

**Testimony of
Ben Gilman for
The Maine State Chamber of Commerce
In opposition to
The Citizen Petition to Amend the Chapter 400: Maine Solid Waste Management Rules
September 17, 2020**

Dear Members of the Board of Environmental Protection (BEP), my name is Ben Gilman and I represent the Maine State Chamber of Commerce, a statewide business organization made up of both large and small businesses, here to provide you with our testimony in opposition to the citizen petition to amend the Chapter 400: Maine Solid Waste Management Rules.

As proposed, the citizen petition seeks to amend the state's solid waste regulations in two significant ways: (1) re-defining the definition of "waste that is generated within the State," and (2) adding new standards of equal protection and environmental justice to the solid waste disposal facility permitting process.

Current law provides that in-state waste includes residues generated from processing out-of-state material at Maine facilities, such as ReEnergy and Penobscot Energy Recovery Company (PERC). Redefining in-state waste to exclude residue generated in Maine from processing out-of-state waste would threaten the viability of Maine businesses and increase costs of solid waste disposal to businesses and municipalities. The ability to accept out-of-state waste provides these companies with the necessary revenue to be financially viable, which in turn allows them the ability to help maximize Maine's recycling rate and support the state's solid waste goals.

Additionally, the continued viability of these businesses benefits local municipalities, the transportation sector, and other businesses in the solid waste and forest products sectors. The alternative is too devastating: the loss of dozens of direct jobs, millions of dollars in revenue lost to trucking companies, and millions in increased tipping fees to municipalities (which in turn would be passed on to local residents and taxpayers).

As mentioned, the petition also proposes to add two tests for the granting of a public benefit determination for state-owned landfills, which are that the facility operations must not be inconsistent with equal protection and environmental justice. These standards of equal protection and environmental justice are not defined in statute or case law and regardless, it is unclear why they are needed. In fact, Maine's environmental protections are rigorous and

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apply similarly to all Maine citizens, applied in permitting processes that allows for full participation and debate, with rights to appeal. The insertion of these standards in a discrete rule that practically speaking only applies to one facility in the state, does not afford a full debate on the introduction, definition or application of these standards in Maine environmental law. For these reasons, the Chamber strongly opposes the addition of these vague standards to Maine's solid waste facility rules.

While we understand that Maine must plan responsibly for the future of solid waste, we do not believe that this citizen petition achieves that outcome. For these reasons, we ask you to oppose the petition. Thank you for the opportunity to provide you with our testimony. I would be pleased to try and answer any question you may have.

Sincerely,

Ben Gilman