Chairman Representative Ralph Tucker; Honorable Committee Members:

Thank you for the opportunity to submit comments **In Support** of LD 1639 An Act To Protect The Health and Welfare Of Maine Communities And Reduce Harmful Solid Waste. This bill is seeking to address a glaring loophole that currently exists as to what is classified as waste generated within Maine's borders.

My name is Jacquelyn Elliott and I live in Waterboro Maine where I retired in 2010. For decades I have been an environmental health and justice advocate in my native state of New Hampshire. That work has continued as a Maine citizen and involves much focus on waste disposal policy and its effect on public health and environment in communities where facilities are located.

Maine's current regulatory climate is making the state a target for disposal of waste from around the region as neighboring states implement increased regulation on waste streams that can be contaminated with harmful toxins and pressures on existing landfills result in closures.

The current get-out in Maine law allows tons of waste to be brought into the State from all over the region for processing; thus, enabling it to be reclassified as "Maine generated waste" and then disposed. The State-owned Juniper Ridge Landfill in West Old Town is one of those Maine dumping destinations.

Annual figures recorded with the Department of Environmental Protection, account for hundreds of thousands of tons of imported waste disposed at Juniper Ridge. Additional state records indicate an upturn in waste generated within Maine's borders requiring disposal and a downturn in recycling totals. All are indications that Maine's waste management plan is not attaining hierarchy goals established in statute.

Construction and demolition debris (CDD) accounts for a good portion of the imported waste landfilled annually at JRL. Disposal of CDD has risen dramatically since 2011 and tonnage is surpassing estimated maximum increases. Much of that waste comes from Massachusetts where they have banned landfilling.

Fines from grinding and processing CDD that can be contaminated with lead, arsenic, mercury, and other toxins is used for daily cover of the Juniper Ridge landfill acres. Misleadingly, this alternate daily cover is construed as recycling with the effect of skewing the numbers accounted for disposal and recycling.

Municipal sludge waste containing toxic forever per- and poly-fluoroalkyl substances PFAS is also disposed at the landfill adding to the dangers from the leachate generated when water passes through the toxic mountain.

Millions of gallons annually of this leachate is eventually discharged into the Penobscot River, the largest river system in the state. The leachate is minimally tested and processed before discharge. This “landfill juice” can contain among other things, arsenic, cadmium, copper, mercury, and lead. These are toxic substances measured in parts per million and parts per billion to set drinking water standards.

Maine is involved in a dangerous and unsustainable waste management policy and practice that puts our citizens; our air, lands, and waters; public health and wildlife at significant and unjustifiable threat.

Some history:

There is a critically vital piece relative to this current loophole as it pertains to Juniper Ridge. State ownership of the landfill was presented to the people of Maine as a solution for Maine’s purported future trash disposal needs. As owner of the landfill, the State was to enter the world of waste management as a market participant (keeping with interpretations of the Interstate Commerce Clause assigning trash as commerce) with the ability to manage the influx of imported waste more effectively and primarily conserve and provide space for Maine’s need of disposal capacity.

When the State entered into a relationship with Casella Waste Systems, Inc., a private, for profit corporation, as the operator of the landfill, that arrangement effectively nullified the ostensive reason the State offered for purchasing the landfill. The history of the ensuing operations of the landfill – saving space for Maine waste – provides a convincing argument that the purported operation model that was to be utilized has not been employed; and the interests of Maine citizens and disposal for the trash they generate have been ill-treated. The outcome has been driven by profits over people.

The processing and disposal of solid waste in Maine has come under the province of the private, for-profit sector beholden to shareholders seeking substantial returns on their investment. Casella Waste Systems, Inc. and Waste Management, Inc., and their various incarnations, are the dominating entities who particularly influence and control the flow of waste, its processing and disposal in Maine, New Hampshire, Vermont, and the region. Many formerly local waste operations are now owned by these often-competing behemoths. Of note, presently, Waste Management Disposal Services of Maine, Inc. (subsidiary of Waste Management, Inc.) has sought a permit license for construction of a new 48+ acre landfill at their Crossroads landfill operation in Norridgewock. Imported waste contributes significantly to what is disposed there.

Maine has increasingly become a target for out-of-state waste operations and disposal as other states in the region have revamped their waste management policies and introduced prohibitions on processing and disposing certain waste streams. Maine has evolved as the solution for other states' failure to develop truly responsible policy and methods to deal with waste and discards generated by their citizens within their own borders. Their incomplete policies and practices are building mountains of toxic, polluting waste within our borders threatening Maine's air, waters, lands, public health, and quality of life.

The history of siting of the Juniper Ridge Landfill and its operations has a public record demonstrating the abuse of citizens' rights. People living in proximity to the landfill have borne, and continue to bear, extensive degrading impacts from its existence. Citizens have intentionally and systematically been excluded from permitting and legislative decisions affecting landfill operations and expansions.

They have been denied the ability to meaningfully participate to protect their communities from toxic threat. Where they call home has been laid hostage by decision makers and for-profit entities to policies and practices that despoil their quality of life and menace their environmental and public health and the future of their children.

We are entering a time as a State where we are having to acknowledge the existence of environmental injustice and we are being presented with the mandate from the people to move forward with policies that consider the just treatment of all citizens in decision making. The presence of the Juniper Ridge Landfill is a glaring example of the need to frame such evaluations with environmental justice considerations.

Painfully critical is that the noxious mountain at Juniper Ridge stands as a “giant pustule on Our Mother’s Face” as expressed by a member of the Penobscot Nation. That dumping ground for toxic waste threatens sites of historical, cultural, and spiritual importance for the Penobscot People. The Penobscot River and Bay and area drinking water are imperiled by the landfill’s existence.

All citizens inhabiting the area nearby the landfill have suffered, and continue to endure the immediate and excessive toxic assault and injustice Juniper Ridge presents. However, as a descendant of Settlers who appropriated lands and waters belonging to those who for thousands of years lived and stewarded those lands and waters with respect and dependence on their succor, I cannot truly appreciate the insult visited upon those who first were here – The Penobscot Nation.

These lands and waters are who The Penobscot Nation is at the core of their being if I am understanding. The Penobscot River is integral to their subsistence, their culture, their spiritual well-being. The desecration this giant man-made abscess oozes, wounds their very souls. This is a terrible offense and injustice. I can think of no defensible reason to continue this assault. Certainly, this is the time to move forward with policies that bring this immorality perpetrated on The Penobscot Nation and their neighbors and the places they call home to an end.

Maine can do better than this. Closing the loophole on imported trash finding its way to Juniper Ridge and other Maine landfills would be a first step to get there. The Way Life Should Be is under ominous battering from lethargic and wrong-ended policy.

The matter of managing resources and discards must stop relying of end-of-pipe tactics and begin to envision front end strategies that eliminate toxic inputs and reduce what must be disposed. We must all get down to serious work to preserve the beauty, resources, and health of this State for all its citizens and those who would visit to share that bounty.

Thank you for considering my comments and I urge The Committee to move this legislation as Ought To Pass.

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