

2018 MSW to JRL: S-020700-WD-BL-A

Dear Kathy Tarbuck,

Please consider these comments and questions concerning Casella's efforts to continue bringing MSW to JRL beyond the current 3/31/18 deadline. In my earlier letter(s) on this topic, I mentioned that this would be a gross violation of our State Waste Hierarchy. During the five years granted to Casella to find a different home than JRL for this southern Maine MSW, our Hierarchy evolved from being a Guiding Principle to being a Statutory Requirement for solid waste licenses. This alone should be ample reason to deny the request for continued dumping of municipal waste into our state-owned landfill in Old Town.

It is particularly disturbing to learn that 14 Maine communities contracted with Casella identify JRL as the long-term destination for their curbside garbage. Casella has promised to bring MSW to JRL even though they knew full well that their time limit and our Waste Hierarchy prohibit that action. Certainly these municipalities could use that as a means to break or amend their contracts with Casella, and I would urge their state representatives and local governments to consult with the Maine Attorney General's office. This is a state-owned facility and we would hope that State Hierarchy laws would be strictly enforced at JRL. What role does the State-as-Owner play in these contracts? Shouldn't they be greatly concerned? Instead, we have BGS officials doing nothing to restrict Casella's activities.

Central to DEP's determination is the history of this issue. Casella is a publicly traded corporation that has been in business for over 40 years. They make decisions that affect their customers and shareholders, one of which was to close their MERC incinerator in Biddeford at the end of 2012. Although there was huge opposition to that facility, and rightfully so, Casella was actually paid quite well to tear it down. That was their decision, and it was also their choice to obligate themselves through contracts with Maine communities. Listening to Casella and Mike Barden of BGS, one would think that the State has a duty to dispose of this MSW in the state landfill. This is not, and should not, be the case. DEP should feel no obligation to fulfill Casella's contracts. It has been obvious over the years that BGS/Casella feel no responsibility to comply with the wishes of the DEP as Regulator of JRL. There was no mention of extended deliveries of MERC MSW to JRL when Casella/BGS applied for Public Benefit Determination (PBD), but as soon as that PBD came into effect Casella/BGS disclosed their intentions to bring MERC MSW to JRL. This prompted DEP Commissioner Aho to write a letter of disapproval of that fact, which I believe was in Sept. of 2012. That letter should be a part of the record for this amendment. Similarly, Casella/BGS waited until just after they obtained an Expansion Permit from the City of Old Town on 11/14/17 to apply for this amendment.

Part of the Casella/BGS attempt to extend MSW deliveries to JRL implies that this practice would only continue to occur until the JRL Expansion process begins. We long-term observers are extremely skeptical of promises such as this, and would fully expect them to immediately apply for another extension once current capacity is filled. At the public informational meeting 2/28/18, several statements struck me as interesting in regard to length of MSW deliveries. For one thing, Mike Barden of BGS said that there is four years of capacity at JRL currently without expansion. During the expansion permitting process, he was always saying more like two years maximum. What has changed? Not landfill delivery volumes, as far as I know. Victor Horton of the MRRRA testified in favor of a one year extension at that meeting. It now occurs to some of us local opponents that this time limit applied for is not a set date. This raises the question: Could Casella/BGS begin building an expansion cell to accommodate non-MSW deliveries while reserving current JRL capacity for MSW from southern Maine? That could be a method for Casella to fulfill

its long-term contracts to bring MSW to JRL. Therefore, although in favor of letting the current deadline pass without extension, we propose that any extension be for a limited number of months with plenty of verifiable conditions attached. Remember, to Casella/BGS, permit Findings of Fact or Conclusions mean little; only legally binding Conditions get their attention.

81,800 tons/year is a tremendous amount of garbage, about 2700 tractor trailer loads from below Mile 50 to Mile 199 of interstate 95 where JRL is located. MSW is an extremely odiferous substance, especially in warmer months. MSW contains a lot of organic materials that when decomposed anaerobically produces large amounts of methane. Toni King's assertions that MSW will somehow reduce landfill gases (LFGs) sounds ludicrous and should be truth-tested by DEP scientists. MSW also attracts far more vermin (birds, rats, etc.) than any other wastes into JRL. I have seen pictures of reddish colored rats at JRL that are not local to this area. Likewise, this vector of wastes traveling from Maine's border (and perhaps beyond) could also be a conduit for invasive insects such as the Emerald Ash Borer and Asian Longhorned beetle, which have decimated forests not far from the Maine border. Even if the amounts delivered to JRL do not exceed their permitted limit, Kevin Roche pointed out in his testimony that MSW deliveries to JRL have been increasing over the last five years. Many are skeptical that Casella is trying very hard to find a different destination for MSW, and these numbers may prove that to be the case.

Early in the days before JRL became state-owned landfill instead of one for mill waste only, we were told repeatedly by State and Casella officials that there would be no out of state waste into JRL, and that there would be no MSW or putrescible waste deposits. They knew that the first promise was a lie because there was a separate agreement allowing CDD imports to provide fuel for the Old Town mill's boiler. This is an opportunity to restore some Public Trust by fulfilling the NO MSW promise. Interestingly, pre-JRL the loudest voices for an MSW ban came from the MRC leadership and their members. MRC and their member communities have done an about-face on MSW, apparently in return for Casella promising to bring 40,000 tons/year to their planned Fiberight facility.

Casella/BGS continues to claim that PERC cannot absorb the southern Maine MSW, but we have still not heard that from PERC, to my knowledge. In fact, in a brief discussion with PERC partner Bob Knudsen after the Feb. 28th meeting, he assured us that PERC will be able to handle any outcome. On February 14th, BGS's Mike Barden testified to the Environment and Natural Resources Committee (ENRC) that "PERC would take the waste for \$150/ton." This is the only time we have heard a figure that high, and it reeks of BGS-as-Casella cheerleader, paid for by state taxpayers. In the meantime, PERC has agreed to accept far more MSW (approximately 100,000 tons/year) from the MRC communities on a temporary basis for about \$70/ton. Barden could at least use a rational number in his lobbying efforts on Casella's behalf. We don't believe the testimony of MRC, PERC or the probably paid Casella employees has particular relevance to JRL in terms of Waste Hierarchy. Particularly ludicrous are the proclamations by Casella, BGS and others that "It would be a shame to send Maine MSW out of state." What hypocrisy: BGS looks the other way while about 300,000 tons/year of waste materials crosses Maine's border, is shuffled around at "processing facilities", then comes to JRL basically because Massachusetts landfill laws are stricter than Maine's.

Those who object to any Maine MSW flowing towards other states should stop and consider the history of MERC in Biddeford. Mike Barden testified that waste inputs to MERC were 315,000 tons/year total and 125,000 tons of that annually was Maine MSW. So for the approximate 30 year life of MERC, Maine took in 190,000 tons of out of state MSW per year, for a total exceeding 5 million tons. Since JRL came into

existence in 2004, MERC sent about 100,000 tons of FEPR and MSW bypass to JRL annually, most of which originated out of state. It would take approximately a half century of sending 81,800 tons/year back to Massachusetts to balance the import/exports from that part of Maine.

Bob Duchesne gave a comprehensive overview of the MSW to JRL history in his letter of some weeks back. This can serve as a template for denying this application for extension. His comments on 2/14/18 also rang true: DEP can't tell towns where to take their wastes, but DEP can say where it CANNOT go, namely Juniper Ridge Landfill. If by some unfortunate chance DEP is convinced to extend MSW deliveries to JRL, it should be for a limited and specific period of time with strict conditions attached, including paying for independent waste flow accounting. MSW is a nuisance waste to us locals, and if the communities of southern Maine choose to avoid compliance with our Waste Hierarchy then shame on them, because they are financially better off than the rest of the state (in general). There was a lot of talk about "stranded waste", and due to a robust spot market for MSW this is highly unlikely. Waste Hierarchy rules should apply to all Maine people, without Casella towns being given special consideration.

Respectfully submitted,

Ed and Cheryl Spencer