



Penobscot Energy Recovery Company

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ESOCO ORRINGTON, LLC.
Plant Operator

September 28, 2020

Paula Clark
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Subject: Comments on Chapter 400 Citizens Petition

Sent via e-mail

Paula Clark:

We appreciate the opportunity to comment on the citizens petition to modify 06-096 CMR Chapter 400.

The Penobscot Energy Recovery Company (PERC) is a waste-to-energy facility located in Orrington, Maine. The facility accepts approximately 175,000 tons of municipal solid waste (MSW) for combustion to produce electricity for sale on the grid. Through the combustion process, PERC reduces the volume requiring landfill disposal by approximately 90%, thereby preserving precious landfill space.

On January 13, 2020, the Department received a citizen petition to initiate rulemaking to amend the Chapter 400: Maine Solid Waste Management Rules to effectively clarify the definition of "*waste that is generated within the State*" that will primarily impact disposal of waste at the state-owned landfill. The proposed definition effectively defines bypass of out-of-state waste and residues derived from the processing or incineration of out-of-state waste as out-of-state waste. As it pertains to PERC, ash from the combustion of MSW could be considered a residue.

PERC has contracts to dispose of ash and bypass MSW at the Juniper Ridge Landfill (JRL) in Old Town, Maine. This ash is produced from the combustion of MSW, which may include MSW sourced from outside the state of Maine. The MSW sourced from outside Maine is used to augment the amount of MSW required to address regional and seasonal shortfalls. An even flow in the amount of MSW is required for PERC to meet power purchase agreements. Local disposal options for ash are needed to provide the best economics for communities that utilize PERC to dispose of MSW in accordance with Maine's Solid Waste Management Hierarchy to divert waste from landfill disposal. Given the 90% reduction in volume, any incremental increase in ash from the acceptance of out-of-state MSW is negligible, and a requirement for PERC to dispose of ash at a more distant location will impair the basic functioning of the facility.

It is our understanding that the testimony presented by Mr. Spencer at the September 17, 2020 public hearing of the Board of Environmental Protection, conveyed that this petition was not intended to present an impairment to PERC. Therefore, PERC would support a modification to the proposed language that would remove the residuals from incineration as waste not generated in the State of Maine, regardless of the source of the waste combusted.

Please contact me if you have any further questions or comments on this matter.

Regards,

Henry Lang

Plant Manager

Penobscot Energy Recovery Company