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Orono, ME 04473
207 866 7766

October 15, 2008

Mr. Michael T. Parker
Maine DEP, Augusta Office

By electronic mail to: michael.t.parker@maine.gov
By post to Michael T. Parker, Maine DEP, State House Station 17, Augusta, ME 04333-0017

Dear Mr. Parker:

Thank you for meeting with me briefly last Friday, and sharing materials related to the application for "minor revision" of the Juniper Ridge Landfill (JRL) license, to allow acceptance of "CDD bypass from the Westbrook CDD processing facility." The license affected is #S-020700-WD-N-A. The paperwork I have from you shows that this application was received on Sept. 4, 2008, and that acceptance deadline was Sept. 25. Given information I got from you by phone, I trust that today is the deadline for letters of public comment.

I am making three requests by means of these comments.

First, I am requesting that the BEP take jurisdiction of this application, and suggest that the BEP also should have original jurisdiction over all permitting involving the Juniper Ridge Landfill. In some instances the scope of this jurisdiction should also extend to CDD processing facilities now in operation or contemplated, as well as some licenses related to the burning of CDD-derived fuel. The fundamental question of how the State will regulate itself in the case of the State's first publicly-owned landfill has been answered in practice, "not very well."

Second, I request that the DEP or the BEP convene a public hearing to examine this application. An important purpose of hearings is to create a means by which public knowledge can become regulatory agency knowledge. Closely related to this application is a set of contract changes undertaken in October and November, 2006 between the State Planning Office (landfill owner) and the landfill's operator, Casella / NEWSME. Neither DEP staff, nor the statutory Landfill Advisory Committee nor the interested public knew of these changes until they were disclosed to the City of Old Town earlier this year. Cyndi Darling, landfill project manager for the DEP, has informed me by phone conversation of today that she first learned of them from members of the public (two Old Town residents and myself) and first obtained the contract provisions from the SPO on June 9 of this year -- nearly two years after the contracts went into effect.

Third, I am asking for a moratorium to be declared by the DEP on any licensing involving debris processing facilities, such as that contemplated for Westbrook and as is proposed here. When the public requested such a moratorium two years ago, the DEP did not have this authority. I believe authority is now in place through statute, as a temporary safeguard related to waste processing facilities, and is now an option available to the DEP or BEP when the Legislature is not in session.

Pursuing details of the landfill's contract changes, we have learned that at least four major documents related to the landfill were changed in the first days of Nov. 2006: the landfill's operating services agreement (OSA); the fuel supply agreement between Casella and the Old Town mill; the landfill's leachate disposal agreement; and the landfill's purchase and sale agreement. (Please see Attachment A.1-3 at 1) Among other questions raised by the present application is its bearing on other similar processing facilities apparently inferred from the broader language of the amended OSA.

In any case, the meaning of the OSA changes has never been explained to the public, and we have little solid information on which to base comments on this application. In part this is because the meeting scheduled to explain the contract changes and this application to the public will not happen until next week, at the Landfill Advisory Committee's meeting scheduled for Oct. 22. (See Attachment B.1) At that meeting, the bypass amendment will be explained by DEP staff and the OSA changes will be explained by the SPO's Director and staff.

This scenario is familiar to those with concerns about the landfill. We recall January 2004, when the first "public informational meeting" about the landfill, attended by over 300 people in Old Town, was held six weeks after the public comment period closed. It seems that the establishment by statute of the Landfill Advisory Committee has not protected us from these disorderly processes.

So that you have no doubt of the public's deep concerns, please see Attachment C.1-2. These notes were made by Cyndi Darling after a phone conversation with Mr. Heinonen of the City of Old Town; he is staff for the Advisory Committee. He apparently emphasized to her that this is "going to be very controversial" and that the "City is very disturbed [about this application]." An example of the concerns of surrounding communities related to landfill operation is seen in the attached D.1, on controversies around truck routing.

In her responses to Mr. Heinonen, which she clarified for me personally, Ms. Darling felt this license revision aims to bring the license into conformity with new law added to the State's definition of commercial landfills. The section at issue codified for the first time what constitutes "waste generated within the State" (Title 38 Sec. 1303-C.6) My own judgment is that we are at a very

troublesome moment in Maine's waste management law, since this new statutory language apparently allows broad acceptance of non-Maine debris for processing and disposal without having established corresponding safeguards as to standards for deliveries to processing facilities. I hope that similar concerns will lead the DEP and BEP to take great caution with this and related applications.

Again, can the DEP adequately regulate this facility, in concord with Casella, and at the same time adequately manage waste policy in the public interest? It is clear that the SPO has no interest in limiting certain waste streams that originate outside Maine. This was stated clearly in the SPO's response to bidders on the JRL operating agreement. (Please see Attachment E.1-2 at 2) In spite of many requests, the State has never made public on whose authority the bidders were told "The State does not now, nor intend to, impose any restrictions on the use of out-of-State generated/provided fuel supply." Though the SPO document claims that their assurances were given "with assistance from" the DEP (E.1) I have been assured by staff that the DEP had nothing to do with this approval. This language is part of the basis on which the State's landfill contractor, who is also fuel supplier to the Old Town mill's boiler, claims that they need to import waste to fulfill contracts they've entered into with the State.

It seems that a public hearing on these and similar issues, prompted by the present "minor revision" request, will be the best way for the public to learn, and the DEP to determine, how all these factors and forces will shape Maine's waste disposal infrastructure in the future.

In closing I should mention that I was an appellant of the license amendment that allows debris sorting in Westbrook. My appeal was denied due to my lack of standing, given the great distance I live from Westbrook. However, the attached news article about trucks in Alton states that 200 trucks per day travel Rt. 16 / Bennoch Road to the landfill. I assure you that the majority of these trucks also traverse Rt. 2 in Orono, and these loud, smelly and often overweight trucks are a growing feature of Main Street / Rt. 2 in Orono. I now believe that the Westbrook processing facility's license should be looked at carefully in light of the contracts that have only recently been made public.

Thank you for your careful attention to this permitting process.

Yours sincerely,


Paul Schroeder

Black, Karla

From: Federle, Tom
Sent: Monday, October 30, 2006 10:07 AM
To: 'Brian Oliver'; Jim Bohlig
Cc: charlie.leonard@casella.com; David L Schmitt; John Schwalbe
Subject: RE: Monday Coordination meeting

Lets try to catch up then.

t

From: Brian Oliver [mailto:Brian.Oliver@casella.com]
Sent: Monday, October 30, 2006 9:16 AM
To: Jim Bohlig
Cc: charlie.leonard@casella.com; David L Schmitt; John Schwalbe; Federle, Tom
Subject: Re: Monday Coordination meeting

Sounds good. I am on a call now and have another call with DEP at 9:30. I should be done by 10:30

Jim Bohlig/CASELLA WASTE SYSTEMS INC/US

10/30/2006 09:04 AM

To Brian Oliver/CASELLA WASTE SYSTEMS INC/US@CASELLA WASTE SYSTEMS INC,
 Tom.Federle@maine.gov

cc charlie.leonard@casella.com, David L Schmitt/CASELLA WASTE SYSTEMS
 INC/US@CASELLA WASTE SYSTEMS INC, John Schwalbe/CASELLA WASTE SYSTEMS
 INC/US@CASELLA WASTE SYSTEMS INC

Subject Monday Coordination meeting

Brian...just talked to Tom Federle...got somewhat caught up...but would seem to be appropriate to get together late morning to tick off open items.

From the call...the following seems to be the status

5 major documents require completion

- 1 Operating Service Agreement amendment....final draft with SPO...expected signed today
- 2 Fuel Supply Agreement neither of us knew of precise status
- 3 Leachate Agreement...open item but seems the proposal on Friday to collaborate with Town of Old Town...with Red
 Shield...has real potential to create a solution to this.
- 4 Consent Form to the Assignment.....this needs to be completed for the close but is working without real stumbling
 block
- 5 Acquisition Document....definitional changes..to bring documents current to proposed transaction.

Permitting Documents

- 1 Schedule of Compliance...signed on Friday
- 2 West Brook Permit...draft available for Friday...need to get finalized this morning..
- 3 Minor Permit Mod..Juniper Ridge...still requires some resolution

6/26/2008

based on the items still open and the States commitment to close by Wednesday...it seems that a conference call late morning would be constructive to this goal.

pss...Brian has a Dentist appointment this morning...and will return by 10AM...

This e-mail has been scanned by MCI Managed Email Content Service, using Skeptic(tm) technology powered by MessageLabs. For more information on MCI's Managed Email Content Service, visit <http://www.mci.com>.

Black, Karla

From: Freeman, Martha
Sent: Monday, October 30, 2006 2:19 PM
To: Federle, Tom
Subject: RE: Solid Waste Meeting reschedule

Your wish is my command.

From: Federle, Tom
Sent: Monday, October 30, 2006 1:19 PM
To: Freeman, Martha
Subject: RE: Solid Waste Meeting reschedule

Martha:

It is looking like the Old Town transaction is going to go down to the wire before everyone gives final Oks to all docs. Thus, I need you to remain available. I should be able to give you a better sense at the end of the day today.

Thanks,

t

From: Freeman, Martha
Sent: Monday, October 30, 2006 12:46 PM
To: Littell, David P; Inches, Sue; Davies, Richard
Cc: Clark, Paula M; Boutilier, Lynn A; Federle, Tom
Subject: RE: Solid Waste Meeting reschedule

Will do.

From: Littell, David P
Sent: Monday, October 30, 2006 9:25 AM
To: Inches, Sue; Freeman, Martha; Davies, Richard
Cc: Clark, Paula M; Boutilier, Lynn A; Federle, Tom
Subject: Solid Waste Meeting reschedule
Importance: High

Sue and Martha,

My solid waste staff has been working all last week and over the weekend on reviewing Casella orders to ensure we do not approve anything that does not meet our standards. Unfortunately, Casella is linking some orders that we do not see as linked to the Old Town fuel supply contract before they will sign.

Nonetheless, DEP needs to deal with the reality of getting orders done that have been drafted but need revisions and final technical review and then Paula Clark's review.

This review is extending into today and therefore request that we reschedule our 11:00 a.m. meeting so we can focus on getting this done given the Governor office priority on closing the Casella transaction.

David Littell, Commissioner

Agenda
Old Town, Alton, Indian Island
Landfill Advisory Committee
October 22, 2008
7:00 PM
(Herbert Sargent Community Center)

1. Approval of minutes of last meeting (6-25-08).
2. Review monthly reports.
3. Review of Juniper Ridge Operating Services Agreement
Martha Freeman – Commissioner State Planning Office
George MacDonald – SPO Waste Mgt. Div
4. Discuss request to amend Juniper Ridge Landfill License to accept
Westbrook By-Pass Staff member DEP Augusta Office.
5. New Business.
6. Old Business
7. Public Comment
8. Adjournment.

#68631

9-5-08

08

PF Charlie Heinonen, OY 827-3981

- he rec'd copy of MR to take Westbrook p.f. bypass
- City is very disturbed abt. applic
- he'll call again after he's digested it, but knows it's going to be very controversial

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- I assured him he'd be kept in the loop

#68631

4-8-08

Marie H, OldTown 827-3981

- I explained purpose of the applic is only to take 20000 tpy of bypass, rather than the broad stat. allowance; this applic. would resolve the issues around the OSA amend. lang + 1303-C(6)
- I assured him DEP would not be acting quickly to approve it (Peggy is out on med. l. til end of Sept); it probly would be the end of the yr.
- I also assured him DEP would be looking to clearly know (+ limit AMAP) where bypass would originate, and that all comments/suggestions on the applic would be considered
- I assured him he'd be kept in the loop

#68631

Alton voters reject Tannery Road project

BY MEG HASKELL
OF THE NEWS STAFF

BDN
10/10/08
B-3

ALTON — Voters on Thursday night rejected the state's proposal to share the cost of upgrading Tannery Road, a 5-mile paved and gravel byway that runs between Route 43 in Hudson and Route 16 in Alton.

Because of the rejected contract, some heavy trucks that now pass over a small bridge on Route 16 in Old Town will have to take a 50-mile detour when the bridge is closed for repairs next summer.

The vote, cast on paper ballots, was 45 opposed to the project and 34 in favor.

The state Department of Transportation hoped to use Tannery Road as an official detour for heavy trucks during the Route 16 bridge replacement project, including approximately 200 trucks a day headed for Juniper Ridge Landfill in Old Town. While lighter vehicles will be detoured along Interstate 95 during the three-month project expected to begin in June 2009, federal restrictions prohibit vehi-

cles weighing more than 80,000 pounds from using that highway.

Heavy trucks headed for the landfill will be directed along Route 2 north to Howland and then south on 116 to get to Juniper Ridge.

The Tannery Road detour proposal called for the town to reimburse the state \$100,000 from existing municipal funds for completing road repairs and improvements. Selectmen sought an added \$30,000 for replacing some culverts and other improvements before the state's build-up of the roadbed in preparation for the increased traffic. The state's share of the cost of the project was expected to be more than \$160,000.

Voters turned down a similar proposal at a town meeting in August. But because only nine voters participated in that process, selectmen revised the proposal and brought it up again Thursday, hoping for increased participation.

About 80 people attended the meeting at the Alton municipal building. Nate Benoit, assistant bridge project manager for the

Maine DOT, tried to assure town residents that the state would leave Tannery Road in better shape than it is in now. He said any problems stemming from the road's use as a detour for heavy trucks would be resolved promptly and that residents should "have some trust" in the state's intentions.

"We, the state, are not here to stick it to the town," he said. "We're trying to do the right thing."

But in a spirited discussion, residents challenged Benoit and his project, questioning the state's ability to enforce truck weights and speed limits, criticizing the design of the planned roadbed reinforcement and pointing to the overall poor condition of state-maintained roads in the area as proof of the DOT's inability to keep its commitments.

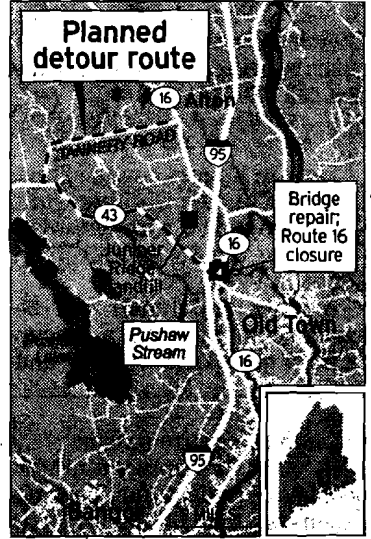
Alton resident Don Ellis said superficial repairs to the surface of Tannery Road would be futile once heavy trucks start using the road. "It won't hold up because the gravel base is not sound," he said. "That subbase hasn't been

redone in 70 years. We won't get any improvement out of all that money we'd be spending."

Tannery Road resident Amanda Willey said she initially opposed the project. She and others use the quiet road for walking, bike riding and other activities. "I don't want it to be fixed up ... so there won't be a lot of traffic," she said. But after more consideration, Willey said, she decided to support the proposal in order to keep local businesses from having to take the long detour to Howland. "If it was just the landfill trucks, I'd vote no, but it's our local businesses, too," she said.

Others pointed out that if the town waits another five years, taxpayers would foot the entire cost of repairing Tannery Road, with an estimated price tag of \$250,000 and no help from the state. Several pointed out that just because Tannery Road isn't the official designated detour for heavy trucks, it is likely some trucks will use it anyway.

Even if the road is legally posted against heavy trucks, said Brian Engstrom, chair of the



BANGOR DAILY NEWS MAP BY ERIC ZELZ

town's Board of Selectmen, enforcement will be difficult since the rural town relies on the Penobscot County Sheriff's Office and the Maine State Police for patrolling.

After the vote was counted, Engstrom, who supported the project, said selectmen would meet soon to discuss whether to post Tannery Road. He said the state's proposal would not be revisited. "We gave the voters two chances on this," he said. "So that's the end of it."

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STATE OF MAINE
EXECUTIVE DEPARTMENT
STATE PLANNING OFFICE
38 STATE HOUSE STATION AUGUSTA, MAINE 04333

JOHN ELIAS BALDACCI
GOVERNOR

MARTHA E. FREEMAN
DIRECTOR

September 11, 2006

Mr. Paul Schroeder
13 Hamlin Street
Orono, Maine 04473

Dear Mr. Schroeder:

This letter follows your request for those pages of the proposal submitted by Casella Waste Systems, Inc. in response to the Request for Proposals for "Contract for Landfill Operations" issued by this Office on June 13, 2003. You had stated that these pages were not available in the copy of that document held at the Maine Department of Environmental Protection's Bangor Office. I have subsequently sent a copy of those pages to that office.

As you requested, I provided to you a copy of those pages while you were attending the Blue Ribbon Commission on Solid Waste Management last Wednesday in Augusta. At that time, you requested information on what constituted "clarification by the State Planning Office", as shown in Section 4 of Casella's proposal to the RFP, in section A.2.b.i. *C & D Fuel*.

The clarification that is referenced in the proposal refers to the document that was prepared by this Office, with assistance from Georgia Pacific and the Maine Department of Environmental Protection, to respond to questions received by this Office from potential respondents to that RFP. The complete section of those questions and responses related to your request is shown here and the 'clarification' is found in question/answer # 2:

The following questions relate to the issue of 'fuel supply':

Q. Does the RFP require the successful bidder to provide fuel supply at the rates set forth in the RFP for a 30 year period, even if the operator otherwise submits a bid to operate the landfill for a period less than 30 years?

A. Yes.

Q. Will the State impose any restrictions on the use of out-of-State material to fulfill the fuel supply obligations?

A. The State does not now, nor intend to, impose any restrictions on the use of out-of-State generated/provided fuel supply.

Q. What does GP anticipate its annual fuel requirements for C&D and green wood chips to be under this RFP? And what is the basis for that estimate?

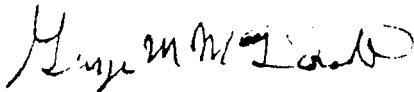
A. The annual fuel requirements are delineated under the RFP 'Scope of Services', section 2.b. The basis for that estimate is the operation of a 15 megawatt biomass boiler.

Q. What if GP is unable to provide the minimum of 100,000 tons per year of bark for use in the biomass boiler and, in particular, is there any requirement that the operator provide substitute fuel in such an event and if so, at what rate?

A. The operator is expected to only provide the fuel specified in the RFP; the operator is not under requirement to provide substitute fuel.

I trust this information adequately addresses your request.

Sincerely,



George M. MacDonald, Director
Community Assistance Programs