

June 2018 Comments on Supplemental Evidence #S-020700-WD-BL-A

Dear Chairman Parker,

Please consider these comments regarding proposed supplemental evidence offered by Casella's Tom Doyle. Doyle first argues that my request for additional truck traffic reports should be disallowed because they were provided too late, when in fact I presented them as soon as they became available to people on the Juniper Ridge Advisory Committee. This is the earliest available information offered by Mr. Doyle's client to the public, and were not available at an earlier date. These truck reports should be considered Public records, not proprietary.

Apparently NEWSME/BGS does not have much confidence in their arguments to dismiss my Exhibit 1 so they offer a May 25, 2018 letter from Gorrill Palmer to Casella's Don Meagher as proposed Supplemental Evidence. My contention in appeal is that DEP's statement on Page 10 of the Partial Approval is false: "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." My conclusion was that "...any traffic study done was inadequate."

Gorrill Palmer (GP) compares total trucks entering JRL in April 2014 to total trucks entering JRL in April 2018, after the so-called "swap agreement" took effect. This is a deceptive comparison for several reasons. They assume that these additional truck deliveries are evenly spread over the course of all the days of a month, and that therefore there is no congestion. Why pick 2014 for comparison? The issue is additional truck trips of MSW, and in the DEP's partial approval it states on Page 28: "However, the Department notes that MSW tonnage brought to JRL has increased from 2014 to 2016 (36,878 to 69,934 tons)...". It would be far more material and relevant to compare March 2018 to April 2018 truck deliveries both on a daily and hourly basis, both total loads and the number of MSW trucks entering JRL.

I can certainly make a case that the applicants have not shown due diligence in bringing this new traffic analysis to the Department at the earliest possible time, since there was no consideration in their application of smaller MSW trucks streaming into JRL. The traffic analysis was inadequate in their application and in this proposed supplemental evidence.

These comments would be immaterial if my Exhibit 1 was rejected. In the event that the requested truck reports are accepted as part of my appeal, the next consideration is whether the Gorrill Palmer letter is material, relevant, and timely under DEP criteria. My general feelings are that narrowing the record in any Board consideration may limit their ability to see the issues in perspective. Therefore, I will remain neutral on the Gorrill Palmer letter and leave it to you and the state's legal analysts to rule on admissibility.

Respectfully submitted,

Edward S. Spencer