

**Annual Report of the
Solid Waste Management Advisory Council**

For Calendar Year 2008

**Prepared for the
Joint Standing Committee on Natural Resources
of the 124th Legislature**

February 2009

Acknowledgements

This report is prepared by the Solid Waste Management Advisory Council (the "Council") and staff of the State Planning Office, in accordance with 38 MRSA §2123-C.

We would like to thank the members of the Council for their participation and support during the past year.

For the
Solid Waste Management Advisory Council

Executive Office
State Planning Office
Waste Management & Recycling Program
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COUNCIL BACKGROUND

The Solid Waste Management Advisory Council was established in 2007, largely as a result of the Solid Waste Policy Review Task Force that met during the prior year. It was believed that having a standing council, assisting and advising the State Planning Office in its review of solid waste policy issues on an 'on-going' basis was preferable to only having such reviews of policy every five years. With support of the Natural Resources Committee, the responsibilities formerly charged to that Task Force became the responsibilities of the standing Council.

The statutory language for the Council may be found in Appendix A.

Potential member names were submitted in late 2006 to the Governor's Office with appointments made in April of 2007. Because this was the first 'naming', staggered membership terms were necessary. A listing of the Council's membership may be found in Appendix B.

COUNCIL ACTIVITIES FOR 2008

The Council is authorized to meet at least once a year to advise and assist the State Planning Office in reviewing Maine's solid waste policies. The Council met twice in 2008 and its 2008 work did carry over into a third meeting held January 5, 2009.

At its first, organizational meeting in June, the Council elected a chair from amongst its membership –Greg Louder, Executive Director, Municipal Review Committee, a regional association organized to oversee the ownership and contract interests of 187 Maine municipalities in the Penobscot Energy Recovery Company waste-to-energy facility.

The Council's work during 2008 focused on reviewing and providing input on drafts of the state Waste Management and Recycling Plan. The Council's input provided the State Planning Office with the public input required in the development of the plan. In June 2008, the council reviewed a conceptual draft of the plan (an outline of contents, changes in format from previous plans, new trends and technologies identified, and planning scenarios). In December, the council reviewed a draft document and was asked to assess whether the plan provided sufficient guidance to state, regional, and local policymakers and program managers so they are confident their decisions on solid waste are in accordance with state policy. Prior to a meeting in early January, individual Council members provided SPO staff substantive comments about areas where the plan should be revised or expanded. SPO staff and the Council met in early January to discuss the comments. SPO staff provided a response to the Council's comments by indicating that several key points would be reflected in the final plan to varying degrees. A copy of the all comments from Council members is available on request.

Copies of each of the meetings agendas and minutes of those meetings follow in this report. The January 5, 2009 meeting minutes are not included in this report as they have not been acted upon by the Council.

During 2008, the council also discussed its role and relationship with the State Planning Office and its hope that it can continue to grow its influence as a force for positive change in solid waste policy in Maine.

The council also received presentations from the State Planning Office on product stewardship initiatives, Maine Recycles Week 2008, and the Maine Recycles campaign.

ISSUES FOR COUNCIL DISCUSSION ANTICIPATED IN 2009

- Analyzing solid waste legislation before the 124th Legislature
- Maintaining the momentum of the statewide recycling public awareness campaign
- Reviewing waste generation and disposal capacity projections

AGENDAS AND MEETING MINUTES OF 2008

First meeting was held on Wednesday, June 25, 2008

Second meeting was held on Wednesday, December 10, 2008

First Meeting Agenda

Solid Waste Management Advisory Council

Wednesday, June 25, 2008

American Legion Hall on Capitol Street Extension, Augusta

- 1:00 Meeting convenes; introductions
- 1:20 Review of agenda; modifications
- 1:30 Review of Council duties
- 1:45 Selection of Council Chair
- 2:00 Update from State Planning Office
- 2:15 Presentation of draft State Waste Management & Recycling Plan
- 2:45 Discussion of Product Stewardship initiatives
- 3:00 Other business
- 3:30 Adjournment

Directions to American Legion Hall from the south and west:

entering Augusta on Western Avenue from I-95 (exit 109 North), travel east towards the Capitol, turning right onto Armory Street (across from the Armory, just before Burger King). Where road turns sharply left onto Capitol Street, turn right and follow the road slightly uphill. Turn right at the stop sign. Turn left into the Legion's driveway after the army tank (which is also on your left). The Legion Hall is the log building behind the tank.

Directions to American Legion Hall from the north and east:

Turn by the Capitol from State Street onto Capitol Street and follow the road past the state buildings, up the hill. Where the road turns sharply to the right (just past the Credit Union building) be in the left lane, so you can turn onto Capitol Street Extension. Follow the road slightly uphill. Turn right at the stop sign. Turn left into the Legion's driveway after the army tank (which is also on your left). The Legion Hall is the log building behind the tank.

Please contact George MacDonald at 287-5759 if you will be unable to attend.

Minutes from the First Meeting of the Solid Waste Management Advisory Council

Wednesday, June 25, 2008

Council members present: Gregory Keene, Carol Fuller, Jackie Conway, Robert Peabody, John Bubier, Kevin Roche, Greg Louder, Joe Kazar, Mark Draper, Jeff McGown, Mike Barden, Jody Harris (designee for ex-officio member Martha Freeman), Paula Clark (designee for ex-officio member David Littell). Staff from SPO: George MacDonald, Sam Morris, Nick Miller

Council members absent: Sue Millet, Don Hudson

Meeting convened shortly after 1 PM by Jody Harris. Introductions were made. The agenda was reviewed.

Ms. Harris led a discussion on proposed ground rules for Council meetings, roles and responsibilities (attached) of Council members, the Council Chair, and staff support for the Council provided by SPO. Council members generally felt the organizational documents were sufficient as presented. It was noted these organizational documents could be further supplemented over time as needed. While talking about Council meetings, several Council members indicated that they would like to meet more frequently than once or twice a year, perhaps quarterly. This will be left to the discretion of the chair, as needed to ensure the proper discharge of Council duties while recognizing a practical limit on the availability of SPO staff resources.

While reviewing roles and responsibilities of the Council, several members expressed a desire to discuss each of the six policy issues set forth in the enabling legislation. It was noted that the Council did not need to look at every issue every year, rather "as appropriate." Ms. Clark noted that different issues are at different levels of policy development with considerable discussion around many of them over the past two years. It would be good to bring everyone up to speed on the current status of the issues. General consensus of Council members was that an update on the current status of the six policy issues be slated as a topic for the next meeting.

The Council moved onto the next agenda item, which was 'Election of Chair'. A motion was made by Mr. McGown to nominate Mr. Louder as the Council Chair and was seconded by Mr. Roche. Motion was carried by unanimous vote.

At this point, Ms. Harris turned the meeting over to newly elected Chair Mr. Louder.

George MacDonald provided an overview of recent recycling activities of the Waste Management & Recycling Program, focusing on the state-wide recycling promotion campaign and other current tasks. When discussing tracking the effectiveness of the campaign, Mr. Kazar suggested that the website have a box where visitors could indicate how they 'found' the webpage, which could aid in evaluating which media worked best in directing people to the Maine Recycles website. He also included an overview of the work that Nick Miller, who is interning this summer with the program, is presently doing.

Sam Morris gave a PowerPoint Presentation of the draft State Waste Management & Recycling Plan (the "State Plan") (attached). It was suggested that the various numbers and definitions be checked for clarity and consistency. Mr. Morris was thanked for providing a thorough and thought-provoking presentation.

Mr. Bubier suggested the need to look at the solid waste policy, not against the straight set of priorities in the waste management hierarchy, but to look at the economics of the different waste management options as well. Maybe we need a matrix, rather than a hierarchy. Ms. Clark noted that questions about the waste management hierarchy are not whether it exists or whether it is eroded, but how it is applied. There are those that feel it is not applied rigorously or absolutely.

Ms. Conway suggested the concept of zero waste be looked at. She requested staff to provide her with information on this concept.

Mr. Roche noted a common thread within the presentation was citing the need for grants and funding, yet the state has struggled with furnishing that.

Ms. Fuller suggested green house gas emissions may be on the rise due to the increase in plastics in the waste stream and that we need to recycle more plastics.

Mr. Draper noted that the solid waste policy task force and blue ribbon commission had tackled a number of these issues, but started with the premise that something is wrong with the state's solid waste system. He stated that, on a statewide basis, we're doing a lot right in the field of waste management and recycling. We should make a good thing better, where possible, but by cost-effective means.

Mr. Barden suggested the State Plan's scenarios might benefit from more analysis about the consequences of the actions envisioned by the scenarios.

Mr. Peabody asked for the opportunity to read the draft State Plan and to reconvene, perhaps in September, to consider it further. Council members concurred while also noting that the group could learn more about each of the six policy issues under its statutory charge and their current status. General consensus of Council members was to reserve the majority of the next meeting agenda for a review of the State Plan and a report on the status of the six policy issues.

The State Plan will include the 2006 Waste Generation and Disposal Capacity Report, which will be sent to Council members when completed.

Meeting adjourned shortly after 3:30 PM.

Agenda

Solid Waste Management Advisory Council meeting

Wednesday, December 10, 2008

Maine State Planning Office – 184 State Street Augusta
(next to the Blaine House)

1:00 Meeting convenes; introductions

1:15 Review of agenda; modifications

1:25 Update on activities from State Planning Office

1:45 Presentation/discussion of draft State Waste Management & Recycling Plan

3:00 Next meeting

3:30 Adjournment

Directions to Maine State Planning Office from the south and west:
entering Augusta on Western Avenue from I-95 (exit 109 North), travel east towards the Capitol, turning right onto Armory Street (across from the Armory, just before Burger King). Where road turns sharply left onto Capitol Street, follow the road left and towards the Capitol. At the foot of the hill, go straight through the traffic light, turning left onto Chamberlain Street (just after Bangor Savings Bank and across from the Cross Office building). Turn right at the foot of the hill and enter the parking lot. The State Planning Office is the cream colored stucco building to the right at the end of the parking lot, up a hill.

Directions to Maine State Planning Office from the east:
crossing the Memorial Bridge, take the third exit off the rotary, going South on State Street. Turn right just after the Blaine House onto Capitol Street. Just past the Blaine House, turn right onto Chamberlain Street (just before the Bangor Savings bank and across from the Cross Office building). Turn right at the foot of the hill and enter the parking lot for State Planning. The State Planning Office is the cream colored stucco building to the right at the end of the parking lot, up a hill.

Directions to Maine State Planning Office from the north:
from the interstate, take exit 112 and bear left towards traffic lights. Turn left onto Civic Center Drive and follow this road to the West Rotary, taking the second exit off the rotary (staying on State Street). Turn right just after the Blaine House onto Capitol Street and just past the Blaine House, turn right onto Chamberlain Street (just before the Bangor Savings bank and across from the Cross Office building). Turn right at the foot of the hill and enter the parking lot for State Planning. The State Planning Office is the cream colored stucco building to the right at the end of the parking lot, up a hill.

Please contact Rhonda Carl at 287-8934 if you will be unable to attend.

Minutes from the Second Meeting of the Solid Waste Management Advisory Council

Wednesday, December 10, 2008

Present: Carol Fuller, Mark Draper, Kevin Roche, Greg Keene, Jeff McGown, Greg Lounder, Mike Barden, Bob Peabody, Ferg Lea, Sue Millett, Joe Kazar, Jody Harris, Paula Clark. **Staff:** Sam Morris, George MacDonald, Jetta Antonakos, Bruce White. **Others attending:** Dana Fowler.

Meeting was opened by Chair Greg Lounder at 1:10pm with introductions. Motion by Carol Fuller and seconded by Bob Peabody to accept the minutes from June 25, 2008. Motion carried.

Greg reviewed the agenda and ground rules. There were no modifications to the agenda.

Maine Recycles Week – SPO's Bruce White gave an overview of Maine Recycles Week 2008, which was held November 8-15 noting it now covers the whole state and participation is improving each year, reaching more students. He described the poster contest and Maine Recycles calendar, which aims to keep recycling in front of the public year round.

Maine Recycles campaign – SPO's Jetta Antonakos described the goal of the public awareness campaign as two fold: 1) to help municipalities promote their recycling programs; and 2) to increase recycling statewide. The campaign was launched in spring 2007 targeting 20-34 year olds. It includes a tool kit that municipalities and other groups can customize for their own use using the campaign's logos and images. A new effort for 2009 is "Posters and Coasters" and features a biker recycling can, which will be distributed to eating and drinking establishments. A suggestion was made to develop an outreach program to get solid waste haulers 'on board' with local recycling efforts.

State Plan – SPO's Sam Morris provided an overview of the draft plan, which is still under review by the Department and for which comments, questions, criticism are expected and encouraged. The goal of the plan is to refocus the way we see waste, not as a problem to manage, but an opportunity to recover resources. The purpose of the plan is to persuade and encourage policymakers, give them direction. The plan needs to answer "yes" to the following question:

"Does it provide sufficient guidance to state, regional, and local policy makers and program managers so they are confident their decisions on solid waste management are in accordance with state policy?"

In order to achieve a 50% statewide recycling goal, the plan identifies three waste streams: 1) fiber, 2) CDD, and 3) yard and leaf waste, as key to increasing recycling rates. It also suggests that moving to single-stream recycling and recovering commercial sources of material are advantageous to increasing recycling rates.

The draft plan says that if we want to move beyond 50%, we will need to both exploit traditional recycling systems, and move to a shared responsibility model. The draft plan's objectives for this include:

- ▶ *To encourage personal responsibility by building public trust in recycling.*
- ▶ *To enact a statewide ban on the disposal of all commodities for which there is a proven accessible market.*
- ▶ *Encourage the separation and collection of organics, leaf and yard waste and food wastes.*
- ▶ *Municipal level initiatives*
- ▶ *Product Stewardship-Extended producer responsibility*

Discussion

Council members discussed the merits of the plan as a policymakers' guide.

- It could focus more on source reduction (Fuller)
- More information on Maine's higher waste generation rates, as compared to national numbers (Fuller)
- It is well-written, easy to read (Draper)
- Any kind of mandatory provisions won't work (Draper)
- There are two clear choices for policymakers: 1) voluntary, stay the course with a respectable 36% recycling; or go beyond 50% by changing the way we view waste, making new investments, and implementing some mandatory provisions. It's a matter for policy makers to choose. (Harris)
- Encourage greater participation, promote benefits of recycling (Keene)
- Add Toxics Use Reduction Act (Barden)
- Recycling has dropped from 41% at high to 36% today, does status quo mean dropping below 36% (Lea)
- Look at what we were doing when we were at 41% (Draper)
- Add something about cyclical nature of markets; of the three waste streams targeted, two are not dependent on markets (CDD and leaf and yard waste) (Lea)
- 2007 numbers should be up (Millett)
- New draft has better presentation, more definition of data (Draper)
- Add information about benefit to communities to consolidate (Millett)
- Add something about "buy recycled" (Fuller)

Market Decline

The council also discussed how to respond to the sudden loss of markets

- If the economy stays depressed and we can't get rid of material, that will discourage people from recycling (Kazar)
- For business, it's not a matter of not wanting to recycle, it's a matter of the downturn in the economy, will need to have more consolidated programs (McGown)
- Education campaign is a good one; needs to continue as a long-term solution. Need to continue to support this effort (Roche)

Council members expressed the need for more time to digest the plan and offer additional comments. They would like to provide meaningful input. Members agreed to get their individual comments to SPO by December 19. SPO will synthesize these and get them back out to council members.

Next meeting scheduled for: January 5, 2009, 1:00 pm, State Planning Office conference room. A conference call is also planned for this meeting, to allow members to participate without travelling to this meeting. Information on the conference call will be provided prior to the 5th.

Agenda items: discussion of common themes/priorities for the plan; other issues that will be priorities for the upcoming legislative session. George MacDonald asked the Council for their assistance in this question: "in moving ahead into 2009, how should the state respond to the current fiscal situation and market events in the area of recycling, while maintaining forward motion in encouraging expanded recycling efforts?"

Meeting adjourned at 3:30 p.m.

APPENDICES A & B

Appendix A is the statutory language for the Council

Appendix B is the membership of the Council

APPENDIX A

The statutory language for the Council

38 MRSA §2123-C. Solid Waste Management Advisory Council

1. Solid Waste Management Advisory Council. The Solid Waste Management Advisory Council, referred to in this section as "the council," is established to advise and assist the office in reviewing, as may be appropriate:

- A. State solid waste management policy, including the timeline and establishment process for the development of a state-owned solid waste disposal facility;
- B. Host community benefits;
- C. The development of commercial solid waste facilities and the economic competitiveness of commercial facilities;
- D. The appropriateness of developing regional disposal facilities to better serve municipalities and businesses;
- E. The continued development and expansion of beneficial reuse and recycling;
- F. The proper role of municipal zoning and other local control in regard to siting, expansion and operation of solid waste disposal facilities; and
- G. Other related matters as considered appropriate and necessary.

2. Membership. The Governor shall appoint 14 members of the council as follows:

- A. Three members from the general public;
 - B. Two members from each of the following:
 - (1) Municipal government;
 - (2) Statewide and local environmental organizations;
 - (3) The recycling industry;
 - (4) Waste-to-energy facility owners or operators; and
 - (5) Landfill owners or operators; and
 - C. One member representing industrial waste generators.
- The Director of the State Planning Office, or the director's designee, serves as a nonvoting, ex officio member of the council.
- The commissioner, or the commissioner's designee, serves as a nonvoting, ex officio member of the council.

3. Terms. All members, except the Director of the State Planning Office and the commissioner, are appointed for staggered terms of 3 years. A vacancy must be filled by the Governor for the unexpired portion of the term. The council shall annually elect a chair from its membership.

4. Quorum. A quorum is a majority of the members of the council. An affirmative vote of the majority of the members present at a meeting is required for any action. An action may not be considered unless a quorum is present.

5. Compensation; meetings. Members are entitled to compensation according to Title 5, section 12004-I, subsection 68-B. The council shall meet at least once a year and at any time upon the call of the chair upon written request to the chair by 5 of the members.

6. Report. The council shall report annually to the Governor and to the Legislature on its activity during the past year.

7. Staff. The office shall provide the council with all necessary staff.

APPENDIX B

Council Membership

Affiliation	Organization - Facility - Company	First Name	Last Name	Initial Term
General Public				
	Belgrade Recycling Committee	Gregory	Keene	1 year
	Private citizen	Carol	Fuller	3 years
	Auburn Recycling Committee	Jackie	Conway	2 years
Municipal Government				
	Town of Rockport	Robert	Peabody	2 years
	City of Biddeford	John	Bubier	3 years
Statewide and local environmental organizations				
	Androscoggin Valley COG	Fergus	Lea	3 years
	The Chewonki Foundation	Don	Hudson	1 year
Recycling Industry				
	eco-maine	Kevin	Roche	1 year
	FCR - Goodman Recycling	Sue	Millett	2 years
Waste to Energy facility owners or operators				
Public/Private W-T-E (PERC)	Municipal Review Committee	Greg	Louder	1 year
Public W-T-E	Mid Maine Waste Action Corp	Joseph	Kazar	2 years
Landfill Owners or Operators				
Publicly owned landfill	Tri-Community Landfill	Mark	Draper	3 years
Privately owned landfill	Waste Management Inc.	Jeff	McGown	2 years
Industrial Waste Generators representative				
	Maine Pulp & Paper Association	Mike	Barden	1 year
State Planning Office Director (or designee) & Department of Environmental Protection Commissioner (or designee)				
	State Planning Office	Martha (Jody)	Freeman (Harris)	
	Department of Environmental Protection	David (Paula)	Littell (Clark)	