



Maine Water Environment Association

Protecting Maine's Water Resources

May 17, 2021

Honorable Stacy Brenner, Senate Chair
Honorable Ralph Tucker, House Chair
Joint Legislative Committee on Environment and Natural Resources
100 State House Station
Augusta, ME 04333

Re: LD 1639, An Act to Protect the Health and Welfare of Maine Communities and Reduce Harmful Solid Waste

Senator Brenner, Representative Tucker, and members of the ENR Committee:

The Maine Water Environment Association (MeWEA) appreciates the opportunity to provide comments in respectful opposition to LD 1639. Our primary concern with this bill is that it will further restrict Maine's ability to safely dispose of biosolids, raise costs for Maine consumers, and work against other efforts the State is making to protect the public from harmful materials such as PFAS.

About MeWEA. The Maine Water Environment Association is a non-profit, all volunteer association of over 650 members. MeWEA represents a diverse group of water quality professionals throughout Maine including wastewater treatment plant operators, sewer collection system operators, utility system administrators, consulting engineers, suppliers, contractors, public works officials, stormwater system operators, and regulatory officials. The mission of MeWEA is to support and enhance Maine's water environment community through promoting training opportunities; supporting balanced environmental policy and practice; and promoting education and collaboration with the public to protect and enhance Maine's water resources.

About the bill. LD 1639 appears to be aimed at restricting out of state waste going to public (i.e. non-commercial) landfills by limiting the amount of residue and bulky waste that can be accepted by these landfills. Related legislation was defeated a year ago.

Briefly, the waste material identified in this bill comes from Construction and Demolition Debris (C&DD) and other waste processing, waste-to-energy plants, and waste recycling facilities in Maine. By statutory definition, these fine residues and oversized materials that result from processing are considered "in-state" waste. This bill would undermine current law by imposing an arbitrary threshold on what is defined as "in-state" waste.

If passed, this bill would have the chilling effect of removing valuable landfill cover and bulking material that landfills in Maine would have to replace with virgin natural resources. That means using bulking materials that are necessary for managing and disposing sludges at landfills will be

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more costly. These additional costs will be borne by the municipal taxpayers and customers of wastewater systems. Given the issues with PFAS and sludge/biosolids, this creates a financial “double-whammy” that very few communities can accommodate.

Importantly, this is not just an issue for private landfill operators in Maine, but it is also an issue for all public landfills, including those owned and operated by municipalities and utilities. Even more concerning is that one recycling facility in Maine (Resource in Lewiston) has said that, if this legislation passes, it will close its facility, costing over 100 good paying jobs and significant tax revenue to the City of Lewiston.

Passage of LD 1639 would also discourage recycling, flipping the solid waste hierarchy on its head. What currently exists is law that was collaboratively developed by DEP and solid waste stakeholders. This law was approved by this Committee, had no objections from the House and Senate, and was ultimately approved by the Governor.

LD 1639 would also greatly impair the ability of landfills in Maine to safely dispose of biosolids, which has rapidly become one of the few means of their disposal. Maine’s response to PFAS is one driver. To limit the likelihood of PFAS in wells, Maine has imposed limitations on the land application (and composting) of biosolids, and as a result, more biosolids than ever are being disposed in landfills. This is creating rising challenges at landfills, including increased concerns related to odors, reliance on bulky wastes (including C&DD and municipal solid waste) to mix with biosolids at a ratio of up to 5 parts per part of biosolids for landfill stability reasons. Increased coordination at the landfill is also necessary, to ensure the waste is ready to mix with biosolids when the load arrives. These stresses at landfills have increased biosolids management costs by at least 50% for some biosolids generators.

The pandemic has also stressed Maine’s landfills. When the pandemic first emerged, the construction industry virtually shut down. This created a shortage of bulky waste to mix with biosolids that needed to be closely monitored. As the economy opened, and the usual flow of waste resumed, the issue was alleviated. However, passage of LD 1639 would again limit the availability of bulky wastes at landfills and would create further restrictions on what is currently our last outlet for biosolids.

To address the current stress on landfills, there are technologies, including incineration, that could be implemented with some extensive planning, permitting, and funding. All of this will take years to implement despite the fact that state policy and practice literally changed overnight. We cannot stress enough that longer term planning and coordination is essential for issues of this nature.

Looking forward, MeWEA is interested in a coordinated approach to managing biosolids, having a sustainable solid waste infrastructure that includes biosolids, and environmental policy that safely manages all solid wastes. The challenge is implementing this approach in a careful manner that maintains our ability to manage today’s realities as changes in policy incentivize investment in future solutions. That, of course, will likely involve time and funding. In the

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meantime, we would advise against adopting blunt solutions like LD 1639 that would impair Maine's already narrow options for disposing of biosolids.

Conclusion. Thank you for your time and attention in considering our testimony. We respectfully request that you vote LD 1639 "ought not to pass."

Sincerely,

A handwritten signature in black ink that reads "Tim Wade". The signature is written in a cursive style with a long horizontal stroke at the beginning.

Tim Wade
Chair, MeWEA Government Affairs Committee
Operations Manager Greater Augusta Utilities District

cc: Phil Tucker, President MeWEA
James I. Cohen, Verrill Dana, LLP, Legislative Counsel