

# MAINE STATE LEGISLATURE

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**Report of the  
Task Force on Solid Waste Landfills  
to the  
Joint Standing Committee on Natural Resources**

**February 1, 1996**

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**Report of the Task Force on Solid Waste Landfills  
to the Joint Standing Committee on Natural Resources  
of the 117th Legislature**

The State Planning Office (“SPO”) submits this Report to the Joint Standing Committee on Natural Resources of the 117th Legislature, as required by P.L. 465. A copy of the law is in Appendix A. SPO convened a Task Force<sup>1</sup> to address three issues set out in the law :

1. Provide a status report on the development of the special waste landfill on Carpenter Ridge in T2 R8, and recommend state policy on how and when to operate this landfill.
2. Make recommendations on any changes needed to the current state policy that prohibits new commercial landfills.
3. Provide information on the amount of solid waste that is imported and exported to the State, and on current developments in federal law that addresses interstate transport of solid waste.

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<sup>1</sup> A list of the members of the Task Force is in Appendix B.



## **I. Carpenter Ridge Special Waste Landfill**

### **Background**

38 MRSA § 2154 *et seq.* gave authority to the Maine Waste Management Agency (MWMA) to locate, develop and operate waste disposal facilities. This authority was later transferred to the State Planning Office in 1995 when the MWMA was dismantled (P.L. 465).

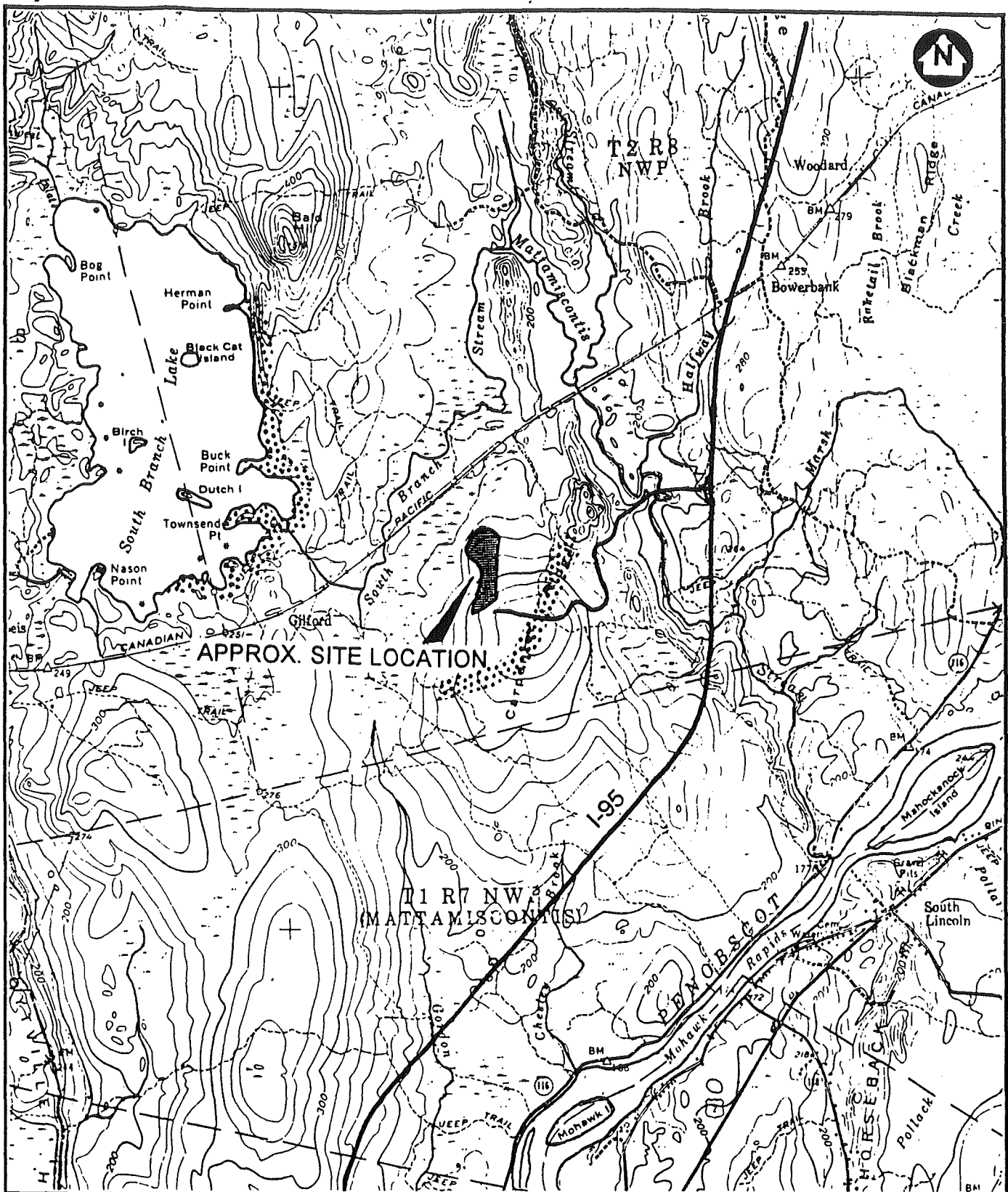
The MWMA identified a possible future need for special waste disposal capacity based on factors including:

- A statutory ban on new commercial disposal facilities (38 MRSA § 1310-X).
- The two existing commercial landfills will become filled over time.
- Federal law does not allow Maine to control imports of out-of-state waste to the existing facilities, thus making it difficult to predict the life of existing capacity.
- Possible changes to the federal law may prevent Maine from exporting waste to other states at a reasonable cost.
- Concerns that sufficient affordable disposal capacity be available to Maine's municipalities and businesses as part of its economic support structure.
- The lack of capacity that can be brought on-line quickly when a need arises. The time to locate, investigate, permit and develop a site is typically 3-5 years.

As a result, the MWMA undertook to locate and permit a special waste landfill as a "safety net" to be brought on line when the capacity is needed. MWMA first tried to locate two landfills near waste-to-energy facilities, as these facilities appear to have the greatest likely future need for disposal capacity. However, these attempts were not successful, and an alternative site was sought. Lincoln Pulp and Paper (Lincoln) owned land on Carpenter Ridge in T2 R8 that it had been investigating for a disposal site for its own special waste. MWMA entered into an agreement with Lincoln to purchase the land and then permit the site for a state-owned special waste landfill. This facility cannot be sold by the State to a private owner, but Lincoln has the option of constructing the landfill for its own use if the State does not construct the facility.

### **Site Description**

- 1500 acres in T2 R8 in Penobscot County (approx. 2 mi. from I-95). See maps.
- 34.5 acres needed for the disposal facility.
- 1.8 million c.y. of waste disposal capacity.
- Estimated life is 18 years at 100,000 c.y. per year.



Source: U.S.G.S. Quadrangle. Lincoln, ME. 1957, 15 Minute Series

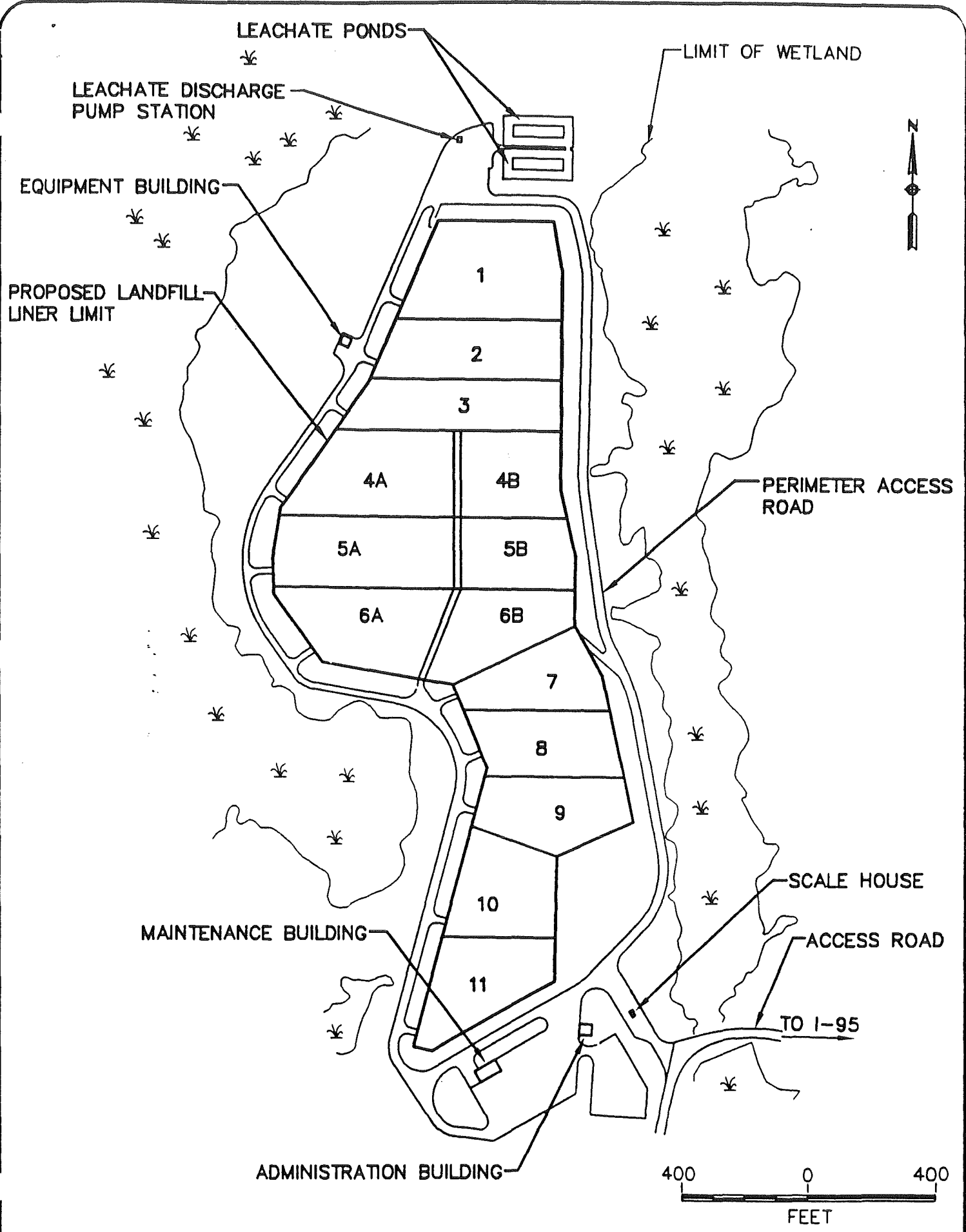


LOCATION MAP

**EXHIBIT  
PROPOSED VISUAL BUFFER STRIPS  
CARPENTER RIDGE SITE  
MAINE WASTE MANAGEMENT AGENCY**



H. Dominie, Inc.



# LANDFILL DEVELOPMENT PLAN

EXHIBIT 52

WOODARD & CURRAN INC.



## Economics

- \$3.5 million spent to date for site selection, investigation, purchase and permitting.
- Total construction cost is estimated to be \$15 million, which may be broken into phases.
- Project will be financed through revenue bonds issued for each construction phase.
- Facility is planned to be financially self-sufficient with a tipping fee of \$43-65/c.y. This revenue will cover development, operations, reserves, debt service and closure costs.
- Current commercial tipping fees range \$44-95/c.y.

## Development Permits

- LURC zone change for 120 acres from General Management to Commercial & Industrial Development -- LURC approved the zone change on October 19, 1995.
- LURC Development Permit application pending.
- DEP Solid Waste Facility License application pending

## Policy Recommendations

The Task Force reviewed information gathered by the SPO on special waste generation and disposal capacity in Maine (see Appendix C). Based on this information, the Task Force discussed how to decide when to construct the Carpenter Ridge facility. This discussion led to the following recommendations:

- **At this time, the State should take no further action to develop this facility beyond obtaining the permits from Department of Environmental Protection and Land Use Regulation Commission.**

The information gathered by SPO shows that the State has enough permitted capacity at existing facilities to meet our special waste disposal needs for about seven (7) years (until 2003). In addition, there is expansion space available at these facilities that is potentially permissible that would provide over 10 additional years of disposal capacity at current disposal rates.

Since the Carpenter Ridge facility is not needed in the near future, the State should

maintain the LURC development permit and the Solid Waste Facility License, and then monitor disposal capacity in the State until a need for the facility is shown. The permits may have to be renewed if construction is not started within two years which may require some additional expense.

- **The decision to construct the Carpenter Ridge landfill should be based on a clearly foreseeable need for special waste disposal capacity.**

The Carpenter Ridge facility should be viewed as a safety net to be used only when other disposal options are not available. As recommended below, the SPO should report to Legislature every two (2) years on the statewide generation and disposal capacity for solid waste (see recommendations for commercial landfill policy). It is estimated that it would take about two years to construct the facility, so the decision should be made when information shows that available disposal capacity will be filled in three (3) years.

Existing State law does not have any requirements or criteria to determine when the facility should be constructed. New legislation would be needed to add a requirement that a decision be made on Carpenter Ridge on the timetable recommended above. Otherwise, the SPO and the Natural Resources Committee can take this recommendation as guidance instead of legislation.

- **The State Planning Office should decide whether the Carpenter Ridge facility will be constructed, and then obtain legislative authorization for construction.**

The State Planning Office should make the decision on how to meet the disposal need for special waste, as outlined above. If SPO decides that Carpenter Ridge should be constructed to meet this need, SPO should submit this proposal to the Legislature to get authority for the construction. However, if the Legislature does not act on the proposal before a date certain, the construction should be deemed authorized.

Current State law does not require legislative authority to construct the facility. New legislation would be needed to add this requirement. This provision is included in the proposed legislation submitted with this Report (Appendix E).

- **The Carpenter Ridge facility should be considered as a disposal option for other types of waste, except hazardous waste.**

The Carpenter Ridge facility is currently designed and being permitted to accept only special waste. If a disposal need arose for other types of waste, this facility may provide an option to meet this future need. However, the Task Force does not recommend that

hazardous waste be disposed at this facility because there is a deed restriction on this use of the property. The Committee should be aware that the siting and operations requirements will differ for each waste stream which would require new permits for the facility.

- **SPO should not be responsible for constructing and operating the Carpenter Ridge Landfill. This responsibility should be given to another state agency.**

Under current law, SPO is given authority and responsibility for constructing and operating the Carpenter Ridge landfill. However, the Task Force believes that SPO is not the appropriate state agency to perform these functions because it does not have the technical staff to supervise construction and operations of a landfill. The Task Force recommends that another state agency be given responsibility for constructing and operating the landfill after SPO makes the determination that the landfill should be constructed.

This change of authority requires an amendment of state law. This provision is included in the proposed legislation submitted with this Report (Appendix E).

## **II. State Policy on New Commercial Landfills**

The Task Force reviewed the history of solid waste management in Maine. This review included statistics on municipal solid waste and special waste generated in Maine and how this waste is managed (i.e. recycled or disposed). This information appears in Appendix C. The Task Force also reviewed the state and federal policies on solid waste landfills and interstate transport. Appendix D contains a summary of the proposed federal legislation to address interstate transport of municipal solid waste.

The Task Force then developed a list of interests that needed to be addressed by the state policy on new commercial landfills. These interests were made into criteria that were used to analyze policy options. The criteria were as follows:

- Landfill capacity to meet statewide disposal needs for 10 years (MSW: 460,000 cy/yr; Special waste: 250,000 tons/yr)
- Limit imported solid waste.
- Foster the waste management hierarchy: waste reduction; reuse; recycling; composting; incineration; landfills (38 M.R.S.A. § 2101).
- Minimize the cost of disposal for the greatest number of people
- Consistent treatment of disposal facilities that have been or are being developed based on current policy (i.e. the ban is in place).
- Public anxiety about unpredictable landfill expansions (numbers and size).
- Encourage innovation in technology for waste management.
- State control over the location of new landfills.
- Respect environmental capacity of the state to accommodate additional landfills

The Task Force applied the criteria to the current policy which prohibits the licensing of any new commercial landfills. The Task Force found that the current policy met the criteria and no changes were needed at this time. The Task Force also considered the impacts of the policy on competition in the waste management marketplace as well as the benefits and costs of public and private ownership of landfills. This discussion and analysis resulted in consensus on the following recommendations:

- **The current policy to prohibit new commercial landfills should remain in place without change.**

Since the existing policy meets the criteria established by the Task Force, especially the criteria for landfill capacity, no change in policy is needed at this time.

- **The Legislature should direct SPO to convene a group of interested parties to clarify the definition of the phrase “expansion of a commercial solid waste disposal facility” as used in 38 M.R.S.A. § 1310-X(3).**

Under current state law, an “expansion” of a solid waste disposal facility may only be licensed if it meets certain criteria. The Task Force found that there is some confusion about the types of construction that might be considered an “expansion” of a commercial disposal facility. There are a number of interpretations for this phrase and the Task Force was unable to address this issue and reach consensus. It is therefore recommended that a group be assembled by SPO to recommend how this phrase should be interpreted or amended.

New legislation is needed to direct SPO to convene a group to address this issue. This provision is included in the proposed legislation submitted with this Report. (Appendix E).

- **The Legislature should direct SPO to report to the Natural Resources Committee at the beginning of the first session of each Legislature (i.e. every two years) on the updated information concerning solid waste generation in Maine; solid waste imports and exports in Maine; recycling rates; disposal needs and disposal capacity.**

This will allow the committee to stay abreast of the current state disposal needs that may require a change in policy. The Committee should understand that these updates will address statewide information only, and that there may be regions or municipalities within the State that have difficulty meeting their local disposal needs.

Current State law does not require these information updates. New legislation would be

required to ensure that these reports are consistently made in the future. This provision is included in the proposed legislation submitted with this Report (Appendix E).

- **The Legislature should direct SPO, or a task force assembled by SPO, to review the commercial landfill policy every five years.**

Even as there does not appear to be an impending disposal crisis, waste generation and disposal capacity conditions will change with time. A regular review of the policy should be coordinated with revisions to the State Solid Waste Management Plan required by 38 MRSA § 2122. SPO has submitted legislation to require revision of the Solid Waste Management Plan every five years instead of every two years. The Task Force recommends that the Legislature enact this provision in order to accomplish this policy review.

New legislation is needed to require that this policy issue is addressed during the revision of the State Solid Waste Management Plan every five years. This provision is included in the proposed legislation submitted with this Report (Appendix E).

### **III. Solid Waste Imports and Exports**

The SPO gathered information concerning imports and exports of solid waste for the past few years. The Task Force reviewed this information and believes it is reasonably accurate. This information appears in Appendix C.

The Task Force reviewed two Bills that are pending in the U.S. Congress that address interstate transport of solid waste. This legislation would allow states to limit the amount of solid waste imported to the State. Summaries of the pending Congressional Bills are in Appendix D.

## **APPENDIX A**





Sec. B-6. 38 MRSA §2211, sub-§1-A is enacted to read:

1-A. Agency. "Agency" means the Finance Authority of Maine.

Sec. B-7. Report; task force. The State Planning Office shall convene a task force to develop recommendations for a state policy regarding the potential development and operation of the state-owned solid waste disposal facility at Carpenter Ridge. The State Planning Office shall include on the task force legislators who are members of the Joint Standing Committee on Natural Resources. The State Planning Office shall submit a report to the Joint Standing Committee on Natural Resources by February 1, 1996 describing the status of the application for a license for the Carpenter Ridge waste facility and setting forth any recommendations the task force has developed for operation of the facility, including recommendations as to when and how the facility might be developed and operated, what changes in state law would be advisable to allow for operation of the facility and any other issues the task force considers appropriate.

The task force shall also examine state policy regarding the ban on development of new commercial solid waste disposal facilities and shall submit any recommendations regarding that policy in the report required in this section. The report must also include information on the importation of out-of-state waste into Maine and the export of Maine waste and recent congressional action on legislation relating to state authority to regulate the importation of waste.



## **APPENDIX B**



## MAINE COMMERCIAL LANDFILL TASK FORCE

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247-5331

Rep. Richard Gould (D-Greenville)  
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695-2791

Rep. June Meres (R-Norridgewock)  
RR1 Box 3640  
Norridgewock, ME 04957  
634-3376

Rep. Ernest Greenlaw (R-Standish)  
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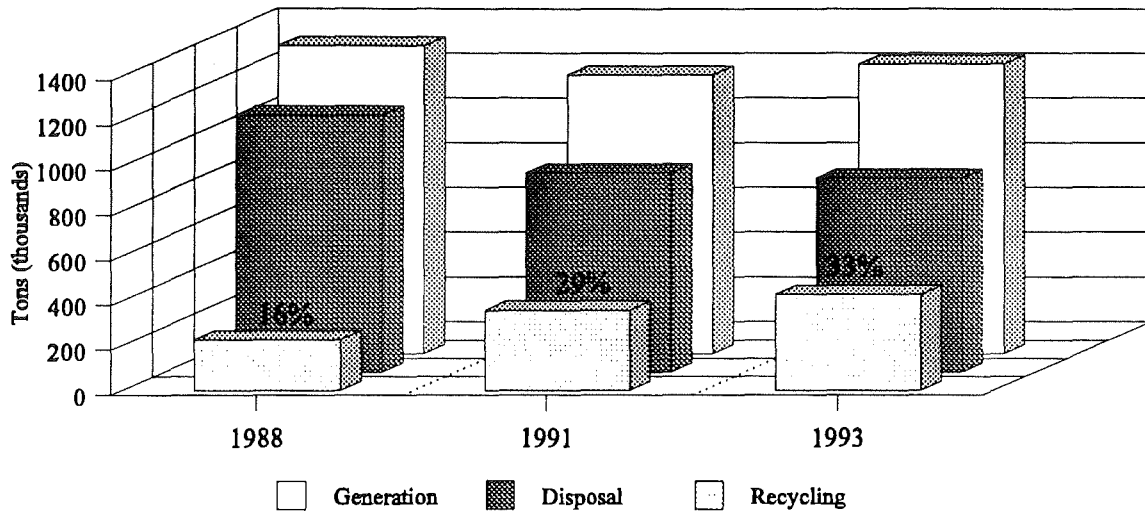
## APPENDIX C





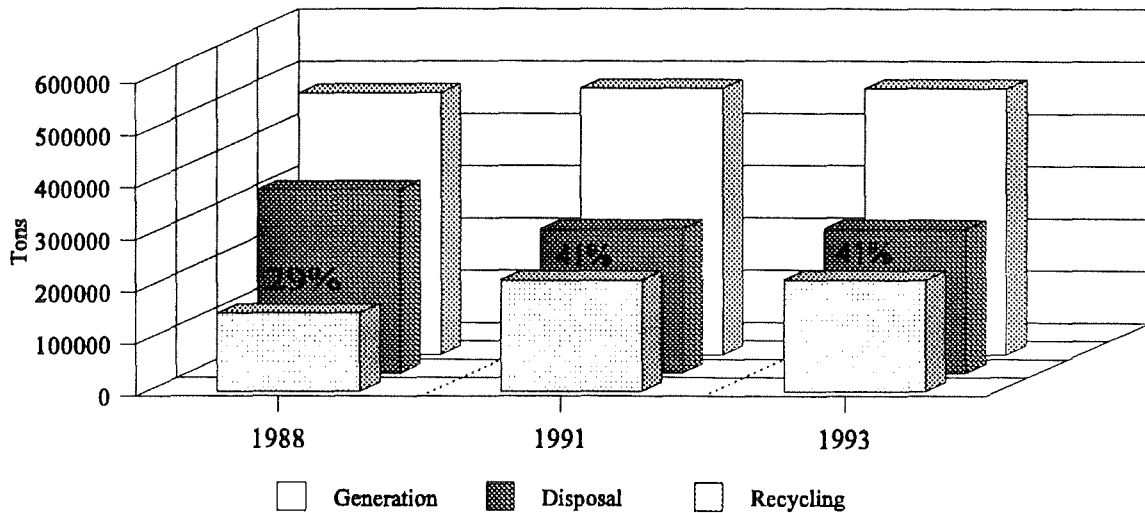
# Municipal Solid Waste

## Generation & Management 1988-1993



# Special Waste

## Generation & Management 1988-1993

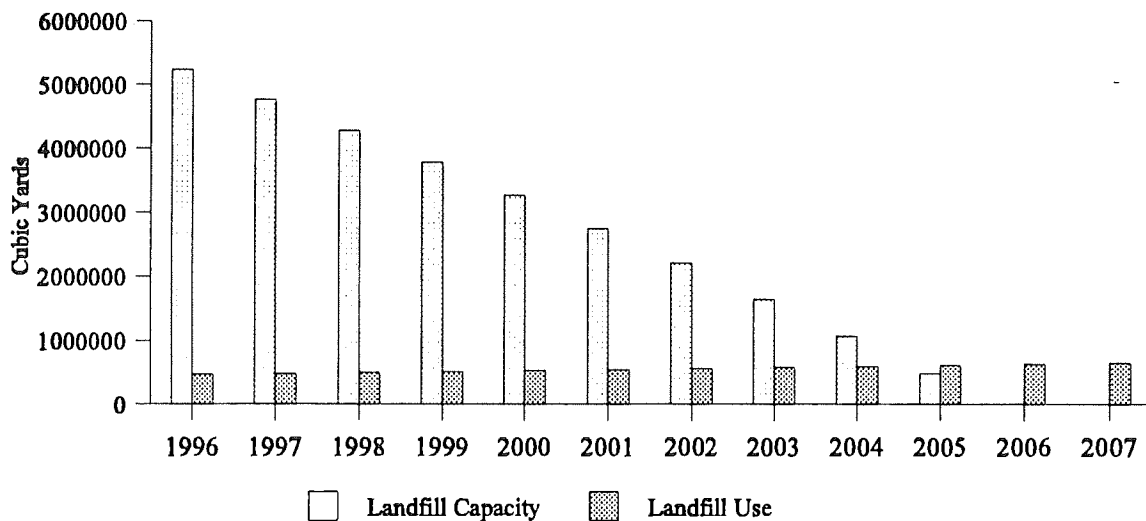


Note: Does not include paper industry Waste



# MSW Landfill Disposal Capacity

1996-2005



# MSW Disposal Capacity

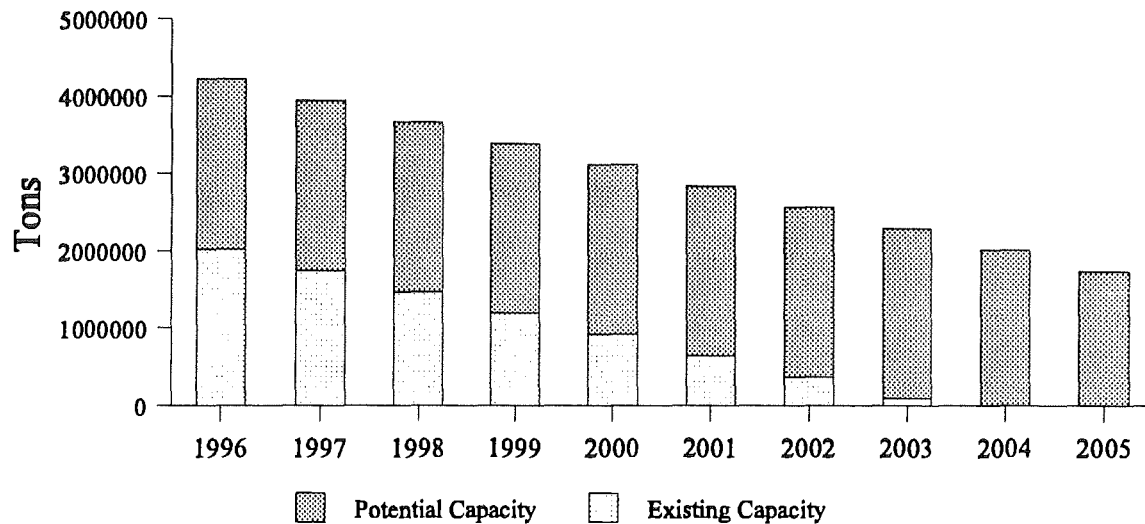
## Key Assumptions for Projections

- ▶ Incineration at 90% Capacity
- ▶ No Change in DEP Permits
- ▶ Waste Can be Shipped to any Facility in Maine
- ▶ No Net Imports
- ▶ 3% Growth In Landfilling
- ▶ No Growth in Recycling
- ▶ 1000 lbs / cubic yard



# Special Waste Landfill Disposal Existing and Potential Capacity

1996-2005



Note: Does not include private, generator owned facility capacity.

## Special Waste Disposal Capacity

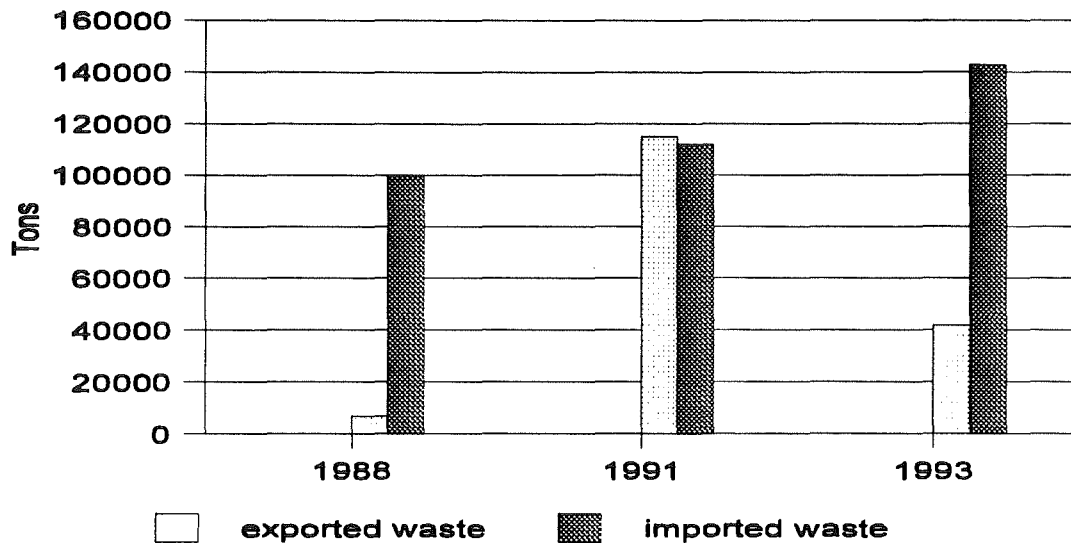
### Key Assumptions for Projections

- ▶ 2,200,000 Tons in Potentially Permittable Capacity at Existing Commercial Facilities
- ▶ No Change in Generation or Recycling
- ▶ Small Amounts of Paper Industry Waste Disposed at Commercial Facilities
- ▶ No Net Imports or Exports



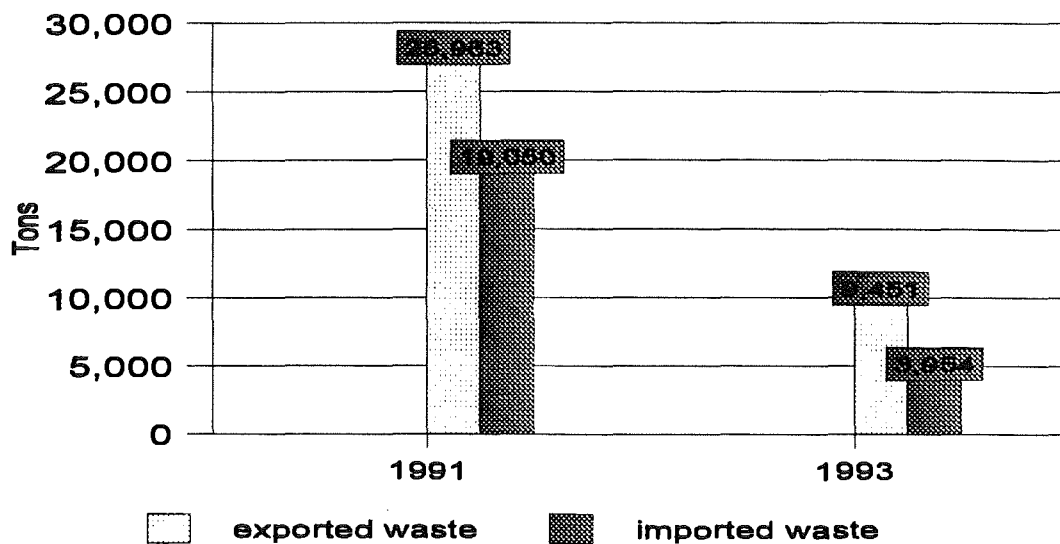
# MSW Imports & Exports

1988 - 1993



# Special Waste Imports & Exports

1991, 1993







## **APPENDIX D**



## PROPOSED FEDERAL LEGISLATION

Two bills are being deliberated in Congress that address interstate transport of solid waste and flow control authority of States and municipalities. The Senate Bill (S.534) has passed the Senate and has been delivered to the House of Representatives for action. The House Committee on Commerce is working on its own draft bill (H.R. 2323). Summaries of the key provisions of these bills follows below.

### **S. 534 -- Interstate Transportation of Municipal Solid Waste Act of 1995**

Introduced by Sen. Robert Smith (R-NH)

Passed May 16, 1995.

Vote: 94-6.

#### Title I: Interstate Waste

- States may limit the importation of municipal solid waste to 1993 levels. States that imported more than 750,000 tons in 1993 may ratchet this level down over time.
- State may ban imports of solid waste to facilities that did not receive waste in 1993.
- States may restrict waste from foreign countries as long as it complies with NAFTA.
- State may impose a surcharge of up to \$1.00/ton on out-of-state municipal solid waste in order to recover costs subsidized by the State.

#### Title II: Flow Control

- A State and its subdivisions may control flow of waste in order to protect investments in waste disposal facilities, if flow control authority was exercised before May 15, 1994.
- Flow control authority only lasts until the later of: the expiration of a contract for disposal at a facility; recovery of the capital investment in the disposal facility; or the end of the useful life of the facility.

## **H.R. 2323 -- State and Local Government Interstate Waste Control Act of 1995**

Sponsored by Rep. Oxley (R-OH)

Commerce Committee Draft

### Title I: Interstate Waste

- There is a presumptive ban on import of out-of-state municipal solid waste, unless exempted.
- An exemption is provided for existing and new host community agreements.
- An exemption is also provided for facilities that do not have host community agreement but received out-of-state waste in 1993. This exemption is limited to the later of the expiration of an existing contract or 3 years after enactment.
- A State may set limits on imported solid waste for particular disposal facilities at 1993 levels.
- States that imported more than 750,000 tons in 1993 may ratchet imports down over time.

### Title II: Flow Control

- A State and its subdivisions may control flow of waste in order to protect investments in waste disposal facilities, if flow control authority was exercised before May 15, 1994.
- Flow control authority only lasts until the later of: the expiration of a contract for disposal at a facility; recovery of the capital investment in the disposal facility; or the end of the useful life of the facility.
- Solid waste generators may voluntarily opt out of flow control agreements if they receive State or municipal permission.

## **APPENDIX E**



January 31, 1995

**LANDFILL TASK FORCE  
PROPOSED LEGISLATION**

**Sec. 1. 38 MRSA §2122. sub-§2 is amended to read:**

**2. Revisions.** The office shall revise the analysis at least every 2 5 years to incorporate changes in waste generation trends, changes in waste recycling and disposal technologies, development of new waste generating activities and other factors affecting solid waste management as the office finds appropriate.

**Sec. 2. 38 MRSA §2124-A is enacted to read:**

**§2124-A. Solid Waste Report**

**2. Solid waste generation and disposal capacity.** By January 1, 1997 and every 2 years thereafter, the office shall submit a report to the joint standing committee of the Legislature having jurisdiction over natural resource matters setting forth information on the statewide generation of solid waste, statewide recycling rates and available disposal capacity for solid waste .

**Sec. 3. 38 MRSA §2123-B is enacted to read:**

**§2123-B. Review of policy**

In conjunction with revisions of the plan every 5 years, the office shall form a task force to review the state policy regarding development of commercial landfills and shall report its findings and recommendations to the Governor, the department and the joint standing committee of the Legislature having jurisdiction over natural resource matters.

**Sec. 4. 38 MRSA §2156 is repealed and the following enacted in its place:**

**§2156. Facility development**

**1. Planning for development.** The agency shall plan for the development of facilities sufficient to meet the needs identified in the state plan and any revisions to the plan.



2. Recommendation for development. If the agency finds that a state-owned solid waste disposal facility is needed to meet the needs identified in the state plan, it shall submit a report recommending construction and operation of a state-owned facility to the joint standing committee of the legislature having jurisdiction over natural resources matters. A state-owned solid waste facility may not be constructed or operated unless authorized pursuant to subsection 3.

3. Authorization for development. The committee is authorized to report out legislation rejecting or modifying the recommendation submitted pursuant to subsection 2. If the committee does not report out such legislation, or such legislation is not enacted, the construction and operation of the facility recommended by the agency is deemed authorized.

4. Ownership, construction and operation. The Department of Administrative and Financial Services shall maintain ownership and provide for the construction and operation of all state-owned solid waste disposal facilities.

**Sec. 5. Task Force on Expansion of Solid Waste Disposal Facilities.** The State Planning Office shall establish a Task Force to develop legislation defining "expansion" of a solid waste disposal facility, for purposes of the solid waste management laws of the Department of Environmental Protection. The Office shall include on the Task Force representatives of the solid waste disposal industry, municipal officials, legislators, the public and other interested parties. The office shall submit the report along with recommended legislation to the 1st Regular Session of the 118th Legislature no later than January 1, 1997.

**Sec. 6. Transition.** The State Planning Office shall transfer ownership of the facility at Carpenter Ridge to the Department of Administrative and Financial Services within 60 days after the effective date of this Act.

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