Maine Forest Products Council

The voice of Maine's forest economy

Testimony In Opposition to LD 2070
"An Act to Prohibit Landfill Expansion into Wetlands"

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Good afternoon, Senator Tepler, Representative Doudera and distinguished members of the Environment and Natural Resources Committee. My name is Ellen Parent. I am a resident of Augusta, and I serve as the Deputy Director of the Maine Forest Products Council. I am providing testimony on behalf of our members in opposition to LD 2070, "An Act to Prohibit Landfill Expansion into Wetlands."

For 65 years, the Maine Forest Products Council has served as the voice of Maine's forest economy, representing hundreds of members from all facets of the forest products industry. Our members include pulp and paper mills, sawmills, secondary wood processors, foresters, loggers and truckers. We also represent commercial landowners sustainably managing more than 8 million acres of forestland.

Together, this industry remains one of Maine's largest economic engines, sustaining 29,000 jobs spread across all 16 counties, anchoring rural communities, and contributing $8.3 billion to the state's economy. When forest products businesses struggle, entire regions of Maine feel the impact.

Manufacturing produces waste products and despite the very best efforts to reduce waste streams, there will always be some waste produced that cannot be repurposed. The goal is to ensure that the waste is minimized and handled in a responsible manner. Unlike many other states, Maine landfill requirements do not distinguish between municipal solid waste and industrial landfills, meaning that this bill would have a major impact on all types of landfills. Limiting the expansion of privately-owned industrial landfills would result in increased pressure on municipal and state-owned landfills – waste produced at industrial facilities still needs to be properly disposed of somewhere.

In addition, "freshwater wetlands" in Maine law is a broad term encompassing a wide range of environments, each of which currently has different considerations regarding when alteration may be permissible. As presented, this bill would revoke countless hours of thoughtful rulemaking to find a balanced, pragmatic approach to wetland protection. The Maine Department of Environmental Protection (DEP) already restricts landfill development in environmentally sensitive areas, such as significant wildlife habitat. These restrictions allow regulators to evaluate site-specific conditions and require protections where needed. This bill would eliminate that flexibility by turning existing restrictions into outright prohibitions, even when impacts could be avoided or mitigated.

The Natural Resources Protection Act requires that activities will not unreasonably harm wetlands. The wetland protection rules require an applicant to mitigate wetland impacts to the greatest extent practicable, which means that the application must show how the project will avoid, minimize and compensate for wetland impacts. The rules require that an applicant provide a thorough review of alternatives to demonstrate that the project has the least environmental impact. The alternatives analysis includes offsite options, such as other locations for the activity (e.g. another landfill). The DEP may still deny a permit for a project that would have an unreasonable impact despite mitigation efforts. This environmental review allows the DEP to consider all alternatives to find the best option, which is particularly important for siting landfills that are needed for waste management.

About one-quarter of Maine's land area is wetlands. Many large parcels contain scattered wetlands. Prohibiting landfill development in all wetland areas could force the construction of smaller, more numerous landfills in less suitable locations. This would increase costs, expand the total land footprint of waste facilities, and potentially reduce environmental protection overall. Furthermore, many wetlands form over naturally low-permeability soils that prevent water from soaking into the ground. These same soils are highly desirable for landfill siting because they slow groundwater movement and reduce the risk of contaminants reaching off-site water users. Prohibiting landfills in these areas would eliminate locations that are inherently protective of groundwater.

Similarly, wetlands frequently occur where groundwater flows upward toward the surface. This upward flow acts as a natural safeguard: if a release of leachate were to occur, groundwater moves toward the surface rather than downward toward drinking water wells. Banning landfills in these areas removes sites with naturally protective groundwater conditions.

While we appreciate the intent of the bill sponsor to create broad protection for wetlands, it is our belief that the bill is far too broad to be of assistance and would furthermore fail to achieve the conservation goals set forth by the existing framework. This bill has the potential to dramatically impact the function of paper mills in Maine by limiting their ability to handle waste outside of state and municipal landfills. For these reasons, we respectfully urge the Committee to vote "Ought Not to Pass."

Thank you for your time and consideration of our industry's perspective and I am happy to answer any questions you might have.