Report to the Joint Standing Committee on
Environment and Natural Resources
129th Legislature, First Session

Food Scraps Composting Pilot Program Report

January 2019

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I. Executive Summary

This report is prepared and submitted to the Maine Legislature in accordance with PL 2015 Chapter 461 ("An Act to Create a Sustainable Solution to the Handling, Management and Disposal of Solid Waste in the State"), which is attached as Appendix A. Section 12 of this legislation directed the Department to "develop, implement and administer a food scraps composting pilot program" that invited participation by certain municipalities and educational programs, and by a correctional facility, hospital, and commercial restaurant. The legislation further directed that the Department would provide technical assistance and "may provide" financial assistance (consistent with the Maine Solid Waste Diversion Grant Program established under 38 M.R.S. § 2201-B) to participating entities. The Department selected 9 entities to participate in the pilot program. The 9 pilot projects diverted a total of 918,021 pounds of food scraps from disposal in 2017 and 2018 combined.

The legislation required the Department to evaluate information and data submitted by each of the participating entities, and to submit a report to the Legislature by January 15, 2019. This report includes information and data related to each of the 9 pilot projects, along with findings and recommendations concerning the program.

II. Introduction

Beginning in late April 2016, Department staff began to identify and contact potential pilot project candidates. Through extensive education and outreach efforts, staff identified and established partnerships with nine entities representative of the sectors identified in the legislation:

- At least one municipality from each of the 3 following groups of counties:
  - Androscoggin, Cumberland Lincoln Sagadahoc and York;
  - Franklin, Kennebec, Knox, Oxford and Waldo; and
  - Aroostook, Hancock, Penobscot, Piscataquis, Somerset and Washington.
- At least one educational program from each of the 3 following categories:
  - A public or private educational program providing kindergarten to grade 12 education with an enrollment of 500 students or less, as measured during the 2014-2015 school year;
  - A public or private educational program providing kindergarten to grade 12 education with an enrollment of more than 500 students, as measured during the 2014-2015 school year; and

- A public or private postsecondary educational program providing undergraduate and graduate education.

➢ At least one entity from each of the 3 following categories:

- A correctional facility;
- A hospital; and
- A commercial restaurant that generates, on average, ½ ton or more of food scraps per week.

Each participating entity was asked to collect the following data: amount of food scraps diverted from the waste stream, any cost savings realized, and any problems encountered while administering the program, to be included in a summary report to the Department.

Over the last two years, each of the nine entities was provided with individualized technical assistance and support based upon their needs and initial level of readiness to conduct the project. Table 1 (below) summarizes the overall activity of each of the nine pilot projects in 2017 and 2018.

Table 1 – Participants in the Food Scraps Composting Pilot Program and Pounds of Food Scraps Diverted from Disposal in 2017 and 2018

Participating Entity	Group	Location	County	2017 pounds Diverted	2018 pounds Diverted
Town of Scarborough	Municipality	Scarborough	Cumberland	75,560	117,120
Town of Vinalhaven	Municipality	Vinalhaven	Knox	0	216
Town of Skowhegan	Municipality	Skowhegan	Somerset	20,000	41,960
Reeds Brook Middle School	Educational Program	Hampden	Penobscot	1875	2500
Massabesic Middle School	Educational Program	Waterboro	York	17,381	18,011
University of Maine at Farmington	Educational Program	Farmington	Franklin	125,000	125,000
Maine State Prison	Correctional Facility	Warren	Knox	75,000	141,250
The Aroostook Medical Center	Hospital	Presque Isle	Aroostook	0	0
Sunday River Ski Resort	Commercial Restaurant	Bethel	Oxford	44,115	113,033

				Total: 358,931	**Total: 559,090**

III. Pilot Projects – Data and Descriptions

A. Municipalities

1. Scarborough (Cumberland County)

Located between South Portland and Old Orchard Beach, Scarborough has a population of 20,468 residents and a median household income of $84,960. In June of 2016, Scarborough teamed-up with Garbage to Garden (a Portland-based curbside food scrap collection company) to set up 3 collection kiosks located at the local Walmart, the Maine Veteran's Home, and the Pine Tree Waste facility on Pleasant Hill Road. Each kiosk consists of a roofed structure housing two 64-gallon capacity totes (Figure 1). The walls of the kiosks contain educational signage including information to ensure that only organic materials are deposited in the containers. Residents are invited to bring collected food scraps from home and drop them off at any of the three locations. The accumulated material is picked up on a weekly basis by Garbage to Garden staff and brought to their compost partner, Benson Farms in Gorham, to be mixed into compost piles. Garbage to Garden estimates that approximately 5,000 residents are using the three drop off sites and, collectively, they accounted for a total of 75,560 pounds (38 tons) of diverted organics in 2017, and 117,120 pounds (58.56 tons) in 2018. Since Scarborough contracts with the ecoMaine waste-to-energy facility for waste disposal, there are considerable savings based on an existing tip fee of $52 per ton.

Figure 1. Garbage to Garden organics collection kiosk located at the Scarborough Walmart (Photo by Mark King).

2. Vinalhaven (Knox County)

This small island community has a year-round population of approximately 1,168 residents with a median household income of $52,048. In early 2017, the Vinalhaven "Waste Watchers" group reached out to the Department looking for a way to reduce the amount of food scraps in the island's waste stream. Several planning meetings with the Department were held on Vinalhaven during the summer and fall of 2017, culminating in an evening presentation on January 18, 2018. The initial consensus (although the idea was later defeated) was to try combining community and school composting at a single location. Various approaches and sites were explored, and in August of 2018 a suitable site was finally located at the transfer station. The team evaluated various compost methods and decided on an "aerated static pile system" for better odor control. Abandoned fish/seafood totes stored at the transfer station were repurposed for collection and composting of food scraps. These totes hold about a cubic yard of compost—the ideal amount needed to ensure sustained composting even during cold weather. Department staff designed a simple aeration system for the containers and the Vinalhaven Community Compost site was born (Figure 2).

Figure 2. Aerated compost bin system located at Vinalhaven transfer station. Photos by Mark King.

The food scraps are mixed with fresh horse bedding and a layer of bedding is added over the top to prevent odor generation. Since late August of 2018, approximately 20 residents are regularly using the site and a little over 216 pounds of food scraps have been diverted. There are plans to expand the system island-wide, including individualized systems for local commercial businesses.

3. Skowhegan (Somerset County)

Skowhegan has a year-round population of approximately 6,662 residents and a median income of $29,578. The Town of Skowhegan has been successfully composting residentially collected leaves since the early 1990's at its municipal Solid Waste Management Facility. During the spring of 2012, Skowhegan also began to accept food scraps from residents, and to incorporate them into the Town's compost operation. A pilot program was approved to initially include up to 25 residents. Under this program, residents who volunteered to participate were provided with both a 1-gallon kitchen container and a 5-gallon collection pail and educational materials about which organic items would be acceptable. Collected food was taken by residents to the Town's transfer station and placed in a special aerated 2-yard container (Figure 3), which was incorporated into a larger compost pile when full. The aeration kept the material from generating odors as the bin was filling.

Figure 3. Photos depicting Skowhegan's 2 yd. capacity, aerated food scrap receptacle. Photos by Mark King

In 2016, staff from Skowhegan and the Department met with area businesses and school systems for the purpose of expanding the program. By early 2017, the program had expanded to include over 50 residential participants, two school systems, and special events collections. Each year, the program experiences new milestones, including more than doubling the 2017 volume of organics diverted and composted (20,000 pounds) in 2018. The town has worked very hard to operate an efficient

compost system that not only helps residents recycle organics, but also saves the community money in the process. Skowhegan estimates a cost savings greater than $15,000 per year in trash disposal fees by diverting material away from the waste stream into the compost pile. Additionally, the town does not have to purchase compost for town projects and compost is available for residents' use. The town produces about 890 cubic yards of compost annually (from combined leaf/yard waste and food scraps) which is either given to residents or used by the town.

B. Educational Programs

1. Reeds Brook Middle School – Hampden

Reeds Brook Middle School is part of RSU 22, and houses 363 students in grades 6-8. In late 2016, the school conducted a six-week pilot compost trial at two of the district's elementary schools (Weatherbee and McGraw) where they were able to divert 45 pounds of food scraps per day. In early 2017, the program was moved to Reeds Brook Middle School and they were able to remove about 25 pounds per day of food scraps (Figure 4). The program was stopped early in 2018 because of lack of man power. Since then, the school district contracted with Exeter Agri-cycle to send collected food scraps from the high school cafeteria. They plan to expand the program to Reeds Brook Middle School during the 2019-2020 school year.

Figure 4. Photo of the compost bin at the Reeds Brook Middle School. Photo by Mark King

2. Massabesic Middle School – Waterboro

Massabesic Middle School has a student population of 697, serving grades 6-8. In late 2016, school staff reached out to the Department to initiate discussions about establishing a school-based compost program. The program was set up and was an immediate success, composting all of the food scraps diverted from the school cafeteria. Student volunteers sort food scraps, recyclables, and trash during 4 lunch sessions. The food scraps are then stored in closed bins. When enough food scrap volume has accumulated, custodial staff mix the scraps into a pile of horse manure (the compost pile) using a small farm tractor. The school reports that it is currently diverting over 70% of the waste stream coming out of the cafeteria and composting 100% of what is diverted, totaling 17,381 pounds in 2017 and 18,011 pounds in 2018. This operation produces approximately 25 – 50 cubic yards of finished compost annually, which is all used at the school property. The program also empowers Massabesic students to make a difference in their community. Actual savings with the Massabesic Middle School Program could not be estimated, as the hauling/disposal fees are based on a flat rate for the entire school district. Figure 5 is a pictorial description of the Massabesic compost operation.

Figure 5. Photo of the compost operation at the Massabesic Middle School. Photo by Mark King

3. University of Maine – Farmington

UMF has a long history of composting food scraps in concert with the Town of Farmington. In 2005, the Sandy River Recycling Association (SRRA), a 21-member town recycling consortium, received a $25,000 grant from the Maine State Planning Office to help build a paved 75' x 100' composting area to compost food scraps from UMF, with horse bedding collected from the Town of Farmington's racetrack (Figure 6).

Figure 6. Photo of the FCC compost operation located in Farmington. Photo by Mark King

This project worked very well until 2014 when recycling markets began to decline and the SRRA group decided to disband. Since the compost facility was doing well, SRRA decided to sign ownership over to the Town of Farmington and the "Farmington Compost Cooperative" (FCC) was born. From 2014 through 2016, the FCC managed to compost an average of 50-75 tons of food scraps annually using a skeleton crew of mostly students. During the fall of 2016, an effort to enhance operations at the FCC site increased the annual volumes composted to 100 tons in both 2017 and 2018. In the fall of 2018, the FCC was left without an operator and had an uncertain future. At this point, the operators of the Waste Management facility (Crossroads) in Norridgewock offered to take the food scraps and compost them from December of 2018 through April of 2019, allowing FCC time to find another operator. The Department worked closely with the Crossroads facility to get a composting area established and operating for this purpose. The area may be expanded in the future to serve other communities and institutions. FCC believes it is saving close to $8,000 annually through avoided disposal costs, and is creating a value-added product in the compost that nets approximately $3,000-$5,000 in annual sales. Approximately 120 – 150 cubic yards of compost are produced annually; 25% is used by the Town and UMF, the remainder is sold during spring, summer and fall sales events.

C. Additional Participants

1. Maine State Prison – Warren

The Maine State Prison is located in Warren, Maine and houses approximately 1,000 inmates. In 2018, it instituted a large-scale sustainable recycling and composting program. All the compostable food scraps generated by the 3,200 daily meals prepared at the prison are collected and transferred to the facility's compost site. The main compost site consists of a dirt pad that is approximately 130 feet wide by 260 feet long, located in a high security area. The primary ingredients composted at the facility are horse bedding and food scraps. Other common ingredients include sawdust & shavings, grass clippings, shredded paper, kitchen scraps, straw and/or mulch hay. The compost site can accommodate three 10- foot wide by 200-foot-long trapezoidal windrows, assuming a ten to fifteen-foot space between windrows for equipment operation. Windrow heights are limited to a maximum of 4 feet due to line of site security reasons. The facility uses the turned windrow method for managing the compost. In 2017, the facility handled approximately 75,000 pounds of recovered food scraps and increased to 141,250 pounds in 2018. Between 196 and 255 cubic yards of compost are produced annually and are used onsite. The prison reports that the composting operation, combined with the facilities recycling program, results in an annual savings of $100,000 in avoided waste management costs.

2. Aroostook Medical Center (TAMC) – Presque Isle

Discussions held in late 2016 at the University of Maine at Presque Isle (UMPI) indicated a strong interest in forming a partnership among UMPI, TAMC and SAD #1 to compost food scraps at UMPI. Several meetings and site visits were held, but ultimately momentum was lost for a variety of reasons, and UMPI was unable to get permissions to start composting on facility grounds. In 2017, UMPI successfully initiated a composting project. This effort was strengthened by a $5,650 grant from the Department to support recycling and organics management. With the grant funding, UMPI hopes to expand the operation, and then again reach out to TAMC and SAD #1 for potential partnerships.

3. Sunday River Ski Resort – Bethel

The Sunday River Ski Resort is one of Maine's largest and most visited ski areas; serving approximately 800,000 visitors annually. To keep up with dining needs, the resort includes 3 food courts and 4 restaurants. Food scraps are collected at

these venues twice weekly by a local organic farmer. Food scraps are transported to his farm where edible food is fed to pigs and beef animals, and the inedible organics are added to his compost pile. The finished compost is then applied to his fields or sold to other farmers. Through this effort 44,115 pounds of food scraps were processed in 2017 and 113,033 pounds in 2018. This farmer was also the recipient of a $38,578 Department grant to support recycling and organics management activities. He identified his biggest challenge as food scrap contamination and hopes that he will be able to expand his education program to help keep the compost bins cleaner.

IV. Project Implementation Challenges

Throughout the course of the Pilot Project Program, Department staff learned a great deal about what it takes to successfully divert, collect and process organics. Seeing each of the nine sites struggle with certain challenges helped provide a much better perspective on ways to help overcome these problems. Following are the issues identified by pilot project participants:

- **Lack of Funding:** This was by far the most common problem reported to the Department. Many communities want to start an organics diversion program, but they often find a lack of support from town leaders who fear that associated costs may be significant.

  During the summer of 2018, the Department began issuing grants to support recycling and organics management initiatives. Approximately $88,000 was granted to seven programs; the grant awards were enthusiastically received. Another series of grant offerings is slated for 2019 and it is our hope that each grant cycle increases the momentum and interest in organics management. Sharing experiences and information related to composting costs and cost avoidance should assist communities trying to make decisions about whether, and how, to move forward with organics collection/composting.

- **Lack of Human Resources:** It is very difficult to start an organics collection program with only a handful of willing participants. It is even harder to sustain it if people lose enthusiasm and stop participating. In some cases, a single individual has been the driving force in establishing programs.

To address this concern, Department staff have been canvassing the state to try and stimulate interest in organics diversion and management. Much of this past year was spent working with Maine municipalities and school systems, but more work is planned to include commercial operations and private sector entities during 2019.

- **Lack of Infrastructure:** There are three main components that make up the organics processing infrastructure: collection and accumulation of food scraps and other organics; transportation systems to move accumulated organic materials around; and processing facilities to transform the collected organics into useable products (i.e., compost, energy or other byproducts). 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, on the other hand, have begun to increase in number statewide, mostly in response to the recent expansion of the anaerobic digestion facility located in Exeter, Maine.

  Creating a demand for organics management infrastructure is likely one of the best ways to stimulate new infrastructure development. Incentive grants and educational outreach efforts that generate interest in organics management have been shown to facilitate such development. The idea that a community can save money through waste diversion while also producing a value-added product (compost) caused many municipalities to consider establishing their own programs. Keeping organics management local helps to ensure efficient movement of materials while reducing overall transportation costs and associated environmental impacts. Local processing also facilitates the local use of the valuable byproducts created (e.g. compost), thereby reducing the need for importing soil amendments. During 2019, staff will continue efforts to expand the existing infrastructure and help communities recycle organics locally.

- **Contamination:** Once programs begin, a common complaint is the amount of contamination that appears in the incoming loads of organic materials.

  This problem is often the result of inadequate education and can be addressed by providing clear information and guidance/support from facility staff and community leaders.

- **General Apathy:** One of the hardest challenges to overcome is general apathy. Some people will continue to choose the easy route and throw things away as opposed to taking the extra step to collect and recycle.

  Several New England States have found some success in promoting organics diversion through incentives and/or bans. Another approach, however, is to simply show communities the value of organics diversion through compost production. Communities such as Skowhegan and Farmington find that their citizens truly support the composting program, and eagerly buy and use the compost produced.

V. Conclusions and Recommendations

The results of the composting pilot program confirm that food scraps collection and composting programs: can successfully divert material from disposal in landfills or incinerators; are usually cost effective when one considers the avoided costs of disposal and the value of products produced; facilitate the local use of organics as soil amendments; raise general awareness of the importance of waste reduction, reuse and recycling; and highlight the role and importance of community in these types of efforts.

In view of the pilot program results, **t**he Department recommends that it:

- Solicit a 2019 round of grant proposals and make awards under the "Maine Solid Waste Diversion Grant Program" (38 M.R.S. §2201-B).
- Continue to provide education, assistance, and technical support to municipalities, schools, institutions, businesses, and others, related to organics management and composting.
- Continue to explore ways to enhance Maine's organics management infrastructure, including discussions with waste haulers concerning potential opportunities through transportation to increase the volume of organics diverted and processed.
- Conduct targeted outreach to parties involved in, affected by, or potentially interested in organics management and composting, to gather input on the ways in which the Department can most effectively continue to provide assistance and support for their organics management efforts.
- Consider the issue of potential greenhouse gas emissions in evaluating various organics collection and transportation approaches.

APPENDIX A

An Act To Create a Sustainable Solution to the Handling, Management and Disposal of Solid Waste in the State

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 38 M.R.S.A §2101-B is enacted to read:

§ 2101-B. Food recovery hierarchy

1. Priorities. It is the policy of the State to support the solid waste management hierarchy in section 2101 by preventing and diverting surplus food and food scraps from land disposal or incineration in accordance with the following order of priority:

A. Reduction of the volume of surplus food generated at the source;

B. Donation of surplus food to food banks, soup kitchens, shelters and other entities that will use surplus food to feed hungry people;

C. Diversion of food scraps for use as animal feed;

D. Utilization of waste oils for rendering and fuel conversion, utilization of food scraps for digestion to recover energy, other waste utilization technologies and creation of nutrient-rich soil amendments through the composting of food scraps; and

E. Land disposal or incineration of food scraps.

2. Guiding principle. It is the policy of the State to use the order of priority in this section, in conjunction with the order of priority in section 2101, as a guiding principle in making decisions related to solid waste and organic materials management.

Sec. 2. 38 M.R.S.A §2132, sub-§1, as amended by PL 2011, c. 655, Pt. GG, §32 and affected by §70, is further amended to read:

1. State recycling goal. It is the goal of the State to recycle or compost, by January 1, ~~2014~~2021, 50% of the municipal solid waste tonnage generated each year within the State.

Sec. 3. 38 M.R.S.A §2132, sub-§1-A, as amended by PL 2011, c. 655, Pt. GG, §32 and affected by §70, is repealed.

Sec. 4. 38 M.R.S.A §2132, sub-§1-B is enacted to read:

1-B. State waste disposal reduction goal. It is the goal of the State to reduce the statewide per capita disposal rate of municipal solid waste tonnage to 0.55 tons disposed per capita by January 1, 2019 and to further reduce the statewide per capita disposal rate by an additional 5% every 5 years thereafter. The baseline for calculating this reduction is the 2014 solid waste generation and disposal capacity data gathered by the department.

Sec. 5. 38 M.R.S.A §2132, sub-§2, as amended by PL 2011, c. 655, Pt. GG, §32 and affected by §70, is further amended to read:

2. Goal revision. The department shall recommend revisions, if appropriate, to the state recycling goal and waste disposal reduction goal established in this section. The department shall submit its recommendations and any implementing legislation to the joint standing committee of the Legislature having jurisdiction over natural resource matters.

Sec. 6. 38 M.R.S.A §2201, 3rd ¶, as amended by PL 2011, c. 655, Pt. GG, §64 and affected by §70, is further amended to read:

Funds related to administration may be expended only in accordance with allocations approved by the Legislature for administrative expenses directly related to the bureau's and the department's programs, including actions by the department necessary to abate threats to public health, safety and welfare posed by the disposal of solid waste. Funds related to fees imposed on the disposal of construction and demolition debris and residue from the processing of construction and demolition debris may be expended only for the state cost share to municipalities under the closure and remediation cost-sharing program for solid waste landfills established in section 1310-F. Funds related to fees imposed under this article may be expended to provide grant funding in accordance with the Maine Solid Waste Diversion Grant Program established in section 2201-B. The department shall, on an annual basis, conduct a review of the revenues presently in the fund and the revenues projected to be added to or disbursed from the fund in upcoming calendar years and determine what amount of revenues, if any, are available to provide grant funding under section 2201-B. If the department determines that there are revenues in the fund available in the upcoming calendar year to provide grant funding under section 2201-B, the department must ensure that such revenues are designated for use in accordance with section 2201-B by the end of that calendar year. Funds related to operations may be expended only in accordance with allocations approved by the Legislature and solely for the development and operation of publicly owned facilities owned or approved by the bureau and for the repayment of any obligations of the bureau incurred under article 3. These allocations must be based on estimates of the actual costs necessary for the bureau and the department to administer their programs, to provide financial assistance to regional associations and to provide other financial assistance necessary to accomplish the purposes of this chapter. Beginning in the fiscal year ending on June 30, 1991 and thereafter, the fund must annually transfer to the General Fund an amount necessary to reimburse the costs of the Bureau of Revenue Services incurred in the administration of Title 36, chapter 719. Allowable expenditures include "Personal Services," "All Other" and "Capital Expenditures" associated with all bureau activities other than those included in the operations account.

Sec. 7. 38 M.R.S.A §2201-B is enacted to read:

§ 2201-B. Maine Solid Waste Diversion Grant Program

1. Establishment. The Maine Solid Waste Diversion Grant Program, referred to in this section as "the program," is established to provide grants to public and private entities to assist in the development, implementation or improvement of programs, projects, initiatives or activities designed to increase the diversion of solid waste from disposal in the State.

2. Administration. The department shall administer the program and may dispense revenue from the Maine Solid Waste Management Fund established under section 2201 for the purposes of the program based on approved grant requests from public and private applicants. The department may provide grants for the documented costs of application proposals in accordance with the priorities in subsection 5. Costs incurred by the department in the development and administration of the program may be paid with revenue in the Maine Solid Waste Management Fund in a manner consistent with section 2201.

3. Audit. Revenue from the Maine Solid Waste Management Fund established under section 2201 disbursed by the program is subject to audit as determined by the department, and the recipient of any such funding must agree to be subject to audit and to cooperate with the auditor as a condition of receiving funding.

4. Eligibility criteria. The department may disburse grants under the program to any public or private entity demonstrating that a proposed program, project, initiative or activity is, in the department's determination, likely to increase the diversion of solid waste from disposal within a particular community, municipality or region or the State, including, but not limited to, municipal or regional composting, organics recovery or recycling programs, including the establishment of such programs or the purchase of infrastructure, equipment or other items necessary to implement such programs or improve existing programs; programs designed to provide equipment for or otherwise support residential composting and recycling; programs or business models designed to collect, transport for processing or process organic or recyclable materials; pilot programs designed to evaluate the feasibility of targeted composting, organics recovery, recycling or other waste management programs or initiatives; and initiatives or programs designed to educate certain categories of individuals or the general public about composting, organics recovery or recycling or to otherwise improve individual or community waste management practices.

5. Priorities. The department shall give highest priority in the awarding of funds under this section to programs, projects, initiatives or activities proposed by municipal or regional association applicants that otherwise meet the department's eligibility criteria. The department shall also give priority to applicants proposing programs, projects, initiatives or activities that are likely to increase the removal and recycling of organic materials from municipal waste streams. The awarding of funds under this section must be consistent with the solid waste management hierarchy established under section 2101 and the food recovery hierarchy established under section 2101-B and must be prioritized to provide the most benefit to the State in terms of increasing the diversion of solid waste from disposal.

6. Conditions of approval. The department may require, as a condition of grant approval, that an applicant demonstrate its ability to provide in-kind contributions relating to the grant applied for or to provide a certain level of matching funding to supplement the grant applied for.

7. Rules. The department may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 8. 38 M.R.S.A §2203-A, sub-§1, as amended by PL 2011, c. 544, §3, is further

amended to read:

1. Fees. ~~Fees -~~ Unless otherwise provided by rule adopted in accordance with subsection 3, fees are imposed in the following amounts to be levied for solid waste that is disposed of at commercial, municipal, state-owned and regional association landfills.

Asbestos	$5 per cubic yard
Oil-contaminated soil, gravel, brick, concrete and other aggregate	$25 per ton
Waste water facility sludge	$5 per ton
Ash, coal and oil	$5 per ton
Paper mill sludge	$5 per ton
Industrial waste	$5 per ton
Sandblast grit	$5 per ton
All other special waste	$5 per ton
Municipal solid waste ash	$1 per ton
Front end process residue (FEPR)	$1 per ton
~~Beginning January 1, 2013 and ending December 31, 2013, construction and demolition debris and residue from the processing of construction and demolition debris~~	~~$1 per ton~~
~~Beginning January 1, 2014, construction~~ Construction and demolition debris and residue from the processing of construction and demolition debris	$2 per ton

Sec. 9. 38 M.R.S.A §2203-A, sub-§3 is enacted to read:

3. Rules. The department may adopt rules imposing per ton or per cubic yard fees on any of the types of waste listed in subsection 1 disposed of at a commercial, municipal, regional association or state-owned solid waste landfill. Fees imposed pursuant to this subsection must be consistent with the solid waste management hierarchy established under section 2101 and the food recovery hierarchy established under section 2101-B. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 10. 38 M.R.S.A §2204, first ¶, as amended by PL 1999, c. 385, §8, is further amended to read:

~~The~~ Unless otherwise provided by rule adopted in accordance with subsection 4, the department shall impose a fee of $2 per ton on any municipal solid waste disposed of at a commercial, municipal ~~or~~, regional association or state-owned landfill, except that there is no fee on municipal solid waste generated by a municipality that owns the landfill accepting it or that has entered into a contract with a term longer than 9 months for disposal of municipal solid waste in that landfill facility.

Sec. 11. 38 M.R.S.A §2204, sub-§4 is enacted to read:

4. Rules. The department may adopt rules imposing per ton fees on any municipal solid waste disposed of or received for processing at a commercial, municipal, regional association or state-owned solid waste disposal facility, solid waste processing facility, incineration facility or solid waste landfill. Fees imposed pursuant to this subsection must be consistent with the solid waste management hierarchy established under section 2101 and the food recovery hierarchy established under section 2101-B. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 12. Department of Environmental Protection; food scraps composting pilot program. The Department of Environmental Protection, referred to in this section as "the department," shall develop, implement and administer a food scraps composting pilot program as described in this section.

1. The department shall invite municipalities to voluntarily participate in the pilot program and shall select as participants at least one municipality from each of the 3 following groups of counties:

A. Androscoggin, Cumberland, Lincoln, Sagadahoc and York;

B. Franklin, Kennebec, Knox, Oxford and Waldo; and

C. Aroostook, Hancock, Penobscot, Piscataquis, Somerset and Washington.

2. The department shall invite educational programs to voluntarily participate in the pilot program and shall select as participants at least one educational program from each of the 3 following categories:

A. A public or private educational program providing kindergarten to grade 12 education with an enrollment of 500 students or less, as measured during the 2014-2015 school year;

B. A public or private educational program providing kindergarten to grade 12 education with an enrollment of more than 500 students, as measured during the 2014-2015 school year; and

C. A public or private postsecondary educational program providing undergraduate and graduate education.

3. The department shall invite and shall select as additional voluntary participants in the pilot program at least one entity from each of the 3 following categories:

A. A correctional facility;

B. A hospital; and

C. A commercial restaurant that generates, on average, 1/2 ton or more of food scraps per week.

4. The department shall invite the Department of Administrative and Financial Services, Bureau of General Services to, in consultation with the Legislative Council, participate in the pilot program, as resources allow, with respect to the State House and Burton M. Cross State Office Building facilities.

5. The department shall provide technical assistance, and may provide financial assistance consistent with the Maine Solid Waste Diversion Grant Program established under the Maine Revised Statutes, Title 38, section 2201-B to each participating entity to develop and implement a food scraps composting program or to improve or expand a participating entity's existing food scraps composting program. A food scraps composting program implemented under this section may involve the establishment of a traditional aerobic composting system or an anaerobic digestion system or implementation of other food scraps processing or organics recovery technology approved by the department, or may, subject to the approval of the department, involve coordination by a participating entity with a food scraps composting program or business for the collection and delivery of the participating entity's food scraps to the program or business for processing or recovery. Each participating entity shall collect data on the amount of food scraps diverted from the waste stream by the program, the related cost savings realized by the participating entity and any problems encountered in implementing the program. Each participating entity shall compile this information into a report and transmit the report to the department on or before a date determined by the department.

6. The department shall analyze the reports submitted by the participating entities pursuant to subsection 5 and, by January 15, 2019, shall submit a report to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters detailing the data collected by each participating entity and any additional findings and including any recommendations for legislation to implement permanent food scraps composting programs or requirements at the state, regional, municipal or local level or to otherwise increase the diversion rate for organic materials in the State. After receiving the report, the joint standing committee may report out a bill relating to the report to the First Regular Session of the 129th Legislature.

Effective 90 days following adjournment of the 127th Legislature, Second Regular Session, unless otherwise indicated.