

IN THE MATTER OF

STATE OF MAINE, ACTING THROUGH)	APPEAL OF LICENSE
THE BUREAU OF GENERAL SERVICES)	EDWARD S.
SPENCER		
OLD TOWN, PENOBSCOT COUNTY, ME)	1140 KIRKLAND ROAD
JUNIPER RIDGE LANDFILL)	OLD TOWN
#S-020700-WD-BL-A)	PENOBSCOT
COUNTY, ME		
(PARTIAL APPROVAL WITH CONDITIONS))	

April 30, 2018 Appeal of #S-020700-WD-BL-A

Although I agree with much of the Department's analysis and findings, after going through the amendment license one must conclude that we differ greatly on conclusions and conditions necessary to avoid subversion of our State Waste Hierarchy. Please consider these comments and questions. Additional evidence and reconsideration of older documentation already in the JRL record will be a great help in the Board's effort to assess this Appeal. Ordinarily I would request a Public Hearing, but believe the current circumstances require an expedited process.

My wife Cheryl and I have lived in West Old Town since 1979. We built our house and other structures as we raised our children. Our location, between the gravel portion of the Kirkland Rd. and Pushaw Stream, and our combined 120 acres of woods have afforded us the pluses of living remotely combined with proximity to University of Maine for employment and intellectual enrichment. Unfortunately, our local paper mill flaunted its influence and sited a landfill within one and three quarters of a mile from our house in 1993. In 2003, the State made a deal with Georgia Pacific to take over the ownership of that landfill (now Juniper Ridge Landfill, or JRL) and allowed Casella to expand waste streams and amounts without fulfilling its core promises to we citizens. Allowing a year and a half extension of Municipal Solid Waste (MSW) deliveries to JRL will mean more odors, traffic issues, litter and bird/rodent/insect problems which will be deleterious to our quality of life, property values and environmental integrity.

Stated Intent Versus Reality

In 2012 Casella closed its MERC incinerator in Biddeford. On Page 26 of the most recent license, there is a comment on the 2013 license that authorized MSW deliveries to JRL: "*The intent of the 2013 amendment was for MERC waste to be disposed at JRL temporarily.*" This is a key point. In the nearly 5 years since that license took effect, has Casella made an honest effort to find other homes for those former MERC communities' waste? Page 18: "*Further, the DEP notes that some of the MSW that Casella specifies as being diverted from JRL is already destined and/or contracted to other Maine facilities. Therefore, it is not appropriate to define these practices as diversion from JRL...*".

Page 28: "*However, the Department notes that MSW tonnage brought to JRL has increased from 2014 to 2016 (36,878 tons to 69,934 tons) and that the MSW tonnage allowed by the 2013 amendment license was based on the needs of former MERC communities.*" MSW from the original MERC communities amounts to 22,827 tons. In addition, the Department also notes (Page 28) that "*...MSW disposed at JRL has increased without a corresponding increase in the annual generation of MSW in Maine.*" Casella has increased MSW deliveries to our State Landfill (JRL) while Maine as a whole has reduced MSW output. On Page 20, Table 5 shows that from 2011 to 2015, total annual

MSW generation in Maine decreased by over 200,000 tons. By the way, Table 5's Projected MSW amounts for 2018 should be far lower than the 2015 amount.

Remember, JRL is owned by the State and the title is held by the Bureau of General Services (BGS). Casella is the Operator of JRL. Sometime after Casella/BGS filed for this amendment in November of 2017, the sources of MSW to be delivered to JRL changed from southern Maine communities to include municipalities associated with the Municipal Review Committee, or MRC. If this new waste stream was destined for JRL, there should have been a formal request by the MRC. Instead, as of April 1, 2018 smaller packer trucks full of curbside garbage and rollofs from communities such as Bangor, Orono and the University of Maine are streaming into JRL in unprecedented numbers. What started out as an attempt to offer short term disposal options from former MERC communities has morphed into MSW from more local sources streaming into JRL. This violates the 2013 agreement and should necessitate a formal request by MRC/Casella/BGS to continue.

Traffic Study

There has been a glaring omission in DEP's consideration of extended MSW deliveries to JRL. On Page 10 it says: "*Traffic movement is not expected to significantly change with the proposed amendment since the request does not include an increase in the volume of MSW delivered to the site from what is currently licensed.*" This is a false statement since the total tonnages of MSW to be delivered to JRL may not increase, but the volume of trucks into and out of JRL will be expanded significantly. Tractor trailers carry about 30 tons per load, while the local trash trucks haul much lower amounts. Therefore, I strongly disagree with the Conclusion on Page 39 that "*The applicant has provided sufficient provisions for safe and uncongested traffic movement of all types into, out of, and within the landfill...*".

I request that DEP add the most recent truck delivery information to this record for the Board's consideration. This would be new supplemental evidence, proving my point that any traffic study done was inadequate (see Exhibit 1). This eventuality (MRC MSW deliveries to JRL) was never mentioned in the DEP licensing procedure for Fiberight.

Technical Considerations

The Department has done a good job debunking several Casella/BGS attempts to make MSW look like an essential material for building a landfill. Casella claimed that MSW is necessary and ideal for grading and bulking purposes. On Page 33: "*...the Department notes that the possibility exists that other waste material or soil could be utilized for the same purpose.*" On Page 22, Casella says that "*...the use of CDD or CDD fines provides an opportunity for increased H₂S production...*". The fact of the matter is that these materials once deposited in JRL will break down eventually anyway, and the sulfur will be released regardless of what it is mixed with. In addition, soil is available from a borrow pit on site.

There are, however, odor issues posed by extension of MSW deliveries. Page 12: "*Nuisance Odors and H₂S. Due to the composition and characteristics of the waste, MSW has the potential for odor*

generation as the waste is transported to the facility and off-loaded in the active area...". This puts the Public in contact with more Nuisance Odors, and due to the lack of any 3rd party independent odor assessor, Casella gets to control and minimize the complaints.

One of the Conditions of this amended license will be violated: Soil Erosion (Page 41). This is due to the fact that DEP only requires that stormwater detention infrastructure be built to withstand a 25-year flood. This is inadequate, especially given the increased precipitation predicted due to Climate Change. There has been a major erosion event at JRL since the State took ownership in 2004. Casella's experts proclaimed to the Old Town Planning Board that an Expansion would withstand a 100-year flood and that multiple such precipitation events have happened during State ownership. When pressed on the first claim (built to withstand), Casella revealed that this is due to overflow spillways. In that event, the overboarded storm waters would surely cut soil downhill and into the surrounding sensitive wetlands. I asked them to substantiate the second claim (multiple 100 year floods since 2004) and they failed to respond. It is only a matter of time until the next erosion event, and DEP has failed to protect JRL's surroundings.

Contractual Questions

During the course of this license amendment more information has surfaced in regard to the communities formerly served by the Biddeford incinerator (MERC). Page 15: *"There are 14 communities under long term contracts with JRL that formerly utilized MERC as a disposal option."* For one thing, there are no "JRL contracts"; JRL cannot sign contracts. Presumably this means Casella has agreed to dispose of these communities' waste at JRL until 2022 or 2025. Furthermore, *"...there are also 16 additional southern Maine communities with MSW handling and disposal contracts with JRL..."*. I am not certain when these contracts were signed, but how can Casella be promising to dispose of MSW beyond their 03/31/18 deadline (until 2022 or 2025) to end MSW deliveries to JRL? Additionally, how can the BGS as owner not inform them that this is wrong, especially given the State Waste Hierarchy being in effect at JRL? When were these contracts signed?

Another objectionable reality is that Casella (with the apparent approval of the BGS) has signed contracts with other waste handling entities that are "contingent upon approval" of the requested amendment. Is this legal, that contractual outcomes are dependent on the approval of the Regulatory overseer, the DEP? Is this arm twisting, blackmail, antitrust, or how does the Regulator define it? I am confused, and would welcome some opinions on these matters from the Attorney General's Office, especially from someone versed in antitrust law.

Uncertainty and Control

On Page 40, Conclusion #8 states: *"The applicant has demonstrated that sufficient near-term uncertainty exists in the solid waste landscape in Maine to warrant a short-term extension..."*. We should consider this question: How much of this uncertainty is due to Casella's actions? It appears that Casella has promised 130,000 tons of MSW to be delivered to the PERC incinerator in Orrington. Is this amount "contingent upon approval"? If so, what happens now that the

Department has granted "partial approval"? This may be enough MSW to make or break PERC's financial ability to proceed (see 'antitrust' above). Similarly, Casella has contracted to provide Fiberight's CRM facility with a smaller amount, 40,000 tons per year of MSW. This is a lot of uncertainty, and Casella has everything to do with it.

I do not deny that there is uncertainty with the future viability of the CRM plant, which currently has at least one lien against it (see exhibit 2). We should also consider the situations of the 115 remaining MRC communities contracted to deliver their waste to CRM post-April 2018. They were informed that the promised new facility would be functional when their PERC contracts expired on 03/31/18. Then they were led to believe that in case of Fiberight being delayed, their MSW would be sent to Waste Management's (WMI's) Crossroads Landfill in Norridgewock. It was only on March 28th, 2018 that MRC's leadership informed them that some of their waste should be sent to JRL, which had never been previously mentioned (see Exhibit 3). At some point it looked like much of this MRC MSW would go to the PERC plant instead of being landfilled, but that deal fell through.

In a way, it seems like both Casella and the MRC are being rewarded by DEP for their inattention to the intent of DEP's 2013 license requirements (Casella) and MRC's lack of planning acumen. This reward also is a gross violation of our State Waste Hierarchy. In the above-mentioned 03/28/18 letter from the MRC to its members, it says "*This arrangement was reached with the consent of (WMI), our primary contracted back-up disposal facility during the bypass period.*" I think this is a misuse of the term "bypass", which usually refers to MSW destined for an operational disposal facility that is experiencing some temporary problems. Fiberight's CRM is nowhere near being a functional facility, therefore any talk of "bypass" is premature, and I urge that DEP/BEP make this perfectly clear.

Hierarchy

In 2013 DEP gave permission for Casella to bring Maine MERC communities MSW to JRL until March 31, 2016. At that point they stated: (Page 27) "*...this limitation is appropriate to ensure that activities at JRL support, and do not subvert, the waste management hierarchy.*" Since that time, the Waste Hierarchy has gone from being a guiding principle to becoming a Permitting Standard. Continued deliveries of MSW do nothing to enforce the Hierarchy, and in fact DO SUBVERT the Waste Hierarchy. Landfilling is the least desirable outcome for our wastes, and by allowing direct deliveries of local curbside garbage to JRL DEP is enabling subversion of the Hierarchy and setting a horrible precedent.

DEP wants to say that the Hierarchy is fulfilled by (Page 32) "*...whether the greatest amount of solid waste has been handled through means as high on the solid waste management hierarchy as possible, resulting in maximizing waste diversion and minimizing the amount of waste disposed.*" This is only partially true. The greatest implementation of the Hierarchy is through reduction at the source, which requires no "handling" whatsoever. Likewise, Reuse of waste materials (such as lighting one's wood stove with discarded newspapers) requires no trucking of wastes. Composting

at home never moves over a road. My point is that just because Casella "handles" large amounts of wastes does not mean that they are in compliance with our Hierarchy.

Maine's Solid Waste Management Hierarchy (page 13 of license) states "*Priorities: It is the policy of the State to plan for and implement an integrated approach to solid waste management for solid waste generated in the State and imported into this State, which must be based on the following order of priority:*

- A. *Reduction of waste generated at the source, including both amount and toxicity of the waste;*
- B. *Reuse of waste;*
- C. *Recycling of waste;*
- D. *Composting of biodegradable waste;*
- E. *Waste processing that reduces the volume of the waste needing land disposal, including incineration*
- F. *Land disposal of waste.*

Curbside pickup of unsorted MSW does none of A through E above.

DEP should enforce the Hierarchy by using it as a Permitting Standard right now. On Page 32 it says "*The Department notes that it is not a party to these agreements and does not have the authority to direct waste flow...*". This is true. However, DEP does have the power to say where MSW cannot go, which is into the State-owned Juniper Ridge Landfill. The Board and DEP should always remember that although Casella may treat JRL like just another commercial landfill (and largely gets away with it), Juniper Ridge is the flagship State-owned landfill and activities should therefore require compliance with the Hierarchy.

Core Promises

In the leadup to the creation of JRL, there were two Core Promises made by State, Local, and Casella officials:

1. There will be no Out of State Waste
2. There will be no Municipal Solid Waste

The first promise has been circumvented by misleading definitions and lack of integrity on the part of State Officials, led by Casella's lobbyists in Augusta. The second was backed up by DEP officials who said "*There will be no Putrescible Wastes.*" This was misleading to start with, because part of the waste stream was Front End Process Residue (FEPR) from incinerator non-combustible materials. A lot of FEPR from the MERC incinerator was MSW, and testimony has been given that MERC actually altered their process to allow for more MSW to fall through its input conveyors. At some point, DEP was convinced by Casella that MSW was the perfect "soft layer" of waste to be placed just above the liner in new cell construction, even though it is not actually all "soft" or anywhere close to being homogenous.

A major factor in the Department's approval of a time extension for MSW deliveries to JRL is to enable the MRC to accommodate its member communities. It is interesting to reread a letter from MRC's Greg Louder to the state official who was implementing State ownership of JRL, Jack Cashman, on May 9, 2003 (see Exhibit 4 paragraph 2).

"You indicated that, in efforts to ensure the long-term availability of the facility capacity for waste generated in Maine, key stipulations regarding future use of the facility include an express prohibitions on: 1) the disposal of unprocessed MSW and 2) the disposal of those wastes generated from out-of-state sources. MRC fully supports those stipulations while also recognizing the challenges that may arise with respect to implementation of the same."

This letter is contained in a packet admitted to the record during the Expansion Hearing in Bangor in October of 2016. You may consider it new evidence and it is important enough to be admitted, although it is already in the record. The point is that the MRC has changed over the years from a fierce supporter of the Hierarchy, to one that relies on landfilling its members' wastes. There is a real possibility that the Fibrigh/CRM facility will not be fully functional until after this initial one-year extension expires. At that point, we would be subject to all the efforts on behalf of these communities to make MSW into JRL a permanent accommodation, which would completely disable our Hierarchy at our only operating State landfill.

Emissions Hypocrisy

There is an argument being made that sending MRC MSW directly to JRL instead of to the Crossroads Landfill in Norridgewock will result in reduced vehicle emissions. There is no actual explanation that this is true. Do three truckloads of smaller amounts over a somewhat shorter distance result in fewer emissions than one tractor-trailer load going to Norridgewock? Doubtful. The MRC failed to plan for a transfer station or other collection points for its MSW sources when it agreed to use Crossroads as a "bridge disposal facility". PERC is available and willing to take MRC MSW not convenient to Norridgewock, but Casella has thwarted this eventuality. Incineration of waste yields ten times the energy and one-half the pollution of landfilling with gas generation (like at Crossroads). JRL has no gas to energy capacity.

Additionally, arguing for considering emissions when permitting wastes into JRL is Hypocrisy. When we JRL Expansion opponents wanted to raise emissions of greenhouse gases as an important issue for the Expansion Hearing, we were told that could not be included. At least 40% of the 700,000 tons of wastes into JRL annually travel over 200 miles one way to get here. Think of those emissions and realize that we should be looking at the big picture, not a one-year snapshot of MSW movements locally.

Conflicts with Old Town's Ch. 24 Regulations

The Department's partial approval includes allowing for local garbage trucks, including rollofs, to be brought to JRL. This is in conflict with Old Town's Chapter 24 ordinance which has been in effect since the BEP approved JRL expansion in 2017:

Chapter 24-14 K " *The Permit Holder shall institute reasonable procedures and employ its best efforts to implement those procedures to require that any person operating a vehicle transporting Solid Waste or leachate to or from the Facility and Expansion shall have a current and valid Waste Hauler's License from the City when and if such license is required by the City; and that Solid Waste shall be transported to, and leachate waste transported from, the Facility and Expansion in completely enclosed containers or vehicles to prevent litter or spillage on City streets and the release of nuisance odors during transport.*"

Remedy Sought

Since we have passed the 03/31/18 deadline for MSW deliveries to JRL, it may not be practical to stop these shipments immediately. Instead, let us apply the same conditions that would be true after 03/31/19. This would allow for 30,000 tons of MSW to be accepted at JRL between 03/31/18 and 09/30/18. This would constitute an expedited approach to resolving where this material will be sent. Hopefully, this MSW will go to a disposal facility higher on the Hierarchy ladder than another landfill, such as the PERC plant in Orrington or a functional CRM facility in Hampden.

In addition, Casella and BGS should reveal what their plan was for this waste on April 1, 2018 if the Department had not granted them Partial Approval for extended MSW deliveries. The Department has taken Casella's word that other WTE facilities out of state were not available- this should be documented by the Department independently of Casella/BGS.

There should be a State audit of waste flows into JRL during this six-month period to ascertain which MSW is actually flowing into JRL. We should also be aware that Casella's Southbridge Massachusetts landfill will close at the end of 2018 and ascertain if any of that waste is being brought to JRL. Declare emphatically that after September 30, 2018, there will be NO MSW into JRL. Then monitor conditions as you allow the markets to function without JRL as an option.

Summary

If the DEP just says NO to MSW into JRL, surely most of that waste would end up at PERC instead of being landfilled, which would make it more compliant with the Waste Hierarchy. Compliance with the Waste Hierarchy is now a Permitting Standard for DEP licenses and should be implemented. Otherwise, DEP is complicit in subverting the Hierarchy. This, combined with the ugly precedent of direct landfilling of curbside wastes, sets a horrible precedent which will become more damaging the longer it is allowed to continue.

DEP has violated its normal protocols by allowing MRC MSW into JRL without formal request during the licensing procedure. The MRC communities thought they were signing up with Fiberight for waste disposal at a state-of-the-art processing facility that would necessitate landfilling only 20% of their wastes. Their good intentions to enter a new era of more efficient waste handling has resulted in their unwilling support for our worst disposal option, 100% landfilling of their wastes.

The BEP's 2013 attempt to offer MERC communities an MSW disposal option temporarily at JRL has morphed into smaller trucks streaming into JRL resulting in traffic problems and more nuisance

odors. We have to rely on Casella to keep track of wastes flowing into JRL, with little or no help from the State as Owner (BGS). We are capable of solving these issues without any “stranded wastes”, but there needs to be a firm policy of NO MSW into JRL. Let the waste markets function without further violations of our Hierarchy.

New Supplemental Evidence / Exhibits

1. April 2018 (and later if possible) truck delivery reports at JRL
2. Lien on CRM facility
3. 03/28/2018 MRC Letter to MRC Communities
4. 2003 MRC’s Lounder Letter to Cashman

Respectfully submitted,

Edward S. Spencer

PO Box 12

Stillwater, ME 04489

207-827-8359

EXHIBIT 2

NOTICE OF LIEN

10 M.R.S.A. § 3253

ULG Companies, LLC, of Logansport, Cass County, IN, has performed labor and services and provided materials by virtue of a contract with Neuman Construction, [a corporation having a place of business] [an individual residing] in Newville, AL, on land and buildings owned by Municipal Review Committee, whose address is 395 State Street, Ellsworth, ME 04803, leased to Fibertight LLC, whose address is 1450 South Rolling Road, Baltimore, MD 21227, and buildings are located on 348 Coldbrook Road, Hampden, Maine, located in Penobscot County, Maine | and are commonly identified as 348 Coldbrook Road.

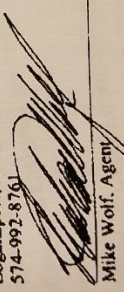
The premises upon which a lien is claimed were conveyed to Municipal Review Committee by deed recorded in the Penobscot County Registry of Deeds beginning at Book 14500, Page 217 and are more particularly described as follows: 348 Coldbrook Road, Hampden, Maine; A certain lot or parcel of land situated on the northeasterly side of the Coldbrook Road in the town of Hampden, further described in OR book 14500 page 217, according to the public records recorded in Penobscot county, Maine; Parcel ID 14-0-007; 4468758.

ULG Companies, LLC does hereby declare that [he][it] has a lien against the land and all buildings, other structures, or portions thereof upon such land, in the amount of ONE HUNDRED TWENTY ONE THOUSAND NINETY SEVEN AND 14/100 \$121,097.14 under [his][its] contract for furnishing Temporary Staffing and/or Misc. Labor and Materials, for the structures on that land. All just credits have been given. This lien is declared and this Notice is given pursuant to Title 10, Maine Revised Statutes Annotated, Section 3253, as amended, and pursuant to other appropriate statutes. This lien is claimed prior to an encumbrance of any mortgage on said land.

The labor, services, and materials were furnished during October 25, 2017, and as recently as January, 2018. All was done with the consent and knowledge of the owner of the land and buildings.

IN WITNESS WHEREOF, this Notice of Lien is being executed by Mike Wolf this 9th day of March, 2018.

ULG Companies, LLC
635 Burlington Ave.
Logansport, IN 46947
574-992-8761

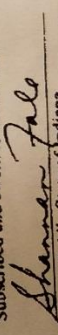


Mike Wolf, Agent

State of Indiana
County of Cass, ss.

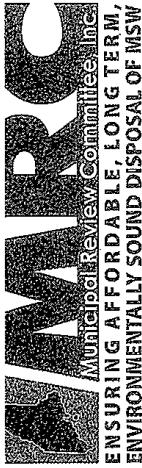
this 9th day of March, 2018. Personally appeared Mike Wolf, and made oath that the statements made herein are true and correct.

Subscribed and sworn to before me.



Notary Public State of Indiana
My Commission Expires: March 13, 2015

395 State Street
Elisworth, ME 04605
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MEMORANDUM

TO: All Joining Members
FROM: Greg Louder, Executive Director
RE: **Interim MSW Delivery to Crossroads and JRL as of April 1, 2018**
DATE: 28 March 2018

I am writing to provide final information regarding arrangements for all Joining Members to manage MSW as of April 1, 2018. The Fibertight/Coastal Facility in Hampden ("Coastal") will not be available to accept MSW on April 1 or for an interim period of up to 6 months.

As shown in the attachment, the MRC has identified approximately 39 Joining Members that are capable of having their MSW delivered directly to the Crossroads Landfill and has helped another 10⁶ Joining Members to arrange for MSW delivery through the use of nearby transfer stations. These Joining Members are instructed to proceed with the arrangements to have MSW delivered to the Crossroads Landfill as of April 1, 2018, until further notice, and to comply with all applicable delivery requirements of the Crossroads Landfill. Coastal and WMI are working together to ensure that the Joining Members are invoiced appropriately and receive clear instructions for payment of the \$70 per ton tipping fee during the interim period.

For the remaining Joining Members, as shown in the attachment, the MRC has developed an arrangement for interim MSW delivery involving use of the Juniper Ridge Landfill (JRL). This arrangement was reached with the consent of (WMI), our primary contracted back-up disposal facility during the bypass period. Coastal, and JRL are working together to ensure that the Joining Members are invoiced appropriately and receive clear instructions for payment of the \$70 per ton tipping fee during the interim period.

We appreciate your patience and support while we reached an interim MSW delivery resolution. We also appreciate your readiness to respond on short notice on this directive from the MRC regarding this arrangement being made available for your community and we thank you for your continuing cooperation during this time of transition. Please contact us at 664-1700 with questions.

**Interim Waste Delivery Locations
Version 3.0 - March 27, 2018
Effective April 1, 2018**

Town	Delivery Point
Abbot	Crossroads
Albion	Crossroads
Alton	JRL
Aroostook County	Millinocket*
Atkinson	Crossroads
Bangor	JRL
Bar Harbor	Crossroads
Belfast	Crossroads
Blue Hill/Surry	JRL
Boothbay Regional	Crossroads
Bowerbank	Crossroads
Bucksport	JRL
Bradley	JRL
Brewer	JRL
Brooks	Crossroads
Brownville	Crossroads
Burlington	JRL
Carmel	JRL
Central Penobscot	JRL
Cherryfield	JRL
Chester	Millinocket*
China	Crossroads
Clifton	JRL
Corinna	Crossroads
Cranberry Isles	EMR to Crossroads
Dedham	JRL
Dexter	Crossroads

Town	Delivery Point
Dixmont	JRL
Dover - Foxcroft	Crossroads
Eddington	JRL
Exeter	Crossroads
Freedom	Crossroads
Franklin	JRL
Frenchboro	EMR to Crossroads
Garland	Mid Maine SWA
Guilford	Mid Maine SWA
Hampden	JRL
Holden	JRL
Hudson	JRL
Knox	Crossroads
Lee	Millinocket*
Levant	Mid Maine SWA
Lowell	JRL
Lucerne	JRL
Mariaville	JRL
Mattawamkeag	Millinocket*
Millinocket	Crossroads
Milo	Crossroads
Monson	Crossroads
Montville	Crossroads
Mt Desert	EMR to Crossroads
Northern Katahdin	Crossroads
Oakland	Crossroads
Orono	JRL

Town	Delivery Point
Otis	JRL
Palmyra	Crossroads
Parkman	Crossroads
Piscataquis County	JRL
Pleasant River SWD	JRL
Sangerville	Crossroads
Searsmont	JRL
Sebec	Crossroads
Sherman	Northern Katahdin
Sorrento	JRL
Southwest Harbor	EMR to Crossroads
Springfield	Millinocket*
St. Albans	Crossroads
Steuben	JRL
Sullivan	JRL
Swans Island	JRL
Thordike	Crossroads
Tremont	EMR to Crossroads
Trenton	EMR to Crossroads
Troy	Crossroads
Unity	Crossroads
Waldoboro Group	Crossroads
Union River SWD	JRL
Vassalboro	Crossroads
Verona Island	JRL
Wiscasset	Crossroads

EXHIBIT 4

DELIVERED VIA FAX

May 9, 2003

Mr. Jack Cashman, Senior Policy Advisor
Office of the Governor
SHS #1
Augusta, Maine 04333 - 0001

Dear Mr. Cashman:

I write to thank you for meeting with Gary Stacey and myself this week regarding the status of the future use of the Georgia Pacific special waste landfill located in Old Town in the context of an overall program initiated by the Administration to enhance the economic viability of pulp and paper operations there. These efforts are commendable and it is our sincere hope a successful outcome is realized. MRC and PERC are very interested in supporting your efforts. To that end, we are interested in reviewing the details on the special waste landfill program component at the soonest possible time.

You indicated that, in efforts to ensure the long-term availability of the facility capacity for waste generated in Maine, key stipulations regarding future use of the facility include an express prohibitions on: 1) the disposal of unprocessed MSW and 2) the disposal of those wastes generated from out-of-state sources. MRC fully supports those stipulations while also recognizing the challenges that may arise with respect to implementation of the same.

In recent years, MRC has devoted considerable attention to issues in special waste landfill airspace utilization. Oversight and monitoring of the amounts and types of solid waste being disposed is difficult. Enforcement of such stipulations is notoriously difficult, as waste streams are not manifested, so sources of waste can be easily lost as waste is transported between facilities. While recognizing the short time constraints, we offer ourselves as resource to you in your efforts to ensure your objectives are met.

Another key area discussed was the state v. facility operator role in the future management and control of the facilities' business. MRC believes that the more control the state is able to retain over future business arrangements at the facility, the higher the likelihood that the public interest will be served and future disposal costs for our 160 plus municipalities will be maintained at reasonable levels. To the extent possible, MRC encourages the state to retain control over the nature of the facilities' future business arrangements.

Again, MRC very much appreciates your willingness to meet with us to discuss these issues. It is our desire to learn as much as possible on the further details concerning the landfill facility in our efforts to support the effort. I look forward to the opportunity for further dialogue.

Sincerely yours,

Greg Louder
Executive Director

Copies: Gary White
Kevin Nordby