

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

For Calendar Year 2009

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

January 2010

Acknowledgements

This report is prepared by the Solid Waste Management Advisory Council (the "Council") 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.

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COUNCIL BACKGROUND

The Legislature established the Solid Waste Management Advisory Council in 2007, largely as a result of the Solid Waste Policy Review Task Force that met during the prior year. The task force recommended a standing council to assist the State Planning Office in its review of solid waste policy issues on an 'on-going' basis as preferable to the then existing reviews of policy every five years. The Legislature charged the new council with reviewing state solid waste management policies including:

- timeline and process for developing a state-owned solid waste disposal facility;
- host community benefits;
- development of commercial solid waste facilities and the economic competitiveness of commercial facilities;
- developing regional disposal facilities to better serve municipalities and businesses;
- continued development and expansion of beneficial reuse and recycling;
- role of municipal zoning and other local control in regard to siting, expansion and operation of solid waste disposal facilities; and
- other related matters as considered appropriate and necessary.

The Legislature directed the council to meet at least once a year and to report to the Legislature annually. The council statutory language may be found in Appendix A.

The Governor appointed members to represent the solid waste interests named in the legislation. The council membership may be found in Appendix B. Greg Louder, Executive Director, Municipal Review Committee, chairs the council. The State Planning Office, herein after referred to as "SPO," staffs the council.

COUNCIL ACTIVITIES FOR 2009

The council's work this year focused on long-range planning and on advising on four specific policy issues at the request of the Legislature.

State Waste Management Planning

In January, the council finished its review of the five-year, state *Waste Management and Recycling Plan*, which it had begun in summer 2008. The council's contributions provided SPO with the public input required in the development of the plan.

The council was specifically 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.

The council discussed a number of policy issues raised in the plan and provided individual and group comments regarding the content and use of the state plan. Some key points raised include:

- The council recognized the slowing of the State's recycling rate even while Mainers are recycling more materials and discussed options for increasing recycling. The plan spells out a clear choice 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 policymakers to choose. Several members of the council were opposed to mandatory provisions.
- The council noted the lack of state incentives whether grants or other means to grow both business and municipal recycling programs. The council felt that, even in these tough times, the State needs to sustain public education programs and develop new incentives.
- The council restated the known cyclical nature of recycling markets but noted that of the three waste streams targeted in the plan, two are not dependent on markets (construction and demolition debris and leaf and yard waste). The council felt this provided good direction for the State.

The council explored capacity projections recognizing that a slowdown in the economy had caused a drop in waste generation in 2008 in some areas, which would extend existing capacity beyond normal projections. It was the sentiment of the council that a projected 4% growth rate in municipal solid waste as used in the plan may be too aggressive. The council felt that it should be qualified by connecting it with overall state economic growth and with progress in waste reduction and other green efforts to slow or reverse the growth of waste. Thus the 4% rate should be seen as the high case in Maine's municipal solid waste growth rate.

The council recognized that capacity planning has its ups and downs and is impacted by many factors. In that the plan takes a long-range view, short-term spikes and drops would average out over 20 years. Some council members felt that the planning horizon should be extended further than the current 20 years.

SPO submitted the five-year plan to the Governor and the Legislature's Joint Standing Committee on Natural Resources in January 2009. It is available on SPO's website at: <http://www.maine.gov/spo/recycle/publications.htm>.

State Solid Waste Management Policy

In October 2009, the council met to review solid waste management policy issues raised in the Legislature's LD 760. The bill, enacted as Public Law 2009, chapter 412, asked the State Planning Office to conduct a review and assessment of state solid waste management policy as it relates to the state-owned landfill and to the ban on commercial solid waste disposal facilities. Specifically, the Legislature asked:

- whether amendments to the operating services agreement between the State and the operator of the state-owned landfill should be negotiated to eliminate fuel services agreements and caps on tipping fees and to establish annual maximum fill rates; and

- whether the restriction on the expansion of commercial solid waste disposal facilities in Title 38, section 1310-X, subsection 3, paragraph B should be amended to allow a currently existing facility that is not under order or agreement to close to expand onto any contiguous property that the licensee may own or acquire.

SPO asked the council as interested parties to offer their insights on these four policy issues.¹

1. Fuel Services Agreement

The State's operating services agreement between the State and the contracted landfill operator requires the operator to provide green wood and processed wood waste at less than market value to Patriarch Partners, the owner of the former Georgia Pacific Paper Company, to fuel the mill's boiler.

The council agreed that too much is unknown to allow for any opinion at this point:

- 1) Casella is currently not supplying fuel to the new owners of the mill, Patriarch Partners under the terms of the agreement.
- 2) The new Department of Environmental Protection (DEP) rules for processing facilities are not yet published.
- 3) Would changing the terms from what the original RFP required pose any legal issues (i.e., some companies chose not to bid on the operating services agreement because of this provision)?
- 4) Could the state get a better deal on the service agreement if this provision were removed?

2. Tipping Fee Cap

The council expressed the opinion that the tipping fee cap should be left in place for now, but that in reality, current market forces are imposing their own cap on tipping fees at the state-owned landfill. They noted that there is considerable downward pressure on tipping fees across the industry and Juniper Ridge is particularly sensitive to the cost of transportation, which cannot be separated from tipping fees as the two are generally quoted as one price. The council felt this question should be revisited in the future if there a significant change in the market effecting in-state land fill disposal options.

Several council members suggested the cap should be looked at in a different context. Since landfilling is the lowest management option on the State's waste management hierarchy, it should be more expensive. The State might want to increase the tipping fee at the Juniper Ridge Landfill to discourage landfilling. In addition the tipping fees should be adjusted to properly fund the State's waste management programs. Another suggested that the tipping fee be tied to the market: when tipping fees rise above a certain standard, the cap is triggered.

¹ Public Law 2009, Chapter 412 also asked SPO to look at questions related to the management and oversight of the State-owned Juniper Ridge Landfill. SPO did not request the Council to review these items because they do not rise to the level of policy review and would necessitate a day-day working knowledge of the state landfill operations and budgets. SPO will address these items its report to the Legislature in January 2010.

3. Maximum Fill Rate

A wide majority of the council opposed establishing maximum fill rates at the state-owned landfill for a variety of reasons:

- Rather than an absolute maximum, the State could set a limit and assess a surcharge for waste accepted over that limit.
- A maximum fill rate may cause disruptions in operations for facilities that need to send ash or bypass to the landfill, or in the case of emergencies such an increase in debris from hurricanes or ice storms.
- Fill rates should be tied to the operation of the facility, through its license agreement.
- There are better ways of preserving capacity; diverting wastes to existing waste-to-energy plants to keep them operating at full capacity, for example.

4. Commercial Facility Ban

The council was generally supportive of amending current law to allow for the expansion at Crossroads Landfill, increasing support for priorities of the waste hierarchy, and maintaining the ban on new disposal facilities.

Council members noted that the Department of Environmental Protection would determine the public benefit of expanding the facility if the law change is enacted. While the council was generally supportive of a measure that would allow for potential expansion at the landfill in Norridgewock, it offered a number of factors both pro and con to consider:

- There is precedent for creating a change in law to allow for the expansion of an existing commercial landfill.
- Given the State's continuing reliance on waste-to-energy facilities, there are benefits to Maine generally from added disposal capacity.
- Concern about the impact of creating new disposal capacity without a complimentary effort to reduce waste and recover more material through recycling and composting on fostering Maine's waste management hierarchy.
- Benefits to Maine communities as a regional disposal option.
- Concern about a law to benefit a single facility.

The council's input will be used by SPO in preparing its report for the Legislature in January 2010.

Copies of each of the 2009 council meetings agendas and minutes of those meetings follow in Appendix D of this report.

ISSUES FOR COUNCIL DISCUSSION ANTICIPATED IN 2010

It is anticipated that the council will meet at least once in 2010. Potential issues for council consideration include:

- reviewing relevant and timely items within the council's statutory charge;
- analyzing solid waste legislation before the Second Regular Session of the 124th Legislature; specifically legislation the Natural Resources Committee may report out regarding the duties and responsibilities for managing solid waste (PL 2009, chapter 412, section 10);
- maintaining the momentum of the statewide recycling public awareness campaign; and
- reviewing waste generation and disposal capacity projections, which will be part of the SPO's annual waste generation report to the Governor and Legislature.

CONCLUSION

The council continues to provide a stakeholder-level forum for reviewing state solid waste policy issues. Their ability to meet at least annually and as questions arise provides an ongoing review that is much improved over the five-year cycle.

The council's participation has provided the State Planning Office an active forum to discuss relevant and timely issues. It has served as a sounding board and has helped to inform and enlighten SPO's view on these issues.

APPENDICES

APPENDIX A: Council's Statutory Language

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

APPENDIX C: Excerpt from An Act To Improve Landfill Capacity

Sec. B-2. Review and assessment of solid waste management policy; state-owned landfills. The Executive Department, State Planning Office shall work collaboratively with other state agencies and interested parties to conduct a review and assessment of the State's solid waste management policy and submit a report relating to the review and assessment. The review and assessment must include, but is not limited to:

1. Whether funding for management and oversight of state-owned landfills is sufficient to carry out the legislative intent of the Maine Revised Statutes, Title 38, chapter 13;
2. Whether management or operational modifications should be instituted at the state-owned landfill;
3. Whether amendments to the operating services agreement between the State and the operator of the state-owned landfill should be negotiated to eliminate fuel services agreements and caps on tipping fees and to establish annual maximum fill rates; and
4. Whether the restriction on the expansion of commercial solid waste disposal facilities in Title 38, section 1310-X, subsection 3, paragraph B should be amended to allow a currently existing facility that is not under order or agreement to close to expand onto any contiguous property that the licensee may own or acquire.

By January 5, 2010, the office shall report its findings and recommendations, including any draft legislation necessary to implement its recommendations, to the Joint Standing Committee on Natural Resources, which is authorized to submit legislation related to the report to the Second Regular Session of the 124th Legislature.

APPENDIX D: 2009 Agendas and Meeting Notes

Agenda

Solid Waste Management Advisory Council meeting

Monday, January 5th, 2009

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

- 1:00 Meeting convenes; introductions
- 1:05 Review of agenda; modifications
- 1:10 Review of meeting notes from the December 19th meeting; modifications
- 1:15 Review of summary of comments received on the draft State Waste Management Recycling Plan
- 1:40 The Office's Response to the comments and proposed modifications to the Plan
- 2:00 Next steps for the Plan
- 2:10 Plans to provide updates to the Council on the legislative session and end of session
summary
- 2:15 Adjournment

BACKGROUND FOR JANUARY MEETING

The following are the notes received from, and circulated among the council members, on the draft State Plan that SPO had presented to the council members, prior to the January meeting.

Key points in the comments received by the SPO on the draft Solid Waste Management and Recycling Plan from the Solid Waste Management Advisory Council:

1. The projected 4% growth rate may be too aggressive. It should be qualified by connecting it with overall state economic growth and with progress in waste

reduction and other green efforts to slow or reverse the growth of waste. The 4% rate should be seen as the high case, with other growth rates projected for comparison. Maine's economic growth rate can provide the plan with the background in which to base the forward looking reduction and recycling strategies; i.e. robust growth, modest growth, no growth. By annually revisiting the waste generation data the Plan will stay fresh and will overtime reflect the actual solid waste conditions in Maine.

2. Maine's definition of MSW leads to a very high pounds per person generation rate, we combine construction demolition debris with household trash. Does this help or hurt our efforts? There should be an expanded explanation and an exploration of options.
3. Tied to the 4% growth rate question is the issue of the importation of waste. There are questions as to whether or not it will really decline and be supplanted by the growth of instate waste.
4. There is a lack of state incentives whether they are grants or other means to grow both business and municipal recycling programs.

Along with these 4 key points several other issues were raised:

- There should more discussion of beneficial reuse
- Recycling incentives without mandates
- Expand on household hazardous waste collection options
- Explain the relationship of recycling and biomass
- Expand the discussion on market stability and prices
- Expand on costs to municipalities of expanded recycling efforts
- Expand the discussion on single stream
- Landfill compaction rates are too aggressive leading to overstatement of capacity
- Municipal capacity is questionable when counted towards statewide capacity projections
- Expand the discussion of disposal price stability
- 2018 will be near the end of life for all the WTEs that should be discussed at least briefly.
- Expand the discussion of the hidden environmental and monetary costs of our current policies

Meeting Notes, January 5, 2009

Council members present: Jeff McGown, Kevin Roche, Mark Draper, Bob Peabody, Sue Millett, Greg Keene, Joe Kazar, Don Hudson, Ferg Lea, 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

Chair Greg Louder convened the meeting at 1:02 PM with introductions. The council accepted the December 10, 2008, minutes and approved today's agenda.

Review of plan comments

Sam Morris of SPO reviewed two documents that had previously been sent to the council, one a verbatim transcription of all comments received, and two a summary of key points. The council walked through each of the key points and other council member comments.

Discussion:

- A 2018 end date-of-life date for WTE plants is not realistic. Suggest that plants will go for well over 30 years.
 - Response: The plan currently states that WTE plants, as long as they are maintained, should continue to operate for the foreseeable future and does not project any end of life dates for these facilities.

- The projected 4% growth rate may be too aggressive.
 - Response: 2007 statewide numbers show a constant for waste generation over 2007, primarily because of an increase in the generation of CDD waste (which are often handled outside of the WTE plants). SPO intends to be conservative in order to provide plenty of buffer in projecting the consumption of landfill capacity to assure that the state maintains adequate capacity. We will put some qualifications on the projected growth rate and offer differing scenarios for a less than robust economy.
 - Other comments:
 - eco-maine is experiencing just the opposite and has been for several years. Their current 5-year plan projects a 3% reduction in tonnage (Roche)
 - the new direction of an annual capacity report (rather than biennial) combined with plan allows these projections to be monitored more closely (Louder).
 - Search document for other assumptions predicated on the 4% projection and qualify those (Peabody)

- Maine's definition of MSW leads to a very high pounds per person generation rate, we combine construction demolition debris with household trash. Does this help or hurt our efforts? There should be an expanded explanation and an exploration of options.
 - Response: an expanded explanation is possible within the Plan.

- Tied to the 4% growth rate question is the issue of the importation of waste. There are questions as to whether or not it will really decline and be supplanted by the growth of instate waste.
 - Response: this number is closely tied to 4% projection rate. SPO will similarly qualify this.

- There is a lack of state incentives whether they are grants or other means to grow both business and municipal recycling programs.
 - Response: the plan suggests some targeted incentives pending available funding. SPO can strengthen the language in this regard.
 - Other comments: Even in these tough times, we should not be silent on these issues. For example, we need to sustain the public education campaign. Would like the group to formulate some aggressive recommendations on this, perhaps outside of the plan process (Roche)
 - In the run up to 50% section, education is not mentioned and should be (Lea)
 - Identify what steps are needed to plan for managing an increased tonnage (Hudson)

- Landfill compaction rates are too aggressive leading to overstatement of capacity
 - Response: These numbers are based on actual numbers provided by facilities' actual experience.

- Municipal capacity is questionable when counted towards statewide capacity projections
 - Response: Because local programs govern landfills and when and what wastes are accepted, projections here are based only historical fills rates only and the plan recognizes that.

Sam concluded that there were no comments received that SPO can't or won't make modifications from. He thanked the council for all their comments, saying they will result in a better plan. The goal is to have a final draft of the plan for SPO management to review and adopt by January 15.

Paula Clark noted that DEP had additional comments to submit separately. DEP had made some comments previously, which have already been incorporated.

Ferg Lea asked if SPO wanted the council to endorse the plan. Jody Harris responded that if the council wanted to endorse the plan, we would welcome it. SPO is not expecting an endorsement, rather wanted to hear all the viewpoints that the diverse council members with their different interests can provide, not necessarily work towards consensus. SPO's goal is to be able to say that the council members provided their input to the plan.

Greg Louder offered the council's sincere thanks to Sam Morris for all his hard work and extra hours on the plan.

Upcoming Session

Sam noted he would like to notify the council of pertinent bills as they come up and keep everyone updated. Also, he will provide a summary of solid waste legislative action at the end of the session.

Refined Strategy

Kevin Roche asked about using the council, as a group of energetic professionals, to formulate 1-5 points of consensus and some recommendations to try and influence the Legislature, of strategies we would like to see continued, perhaps beginning with education. Education is the key to waste management in the future. This would give purpose to the council and establish a tone.

Greg Louder suggested holding off on this possible action. The council's role (in statute) is to provide input to and advise the State Planning Office. Not sure whether this would be an appropriate activity for the council. He is very interested in seeing the good efforts and momentum of this council continue and pledged to work towards that end.

Mark Draper asked Greg to discuss this issue with staff of State Planning Office about an appropriate way for the council to move forward.

Meeting adjourned at 2:20 PM.

Agenda October 26th, 2009

To: Members of the Solid Waste Management Advisory Council
From: George MacDonald, Manager, Waste Management & Recycling Program
Date: October 5, 2009
Subject: Council meeting scheduled for October 26, 2009

After discussion with the council chair, a date and time for a meeting of the Solid Waste Management Advisory Council (the "council") has been set for Monday, October 26, 2009, from 1:00 to 4:00 PM, at the State Planning Office's conference room, 184 State Street in Augusta.

By statute, the council is to annually elect a chair from its membership. Greg Louder was elected last year, so the council will need to elect a chair for the Council.

Once that has been done, the council will move on to the primary topic for this meeting, which is to have the council assist the State Planning Office with its review and assessment of the State's solid waste management policy, as directed in part by LD 760, 'An Act To Improve Landfill Capacity'. That bill directs SPO to work collaboratively with other state agencies and interested parties to conduct a review and assessment of the State's solid waste management policy and submit a report to the Legislature's Joint Standing Committee on Natural Resources by January 5, 2010.

SPO would appreciate hearing the council's comments, thoughts and observations on two of those items - - 4 and 3

- 4) *Whether the restriction on the expansion of commercial solid waste disposal facilities in Title 38, section 1310-X, subsection 3, paragraph B should be amended to allow a currently existing facility that is not under order or agreement to close to expand onto any contiguous property that the licensee may own or acquire.*
- 3) *Whether amendments to the operating services agreement between the State and the operator of the state-owned landfill should be negotiated to eliminate fuel services agreements and caps on tipping fees and to establish annual maximum fill rates*

In order to support your preparation for the upcoming meeting, SPO will be forwarding background information in advance to you, on items 4 and 3.

**Draft Meeting Notes, October 26th, 2009
(pending acceptance by the Council)**

Council members present: Jeff McGown, Kevin Roche, Mark Draper, Bob Peabody, Sue Millett, Greg Keene, Joe Kazar, Don Hudson,(by conference call) Ferg Lea, Carol Fuller, 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. Absent: John Bubier, Mike Barden, and Jackie Conway.

Chair Greg Louder convened the meeting at 1:00 PM with introductions. The council accepted the January 5th, 2009 meeting minutes and approved the day's agenda.

By statute, the council is to elect a chair from its membership annually. Greg Louder was re-elected by unanimous vote to serve as Chair for 2009-2010.

The council meeting moved on to its primary topic, to assist the State Planning Office with its review and assessment of the State's solid waste management policy, as directed by LD 760, 'An Act To Improve Landfill Capacity'.

Specifically, the council was asked to look at two sections of the law (PL 2009, chapter 412):

- 3) Whether amendments to the operating services agreement between the State and the operator of the state-owned landfill should be negotiated to eliminate fuel services agreements and caps on tipping fees and to establish annual maximum fill rates.
- 4) Whether the restriction on the expansion of commercial solid waste disposal facilities in Title 38, section 1310-X, subsection 3, paragraph B should be amended to allow a currently existing facility that is not under order or agreement to close to expand onto any contiguous property that the licensee may own or acquire.

The council took up section 4 first.

It was made clear to the council that amending the current law to allow for an expansion as expressed in section 4 did not mean lifting the ban on future commercial facilities, and the council largely re-affirmed their support for the current ban.

The council also learned that there is a precedent for this change in law when the original law was modified by changing its effective date to allow for Pine Tree Landfill in Hampden to build on previously purchased land.

The chair then polled the council members for their opinions.

- Amending the law buys us more time to work on alternatives to land disposal while keeping the ban and not developing a green field site.
- Maine is landfill dependent, and this amendment only will apply to the WMI Crossroads landfill in Norridgewock.
- The downside would be allowing for an expansion of the least desirable solid waste management option under the Waste Hierarchy. If approved should be accompanied by a beefing up of support for the higher priorities of the waste hierarchy.
- Is it a good idea to make a specific law that effects only one facility?
- Coming to a decision on this issue will help other facilities and the communities that depend upon them to make their long range plans.
- How does the state benefit, how will this change benefit the people of Maine?
- Does this open the door on the ban?
- If Crossroads has 10-12 years of capacity remaining, what is the rush to move on this now?
- The ban and considering this change in law are two separate issues
- The WTEs financial decisions are based upon continuation of the ban and reasonable availability of landfills for disposal of their by products.
- Is the ban a good thing?
- The expansion would provide disposal options for Maine communities.
- Would like to hear from the effected communities, from Norridgewock.
- General comment: the state needs to plan for disposal capacity beyond Juniper Ridge; it does not make sense to plan only for 20 years.

The council was generally supportive of:

1. amending current law to allow for the expansion at Crossroads landfill
2. increasing support for priorities of the Waste hierarchy
3. maintaining the ban on new disposal facilities.

The council noted that the Department of Environmental Protection would determine the public benefit of expanding the facility even if the law change is enacted.

The council moved on to section 3, affecting only JRL: the fuel agreement, cap on tipping fees, and the consideration of maximum annual fill rate at Juniper ridge.

A wide majority of the Council was opposed to establishing maximum fill rates at the state owned landfill, JRL. Issues include:

- A maximum fill rate would restrict the landfill from meeting emergency needs in the case of an increase in debris from hurricane or ice storm
- Rather than maximum fill rate on the annual total waste stream, could look at maximums on different types of waste
- Rather than an absolute maximum, could set a limit and charge more for waste accepted over that limit
- How do you decide who gets shut off? A question of fairness.
- Fill rates should be tied to the operation of the facility, through license agreement
- There are better ways of preserving capacity. Limit MSW bypass for example, diverting that waste stream to WTE plants to keep them operating at full capacity

On the cap on tipping fees, the council expressed the opinion that market forces should be allowed to work, that there is considerable downward pressure on tip fees across the industry and JRL is particularly sensitive to the cost of transportation which cannot be separated from tip fees as the two are generally quoted as one price. This question should be revisited if and when the state ever gets to a “one commercial landfill” scenario. Several council members suggested the cap should be looked at in a different context. Landfilling is the lowest management option on the hierarchy. Landfilling should be more expensive. The cap might be removed to increase the tipping fee to discourage landfilling. Perhaps we should be talking about a floor rather than a cap. In addition the tipping fees should be adjusted to properly fund the State’s waste management programs. Another suggested that the tipping fee be tied to the market, when tip fees rise to a certain standard, the cap is triggered.

On the fuel agreement in the current OSA for JRL, the council agreed that the situation is in limbo for various reasons to allow for any opinion at this point:

- 1) Casella is currently not supplying fuel to the new owners of the mill, Patriarch Partners under the terms of the agreement.
- 2) The new DEP rules for Processing Facilities are not yet published.
- 3) Would changing the terms of the original RFP, and then a change in the OSA, opening up the OSA, require a ruling from the Ag, public hearing and comments,
- 4) Could the state get a better deal on the service agreement if this provision were removed?

With all the agenda items completed, the chair thanked council members for their input and attention and adjourned the meeting at 3:00 PM.