

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1782

H.P. 1193

House of Representatives, April 24, 2025

An Act Regarding Municipal Solid Waste Disposal Planning and the Juniper Ridge Landfill in the City of Old Town

(EMERGENCY)

Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

A handwritten signature in black ink, reading "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative DILL of Old Town.
Cosponsored by Senator TIPPING of Penobscot and
Representatives: CAMPBELL of Orrington, HEPLER of Woolwich, OSHER of Orono.

1 **Emergency preamble.** Whereas, acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** this legislation must be adopted before the end of the 90-day period due to
4 ongoing and severe solid waste disposal issues at the Juniper Ridge Landfill in the City of
5 Old Town that must be resolved as quickly as possible; and

6 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
7 the meaning of the Constitution of Maine and require the following legislation as
8 immediately necessary for the preservation of the public peace, health and safety; now,
9 therefore,

10 **Be it enacted by the People of the State of Maine as follows:**

11 **Sec. 1. 38 MRSA §2122, sub-§3** is enacted to read:

12 **3. Base per ton host fee; surcharge for noncompliance with recycling goals; free**
13 **disposal.** Notwithstanding any provision of law or existing agreement to the contrary, the
14 department and the Department of Administrative and Financial Services, Bureau of
15 General Services, referred to in this subsection as "the bureau," shall ensure that the
16 contract operator of any state-owned or state-operated landfill pays a base per ton host fee
17 of not less than \$5.00 per ton for all acceptable waste disposed of at the landfill. The
18 department shall annually index the base per ton host fee amount for inflation. All revenues
19 generated by the base per ton host fee must be allocated as follows:

20 A. Fifty percent to the municipality hosting the landfill to offset municipal costs and
21 burdens; and

22 B. Fifty percent to the regional school unit or other school unit serving the host
23 municipality to alleviate the property tax impact associated with the municipality's
24 hosting the landfill.

25 This subsection applies to any existing host community compensation and facility oversight
26 or similar agreement for a state-owned or state-operated landfill and to any future such
27 agreement.

28 The department shall impose a per ton surcharge on municipal solid waste sent to the state-
29 operated or state-owned landfill from a municipality that is not making reasonable efforts
30 to meet the State's recycling goals pursuant to sections 2132 and 2133. The department
31 shall set the surcharge at a level sufficient to incentivize compliance.

32 The bureau and the department shall require the contract operator of a state-owned or state-
33 operated landfill to provide free disposal of household municipal solid waste for residents
34 of a municipality hosting a state-owned or state-operated landfill.

35 **Sec. 2. 38 MRSA §2122, sub-§4** is enacted to read:

36 **4. Comprehensive solid waste management plan.** The department and the
37 Department of Administrative and Financial Services, Bureau of General Services, referred
38 to in this subsection as "the bureau," shall jointly develop a comprehensive solid waste
39 management plan for a state-owned or state-operated landfill. In creating a plan under this
40 subsection, the department and bureau shall consult with owners and operators of public
41 and private solid waste management facilities and municipalities and quasi-municipal
42 entities involved with the state-owned or state-operated landfill.

1 A. A plan under this subsection must:

2 (1) Identify short-term and long-term municipal solid waste disposal and
3 processing options for the municipalities;

4 (2) Evaluate feasible disposal options for wastewater treatment plant sludge, in
5 light of perfluoroalkyl and polyfluoroalkyl substances contamination restrictions;

6 (3) Ensure the use of the state-owned or state-operated landfill is consistent with
7 the solid waste hierarchy under section 2101 and lessens the negative economic
8 and environmental effects of unprocessed municipal solid waste, wastewater
9 treatment plant sludge and bulky waste disposal at the landfill;

10 (4) Propose any legislative or regulatory changes needed to preserve landfill
11 capacity, mitigate host-community burdens and improve statewide recycling and
12 composting rates; and

13 (5) Include options for ongoing host-community compensation following closure
14 of a state-owned or state-operated landfill for at least 20 years.

15 B. The department and the bureau shall jointly submit a draft plan for a landfill under
16 this subsection to the joint standing committee of the Legislature having jurisdiction
17 over environment and natural resources matters along with any initial
18 recommendations for legislative action. The department and the bureau shall jointly
19 submit a final plan for a landfill under this subsection within 2 months to the same joint
20 standing committee, which may report out legislation to implement recommendations
21 from the plan to the next regular session of the Legislature.

22 **Sec. 3. Updated base per ton host fee; Juniper Ridge Landfill and City of**
23 **Old Town.** Notwithstanding any provision of law or existing agreement to the contrary,
24 the Department of Administrative and Financial Services, Bureau of General Services,
25 referred to in this section as "the bureau," and the Department of Environmental Protection,
26 referred to in this section as "the department," shall ensure that the contract operator of any
27 state-owned or state-operated landfill pays a base per ton host fee of not less than \$5.00 per
28 ton for all acceptable waste disposed of at the landfill pursuant to the Maine Revised
29 Statutes, Title 38, section 2122, subsection 3. The department and the bureau shall work
30 with the Juniper Ridge Landfill's contract operator to negotiate a further amendment to the
31 Host Community Compensation and Facility Oversight Agreement dated December 8,
32 2005 and signed by the State of Maine, the City of Old Town and Casella Waste Systems,
33 Inc. that more fairly and adequately compensates the City of Old Town for the burden of
34 hosting the Juniper Ridge Landfill. The department shall ensure that the base per ton host
35 fee amount under this section is indexed annually for inflation.

36 All revenues generated by the base per ton host fee must be allocated as follows:

37 1. Fifty percent to the City of Old Town to offset municipal costs and burdens; and

38 2. Fifty percent to Regional School Unit 34 to alleviate the property tax impact
39 associated with hosting the landfill.

40 **Sec. 4. Surcharge on municipalities not meeting recycling goals;**
41 **distribution; Juniper Ridge Landfill and City of Old Town.** The Department of
42 Environmental Protection shall impose a per ton surcharge on municipal solid waste sent
43 to the Juniper Ridge Landfill from a municipality that is not making reasonable efforts to

1 meet the State's recycling goals pursuant to the Maine Revised Statutes, Title 38, sections
2 2132 and 2133 pursuant to the Maine Revised Statutes, Title 38, section 2122, subsection
3 3. The surcharge must be set at a level sufficient to incentivize compliance. A minimum
4 of 50% of the total surcharge revenue must be allocated to the City of Old Town and the
5 remainder must be allocated to Regional School Unit 34.

6 **Sec. 5. Free disposal for residents of City of Old Town and Indian Island.**

7 Pursuant to the Maine Revised Statutes, Title 38, section 2122, subsection 3, the
8 Department of Administrative and Financial Services, Bureau of General Services and the
9 Department of Environmental Protection shall require the contract operator of the Juniper
10 Ridge Landfill to provide free disposal of household municipal solid waste for residents of
11 the City of Old Town and Indian Island.

12 **Sec. 6. Comprehensive solid waste management plan for Juniper Ridge**
13 **Landfill and City of Old Town.** Pursuant to the Maine Revised Statutes, Title 38,
14 section 2122, subsection 4, the Department of Administrative and Financial Services,
15 Bureau of General Services, referred to in this section as "the bureau," and the Department
16 of Environmental Protection, referred to in this section as "the department," shall jointly
17 develop a comprehensive solid waste management plan for the Juniper Ridge Landfill in
18 the City of Old Town. The department and the bureau shall consult with the Old Town
19 City Council and Landfill Advisory Board; the Penobscot Nation's Tribal Council or
20 representatives; owners and operators of public and private solid waste management
21 facilities; and municipalities and quasi-municipal entities, including any other communities
22 hosting state landfills and representatives for the approximately 159 municipalities
23 formerly or currently served by Municipal Review Committee, Inc. or the former
24 Penobscot Energy Recovery Company.

25 1. The plan must:

26 A. Identify short-term and long-term municipal solid waste disposal and processing
27 options for those municipalities;

28 B. Evaluate feasible disposal options for wastewater treatment plant sludge, in light of
29 perfluoroalkyl and polyfluoroalkyl substances contamination restrictions;

30 C. Ensure the use of the Juniper Ridge Landfill is consistent with the solid waste
31 hierarchy as stated in the Maine Revised Statutes, Title 38, section 2101 and lessens
32 the negative economic and environmental effects of unprocessed municipal solid
33 waste, wastewater treatment plant sludge and bulky waste disposal at the Juniper Ridge
34 Landfill;

35 D. Propose any legislative or regulatory changes needed to preserve landfill capacity,
36 mitigate host-community burdens and improve statewide recycling and composting
37 rates; and

38 E. Include options for ongoing compensation of the City of Old Town in the event of
39 the closure of the Juniper Ridge Landfill for at least 20 years.

40 2. The department and the bureau shall jointly submit a draft plan to the Joint Standing
41 Committee on Environment and Natural Resources by November 1, 2025 with any initial
42 recommendations for legislative action. The department and the bureau shall jointly submit
43 a final plan by January 15, 2026 to the same committee, which may report out legislation

1 to implement recommendations from the plan to the Second Regular Session of the 132nd
2 Legislature.

3 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
4 takes effect when approved.

5 SUMMARY

6 This bill updates the Juniper Ridge Landfill host community compensation agreement
7 and adequately compensates the City of Old Town for hosting the largest state-owned
8 landfill. It further directs the Department of Administrative and Financial Services, Bureau
9 of General Services and the Department of Environmental Protection to immediately
10 investigate and address, through preparation of a solid waste management plan, several
11 critical issues and developments in the State's solid waste management system involving
12 the Juniper Ridge Landfill in the City of Old Town that have converged to create a crisis
13 for approximately 159 central and northern municipalities and for sewer and utility districts
14 and departments all across the State. The bill applies the same terms to other state-owned
15 or state-operated landfills in the State.