

March 7, 2022

Committee on Environment and Natural Resources
Maine State Legislature
100 State House Station
Augusta, ME 04333

RE: Testimony in Support of LD 259 – An Act to Increase Waste Handling Fees Imposed on the Landfilling of Municipal Solid Waste and Construction and Demolition Debris.

Chairs Brenner, Tucker, and members of the Environment and Natural Resource Committee:

Thank you for the opportunity to provide testimony in support of LD 259, An Act to Increase Waste Handling Fees Imposed on the Landfilling of Municipal Solid Waste and Construction and Demolition Debris.

This testimony is submitted on behalf of Conservation Law Foundation (“CLF”). CLF is a member-supported nonprofit advocacy organization working to conserve natural resources, protect public health, and build healthy communities in Maine and throughout New England. Through its Zero Waste Project, CLF aims to improve solid waste management through source reduction, recycling, and composting.

CLF strongly supports the decision to increase the waste handling fees for both municipal solid waste and construction and demolition debris. Increasing the cost associated with solid waste disposal helps create a financial incentive for recycling. The decision whether to throw something out or recycle it often is a financial decision. This is especially true for construction and demolition debris. Currently, highly recyclable materials like concrete, wood, and sheetrock rarely have a second life because it is cheaper to throw them out. Increasing the handling fees will help address this disparity in cost and put recycling efforts on a more even playfield financially.

Additionally, the money generated from the waste handling fee is critical to the solid waste regulation in Maine. This money not only supports the Department of Environmental Protection in its efforts to effectively manage and regulate waste disposal, but also provides necessary funding for the development, implementation, and improvement of programs designed to increase solid waste diversion through efforts like source reduction, recycling, and composting.

Currently, Maine’s solid waste handling fee for municipal solid waste is only \$1.00 per ton. This is significantly lower than many other jurisdictions. For instance, West Virginia has a

\$8.25 per ton fee on municipal solid waste.¹ Pennsylvania has a \$6.25 per ton fee.² Vermont has a \$6 per ton fee.³ Ohio has a \$5 per ton fee.⁴ Raising the handling fee for municipal solid waste to \$5 per ton will bring Maine's fee on par with these other jurisdictions and ensure the Department has adequate funding for solid waste management, diversion, and recycling. However, to ensure that Maine's fee does not fall behind regional and national trends again, CLF recommends that the committee amend the language of LD 259 to require that the Department update the fee for municipal solid waste every five years, at a minimum, to match inflation. This will guarantee that the fee remains strong enough to incentivize recycling and support the state's solid waste management needs without having to continuously pass legislation.

As mentioned above, the money from this fee helps fund private and public projects that support waste reduction and diversion. There are numerous examples of areas where Maine could be doing more to improve waste reduction and recycling but currently lacks necessary funding. One example is integrating a reuse and refill system into the bottle bill program. This is something Scott Wilson, the bottle bill program manager with the Department has expressed interest in. Other examples include increasing composting and anerobic digestion capacity to better reduce the amount of food waste sent to landfills. The state could also invest in opportunities for building deconstruction projects where appropriate. Building deconstruction, as opposed to traditional demolition, significantly increases the amount of salvageable construction material that can be recycled and used in new construction projects. These are just some of the programs Maine could pursue with additional revenue for the solid waste diversion grant program.

CLF also supports increasing the fee for construction and demolition debris from \$2 per ton, to \$10 per ton. The fees on construction and demolition debris are specifically earmarked to fund state's remediation cost-sharing program.⁵ This program provides funding to municipalities and public entities to support efforts to close and remediate landfills.⁶ Landfills are permanent fixtures. The waste buried at these facilities will remain there forever. This makes closing a landfill very expensive and extremely complicated. The current issues regarding the remediation of the closed Pine Tree Landfill in Hampden shows exactly how complicated this process can be and how important it is that we have enough money to support municipalities in their efforts to

¹ West Virginia imposes various fees on municipal solid waste that collectively equals \$8.25 per ton. See, W.Va. Code §22-15-11 (setting a \$1.75 per ton solid waste assessment fee), W.Va. Code §22-16-4 (setting a \$3.50 per ton closure cost assessment fee), W.Va. Code §22-15A-19(h)(1) (setting a \$2.00 per ton recycling assessment fee), and W.Va. Code §22C-4-30 (setting a \$1.00 per ton solid waste planning fund fee).

² Pennsylvania imposes various fees on municipal solid waste that collectively equal \$6.25 per ton. See, 53 P.S. § 4000.701 (setting a \$2.00 per ton recycling fee), 27 Pa.C.S.A. § 6301 (setting a \$4.00 per ton fee on solid waste disposal), and 27 Pa.C.S.A. § 6112 (setting a \$0.25 environmental stewardship fee on solid waste disposal).

³ 32 V.S.A. § 5952

⁴ OH ST § 3734.573

⁵ 38 M.R.S.A. § 2201

⁶ 38 M.R.S.A. § 1310-F

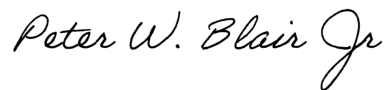
manage closed landfills. The Pine Tree Landfill is currently leaking leachate into the surrounding environment. Recent testing shows that the leachate from this facility is over 100 times the state’s drinking water standard for per- and polyfluoroalkyl substances (“PFAS”). After ten years of remediation efforts, 24 out of 28 monitoring wells remain above the Corrective Action Criteria.

Increasing the handling fee for construction and demolition debris will make sure that there are sufficient funds to help close and remediate these polluting facilities. This is especially important considering this committee’s valiant work on LD 1639, which would close the out-of-state loophole resulting in thousands of tons of construction and demolition debris no longer being landfilled in Maine. While it is imperative that the state move to stop the flow of out-of-state construction and demolition debris, a consequence of this action will be a loss in revenue for the remediation cost-sharing program. Increasing the fees for landfilling construction and demolition debris will alleviate that loss in revenue.

While CLF supports the decision to increase the handling fee for construction and demolition debris, we believe the state needs to begin to consider new systems for funding waste reduction, and landfill closures and remediation. Relying on fees placed on the amount of waste landfilled to support efforts to reduce landfilling creates a system where we are incentivizing the activity we are trying to limit. In order to truly work on waste reduction and diversion, the funding needs to be independent of disposal.

LD 259 is a commonsense measure that will help incentivize recycling, provide needed funding for the Department’s solid waste diversion efforts, and alleviate the loss of revenue for the remediation cost sharing program that is anticipated to occur as a result of LD 1639. Therefore, CLF urges the committee to vote *ought to pass* on LD 259. Thank you for the opportunity to present this testimony. I am happy to answer any questions you may have.

Respectfully submitted,



Peter Blair
Staff Attorney, Zero Waste Project
Conservation Law Foundation