



February 25, 2022

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

RE: 2/7 Committee discussion on LD 1911

To the Joint Standing Committee on Environment and Natural Resources:

I serve as the Director of Compliance at the Hawk Ridge Compost Facility (Hawk Ridge) in Unity. Founded in 1989, Hawk Ridge is an award-winning biosolids beneficial reuse facility, processing more than 41,000 tons of sludge annually, and generating more than 2,000,000 cubic yards of highly processed compost since its inception. The Committee's majority report would prohibit the sale of our compost in Maine - more than two thirds of our total sales - and potentially shutter our facility.

During the recent work session on this bill, the Department of Environmental Protection (DEP) was asked several questions about existing PFAS screening standards, the operation of our facility, the total amount of municipal, agricultural and industrial sludge affected by this bill, and the ability of landfills in Maine to safely dispose of it. I appreciate this opportunity to provide you additional information relevant to those questions.

Biosolids and Hawk Ridge

Maine is one of only a few states in the country that has established a screening level for PFAS in soil and biosolids. Current Maine screening levels for PFAS concentrations are 5.2 parts per billion (ppb) for PFOS and 2.5 ppb for PFOA. These are incredibly stringent screening levels, perhaps the most stringent in the world. Hawk Ridge's compost products generally test above these thresholds, but it is important to remember that the screening threshold is meant to be a flag to follow best management practices in using the product (i.e. not applying multiple times, spreading less of it at any one time, etc.).

Michigan has been a model for a thoughtful, measured response, recognizing that the biggest risks from PFAS are from industrially-impacted situations. These can be direct discharges to the environment of fire-fighting foam or industrial wastes, or the occasional large industrial discharge to wastewater treatment facilities. Michigan has established a ceiling of 150 ppb for PFOS. This is the level beyond which the product cannot be sold or used. Michigan also has established a screening level for PFOS at 50 ppb. Maine's screening level is 10 times more rigorous.

Hawk Ridge accepts approximately 7,275 tons of instate sludge and 33,695 tons of out of state sludge annually, based on 2019-2021 reporting years. This sludge is mixed with a variety of other materials (wood chips, sawdust, peat, etc.) to make compost and other products. At the work session, it was implied that some sludge is diverted from Hawk Ridge to the State-owned landfill. This is false. No out of state sludge is ever diverted from Hawk Ridge to the State-owned landfill. And no instate sludge is diverted except in the case of scheduled or unscheduled maintenance. Those materials do not "count" as processed at Hawk Ridge and are not included as processed sludge in our facility's annual report. Any sludge reported as processed by Hawk Ridge has been physically delivered to - and processed at - Hawk Ridge. In fact, on several occasions sludge is diverted from the State-owned landfill to Hawk Ridge because it was too wet to be landfilled or frozen in trailers. This sludge is then included in our composting operation.

The Challenges of Landfilling Sludge

As noted in the February 7, 2022 letter sent to you by my colleague, Wayne Boyd, sludge must be mixed with a bulking agent when landfilled. Oversized bulky waste is critical to preserving the structural integrity of the State-owned landfill. The landfill *cannot continue to accept the current amount of municipal and industrial sludge* without it.

Currently, sludge is mixed at a ratio of approximately four to one - four parts other material received at the landfill for every one part sludge. Oversized bulky waste is not the only material used, but it is by far the best and most consistent source. Bypass municipal solid waste is mixed in when available, but it does not have the stabilizing capability of oversized bulky waste. Sorted demolition debris is mixed in, but this cleaner demolition waste is not consistent or readily available. Additionally, relying too heavily on this material increases greenhouse gas emissions, and the gas treatment facility at the State-owned landfill is already at capacity.

Ash, contaminated soils, lime, wood chips and mulch are not options either. Ash has continued to decrease to less than 4% of the overall waste mix. Contaminated soils are about 1%, and often the majority of that material cannot be used effectively for bulking due to properties of the soil, which becomes slippery and unstable when blended with sludge. The State owned landfill receives less than 0.5% of mill lime mud, a material with a high moisture content that creates its own stability issues, less than 0.005% wood chips and no mulch.

Even if these materials were available, none of them can be relied upon to stabilize *the current amount of sludge* accepted at the State-owned landfill. These waste streams simply do not provide the same stabilization capacity for sludge that oversized bulky waste does. Oversized bulky waste is aptly named; when added to sludge, it provides stability to an inherently unstable material. Without it, sludge would have to be mixed at a ratio of six parts of all other material - or perhaps higher - for every one part sludge.

The DEP indicated that a ban on all sludge and biosolids, including sludge derived compost, would affect approximately 25,000 cubic yards of material from wastewater municipal treatment facilities. Respectfully, that figure is understated. It ignores sludge currently being composted or land applied by municipal wastewater treatment operators. Further, the majority report of the Committee is not limited to municipal sludge – it bans all commercial and industrial processes. We estimate this additional volume at approximately 80,000 – 100,000 tons of additional wet sludge that would need to be landfilled. This would significantly disrupt multiple businesses across the State that generate a wastewater treatment by-product - considered sludge under statute – as part of their operation.

The Committee's majority report will force these and many other businesses to secure landfill space to dispose of their sludge. As noted by one Committee member, this will put immediate and significant pressure on the State's existing - and increasingly limited - landfill capacity. This is why municipal wastewater treatment operators in Maine are reaching out and expressing their concern. They are doing so because they have done the math and they know there's not enough room in Maine landfills – or New England landfills – for all that material.

A landfill generally should not have sludge constitute more 10% of its total intake. Otherwise, its structural integrity will be threatened. As noted in Wayne Boyd's February 7 letter, the State owned landfill is already over that limit. When alternative daily cover is factored out of the total amount of material being accepted, municipal and industrial sludge constituted 11.4 % of its total in 2021.

Please let me know if you have any questions or if I can provide any additional information. Both Wayne Boyd and I can be available at any future Committee meeting regarding this bill.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff McBurnie". The signature is fluid and cursive, with the first name "Jeff" written in a larger, more prominent script than the last name "McBurnie".

Jeff McBurnie
Casella Waste Services

Cc: Tom Abello, Senior Policy Advisor, Governor Mills' Office
Melanie Loyzim, Commissioner, Maine Department of Environmental Protection