

**Annual Report of the  
Solid Waste Management Advisory Council**

**For Calendar Year 2010**

**Prepared for the  
Joint Standing Committee on  
Environment and Natural Resources  
of the 125<sup>th</sup> Legislature**

December 2010



## **Acknowledgements**

This report is prepared by the Solid Waste Management Advisory Council (the "Council") in accordance with 38 MRSA §2123-C.

We would like to thank the members of the Council for their participation and support during the past year.

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## **COUNCIL BACKGROUND**

The Legislature established the Solid Waste Management Advisory Council in 2007, largely as a result of the Solid Waste Policy Review Task Force that met during the prior year. The task force recommended a standing Council to assist the State Planning Office in its review of solid waste policy issues on an 'on-going' basis as preferable to the then existing reviews of policy every five years. The Legislature charged the new Council with reviewing state solid waste management policies including:

- timeline and process for developing a state-owned solid waste disposal facility;
- host community benefits;
- development of commercial solid waste facilities and the economic competitiveness of commercial facilities;
- developing regional disposal facilities to better serve municipalities and businesses;
- continued development and expansion of beneficial reuse and recycling;
- role of municipal zoning and other local control in regard to siting, expansion and operation of solid waste disposal facilities; and
- other related matters as considered appropriate and necessary.

The Legislature directed the Council to meet at least once a year and to report to the Legislature annually. The Council statutory language is Appendix A.

The Governor appointed members to represent the solid waste interests named in the legislation. The Council membership is Appendix B. Greg Louder, Executive Director, Municipal Review Committee, was re-elected to continue as chair of the Council. The State Planning Office, herein after referred to as "SPO," staffs the Council.

## **COUNCIL ACTIVITIES FOR 2010**

The Council's primary activity this year was assisting the State Planning Office in its responses to policy issues raised by the Legislature during the second year of the 124<sup>th</sup> session as well as issues the members of the Environment and Natural Resources Committee considered during their work sessions that followed the end of the Legislative session.

### ***State Waste Management Issues***

The Legislature's Joint Standing Committee on Environment and Natural Resources (Committee), as part of their effort to learn more about the state's solid waste management system and policies, received approval to meet four times following the adjournment of the 124<sup>th</sup> Legislature. During those four meetings, the Committee received information from a number of parties providing solid waste services or representing state agencies, industries, and associations. As a result of those presentations and discussions, the Committee requested the State Planning Office to provide them with further information on a number of topics. These included: updating SPO's landfill capacity projections; analyzing the possible closure scenario of the Maine Energy Waste-to-Energy facility in Biddeford; analyzing options for the recovery and recycling of corrugated cardboard so that the Committee could arrive at some conclusion on a recommendation to ban its disposal and require recycling; analyzing the capture of organics, such as leaves and yard debris, so that the Committee could arrive at some conclusion on a recommendation to ban its disposal

and require recycling; and assessing the application of state fees on solid wastes that are disposed of at landfills, as part of a mechanism to support the solid waste management hierarchy.

The staff of the State Planning Office researched these issues and prepared language for a report to the 125th Legislature. The Solid Waste Management Advisory Council, many of whom either attended the Committee's work sessions or presented at the sessions, were provided an opportunity to offer comments on the draft concept language when the Council met on October 6. In addition to assisting SPO in the review, there were other presentations of interest made at the meeting. Please see Appendix C for the meeting's agenda and draft notes on the meeting itself.

## **ISSUES FOR COUNCIL DISCUSSION ANTICIPATED IN 2011**

It is anticipated that the Council will meet at least once in 2011. Potential issues for Council consideration include:

- reviewing relevant and timely items within the Council's statutory charge;
- analyzing solid waste legislation before the Second Regular Session of the 125<sup>th</sup> Legislature;
- maintaining the momentum of the statewide recycling public awareness campaign; and
- reviewing waste generation and disposal capacity projections, which will be part of the SPO's annual waste generation report to the Governor and Legislature.

## **CONCLUSION**

The Council continues to provide a stakeholder-level forum for reviewing state solid waste policy issues. Their ability to meet at least annually and as questions arise provides an ongoing review that is much improved over the previous five-year cycle that relied upon a Task Force system for this review.

The Council's participation has provided the State Planning Office with an active forum to discuss relevant and timely issues. It has served as a sounding board and has helped to inform and enlighten SPO's view on these issues.

# APPENDICES

## ***APPENDIX A: Council's Statutory Language***

### **38 MRSA §2123-C. Solid Waste Management Advisory Council**

**1. Solid Waste Management Advisory Council.** The Solid Waste Management Advisory Council, referred to in this section as "the council," is established to advise and assist the office in reviewing, as may be appropriate:

- A. State solid waste management policy, including the timeline and establishment process for the development of a state-owned solid waste disposal facility;
- B. Host community benefits;
- C. The development of commercial solid waste facilities and the economic competitiveness of commercial facilities;
- D. The appropriateness of developing regional disposal facilities to better serve municipalities and businesses;
- E. The continued development and expansion of beneficial reuse and recycling;
- F. The proper role of municipal zoning and other local control in regard to siting, expansion and operation of solid waste disposal facilities; and
- G. Other related matters as considered appropriate and necessary.

**2. Membership.** The Governor shall appoint 14 members of the council as follows:

- A. Three members from the general public;
- B. Two members from each of the following:
  - (1) Municipal government;
  - (2) Statewide and local environmental organizations;
  - (3) The recycling industry;
  - (4) Waste-to-energy facility owners or operators; and
  - (5) Landfill owners or operators; and
- C. One member representing industrial waste generators.

The Director of the State Planning Office, or the director's designee, serves as a nonvoting, ex officio member of the council. The commissioner, or the commissioner's designee, serves as a nonvoting, ex officio member of the council.

**3. Terms.** All members, except the Director of the State Planning Office and the commissioner, are appointed for staggered terms of 3 years. A vacancy must be filled by the Governor for the unexpired portion of the term. The council shall annually elect a chair from its membership.

**4. Quorum.** A quorum is a majority of the members of the council. An affirmative vote of the majority of the members present at a meeting is required for any action. An action may not be considered unless a quorum is present.

**5. Compensation; meetings.** Members are entitled to compensation according to Title 5, section 12004-I, subsection 68-B. The council shall meet at least once a year and at any time upon the call of the chair upon written request to the chair by 5 of the members.

**6. Report.** The council shall report annually to the Governor and to the Legislature on its activity during the past year.

**7. Staff.** The office shall provide the council with all necessary staff.

## APPENDIX B: Council Membership

Affiliation	Organization - Facility - Company	First Name	Last Name	Term
<b>General Public</b>				
	Belgrade Recycling Committee	Gregory	Keene	2 years
	Private citizen	Carol	Fuller	1 year
	Sandy River Recycling Association	Jo	Josephson	3 years
<b>Municipal Government</b>				
	Town of Rockport	Robert	Peabody	3 years
	City of Biddeford	John	Bubier	1 year
<b>Statewide and local environmental organizations</b>				
	Androscoggin Valley COG	Fergus	Lea	1 year
	The Chewonki Foundation	Don	Hudson	3 years
<b>Recycling Industry</b>				
	eco-maine	Kevin	Roche	2 years
	FCR - Goodman Recycling/Casella Waste	Toni	King	3 years
<b>Waste to Energy facility owners or operators</b>				
Public/Private W-T-E (PERC)	Municipal Review Committee	Greg	Louder	2 years
Public W-T-E	Mid Maine Waste Action Corp	Joseph	Kazar	3 years
<b>Landfill Owners or Operators</b>				
Publicly owned landfill	Tri-Community Landfill	Mark	Draper	1 year
Privately owned landfill	Waste Management Inc.	Jeff	McGown	3 years
<b>Industrial Waste Generators representative</b>				
	Maine Pulp & Paper Association	John	Williams	2 years
<b>State Planning Office Director (or designee) &amp; Department of Environmental Protection Commissioner (or designee)</b>				
	State Planning Office	Martha (Sue)	Freeman (Inches)	
	Department of Environmental Protection	David (Paula)	Littell (Clark)	

## ***APPENDIX C: 2010 Agendas and Meeting Notes***

### **Agenda**

#### Meeting of the Solid Waste Management Advisory Council

Thursday, October 6, 2010

1:00 PM at the State Planning Office in Augusta - Baxter Conference Room

- Call to order; modifications to agenda
- Election of chair (annual requirement)
- Presentation on draft recycling legislative initiatives - Sue Inches
- Update on product stewardship program – Paula Clark
- Update on 2009 data received to date – Sam Morris
- Update on the Solid Waste Facility Odor and Landfill Gas Management Rules – Paula Clark
- Comments, concerns, questions of/by advisory Council members
- Adjourn

## Draft Notes from 10-6-10 SWMAC meeting

Meeting of the Solid Waste Management Advisory Council

Wednesday, October 6, 2010

1:00 PM at the State Planning Office in Augusta - Baxter Conference Room

**Present:** Greg Lounder; Greg Keene; Jeff McGown; Bob Peabody; Joe Kazar; Ann Hews for Kevin Roche; Jo Josephson; Jody Breton; Paula Clark; Carol Fuller, Mark Draper, Kevin Roche, John Williams, Toni King; Paula Clark; Sue Inches. **Staff:** Sam Morris; Lana Laplant-Ellis; George MacDonald. Mark Draper joined in via the telephone after the meeting had started. **Excused were:** Carol Fuller; Ferg Lea; Don Hudson. **Absent:** John Bubier

Meeting was opened by Chair Greg Lounder at 1:10pm with introductions around the table with recognition of new Council members.

First topic was the selection of a chairperson for the coming year. After brief discussion, a motion was made by Jeff McGown and seconded by Greg Keene to have Mr. Lounder continue as chair of the Council. Council members voted unanimously for Mr. Lounder.

Greg reviewed the agenda with the Council. There were no modifications to the agenda.

Sue Inches provided an overview of what had been developed by the State Planning Office in response to requests from the Joint Standing Committee made as a result of the Committee's four meeting work session on solid waste matters. SPO has drafted two initiatives to increase recycling efforts and rates: a ban on the disposal of corrugated cardboard and a ban on the disposal of leaf and yard debris. These combined actions, if implemented, could increase the state's recycling rate by 8 to 10 points. The proposal includes a three to four year 'ramping up' effort by and for municipalities and businesses, supported in part by grants to municipalities to aid in developing needed infrastructure. Part of the proposal includes a fee on certain wastes that would provide the grant funding anticipated to address the disposal bans impact, but the fee would sunset after five years. Additionally, Ms. Inches explained the Household Hazardous Waste management component of the proposal, which would address immediate and near-term municipal management support for 'one-day collection' events while the more global 'product stewardship program' is being developed and installed.

Council members were generally supportive of the concept of the disposal bans and were interested in more information on the proposal as it is fleshed out by SPO.

Paula Clark gave an update on where the Product Stewardship Council is in their deliberations on developing a framework and system for expanding Maine's product stewardship initiatives. The Council is meeting regularly and has been receiving input from various entities, including manufacturers, on the possible controls, systems and

mechanisms that would be applied to certain products, in an effort to have the manufacturers revise their processes to make their products more recyclable and less hazardous. The list of products under consideration is broad but the Council is taking a methodical and careful review of the various items.

Sam Morris presented an overview of the 2009 municipal solid waste program data that has been received by the office. Overall, across the state, municipal solid waste tonnages dropped from the 2008 numbers by about 3%, which is less than the drop realized during 2008 when the tonnages dropped by about 9%. Recycling tonnage has slipped slightly in 2009 as compared with 2008 when recycling efforts were sustained. He noted that some municipal 'single stream' recycling collection programs had reported a decline in collected recyclables from the prior year. SPO is still waiting for a number of municipal reports to be submitted before more detailed conclusions can be drawn. Council members generally agreed with the raw data numbers that Mr. Morris provided.

Paula Clark gave an update on the status of the Solid Waste Facility Odor and Landfill Gas Management Rules. The first draft was developed and shared with the regulated community and interested parties earlier this year. Four meetings were held by DEP staff across the state to provide for open discussion between the Department and facility owners/operators which were well attended and the effort was well received. Based upon the comments received during those meetings, and subsequent discussions, the draft rules were revised and DEP has scheduled two new meetings where the revisions will be presented and discussed. Overall, the rules are designed to provide a method for determining odor releases from solid waste facilities that are consistent and able to address recurring concerns. The landfill gas management rules are designed to maximize recovery and management of gas generated at landfills while still permitting facilities to qualify for tax credits.

There being no further issues, motion made to adjourn at 3:00 PM