

# GUIDANCE FOR MANAGING MARIJUANA WASTE IN MAINE

On June 27, 2019, Governor Janet Mills of the State of Maine, signed into law, LD 719, *An Act Regarding Adult Use of Marijuana*. This law directed Maine's newly developed Office of Marijuana Policy (OMP) to formally adopt rules regarding adult recreational use of marijuana (Villeneuve, 2019). This law, coupled with Maine's existing Medical Use Marijuana Program, resulted in interest in the cultivation and sale of marijuana statewide.

Under OMP's rule, any product containing more than 0.3% Tetrahydrocannabinol (THC) needs to be transported by an authorized entity (i.e., licensed individuals, Drug Enforcement Agency staff, or other law enforcement personnel) or be "rendered unusable" prior to leaving a marijuana facility (Maine Office of Marijuana Policy, 2019). To meet the standard for being considered unusable, marijuana materials need to be ground and mixed at a 50:50 ratio with an authorized waste material, which includes animal manures, food waste, and yard waste. Therefore, it is the intent of DEP to address marijuana waste generated by the cultivation, harvest and processing of marijuana as it would any other waste material in accordance with the *Maine Solid Waste Management Rules*. This guidance provides additional information

concerning the application of the *Maine Solid Waste Management Rules* to the handling of marijuana waste and is intended to be used as a supplement to OMP's laws and rules as they relate to requirements for waste management.

## Marijuana Waste Handling Options

### Composting Options

The DEP encourages the composting of marijuana waste provided that it does not contain any solvents or chemical extraction agents, such as methane, butane or propane or any other solvent, that might render the waste hazardous and unsuitable for agricultural use. In 2019, DEP staff conducted a study which supports the use of composting as a tool to manage marijuana waste. Given the success of this study, DEP has determined that marijuana waste can be added to existing composting operations with the expectation that any remaining THC would be adequately degraded to allow widespread, unregulated use of the final compost produced provided the composting operation meet certain regulatory-based exemptions.



## On-Farm Composting

### *On Farm Where Grown*

Any marijuana waste material that is grown on a farm, processed on the same farm and returned to the soil as a fertilizer (including as a compost) will be considered an Agricultural Waste<sup>1</sup> and be exempt from further regulation by the DEP.

### *On Farm Other Than Where Grown*

Marijuana waste material that is taken off the farm where the marijuana is grown is considered a Type IA Residual<sup>2</sup>. Agricultural Composting Operations<sup>3</sup> may accept any amount of Type IA Residuals as long as at least 70% of the finished compost produced from any volume of marijuana waste at an Agricultural Composting Operation is used at appropriate agronomic rates on the farm that produced the compost within two years after it is produced. Further, the facility must be operated in general accordance with a Compost Management Plan (CMP) approved by the Maine Department of Agriculture, Conservation and Forestry. Additionally, any farm can accept up to 10 cubic yards of marijuana waste in any 30-day consecutive period without a CMP. If the above conditions are not met, a DEP compost facility license will be required.

## Off-Farm Composting

DEP's composting rules (06-096 C.M.R. ch. 410) contain exemptions that may be applicable to marijuana waste composted at places other than Agricultural Composting Operations. The off-farm composting of less than 10 cubic yards of marijuana waste in any 30-day consecutive period is exempt from DEP regulation. Facilities wanting to compost marijuana waste at rates greater than this limit must obtain a DEP compost facility license.

## Disposal Options

Marijuana waste may be disposed at solid waste landfills or incinerators licensed by the DEP to accept municipal solid waste.

## Other Waste Management Options

Marijuana waste may be processed at an aerobic digestion facility licensed to accept organic materials from the municipal solid waste stream.

## Other Considerations

If the marijuana waste contains chemical extraction agents such as methane, butane or propane or other solvents, it may be considered a hazardous waste and be subject to Maine's Hazardous Waste Management Rules.

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<sup>1</sup>As defined in 06-096 C.M.R. ch. 400, Agricultural Waste, in part, means wastes that result from agricultural activities (the growing of vegetables, fruits, seeds, nursery crops, poultry, livestock, field crops, cultivated or pasture hay and farmland wood products, including Christmas trees) that are returned to the soils as fertilizers. It does not include any material regulated as a residual under 06-096 C.M.R. ch. 419.

<sup>2</sup>As defined in 06-096 C.M.R. ch. 400, Type IA Residual means a residual from a known source that does not contain hazardous substances above risk based standards in 06-096 C.M.R. ch. 418 Appendix A and that has a carbon to nitrogen ratio greater than or equal to 25:1, such as leaf and yard waste, wood chips and some vegetative wastes.

<sup>3</sup>As defined in 06-096 C.M.R. ch. 400, Agricultural Composting Operation means composting that takes place on a farm and uses only animal manure, animal carcasses and offal, fish waste, leaves, wood chips, animal bedding and other vegetative waste, produce and other vegetable and food waste.

## Applicable Regulatory Links

[Solid Waste Management Rules: General Provisions, 06-096 C.M.R. ch. 400](#)

[Solid Waste Management Rules: Compost Facilities, 06-096 C.M.R. ch. 410](#)

[Solid Waste Management Rules: Agronomic Utilization of Residuals, 06-096 C.M.R. ch. 419](#)

[Hazardous Waste Management Rules: Identification of Hazardous Wastes, 06-096 C.M.R. ch. 850](#)

## Questions?

For questions about composting and anaerobic digestion, please contact the DEP at 207-287-7826 and ask to speak with a staff member in the Residual Management Unit.

For questions about hazardous waste, please contact the DEP at 207-287-7826 and ask to speak with a staff member in the Hazardous Waste Management Unit.