

October 14, 2008

Michael Parker  
Maine DEP  
17 State House Station  
Augusta, ME 04333-0017

Dear Michael Parker,

I am writing in regard to NEWSME Landfill Operations, LLC's request for a Minor Revision to DEP permit #S-020700-WD-N-A. My request is that the Department hold a Public Hearing regarding this application, and furthermore that the Board of Environmental Protection assume jurisdiction in this matter.

In Chapter 2 Rules Sect. 17 C. The Board shall assume jurisdiction over the application if it finds that the application:

- (1) involves a policy, rule or law that the Board has not previously interpreted;
- (2) involves important policy questions that the Board has not resolved;
- (4) is of substantial public interest.

This application for Permit Change may not qualify as a Minor Revision, which is defined as one that 'does not significantly expand the project, does not change the nature of the project...' and the Board should consider the definition and that this "does not significantly expand the project, does not change the nature of the project...". The permit allows for Casella/NEWSME's operation of the State-owned Juniper Ridge Landfill in Old Town. The original Operating Service Agreement governing this facility made it clear that the only exceptions for out-of-state waste to be deposited in West Old Town were to be residual waste from processed fuel destined for the Old Town Mill. The Permit reflects this, as well as the accompanying Host Community Agreement between NEWSME and the City of Old Town.

In July and again in November 2006, the State Planning Office and Casella/NEWSME twice amended to original OSA, and in that process greatly expanded the sources and amounts of out-of-state Debris. This so-called "Minor Revision" is designed (at least in part) to bring the DEP permit in line with the amended OSA. It seems obvious to me that any change allowing residuals of substitute fuel destined for ANY boiler "significantly expands the project...".

This matter involves Policy questions as yet not resolved, and is of "substantial public interest". Peter Dufour, chairman of the State-mandated Juniper Ridge Landfill Advisory Committee has recently requested a public Hearing on this matter, as has the Town of Alton. It is my understanding that Old Town City Manager Margaret Daigle has lent her support to Mr. Dufour's request for a Public Hearing.

There are many unanswered questions in need of the Board's consideration. Did the SPO have the statutory authority to amend the JRL OSA without notifying DEP, City of Old Town, Alton, the Penobscot Nation, and the JRL Advisory Committee? It would appear that they were required, to notify under Legislative Resolve LD 1626, which by the way started this abysmal process in 2003. I have enclosed Manager Daigle's July 16<sup>th</sup> letter for your reference.

If the SPO and NEWSME LLC exceeded their authority with their "secret agreements", was this a Violation of their DEP Permit?

By changing agreements without Legislative Review or Public Hearing, State Planning Office, with the guidance of Mr. Tom Federle (governors's legal counsel), have in effect changed State Waste Policy. Does the Board endorse this behavior, and if not, please comment.

SPO and NEWSME LLC violate Old Town's Host Community Agreement by allowing expanded out-of-State waste imports. Is there a penalty? Is this grounds for revocation of their DEP License to Operate?

Doubtless, there are many more substantial issues related to State Waste Policy that could be addressed at a Public Hearing, with BEP presiding. The citizens of Old Town, Alton, Indian Island and the surrounding communities are hoping to have a chance to hear first-hand what the Board of Environmental Protection has to say in this regard.

Respectfully submitted,

Edward S. Spencer  
P.O. Box 12  
Stillwater, ME 04489  
207-827-8359

July 16, 2008

Governor John E. Baldacci

1 State House Station

Augusta, ME 04333-0001

Dear Governor Baldacci:

On behalf of the Old Town City Council, I want to express some concerns that we have regarding communication between the State and the City with regard to Juniper Ridge Landfill. We were recently informed through a casual conversation that a second amendment to the Operating Services Agreements between the State of Maine, through the State Planning Office and Casella Waste Systems, Inc has been executed. The first one was in July of 2006 and the most recent amendment was in November of 2006. We recently obtained copies of those amendments.

The City of Old Town actively works to represent the concerns of the citizens of the City and work diligently to be informed of the operations and conditions at the Juniper Ridge Landfill. The City also has membership on the State's Juniper Ridge Landfill Advisory Committee. We are very concerned that we had no knowledge of these amendments until much after the fact. We assumed that we are partners in these issues and would be kept abreast of all issues. Changes in major operating agreements should be open and available to the public, but especially to the host community and the members of the State's advisory committee.

Had we been aware we would have expressed concerns regarding section 6(c) of the second amendment. It appears that this section allows Casella Waste Systems to accept out-state Construction and Demolition Debris processed at one of their facilities in the state and the non-recycled material is allowed to be disposed of at the Juniper Ridge Landfill in Old Town.

Legislative Resolve (LD-1626) which Authorized the State to Purchase a Landfill in the City of Old Town, approved June 23, 2003 establishes a committee composed of members of the towns of Old Town, Alton and Indian Island. The resolve clearly gives the committee the direction to:

- Review proposed contracts, site analyses, applications and other documents relating to construction, permitting and operation of the facility.
- Hold periodic public meetings to solicit opinions of residents...
- Provide the facility with any alternate contract provisions, permit conditions, plans or procedures the committee considers appropriate
- Serve as a liaison between the communities and the facility (CASELLA) or the office (SPO)... to facilitate communications and to provide residents with updated information.

I believe the Legislature, through the Resolve wanted the committee to act as a liaison between the public and parties involved with the operation of Juniper Ridge Landfill. Parties involved include but are not limited to; Casella, Inc., City of Old Town, Town of Alton, State of Maine Planning Office, Department of Environmental Protection, etc. It is felt that

the mission of the committee is to review issues brought up through public comment or current activity. This became a subject of great concern at a recent Landfill Advisory Committee meeting and brought it to the City's attention.

We are very disappointed in the lack of communication and very concerned that the City is not included in the chain of information as we proceed toward the Hampden landfill closure and the Old Town landfill expansion. We understand that we have very little oversight authority of the existing landfill in our city and are extremely concerned that we will not have any input into decisions and actions which may have significant impact to our City and on our citizens.

We believe the communication needs to be improved and hope that this letter respectfully serves as notice to the State that full disclosure and inclusion must be afforded to the City of Old Town and the members of the Landfill Advisory Committee on matters involving the Juniper Ridge Landfill. I trust we can resolve this situation as we move forward.

Respectfully submitted,

Margaret N. Daigle

City Manager

Cc: Martha Freeman, SPO Director

Dave Littell, DEP Commissioner

Old Town City Council

Juniper Ridge Landfill Advisory Committee