Spencer Comments Maine Materials Management Plan 2024

Please consider these thoughts as part of your effort to gather informed material for your next MMMP report due in 2024. If there had been better promotion of your meetings you would have gathered a larger volume and cross-section of Mainer’s concerns about waste issues. That being said, it was good that you traveled across Maine, and I was warmly received when attending the Augusta meeting.

For starters, Maine really needs to do a better job limiting out of state waste in order to accurately measure waste outputs and inputs by Mainer’s. Preserving landfill capacity will become ever more important, and our one active state landfill in Old Town is composed of at least 30% materials that were discarded for the first time beyond Maine’s borders. This creates separate rules for actual Maine waste, which is supposed to comply with our Waste Hierarchy while imports are exempt.

Maine’s policy of banning new commercial landfills is sound. However, in practice, most of the rules for publicly owned landfills in Maine were written by and for members of the waste industry, primarily Casella. Before the next state landfill is sited, better rules for its operation should be developed independently of the waste industry. In addition, although there are 16 counties in Maine, our only 3 state landfill sites are in Penobscot County. This needs to change, especially given the national attention to Environmental Justice and the proximity of the Penobscot Indian Nation (PIN) assets to all three current state landfills.

I recently was at a meeting with Wally Ziakas, who represented the JRL on behalf of the BGS. One thing that emerged is that although there is currently only 4.8 years capacity at JRL, there is no entity in charge of seeking more landfill capacity in Maine. The undeveloped site at Carpenter Ridge, west of Lincoln, has obstacles to its development, including location, size, and abutting PIN lands. Each of these landfills was developed as a paper mill asset. Perhaps there are other dormant pulp mill landfills suitable for future state waste capacity, and hopefully closer to Maine’s population centers. I have heard that 46% of all wastes in Maine come from Portland south. Where is their landfill capacity?

To repeat this important point: landfill capacity is important for a functional society. However, there is no single entity in Maine responsible for assuring additional places to put our wastes. BGS, a part of DFAS, is only responsible for the existing 3 landfill sites. They may be interested in other possibilities, but they have no mandate to assure capacity. The Department of Environmental Protection does not have the duty to identify and develop landfill space. This is a primary policy change that needs to be implemented quickly.

Another big problem with the current state landfill is that whoever has been the titular owner of JRL (SPO, DECD, and now BGS) has never once denied Casella whatever they wanted to do at JRL. Think of it this way: Casella is a publicly traded national corporation whose primary duty is to its shareholders. The State, as owner, has different priorities. These public duties should include protecting the health and environment of its citizens adjacent to JRL, and to date has done a lackluster job on that front. They always defer to Casella, and the local officials do likewise. Our only recourse is to complain to Casella about the odors. The State has abdicated its responsibility to protect its citizens. We are a Sacrifice Zone.

It is not widely known, but property owners adjacent to JRL receive annual stipends equivalent to their property taxes. Although there is no written mandate for silent consent, the payments have the effect of stifling opposition and complaints from that “Cone of Silence”. This also has a corruptive effect on local government. If any town official, for example a Planning Board member, receives payments from the State/Casella but does not recuse himself the Public suffers. This practice may also put these citizens at risk if they are hesitant to complain about health concerns. I do know some people who receive the funds but still speak their minds regardless of the perceived financial risk, and I have great respect for them.

Since the last MMMP came out in 2019, there have been very few positive changes. One of these was passage of the EPR rules that are currently being developed and implemented. This is a very positive development that sets the precedent of “Polluter Pays”. The DEP should do whatever it can to assist these efforts. Another positive is that Maine has been a leader in addressing PFAS contamination issues. Legislation banning the land spreading of sludges is vital to limiting future contamination, and the Department has invested major assets assessing PFAS pollution across the State. Five years ago, there was little awareness of these threats. Maine and municipalities need to invest more in PFAS/PFOA treatment facilities, as well as in drying sludges prior to landfilling. The State Attorney General’s office should be aggressive in holding chemical companies responsible, and all these efforts should be expedited.

It is obvious that more needs to be done to raise awareness of the waste problem in the minds of citizens. Towns that do a good job with waste reduction should be rewarded with subsidies, and good practices at transfer stations should be identified and emulated, with Department help. There may need to be additional public funds invested in Reduction and Reuse strategies. Recycling tends to get lots of attention and the lack of its success is bemoaned, but one rarely hears promotions of Reduction strategies. Reuse facilities should also be subsidized. For example, Goodwill does a good job collecting items for Reuse: let’s help them. How to do this? State subsidies for heating and cooling of Reduction facilities would be a good start. And what can be done with textiles that are no longer wearable?

The Department needs to listen to its citizens at least as much as it does to industry lobbyists. We recently witnessed the promotion of a “sludge crisis” which resulted in Casella lobbyists strong-arming legislators into a partial roll back of waste importation limits. Prior to this, the Department acceded to Casella’s wishes and approved Oversized Bulky Waste as a bulking/stabilizing material despite no scientific proof or widespread industry adaptation. In June of 2022 I appealed a DEP decision to allow more OBW importation to JRL. As part of my request before the Board, I asked that there be a group created to analyze stabilizing methods of sludges. Instead, Casella continued its poor landfill management practices, which resulted in an instability crisis. There is a continuing threat of landfill slides at JRL.

Lastly, I recommend expanding programs such as the Bottle Bill to other items and materials. We had a major landfill fire at JRL on May 15th that burned over 2 acres of landfill. Maine’s WTE plants have also experienced fires which shut down these facilities. One of the likely culprits, aside from poor landfill monitoring practices, is disposed lithium batteries which are easily combusted. We need to get these out of the waste stream, and one way to do that would be to put a deposit fee on them at the point of purchase. When we buy a new car battery we either return the old one or pay a $10 fee. Treat other flammable materials the same.

Respectfully yours,

Ed Spencer

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