

**Submission of Comments Regarding Juniper Ridge Landfill
Application for License # S-020700-WD-BC-A**

By

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At the recent public meeting, the concept was pushed forward that adding a little more household garbage to JRL did not amount to much at all. That thought process was embraced and accepted as it was intended to be embraced and accepted. The reality of how much is “not too much” really lies within the numbers that most should and can easily understand. What Casella is asking to do seriously undermines the hierarchy of the State of Maine and is exactly what was of concern by the DEP when it granted the original “temporary” permit a few years ago. That “temporary” designation is important to the request by Casella.

1. In addition to JRL there are few landfills in Maine. Two of the municipal landfills still in existence, Hatch Hill in Augusta and Tri-Community in Fort Fairfield are of interest due to annual volume.
 - a. The annual fill rate of these two municipal landfills is arguably equal to the Southern Maine municipal garbage that Casella wants to bring to JRL and deposit it. Think about this for a minute; Casella is asking to bring the equivalent of two landfills to JRL and considers it “not too much”.
2. Maine’s second largest metropolitan area is Lewiston-Auburn and the surrounding environs serviced by MMWAC. The southern Maine household garbage that Casella is asking to bring to JRL is greater than that produced by Lewiston-Auburn Metropolitan area. The Lewiston-Auburn Metropolitan waste also includes additional “spot-market” waste. Casella is asking to bring the equivalent of more than all municipal garbage of the metropolitan Lewiston-Auburn greater area to JRL and considers it “not too much”.
3. It appears that since the beginning of the “temporary” permit, Casella has added an additional sixteen municipalities to the original fourteen municipalities that were Maine Energy clients. There were fourteen original municipalities. Most would argue, and common sense would dictate that the “temporary” permit was intended to cover those fourteen original municipalities annual volume not piling the municipal garbage of sixteen more municipalities on top of that “temporary” permit.

This requested misdirection of MSW significantly undermines the hierarchy. The hierarchy is exactly what concerned DEP when it granted the original “temporary permit” years ago. Temporary becomes important and embrace the intentions of what Casella proposed then and proposes now.

Casella at the time, with full and complete knowledge of its own intentions and actions:

- Entered into contracts with southern Maine municipalities explicitly to dispose of their sold waste, and
- Entered into agreements to eliminate the disposal site for that waste, Maine Energy.

Casella’s business decisions do not create an obligation for the State of Maine. Nor should those decisions obligate or force higher contractual costs for the municipalities served. To go beyond the generosity already shown by granting the company five years to solve the problems created by the business decisions of Casella itself is asking for forgiveness of Casella’s own inactions. The problem regarding the southern Maine MSW is solely owned by Casella singularly and no one else. Casella knows full well and is free to utilize the spot market to dispose of its southern Maine MSW should the company chose to do so. JRL is not the only option. Casella can also enter into agreements with any or even all the currently operating disposal sites in the market space.

The applicant Casella would have all believe that the southern Maine MSW is somehow “stranded”. It is not stranded. Due to the expiration of the “temporary permit” it now or will reside in the spot market space, where it is free to go anywhere

at spot market rates. As is the case for all waste from any municipality or facility that is not contractually obligated to a specific site. The southern Maine MSW is not stranded by any measure of definition. It does not have a “contractual home” due to Casella’s inability or indifference to make good use of the generous five-year temporary permit Casella has enjoyed.

Casella further submits that some of the southern Maine waste under the control of Casella will be directed to facilities higher on the hierarchy than the JRL landfill. But Casella also states such agreements while not yet in place are contingent upon the DEP approving the application. Factually, any of these same facilities are free right now to accept waste on the spot market. The facilities can accept waste now or in the future, with or without the application being approved. It is important that all understand that agreements between private waste space participants do not in any way obligate the state of Maine to approve applications that undermine the statutorily directed hierarchy. The state may and should in every instance decline to interfere in the solid waste marketplace. It should instead focus on statutory goals, most of which have been in place for decades.

For the reason stated above, the DEP should deny the application. However, should the DEP decide that it should approve, it should not be for the life of the permitted capacity. This would create a nearly indefinite period. The operator would be at liberty to immediately create a new cell in the recently approved expansion, then divert all eligible waste to that cell. Reserving the remaining capacity in the current cell for southern Maine municipal garbage. That resulting shift would significantly prolong the “emergency” disposal of this waste well beyond the three years initially granted by the department, later extended to five-year by the Board of Environmental Protection.

Should the DEP feel compelled to offer Casella more time to fix the problem created by its own business decisions, the following should be inclusive of any one or combination of the following:

1. A final one-year extension.
2. An extension to the end of the “current capacity” based on the “present” fill rate. Certainly not a bait and switch fill rate.
3. An extension, but with a “ratcheting down of the amount per year landfilled” as Casella finds new homes for the waste and implements that migration from JRL to other sources.

Regardless of approval or denial, more robust reporting requirements should be put in place and a requirement that a demonstrable bona fide effort to find a new home for the southern Maine waste is taking place.

Sincerely,

A handwritten signature in cursive script that reads "Harry Sanborn".

Harry Sanborn