



ReEnergy Lewiston  
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September 25, 2020

**VIA ELECTRONIC SUBMISSION**

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Board of Environmental Protection  
C/o Ms. Paula Clark, Bureau of Remediation and Waste Management  
Maine Department of Environmental Protection (MEDEP)  
17 State House Station  
Augusta, ME 04333-0017

**Re: Chapter 400, Maine Solid Waste Management Rules: General Provisions**

Dear Ms. Clark and Members of the Board of Environmental Protection:

Thank you for the opportunity to provide comments on the citizen petition (Petition) to initiate rulemaking to amend Chapter 400, Maine Solid Waste Management Rules: General Provisions.

The Board of Environmental Protection cannot lawfully adopt the definition of “waste that is generated within the State” that the Petition proposes, as this would conflict with the State’s definition in 38 M.R.S. § 1303-C(40-A). This law was passed and signed during this past legislative session after a lengthy and wide-reaching public stakeholder process that included representative from the Department of Environmental Protection, market participants, and public citizens.

ReEnergy Lewiston is the state’s largest construction and demolition debris (CDD) processing facility, recovering approximately 75 percent of the material it processes as recycled material and beneficial use material. The material recovered from wood waste is used as a high-quality fuel to generate renewable energy or in the manufacture of particleboard, and as alternate daily cover at the state-owned Juniper Ridge Landfill. Other recovered recyclables include ferrous and non-ferrous metals and asphalt, brick and concrete (“ABC”). Our mission is to maximize the recycling and beneficial reuse of CDD and minimize landfilling through utilizing technology to increase recovery. We are extremely proud of the service we provide to the Lewiston region and the State of Maine.

The facility has operated in Lewiston since 1985; ReEnergy acquired the Lewiston facility from KTI Bio-Fuels, Inc., a subsidiary of Casella Waste Systems, in August 2013. The facility employs up to 45 individuals, varying by season. The facility accepts material from local businesses and the general public; offers free disposal of CDD material and oversized bulky waste to the City of Lewiston; and makes lease and tax payments to the City. The direct benefit to the City of Lewiston is approximately \$275,000 annually, not accounting for the facility’s indirect support of vendor companies and charitable support of community events.

Our facility uses personnel to positively pick recyclable products, and as well as various pieces of in-line processing equipment – including a grinder and magnetic separators – to recover as much reusable product as possible that can be sold to end markets. Our recovered materials can be used for a wide variety of uses: fuel for electricity generation; medium-density fiberboard (MDF) manufacturing; asphalt paving; new cardboard and drywall; recycled plastic and metal products; and miscellaneous construction materials and soil substitutes. We are proud to manufacture customized products to meet market needs.

ReEnergy has made facility, equipment and process improvements since it acquired the Lewiston facility in 2013. We have made property improvements and installed a new magnet system to extract more ferrous metals from the waste stream. This has allowed us to expand our relationships with end-market customers to support the increased recovery of wood, old corrugated cardboard, plastics and ferrous and non-ferrous metals. We also have enjoyed working with MEDEP on pilot programs for the recovery of carpeting to be used as a fuel at Dragon Cement and to test methods to recycle mattresses.

We expect our business to play a critical role as MEDEP begins to oversee the remediation of sites in Maine that have been contaminated with per- and polyfluoroalkyl substances (PFAS). Some of the end-products from ReEnergy Lewiston, including oversized bulky waste (OBW) and CDD fines, will be ideal bulking agents for PFAS sludge and will allow for its safe disposal. In addition, we foresee playing a role in assisting the State with the reuse of glass, which is currently being landfilled due to the lack of an end-market for recycled glass. We can mix processed ABC and curbside recycled glass to create a product for pipe bedding at landfills, replacing the use of virgin materials at landfills and reducing the direct landfilling of glass, conserving landfill space.

ReEnergy Lewiston was part of a broad group of stakeholders that worked with the Maine State Legislature's Committee on Environment and Natural Resources for approximately 18 months as the committee worked to refine and unanimously report LD 401, "An Act To Preserve State Landfill Capacity and Promote Recycling." This bill was approved by the full Legislature and signed by Governor Janet Mills on March 18, 2020, becoming P.L. Chapter 619 and codified at 38 M.R.S. § 1303-C (40-A). The Committee's stakeholder engagement efforts were robust and included officials and citizens who had expressed concerns similar to the concerns raised by the citizens who have requested the amendments to Chapter 400.

P.L. Chapter 619 redefines the "waste generated within the state" and requires waste processing facilities such as ReEnergy Lewiston to meet specific recovery goals as of January 1, 2022 and January 1, 2023. The goal of the Legislators, as stated in the bill's title, was to preserve state landfill capacity and to promote recycling, and we believe this new law will be effective in meeting this goal. The Maine Department of Environmental Protection is required to report back on outcomes as part of the 2024 update to the state waste management and recycling plan.

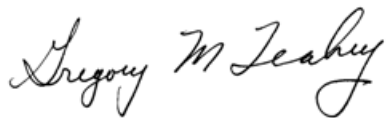
As a result of the enactment of this new law, ReEnergy Lewiston has committed to make an investment of \$1.5-2 million in new equipment and technology to increase the facility's recovery rate. We have been very successful at our sites in New Hampshire and Massachusetts with the addition of high-tech equipment to improve recovery of metals and a system of air separation to increase recovery of wood ABC. In order to proceed with similar investments in Maine, it is critical for us to have a stable regulatory environment and to be able to rely on the policy that has been shaped by 18 months of civic

engagement by a broad group of interested parties.

The Petition proposes a new definition of “waste that is generated within the State” that directly conflicts with the definition provided in LD 401, codified at 38 M.R.S. § 1303-C (40-A). This law permits wastes that were initially generated out of state, but that meet other statutory requirements, from classifying as a “waste generated within the state.” By contrast, the Petition proposes a definition in Chapter 400 of the Department’s Rules that would exclude any wastes that were not initially discarded within the State of Maine. Because the Petition’s proposed regulatory definition conflicts with the Legislature’s definition in 38 M.R.S. § 1303-C(40-A), the Department cannot lawfully adopt the definition proposed in the Petition.

We appreciate the opportunity to comment and we continue to be committed to playing a critical role with the Department and Legislature in meeting the state’s recycling goals and objectives.

Sincerely,

A handwritten signature in black ink that reads "Gregory M. Leahey". The signature is written in a cursive style with a large, stylized 'G' and 'L'.

Gregory M. Leahey

Chief Operating Officer

[gleahey@reenergyholdings.com](mailto:gleahey@reenergyholdings.com)

Copy to:

Paula Clark, Director Materials Management Division

Denis D'Auteuil, City Administrator Lewiston Maine

Senator Nate Libby, Senate District 21