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DEPARTMENT OF ENVIRONMENTAL PROTECTION



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COMMISSIONER

TESTIMONY OF
CARLA HOPKINS, DIRECTOR
DIVISION OF MATERIALS MANAGEMENT
MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

SPEAKING IN OPPOSITION TO L.D. 1009
AN ACT REGARDING THE REDUCTION AND RECYCLING OF FOOD WASTE

SPONSORED BY REPRESENTATIVE ZEIGLER

BEFORE THE JOINT STANDING COMMITTEE
ON
ENVIRONMENT AND NATURAL RESOURCES

DATE OF HEARING:

MARCH 22, 2023

Senator Brenner, Representative Gramlich, and members of the Committee, I am Carla Hopkins, Director of the Division of Materials Management within the Bureau of Remediation and Waste Management at the Department of Environmental Protection, speaking in opposition to L.D. 1009.

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This bill proposes certain goals and mandates related to the management of food scraps and food waste in Maine. Although the Department fully supports the goals of food waste diversion, the Department has several substantial concerns regarding the feasibility, implementation, and cost of the approach proposed in this bill. The bill as well as the proposed amendment provided to the Department on March 16, 2023, by the committee clerk would, among other things:

- Ban the disposal of food waste at a landfill or incinerator beginning July 1, 2025 for entities generating a specific volume of food waste and would require the generator to instead separate food waste from its regular solid waste stream and follow a proposed hierarchy of diversion as follows: reduce the amount generated, donate edible food for consumption by people, use as animal feed, composting or anaerobic digestion with use of the resultant material as a soil amendment, and finally anaerobic digestion without the use of the material as a soil amendment.
- Require depackaging facilities to report certain information to the Department.
- Put requirements on waste transporters to ensure that food waste is not landfilled or incinerated and to report generators to the Department that are not separating their food waste.
- Require certain food waste generators to report information about food waste handling to the Department.
- Require intermediary facilities such as transfer stations to separate food scraps from all other waste and manage the food waste in accordance with the proposals set forth in this bill.
- Require landfills and incinerators to ensure they do not accept food waste.
- Require the Department to develop rules to implement the program and develop and provide an education and outreach program to assist in implementing the proposed legislation.
- Require the Department to administer and develop a new program to implement these provisions of the bill as well as procedures for enforcement.

The proposed legislation would pose a significant burden on the Department to implement for many reasons, including but not limited to:

- Maine currently lacks the composting and anaerobic digestion infrastructure that would be required to handle the amount of food scraps and food waste that would likely result from this proposal. Moreover, the bulk of Maine's composting and anaerobic digestion facilities that do exist are primarily located in the more densely populated areas of the state and along the I-95 corridor. Because infrastructure does not exist to support all of the food waste that likely would be generated in all corners of the state, this proposed legislation could result in unintended consequences such as improper storage of food wastes over longer periods of time which in turn could pose public health concerns relating to odors and attraction of vectors. Likewise, even if the existing infrastructure were to be adequate by July 1, 2025, to handle all of the additional food waste proposed by this legislation, trucking these wastes from more rural areas of the state to existing facilities would be cost prohibitive.
- Administration of the new program proposed in this bill would require an extensive amount of Department staff time and result in great expense to the State. In order to implement the bill, the Department would have to conduct a statewide assessment of composting and anaerobic digestion capacity, the universe of generators of food wastes, as well as transporters of food wastes; update licenses for transfer stations, landfills and incinerators currently engaged in collecting food wastes; develop mechanisms for collecting and tracking information that would be required to be reported to the Department; engage in a considerable rulemaking process; and have procedures in place for enforcing the program by July 1, 2025. The Department does not currently have the staff to accomplish this. Because of the scope and scale of this proposal which would require standing up a new program, it is anticipated that additional resources would be necessary for implementation. Additionally, the monetary impacts to

entities affected by the proposed program including restaurants, grocery stores, municipalities, school districts, hospitals, and universities to name a few would be substantial as the vast majority currently lack the infrastructure to implement the program. Costs likely will include items like staffing, transportation and logistics, and new contracts with approved alternate handling facilities.

The Department continues to diligently work toward the goals proposed in this bill in the following ways:

- The Department continues to work with the University of Maine's George J. Mitchell Center for Sustainability Solutions to develop a model based on the consolidated collection of food scraps and other organic materials.
- The Department continues to award grant funding and provide technical support under the Waste Diversion Grants Program (38 M.R.S. § 2201-B). To date, this program has awarded more than \$977,000 to fund 50 programs including many that divert food waste and enhance food scrap collection and composting efforts. Initially, grants were being awarded once per year. However, due to increasing demand, we have expanded the program and now award grants twice per year. The next round of grant awards is anticipated to be announced soon this Spring.
- The Department continues to support strategies in accordance with the Food Recovery and Solid Waste Management Hierarchies. Department staff work with Maine municipalities and institutions to develop collection, transportation, and composting infrastructure by doing things such as developing a guide to recovering and composting organics in Maine; working with partners such as the Androscoggin Valley Council of Governments, Lincoln County Commissioners, and the Northern Maine Development Corporation to name a few to hold regional workshops to help stimulate the collection and diversion of food scraps and food waste from disposal facilities; promoting "consolidated collection" facilities through a registration process rather than requiring full transfer station licensing to promote the collection of food scraps in convenient, centralized locations within communities making it more economical to transport those materials to

composting or anaerobic digestion facilities; and, developing a guide for schools to use to set up an onsite composting operation in 10 steps.

Thank you for the opportunity to provide testimony. I am available to answer questions of the Committee, both now and at work session.