

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

SECOND REGULAR SESSION-2024

Legislative Document

No. 2135

H.P. 1359

House of Representatives, January 3, 2024

**Resolve, to Investigate and Address Municipal Solid Waste Disposal
Services Issues**

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative DILL of Old Town.

Cosponsored by Representatives: BRIDGEO of Augusta, CAMPBELL of Orrington,
CYRWAY of Albion, MILLIKEN of Blue Hill, MORIARTY of Cumberland, 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,** the Maine Revised Statutes, Title 38, section 1305, subsection 1 mandates
4 that "Each municipality shall provide solid waste disposal services for domestic and
5 commercial solid waste generated within the municipality and may provide these services
6 for industrial wastes and sewage treatment plant sludge"; and

7 **Whereas,** in the State, 115 municipalities have entered into contracts with the
8 Municipal Review Committee to satisfy this mandate through provision of municipal solid
9 waste handling, processing and disposal services at the Municipal Review Committee's
10 recycling and anaerobic digestion facility in the Town of Hampden now known as Coastal
11 Resources of Maine and approximately 44 municipalities have entered into contracts with
12 Penobscot Energy Recovery Company to satisfy this mandate through provision of
13 municipal solid waste processing and disposal services at Penobscot Energy Recovery
14 Company's waste-to-energy facility in the Town of Orrington; and

15 **Whereas,** the Municipal Review Committee has been unable to provide municipal
16 solid waste handling, processing and disposal services at the Coastal Resources of Maine
17 recycling and anaerobic digestion facility since its closure on May 28, 2020; and

18 **Whereas,** Penobscot Energy Recovery Company ceased to provide municipal solid
19 waste handling, processing and disposal services at its waste-to-energy facility as of May
20 2, 2023, and the auction of Penobscot Energy Recovery Company's waste-to-energy
21 facility, which could lead to it being sold for scrap, is imminent; and

22 **Whereas,** as required by their solid waste disposal facility licenses issued by the
23 Department of Environmental Protection, municipal solid waste from these 159
24 municipalities has been and is being disposed of primarily at the state-owned Juniper Ridge
25 Landfill located almost entirely in the City of Old Town with a portion of the landfill right-
26 of-way access located in the Town of Alton; and

27 **Whereas,** the state-mandated curtailment of spreading wastewater treatment plant
28 sludge on land because of the perfluoroalkyl and polyfluoroalkyl substances contamination
29 has resulted in the disposal of some of this sludge at the Juniper Ridge Landfill; and

30 **Whereas,** land disposal of waste at a landfill is the least desirable solid waste disposal
31 option under the State's solid waste management hierarchy under Title 38, section 2101;
32 and

33 **Whereas,** the Department of Environmental Protection approved only a partial
34 expansion of the Juniper Ridge Landfill in 2017, granting a license for 9.3 million cubic
35 yards of capacity of the 22 million cubic yards that was available; and

36 **Whereas,** as a result of this temporary increase in disposal of municipal solid waste
37 and wastewater treatment plant sludge at the Juniper Ridge Landfill, the partial expansion,
38 which was expected to last through 2033, is now expected to use that capacity by 2028,
39 thus necessitating another permitting process to complete the expansion; and

40 **Whereas,** the loss of municipal solid waste handling, processing and disposal services
41 at the Coastal Resources of Maine facility and at the Penobscot Energy Recovery Company
42 waste-to-energy facility and the increased rate of municipal solid waste and wastewater

1 treatment plant sludge disposal at the Juniper Ridge Landfill is creating a hardship for the
2 City of Old Town and its residents, is placing stress on the 159 municipalities that have
3 statutory obligations to provide municipal solid waste disposal services and is straining the
4 resources of sewer and utility districts and departments, as well as consuming valuable and
5 finite state-owned solid waste landfill resources that are supposed to be the last resort for
6 solid waste disposal; and

7 **Whereas**, the Department of Administrative and Financial Services, Bureau of
8 General Services is responsible for oversight and management of state-owned property,
9 including the Juniper Ridge Landfill; and

10 **Whereas**, under Title 38, section 2122, the Department of Environmental Protection
11 is required to "prepare an analysis of, and a plan for, the management, reduction and
12 recycling of solid waste for the State. The plan must be based on the priorities and recycling
13 goals established in sections 2101 and 2132. The plan must provide guidance and direction
14 to municipalities in planning and implementing waste management and recycling programs
15 at the state, regional and local levels" and to provide periodic updates of that plan; and

16 **Whereas**, in the judgment of the Legislature, these facts create an emergency within
17 the meaning of the Constitution of Maine and require the following legislation as
18 immediately necessary for the preservation of the public peace, health and safety; now,
19 therefore, be it

20 **Sec. 1. Department of Administrative and Financial Services, Bureau of**
21 **General Services and Department of Environmental Protection to report to**
22 **Joint Standing Committee on Environment and Natural Resources. Resolved:**

23 That the Department of Administrative and Financial Services, Bureau of General Services
24 and the Department of Environmental Protection shall meet with public and private solid
25 waste management facility owners and operators and municipal and quasi-municipal
26 officials to investigate and make recommendations in a written report to the Legislature on
27 the existence and development of feasible potential short-term and long-term municipal
28 solid waste disposal options, whether public, private or a mixture of both, for the
29 approximately 159 municipalities with municipal solid waste disposal contracts with the
30 Municipal Review Committee and with Penobscot Energy Recovery Company and
31 wastewater treatment plant sludge disposal options for sewer and utility districts and
32 departments, in order to address the issues facing municipalities and to ensure that the use
33 of the state-owned Juniper Ridge Landfill is consistent with the Legislature's policy on
34 solid waste management and the solid waste management hierarchy as set out in the Maine
35 Revised Statutes, Title 38, section 2101. The Bureau of General Services and the
36 Department of Environmental Protection shall conduct their investigation promptly to
37 permit potential action by the 131st Legislature and shall submit a written report, with their
38 recommendations, to the Joint Standing Committee on Environment and Natural Resources
39 on or by April 1, 2024.

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

SUMMARY

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This resolve directs the Department of Administrative and Financial Services, Bureau of General Services and the Department of Environmental Protection to investigate and make recommendations by April 1, 2024 to the Joint Standing Committee on Environment and Natural Resources to address several critical issues and developments in the State's solid waste management system that affect approximately 159 municipalities in the central and northern areas of the State and sewer and utility districts and departments all across the State.