



JANET T. MILLS  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



GERALD D. REID  
COMMISSIONER

**TESTIMONY OF  
PAULA CLARK  
DIRECTOR, DIVISION OF MATERIALS MANAGEMENT  
MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION  
SPEAKING IN OPPOSITION TO L.D. 524  
RESOLVE, REGARDING THE PROMOTION OF COMPOSTING  
SPONSORED BY REP. HICKMAN  
BEFORE THE JOINT STANDING COMMITTEE  
ON  
ENVIRONMENT AND NATURAL RESOURCES  
DATE OF HEARING:  
APRIL 3, 2019**

Senator Carson, Representative Tucker, and members of the Committee, I am Paula Clark, Director of the Division of Materials Management of the Department of Environmental Protection, speaking in opposition to L.D. 524.

LD 524 proposes that the Departments of Environmental Protection and Agriculture, Conservation and Forestry study the "feasibility of establishing incentives or mandates to promote composting" in Maine, and submit a joint report with recommendations to the Legislature next year. The study is required to include consideration of laws, legislative proposals and policies in other states, and of Maine's solid waste management hierarchy. The Department is in full support of the goal of the bill, but recommends a different approach to achieving it.

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Particularly since the passage of PL 2015 Chapter 461 ("An Act to Create a Sustainable Solution to the Handling, Management and Disposal of Solid Waste in the State") which, in part, established the Food Recovery Hierarchy, the Maine Solid Waste Diversion Grant Program, and the food scraps composting pilot program, the Department has been actively promoting and pursuing the diversion of organics from the waste disposal stream. This has been done through the provision of information, technical assistance, planning and implementation support, and collaborative problem solving with municipalities, regions, farms, schools, and other institutions and businesses. Most recently, the Department submitted its *Food Scrap Composting Pilot Program Report* (January 2019) to the Committee, providing information and recommendations based on results of the program. The Department awarded \$88,000 for 6 different solid waste diversion proposals last year, and is expecting to award second round grants totaling \$111,000 by June 2019.

During the course of our work in organics management, the Department has considered a variety of approaches to promoting composting and increasing the rate of organics diversion from disposal, including those taken in other states (e.g. Vermont, Massachusetts, Connecticut). Several states have passed food waste bans and mandatory recycling laws in recent years. The details of these vary from state to state but typically prohibit entities such as businesses or institutions of a certain size from disposing of organic material beyond an established volume, and mandate organics reuse or recycling. It is important to recognize that each state operates within its own unique set of circumstances, and that this type of approach might achieve success in one state at a particular point in time, but not another. Another relevant factor to consider is that these programs also require expanded staffing to implement.

Very importantly, and directly relevant to this topic, is the fact that Maine's geography and population densities pose particular challenges in terms of collection, transportation, and the location of composting/processing facilities for organics. Currently, Maine simply does not have sufficient infrastructure in place to support a system that includes food waste bans and mandatory recycling, which are the types of incentives/mandates that have been adopted in other states. Currently, outside of the I-95 corridor, Maine lacks sufficient processing capacity and adequate transportation options that can move materials in an efficient and cost effective manner. Collection facilities have begun to increase in number however, primarily in response to the recent expansion of the anaerobic digestion facility located in Exeter. Creating increased demand for organics management infrastructure helps to stimulate new infrastructure development. Although legislation may be appropriate at some future time, the Department's plan has been to continue to move forward to stimulate expansion of organics management infrastructure and increase organics diversion through education, outreach, grants, assistance, and the facilitation of partnerships. Currently, work is underway or being planned to: award grants; map existing infrastructure; identify infrastructure needs; conduct workshops for municipalities and institutions; conduct a waste haulers forum; continue municipal, school and island composting initiatives; and conduct food scrap generator surveys.

The Department is concerned that undertaking the study described in the bill would not result in new or useful information at this time, and would divert our very limited staff resources from the organics management work we have already planned and prioritized. The Department intends to regularly evaluate progress toward our goals regarding organics management and recommend program and legislative changes as appropriate and necessary.

Thank you for the opportunity to provide testimony. I would be happy to answer any questions you may have.