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STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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IN RE: LICENSE AMENDMENT APPLICATION
WEST OLD TOWN LANDFILL

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SESSION V
MARCH 30, 2004
2:00 - 8:00

Old Town Elks Club
Old Town, Maine

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MARCH 30, 2004

2:00 - 8:10

MR. BURSON: For those who haven't been here before, my name is Malcolm Burson. Along with my colleague, Elaine Walsh, we are the facilitators for the meeting today. I work for the Department of Environmental Protection. Ms. Walsh was hired by the Department to assist us. We need to spend just a couple of minutes quickly going through the meeting ground rules and procedures and giving the Commissioner a chance to remind us of the purpose of the meeting and to swear any additional participants, if necessary. Why don't I let you do that first.

COMMISSIONER GALLAGHER: Thank you. I'm Dawn Gallagher, the Commissioner for DEP, and I welcome you here. As you may know, the DEP is the agency that's responsible for either approving, disapproving or conditioning this license. We're here today to talk about and take comments and get testimony on the application itself, and in terms of what we can look at from a regulatory way and a state way. If you have -- those individuals that were here this morning, including the panel that's here from Casella and the panel from the state,

1 have already been sworn in. For those of you who
2 have not testified who wish to come up and make
3 comments and wish to have this recorded under
4 oath, if you would please stand, and I will swear
5 you in. If you would raise your right-hand,
6 please, and repeat after me. I, and state your
7 name, hereby swear to tell the truth, the whole
8 truth and nothing but the truth.

9 (Whereupon, witnesses are duly sworn.)

10

11 COMMISSIONER GALLAGHER: Thank you.

12 MR. BURSON: Thank you very much. We won't
13 go over the meeting procedures -- speaking
14 procedures quite at the moment because for the
15 next hour, as we previously mentioned, we're going
16 to be in a slightly different format, but let me
17 remind you of the ground rules for the meeting.
18 The facilitators, Ms. Walsh and myself, are
19 responsible for managing the process. It's our
20 decision how things go. If you wish to speak,
21 please complete, if you've not already done so, a
22 registration card at the back of the table. When
23 we get around to time for people each getting an
24 opportunity at the podium, we will take those in
25 the order received. Our standard rule has been

1 and continues to be that we will hear from persons
2 who have not yet spoken at any time during the
3 past two days before we hear again from someone
4 who has spoken. So we will call speakers in the
5 order of registration received. We ask you to
6 speak one at a time, to be respectful of other's
7 opinions and ideas, to be as efficient as you can
8 be with both time and language, to practice both
9 candor and openness and also kindness towards
10 those whose opinions may differ from yours, thus,
11 please avoid personal attacks and, finally, if
12 you've not already done so, to turn off cell
13 phones and pagers so that we can have as much
14 attention in the room as possible. If there are
15 no other comments, we're going to go, as
16 previously noted, with providing at the request of
17 the organization We The People, Dr. -- is it Paul
18 -- with an initial half an hour to make a
19 presentation, followed at that time by an
20 opportunity for the panel members to ask any
21 questions they may have, and if there is remaining
22 time, then we'll just keep going in that format.
23 So, Dr. Connett, please --

24 MS. WALSH: I'm sorry, Dr. Connett, if
25 you'd have a seat for just a second, we have just

1 one -- Casella has asked us if they could make an
2 announcement prior to your presentation. I
3 apologize, and actually I just want to make a --
4 reinforce the ground rules for everybody present.
5 We're allowing people to speak one at a time, and
6 I would ask you to not make any outbursts or any
7 kind of statements while someone is talking.

8 MR. DOYLE: Don Meagher is going to make a
9 brief announcement about an occurrence this
10 morning.

11 MR. MEAGHER: At yesterday evening's
12 session, I believe, the question was posed to us
13 from the audience what would happen in the event
14 of a waste truck tipping over, what would the
15 response be in the event of that circumstance, and
16 we had our traffic engineer, Bill Eaton, respond
17 to that and really explain that it is certainly
18 possible for any car or any truck at any time to
19 be involved in an accident. That's just the
20 reality of being on the open road, and I've always
21 had, you know, a great deal of respect and
22 appreciation for the ability of Bill Eaton to very
23 accurately predict and forecast traffic events,
24 but I didn't realize that his crystal ball was
25 quite as clear as it apparently actually is. We

1 did have a waste truck going to the Pine Tree
2 landfill this morning turn over on its side just
3 across from the Hampden Town Office, and it wasn't
4 one of our trucks but, of course, the first item
5 of information that we were most concerned about
6 was, was anybody hurt in the accident. It just
7 involved the truck, no other vehicles, no other
8 pedestrians of any sort. Our understanding is
9 that the driver was not injured. That's a very
10 good thing. It's in the process of being cleaned
11 up. The responsibility for that is the trucking
12 company that was delivering the waste, but we have
13 also sent our crew out to help in that situation,
14 but I just wanted to, you know, in the interest of
15 full disclosure let you know that that has
16 occurred. Thank you.

17 MS. WALSH: I appreciate everyone's
18 willingness to allow Casella to make that
19 statement, and I apologize if it was out of the
20 process, but thank you. I appreciate your
21 patience, and if Dr. Connett would come up and
22 make his presentation, we'd appreciate it.

23 MR. CONNETT: Thank you for -- is that on?
24 Thank you for this opportunity to present this
25 afternoon. I'd just like to introduce myself very

1 quickly. I've been involved in this issue of
2 waste management incineration and pollution from
3 incineration, particularly dioxins and ash
4 disposal, for 20 years.

5 MR. DOYLE: Could we get your name,
6 please?

7 MR. CONNETT: Yes, it's Dr. Paul Connett,
8 spelled C-O-N-N-E-T-T, professor of chemistry at
9 St Lawrence University in Canton, New York. My
10 involvement in this issue began about 20 years ago
11 when they tried to build an incinerator in our
12 home county, St. Lawrence County. At first I
13 thought it was a good idea and we'd get rid of all
14 those awful landfills, we thought, and it would
15 produce energy to boot, and then we quickly
16 discovered that simply by burning trash you
17 produce the most toxic substance that we've ever
18 made in a chemical laboratory, namely, dioxins and
19 furans. So our position rapidly changed. We
20 proceeded to oppose incineration. It took us five
21 and a half years before we stopped that particular
22 proposal, but in those five and a half years I was
23 in demand, because I was a professor of chemistry,
24 to help other communities and to cut a long story
25 short, that's taken me to 49 states in the United

1 States, 6 provinces in Canada and 47 other
2 countries. They're not building many incinerators
3 in the United States. I think the last one was
4 about seven years ago, but we're pretty busy in
5 other countries, and my major concern and interest
6 today is to investigate the alternatives as
7 practiced in places like Chambre, Australia, many
8 communities in New Zealand, Nova Scotia,
9 California and elsewhere who are managing to come
10 up with a strategy which avoids both these mega
11 landfills and incinerators, and so really what I'd
12 like to do this afternoon is talk about two
13 things. One is I would like to make it extremely
14 clear that ash from incinerators is extremely
15 toxic. Despite what you may have been told, it is
16 extremely toxic; however, the United States
17 Government has done a favor to the incinerator
18 industry and has fudge, completely fudged, the
19 testing of incinerator ash allowing them to call
20 it nontoxic. It is always rather amusing that the
21 incinerator industry would like to maintain that
22 the emissions from the stack of their incinerators
23 is perfectly harmless because of their superb air
24 pollution control devices and then want to turn
25 around and claim that the ash which is a result of

1 the air pollution control device is nontoxic.
2 Well, they can't have it both ways. The -- half
3 the concern about fly ash from incinerators is the
4 toxic metals, cadmium, lead, arsenic, chromium.
5 These are elements that cannot be destroyed and,
6 therefore, if they don't go into the air, they've
7 gone into the ash. Similarly, the place where
8 you'd expect to find the dioxins is in the fly
9 ash. So if your incinerator is any good, your ash
10 is going to be toxic.

11 Now, back in 1986, very early in my
12 involvement, I looked at this issue very closely
13 along with the environmental defense fund at that
14 time and the standard test for testing ash at that
15 time was called the extraction procedure test or
16 the EP tox test, and what they found from ash
17 samples from at least 20 different incinerators
18 around the country was that the fly ash was
19 failing nearly a hundred percent of the time in
20 this leachate test either for lead or cadmium or
21 both, and the bottom ash, that's the ash that's
22 left on the grates, which is about 90 percent of
23 your ash. About 10 percent of your ash is fly ash
24 and 90 percent is this bottom ash, which falls
25 through the grate. That was failing about a third

1 of the time, and where people mixed the ash, it
2 was failing about 40 percent of the time. Well,
3 at the time, the incinerator industry said if this
4 ash is classified as hazardous, it will be the end
5 of the incinerator industry. I'm quoting almost
6 word for word the vice president of Ogden Martin
7 Corporation which was one of the biggest builders
8 at that time, and the incinerator industry
9 developed, as with their friends in government,
10 developed three different strategies to try to
11 accomplish this miracle of claiming the ash was
12 nontoxic. The first one was a legal strategy and
13 they argued that if the trash was considered
14 nontoxic, then by law, the resource recovery --
15 RCRA Act I think of 1984 gave a blanket exemption
16 for the testing -- the leachate testing, the EP
17 tox test, for municipal waste, and the industry
18 argued if you're going to give a blanket exemption
19 for municipal waste, then you should also give a
20 blanket exemption for the ash which is made from
21 municipal waste in this burning process. Well,
22 that went all the way to the Supreme Court, and in
23 1992 -- I may have the date -- in the nineties
24 anyway, the Supreme Court ruled against the
25 industry and said, no, the ash has to be tested,

1 and if fails, it has to go to a hazardous waste
2 facility. At that time we thought we'd scored a
3 major victory, but, meanwhile, some other things
4 were happening. Oh, the second approach was
5 linguistic. In New York State, for example, they
6 said even when the ash fails the test, it's not
7 toxic ash. It's special waste. They gave it this
8 new term special so they could go to special
9 landfills instead of hazardous waste landfills.
10 Well, I don't think -- that was rather
11 embarrassing, but that's what they tried, and the
12 third approach was more rational. It was
13 chemical. The chemical approach was the
14 incinerator industry argued that this ash wasn't
15 going to go into regular landfills mixed with
16 trash, and the reason for that is that trash when
17 it rots make acids, makes organic acids, and they
18 said it's not going to get mixed with acids, so we
19 shouldn't be testing with the EP tox test with
20 acetic acid. We should be testing with water.
21 Well, in Claremont, New Hampshire, they did
22 exactly that. They tested their ash with water
23 instead of dilute acid. Everything else was the
24 same, and 19 of the 20 ash samples failed with
25 water, and so they quickly dropped that idea. The

1 reason, incidentally, it failed with water is
2 because the modern incinerator uses lime scrubbers
3 which makes the ash extremely alkaline and lead is
4 soluble both in acid and in alkali. The old EP
5 tox test forced a leaching regime which forced the
6 Ph down to five. That was the goal at least, and
7 if there was any lead in there, it usually leached
8 out and that was the result -- resulted in
9 failure. Now, with the lime which has a -- the
10 ash has a Ph of about 12, and the lead comes out
11 of that, too. In fact, more lead was coming out
12 in these water tests than often with the EP tox
13 test. Well, the next thing that happened was that
14 the EPA changed -- dropped the EP tox test and
15 introduced the TCLP test, the toxic characteristic
16 leaching procedure test. They claimed at the time
17 it was more stringent because they were -- they
18 tested for more metals and some organic material
19 as well, but the big, big difference was they
20 stopped the requirement for taking it down to Ph
21 five. In the new TCLP test, you add an aliquant,
22 a certain quantity of acetic acid, and where the
23 Ph ends, the acidity ends, that's where you leave
24 it. Well, the end result of that is that when you
25 do the TCLP test on ash from a modern incinerator

1 which uses lime, it neutralizes most of the acid
2 that you're adding, you do not get down to a Ph of
3 five where the ash would frequently fail, but you
4 take it off Ph 12 where it also fails with water.
5 So you have this nice cozy middle ground of the
6 TCLP test then allowing the ash to pass because of
7 the vagaries of having lime in the ash.
8 Incidentally, of course, if you put an ash into a
9 landfill around here, the first thing that's going
10 to happen is it's going to be exposed to rain.
11 That's water. It may be acid rain, but it's
12 nowhere near the acidity of the acetic acid that
13 they were using in the test, and so with the lime
14 present, you would expect the lead then to begin
15 to leach out. Now, when that Supreme Court ruling
16 was made, the U.S. Conference of Mayors created
17 merry havoc. They said it was going to cost about
18 200 million dollars if the ash from their
19 incinerators was going to be treated as hazardous
20 waste. They put considerable pressure on the EPA,
21 and the EPA obliged. Carol Browner came back and
22 said the industry can mix the fly ash and the
23 bottom ash together before they do the test. You
24 don't have to test the fly ash and the bottom ash
25 separately. You can mix the two together. Now,

1 many environmentalists at the time thought this
2 was a simple dodge of dilution. You were diluting
3 the fly ash down with the bottom ash allowing more
4 samples to pass. That was not the dodge. The
5 dodge was that you had lime in the fly ash but no
6 lime in the bottom ash. If they'd actually done
7 the TCLP test to the bottom ash, it would have
8 continued to fail about a third of the time.
9 Remember, bottom ash is about 90 percent of the
10 ash. You get one ton of ash for every three tons
11 of trash that you burn. If one-third of that one
12 ton for every three tons that you burn is
13 classified as hazardous waste, you can see how
14 economically crippling that would be for the
15 industry. By allowing the combined ash, the
16 bottom ash to be mixed with the fly ash, it was
17 the lime in the fly ash which protects the bottom
18 ash from failure, and the end result is now that
19 the TCLP test applied to combined ash universally
20 passes the test, and so the incinerator industry
21 and various landfill operators from around the
22 country are saying this ash is nontoxic. Well,
23 there's several problems with that. First of all,
24 there's nothing in these leachate tests which
25 actually measure the absolute quantities of lead

1 or cadmium or arsenic or chromium in there. It's
2 a leachate test. So you're not saying what is
3 actually in the ash. Why is that important?
4 Well, it's important because there are people that
5 are exposed directly to the ash itself, not to the
6 leachate, but to the ash. They breathe the
7 particles. If their work is in plants, they can
8 be exposed directly to the ash. I've seen them.
9 I've seen workers moving ash with shovels. It's
10 unbelievable but true, but they've been told it's
11 nontoxic. They can breathe it and they can eat
12 it. They can get it under their fingernails, they
13 can chew their nails and they can eat it. Also,
14 people that live near this huge mega landfill are
15 going to be exposed to ash. On hot days when the
16 fine dust blows off the surface, that's going to
17 get blown directions into their gardens and so on
18 and their kids are going to get exposed. In
19 addition to that, of course, is that the ash is
20 quenched. It's wet. When they put it into the
21 trucks, it's still got a lot of water in it. As
22 those trucks drive along, the water drips out the
23 back and with that water goes the lead. Also, of
24 course, when it rains, when you get the snow
25 melting, if that's on the surface of the ash, it

1 will move the lead and other toxic metal,
2 particularly the lead, into the environment.

3 Now, the other thing that's not tested for
4 is dioxin. There is no requirement from the EPA
5 to actually test how much dioxin is in that ash.
6 This is another secret that is kept from the
7 public even though we have every reason to believe
8 that there's a lot of dioxin in that ash. Now, I
9 would like -- so that the notion that this ash is
10 nontoxic is total poppycock, and if you want to
11 play a game where you pretend that the rules
12 established by the EPA is the only thing that
13 counts, if you want to play that game, hopefully
14 the public have heard the message that it's a
15 bunch of bull crap. It's toxic. And what you're
16 going to get here is a hazardous waste dump, and I
17 -- I feel sorry for the Georgia-Pacific workers
18 here who have been threatened with their jobs if
19 they don't go along with this landfill, but what I
20 have to say to them is this, if you allow the
21 stigma of a giant mega landfill in your community,
22 you're going to devastate the property values of
23 yourselves and your neighbors. You will not be
24 able to hide a hill that's 350 feet high. You ask
25 any real estate person the difference between a

1 house where you look out on trees and hills and a
2 house -- exactly the same house but you look out
3 on a 350-foot landfill or the purchaser discovers
4 that there is a 350-foot landfill taking
5 incinerator ash from all parts of the Northeast
6 and see if the property value is the same. It
7 will not be. That's a huge economic
8 disadvantage. So we're looking at two sets of
9 economic interest. We have the interest of Mr.
10 Casella here who's going to make millions upon
11 millions upon millions of dollars dumping all this
12 crap into a hole in the ground, and you're going
13 to have Georgia-Pacific that's going to make some
14 money out of a biomass burner and the whole deal
15 of getting rid of probably what is a hazardous
16 waste dump, the state has taken over the
17 authority, so the economic interests of
18 Georgia-Pacific are very clear. The economic
19 interests of Mr. Casella are very clear but
20 hopefully the state will balance that against the
21 economic interests of people that have put their
22 whole life savings, their whole livelihood in this
23 area and they're probably living in this area
24 because it's beautiful and it's safe, and they
25 want to bring up their kids in a safe environment,

1 and for them to now discover that that future is
2 decimated by this project, for what? Now,
3 sometimes you have to take risks. You have to
4 take risks if you want to cure cancer. It's
5 inevitable, but why are you being asked to take
6 these risks? For mega landfills? For
7 incinerators? These are dinosaurs. These belong
8 to the 19th Century, let alone the 20th Century.
9 They certainly don't have a place in the 21st
10 Century where our number one agenda is to try to
11 become a sustainable society. A lot of people use
12 that word. I actually mean it. I think we have
13 to in this century become or move towards
14 sustainability. In my travels, I have been to
15 Chambre, Australia, throughout New Zealand, Nova
16 Scotia and California and looked at alternatives
17 which are saying no to mega landfills and no to
18 incinerators, and this hole strategy is called a
19 zero waste strategy and don't lets argue about
20 what zero is and how impossible that is. I'm
21 fully aware of the second law of thermodynamics.
22 It's a direction. The idea is to say no to
23 wasting, no to waste management, no to people
24 making money, profit, out of waste. If people are
25 going to make money, let them make money out of

1 resources. We want resource management not waste
2 management. We want to go to the front end of the
3 problem, not the back end of the problem. The
4 back end of the problem is landfills and
5 incinerators. We need to move to the front end of
6 the problem where this crap is made, where
7 industries are putting toxic metals into their
8 products when they shouldn't. When they're making
9 chlorinated products like PVC plastic when they
10 shouldn't. When they're making throw-away objects
11 when they shouldn't. When they're making piles of
12 packaging when they shouldn't and needn't. If the
13 public was aroused and we had leadership from
14 government, good, solid leadership which had
15 vision and creativity and imagination. What the
16 zero waste strategy is is a combination of
17 community responsibility of which there are many
18 examples and industrial responsibility. I think
19 you're familiar with community responsibility, but
20 let me give you the whole list. Source
21 separation, waste begins with these ten things.
22 We make waste by mixing. If we keep it separate,
23 then we can reuse objects, we can repair objects,
24 we can train people to repair objects, we can do
25 deconstruction instead of demolition. You

1 shouldn't be dealing with a pile of demolition
2 waste. You should be organizing your society to
3 deconstruct buildings and recover those materials
4 and make jobs in the process. That is ongoing
5 right now in California and in Burlington,
6 Vermont, and elsewhere. After that, of course, is
7 composting. It's very important because the
8 problem with landfills is the organic waste. You
9 have to keep the organic waste out of landfills.
10 That produces the methane, the acid leachate, the
11 odors and the political problems. Keep the
12 organic waste out of landfills with a simple
13 technique called composting. You don't have to
14 burn it. You compost it and make topsoil. You
15 don't have to burn it and make ash. You compost
16 it and make topsoil. After composting, you're
17 familiar with recycling and, after recycling you
18 need toxic visibility. We need to get those
19 toxics out and batteries and paints and solvents
20 and, if possible, stop using them, stop making
21 them. After that, a screening facility. Instead
22 of an incinerator in front of a mega landfill to
23 take ash, you put a screening facility to have
24 more separation, to pull out more recyclables,
25 more toxics and the dirty organic fraction, the

1 diapers, the kitty litter and stuff, should be
2 sent through a second composting operation to
3 stabilize this organic material until you put that
4 stabilized material into the landfill. Now all of
5 that is happening in Nova Scotia and they were
6 able to achieve a 50 percent reduction in five
7 years in Nova Scotia with that plan, the first
8 province in Canada to do it. Halifax has actually
9 got 60 percent reduction and they've created 3,000
10 jobs in the process. That's the future. That's
11 the imagination. That's the creativity. Then
12 when you get to that point --

13 MS. WALSH: I just want to let you know you
14 have five -- I'm just giving you a five-minute
15 warning.

16 MR. CONNETT: Thank you. Thanks a lot.
17 Thank you. When you get to that point, you've got
18 what I call an interim landfill and the zero waste
19 strategy says we need 20 years. If you build an
20 incinerator, you have a 20-year investment,
21 capital investment. If you build a mega landfill,
22 you're talking probably a 20-year investment. So
23 why don't we have 20 years to get it right? So 20
24 years we're going to head for zero. Now, the
25 interface between community responsibility and

1 industrial responsibility comes with that interim
2 landfill. What we have to do as a society, having
3 shown that we've taken responsibility, we have to
4 say to industry, look, if we can't reuse, if we
5 can't recycle it, if we can't compost it, you
6 shouldn't be making it. We need better industrial
7 design for the 21st Century. We need extended
8 producer responsibility and we need clean
9 production. Now, the exciting news is that there
10 are a number of industries around the world,
11 including Xerox Corporation in Europe, that have
12 zero waste programs. They're ahead of
13 government. In fact, in the Netherlands, Xerox is
14 recovering 95 percent of the materials in all the
15 copying machines from 16 different countries and
16 they've saved 76 million dollars doing that.
17 That's a win-win situation. So we not only need
18 creativity in our communities and in our
19 government, but we also need creativity in
20 industry and it's there and I've seen it and I'm
21 capturing it on videotape. So you need community
22 responsibility then and industrial responsibility
23 and you need good leadership, and it's just
24 absolutely horrific to come to a state like Maine
25 -- I was last here I think 16 years ago fighting

1 a similar proposal, God knows what happened to
2 that. I've also been to Maine many times fighting
3 your Biddeford and your whatever, incinerators.
4 You just don't seem to get it. You're sitting on
5 one of the most beautiful areas in the United
6 States, but you seem determined to flush it down
7 the toilet, and you flush it down the toilet with
8 mega landfills and incinerators. Why? Not
9 because you care about the environment because if
10 you cared about the environment, you wouldn't do
11 that. You seem to care more about Georgia-Pacific
12 in this situation and possibly Mr. Casella, and
13 that's not a good enough reason. Thank you.

14 MS. WALSH: Okay. So I wanted to give time
15 for responses.

16 MR. CONNETT: Could I get some water?

17 MS. WALSH: Sure.

18 COMMISSIONER GALLAGHER: I have a couple of
19 questions for you, Doctor. Can you -- is that
20 okay?

21 MR. CONNETT: Yes.

22 COMMISSIONER GALLAGHER: Thank you very
23 much. That was very enlightening, and I guess I
24 want to know, you were talking about having some
25 videotapes of, say, examples of corporations that

1 are doing the right thing, and I wondered if you
2 had either a web site or if you have materials
3 that you can provide to us and tell us about
4 those? Could you take a minute to do that?

5 MR. CONNETT: Yes, I could. Over the years
6 I've made quite a number of videotapes, but most
7 recently I've made a 30-minute videotape from Nova
8 Scotia which explains the whole program from
9 beginning to end, what the households are doing
10 and what industry is doing. I made another
11 30-minute videotape. This is called On The Road
12 To Zero Waste. I made another 30-minute videotape
13 from Burlington, Vermont, which shows a reuse and
14 repair center which puts its emphasis on two
15 things, training people, taking people off the
16 street and training them to repair large
17 appliances, small appliances, electronic goods and
18 computers, and then if they do well, they get a
19 certificate and they help them get a job, and also
20 deconstruction where they're taking down buildings
21 in a reverse order to what they were put up and
22 recovering those materials. Overall they've
23 managed to create I think it's 27 jobs, and they
24 have a gross budget of about \$750,000. So it's
25 not a complete answer, but it's a very, very nice

1 module. Over the last two summers, I have been to
2 Chambre, Australia, to look at their program and
3 stood on the site where they have a gigantic --
4 what will be a gigantic, what they call, a
5 resource recovery park and this is their vision of
6 the landfill of the future. It's a very large
7 area, and it will receive separated materials and
8 the government owns the infrastructure, and
9 instead of owning a landfill, et cetera, the
10 government owns this infrastructure, the roads, et
11 cetera, et cetera, and the buildings and will be
12 franchising out to individual operations from mom
13 and pop on one end right away through to big
14 companies on the other which are handling various
15 different materials, and what they really are
16 hoping for is value added. The materials which
17 are separated are then converted into products
18 which can be sold locally, and that's the way you
19 really jazz up the economic question. Now, that's
20 currently being edited. I do have a rough copy of
21 that and I'd be more than happy to share that with
22 you. I have another series going on right now
23 which I'm very happy about. It's called Pieces of
24 Zero and Pieces of Zero recognizes that people are
25 doing things right now, individuals are doing

1 things, communities are doing things, companies
2 are doing things and some are small and some are
3 big, and my idea is if you add up all the pieces
4 of zero, you will get to zero waste, and I'll just
5 give you one example because -- actually I'll give
6 you two examples. One is minuscule. In Japan I
7 was given a delightful shopping basket -- a
8 shopping bag and I asked what it was made from,
9 and it was an old umbrella. They'd taken the old
10 umbrellas and converted them into beautiful, very
11 pretty durable shopping bags. So that's a teenie,
12 weenie, weenie example of zero. I also visited
13 the first town in Australia to ban plastic bags
14 completely, and finally I went to the Fuji Xerox
15 Corporation in Sydney, Australia, where they
16 showed me the refurbishing of the parts of their
17 copy machines from all parts of Asia, and they
18 showed me the roller, the roller with the magnets
19 on it, and they said this is the most expensive
20 part of a Xerox machine, Dr. Connett, and we
21 thought that these were crapping out on us. We
22 thought the magnets were going. When we tested
23 that, we found that the magnets were perfectly
24 fine and what was happening was the toner was
25 leaching and being sprayed where it shouldn't have

1 been, and it looks as if the magnets weren't doing
2 their job properly. They said we solved that
3 problem with this little coil. That coil cost us
4 41 cents. It's already saved the company 40
5 million dollars, and I think that is the bonus
6 that is going to come. In other words, when we
7 start to make this transition from a throw-away
8 attitude in industry to a conserving, if we make a
9 product, we can expect to have that product back
10 in the future, once that expectation is built into
11 manufacture and built into design, they're going
12 to be designing things to make it easier and
13 easier to accomplish this recovery of both
14 materials and parts. So those are some of the
15 things I'd be more than happy to share with you.

16 COMMISSIONER GALLAGHER: I would like to do
17 that. I have a couple of other questions that I'd
18 like to ask you and, that is, you started talking
19 about mixing ash, fly ash and ash, and you
20 mentioned that Carol Browner had apparently come
21 back and had redone some rules or repromulgated
22 some rules.

23 MR. CONNETT: Yes.

24 COMMISSIONER GALLAGHER: So as far as you
25 know -- and I'm not asking you to testify as a

1 lawyer -- but as far as you know, what is the
2 legal status of that? Is that the rule as we know
3 it today?

4 MR. CONNETT: Yes, it's perfectly legal.
5 You're allowed to mix the fly ash with the bottom
6 ash and then do the test, and, as I say, with the
7 lime in it, it protects the bottom ash from
8 failure. It's perfectly legal but stupid.

9 COMMISSIONER GALLAGHER: The second thing
10 that I wanted to ask you about was measuring
11 dioxin and you had said that were no requirements
12 for measuring dioxin --

13 MR. CONNETT: In the ash.

14 COMMISSIONER GALLAGHER: In the ash, and,
15 once again, did that used to be required and then
16 was no longer required or what is, in your
17 non-legal opinion anyway, the status of that?

18 MR. CONNETT: I don't think they've ever
19 taken seriously the total content of the toxic
20 metals and dioxin in the ash. Their attitude
21 traditionally has been this is very quickly going
22 to be sequestered into a hole in the ground so we
23 don't have to worry about the total content. We
24 only have to worry about what leaches out and have
25 completely ignored the pathways where human beings

1 and animals are going to be exposed directly to
2 the ash.

3 COMMISSIONER GALLAGHER: And then I guess
4 I'm going to have one more question, maybe just
5 one more. I won't hold myself to that, but other
6 than having what you call an interim landfill, are
7 there any conditions under which you think there
8 should be long-term landfills?

9 MR. CONNETT: There may -- again, I would
10 think it would be interim. There may be a
11 situation -- there may be I think a more cogent
12 argument for a hazardous waste landfill where
13 you've literally got the dregs which people can't
14 recycle and they can't chemically treat or it's
15 non-combustible. For example, things like
16 asbestos is always going to be a problem, and I
17 think there you're going to have sequestering as a
18 -- as a necessity at least for the short term,
19 but I would say that the -- the governments that
20 permit such facilities I think have to strike a
21 bargain with the public. I think the public and
22 organizations like Greenpeace recognize that right
23 now we have a legacy. We have a legacy of toxic
24 waste predicated on bad decisions in the past, and
25 I don't think that you have the right to expect

1 that citizens are going to give up their beautiful
2 environment to tackle a legacy unless it comes
3 hand in hand with a serious commitment to clean
4 production. Not just talking about it, but you
5 show us that you're not going to continue to make
6 this stuff, and I think the public would be much
7 more accepting of dealing with the legacy, but if
8 the public for one moment senses that they become
9 -- they're the patsy for the stuff that nobody
10 else wants and you're going to continue to make it
11 because they were daft enough to receive it,
12 that's when the problem is going to happen. So
13 under those very limited circumstances, I think
14 that there may be a role for that very specialized
15 landfill. The nice thing about the interim
16 landfill is that's the interface between community
17 responsibility and industrial responsibility,
18 where our engineers and designers of the future
19 should be studying very, very closely what we are
20 absolutely forced to put into landfills with the
21 question, how do we avoid that? How can we design
22 things so they don't end up in this hole in the
23 ground?

24 COMMISSIONER GALLAGHER: This is my final
25 question, I promise. If you have an interim

1 landfill, could you tell me your top priority or
2 criteria for the siting of that landfill?

3 MR. CONNETT: Definitely you need the
4 community involved, you need the community to see
5 the benefits because this would be almost
6 certainly coupled with a resource recovery part.
7 So you would come into a situation where you're
8 going to have an industrial park in which many,
9 many jobs are going to be created, good jobs and
10 small businesses, so an overwhelming economic
11 advantage to the community. At the same time
12 there would be this need for the interim landfill
13 and they would also understand that the emphasis
14 was on using that for the shortest amount of time
15 possible and limit its use, but here is -- here's
16 a different approach. My attitude is and I think
17 the EPA's attitude is that all landfills leak. No
18 matter how many liners you use, it doesn't matter
19 what clay you use, they all leak, and, in fact,
20 even radioactive waste landfills leak when people
21 knew how important it was to hold onto radioactive
22 waste. I think we can be pretty certain that the
23 other material, lesser problematic material, is
24 going to leak too. So the principle is simple.
25 If you can't control what comes out, you must

1 control what goes in. That's the incredible
2 importance of the screening facility, and that
3 would be the other condition that I would -- the
4 bargain I would make with the community is they
5 would have the right, either themselves or through
6 their representatives, to come into that screening
7 facility and to ensure that the screening process
8 is effective at keeping out toxics, the
9 stabilization of the organics was fine, so they
10 would have a regulatory role, if you like, and I
11 think practically you're more likely to regulate
12 that interim landfill by controlling what goes in
13 and regulating what goes in than right now the
14 current methodology is to regulate what comes out
15 with the leachate tests and so on where when you
16 find a problem, it's usually too late. So that's
17 the other condition that I would use to get the
18 community on our side.

19 COMMISSIONER GALLAGHER: Thank you very
20 much. It's been very fascinating. Thank you very
21 much for joining us today, Doctor.

22 MR. CONNETT: Thank you.

23 MS. WALSH: Okay. We'll allow the other
24 team to find out whether they want to ask
25 questions of you or make comments, and they'll

1 have an equal amount of time.

2 MR. DOYLE: Dr. Connett, have you been to
3 the -- have you been to the landfill site?

4 MR. CONNETT: No, unfortunately I had to
5 get up at 5:00 this morning to catch a plane and I
6 only arrived here at noon.

7 MR. DOYLE: Are you aware that there's a
8 landfill there now?

9 MR. CONNETT: Yes, I've been told there's a
10 landfill. Georgia-Pacific has been using it for
11 their sludge, right, their paper sludge.

12 MR. DOYLE: Have you reviewed the
13 application?

14 MR. CONNETT: No, I haven't had a chance to
15 look at -- I was able to pull stuff off the
16 internet, but I haven't had a chance to review it
17 in a way that I would like to review it.

18 MR. DOYLE: The application I don't believe
19 is on the internet.

20 UNIDENTIFIED PERSON: He's seen the draft
21 --

22 MR. CONNETT: The draft license, yes, yes.

23 MR. DOYLE: So you really haven't reviewed
24 at all the application that is the subject of this
25 meeting today?

1 MR. CONNETT: No, I haven't, but I just
2 would qualify that that I think my expertise here
3 is one on the toxicity of ash and that's why I'm
4 here, and I doubt if anything in your application
5 would make that ash any less toxic, and, secondly,
6 on the alternatives. Those are the two issues I
7 am addressing.

8 MR. DOYLE: Have you reviewed -- are you
9 familiar with Maine's solid waste management
10 laws?

11 MR. CONNETT: I'm not a legal expert. I
12 find it as difficult going through a law
13 statement, you know, those briefs and things as
14 other people have going through a textbook on
15 organic chemistry.

16 MR. DOYLE: So you haven't?

17 MR. CONNETT: No.

18 MR. DOYLE: I'm going to read something to
19 you and see if it sounds familiar to anything you
20 are accustomed to. It is the policy of the state to
21 plan for and implement an integrated approach to
22 solid waste management which shall be based on the
23 following order of priority: reduction of waste
24 generated at the source, including both amount and
25 toxicity of the waste. That's the first

1 priority. Second priority, reuse of the waste.
2 Third priority, recycling of the waste. Fourth
3 priority, composting of biodegradable waste. The
4 fifth priority, waste processing which reduces the
5 volume of waste needing land disposal, including
6 incineration, and the last priority, land disposal
7 of the waste. Does that sound familiar to you?

8 MR. CONNETT: Yes, I've seen it many, many
9 times in many, many different places, and, of
10 course, it's a bunch of hogwash. If you believe
11 in integrated waste management, you believe if you
12 put a tiger in bed with a lamb you're going to get
13 tiglets, when in actual fact the tiger devours the
14 lamb. This whole notion of integrated waste
15 management was introduced by the incinerator
16 industry when they realized that the people wanted
17 recycling but they wanted to still build
18 incineration, so this notion was that you could
19 marry recycling and incineration together even
20 when 80 percent of the material is both recyclable
21 and compostable on one hand and incineratable on
22 the other. The hierarchial approach is also
23 nonsense for another reason. Putting landfill
24 there absolutely obfuscates the real discussion
25 which is comparing an interim landfill with a mega

1 landfill and an ash landfill. These are all
2 landfills, but they're very, very different
3 animals, and also obscures the fact that when you
4 build an incinerator, you inevitably get a
5 landfill. So it is really quite -- that hierarchy
6 is very simplistic. It allows governments to look
7 as if they care about all these other things, but
8 when you look at the bottom line, you find that
9 most of the money goes into building
10 incinerators.

11 MR. DOYLE: So if I reduce that testimony
12 to a couple of words, you're saying this hierarchy
13 is simplistic and it's hogwash?

14 MR. CONNETT: It's simplistic, and I think
15 what I told you today is the way around that where
16 you ultimately back up the landfill with a
17 screening facility. You can achieve, if you like,
18 the intentions of the honest people that wrote
19 that, you can achieve the intentions, the desire,
20 to maximize reduction, recycling and composting
21 and better industrial design, you can achieve that
22 with the programs that I talked about, the
23 strategy I talked about which is currently being
24 undertaken by Nova Scotia, Chambre, Australia, and
25 so on but not by most states in the United States

1 who have that hierarchy.

2 MR. DOYLE: Are you aware that if that's
3 hogwash and that simplicity, that's what the Maine
4 legislature adopted for the State of Maine, that's
5 our waste management hierarchy?

6 MR. CONNETT: It's sad, and look at the
7 mess you're in. Look at your mess that you're in
8 now building a mega landfill.

9 MR. DOYLE: Are you a licensed real estate
10 appraiser?

11 MR. CONNETT: No, I'm not. I teach
12 chemistry for a living.

13 MR. DOYLE: Have you done any studies of
14 property values around landfills?

15 MR. CONNETT: I've seen studies --

16 MR. DOYLE: Have you performed any studies?

17 MR. CONNETT: No, and I wouldn't. Would
18 you expect me to?

19 MR. DOYLE: Who knows. You claim expertise
20 in a lot of areas.

21 MR. CONNETT: No, no. I don't claim that
22 one, but I do think a real estate agent, if you
23 asked them the difference between in a house --
24 two houses which are absolutely identical, one has
25 a view of trees and hills and the other one has a

1 view of a 350-foot landfill, I know which property
2 value will be larger. I would put quite a bit of
3 money on that.

4 MR. DOYLE: You were explaining your
5 integrated waste management scheme for Nova Scotia
6 and you talked about reducing, recycling,
7 composting and the like, but when we added up the
8 numbers, there was still 50 percent of the waste
9 left, correct?

10 MR. CONNETT: Yeah, they've only been doing
11 it for five years.

12 MR. DOYLE: What is Nova Scotia doing with
13 50 percent of its waste that's left?

14 MR. CONNETT: It has the interim landfill.
15 It has a landfill. The first landfill --

16 MR. DOYLE: It has a landfill?

17 MR. CONNETT: Yes, but --

18 MR. DOYLE: Thank you.

19 MR. CONNETT: If I may answer the question,
20 it has a landfill but it's not a mega landfill for
21 rural waste. It doesn't accept organic waste,
22 untreated organic waste. It's not an ash
23 landfill, and it's the only landfill that I have
24 visited and it's on the videotape which doesn't
25 have a noticeable odor and where you don't see

1 birds, which is a pretty good indication that they
2 kept most of the organics out.

3 MR. DOYLE: Your testimony is all very
4 interesting, but this is an application before the
5 Maine DEP to be reviewed under existing laws and
6 existing policy. We can't wait for some new
7 policy to emerge or for some experimental
8 technology to come along. We have to deal with
9 what's real today, and what's real today is a need
10 for a landfill, a pending application under
11 existing rules that need to be reviewed. Thank
12 you.

13 MR. CONNETT: Well, I have a comment on
14 that.

15 MR. DOYLE: That wasn't a question. That
16 was my response. We're done.

17 MS. WALSH: Actually, Mr. Doyle was
18 allocated equal time to what you were allocated,
19 Mr. Connett, and you're actually already over. We
20 were stretching that a little bit to allow for the
21 question and answer. So we appreciate your
22 presence here today, and if there aren't any
23 other comments or questions from the panels, we're
24 going to move on to the general public, and the
25 people that have signed up for questions. I just

1 want to remind everybody of the ground rules. In
2 particular, the candor and kindness ground rule
3 and also be sure that you are respectful of the
4 person speaking, and I ask everybody in the room
5 -- everybody who has been through this process
6 for the past day and a half has been very
7 respectful, and I don't want that to change. So
8 outbursts from the crowd, they're just not going
9 to be allowed because it distracts from the
10 ability for the recorder to take the information
11 that comes from everybody and I also want to allow
12 everyone who signed up to speak and has not yet
13 done so to be afforded the opportunity, and so
14 that includes side conversations and anything else
15 that is going on that will detract from the people
16 in the room listening to each other. Thank you.
17 So we are going to move on to the next group of
18 folks. Michael Lizotte.

19 MS. TWOMEY: Excuse me, were these all the
20 new names that were on the table?

21 MS. WALSH: I'm sorry, ma'am?

22 MS. TWOMEY: I signed up when I came in and
23 mine was the only name on that table at that
24 time.

25 MS. WALSH: Because the pile is here. We

1 made sure that everybody in the pile are new
2 people that have not already spoken today. So
3 we've actually gone through the different piles of
4 names to be sure that those that we have in order
5 right now are those that have not yet spoken.
6 Your name is either in the pile now or Deb in the
7 back is bringing the next people up to me. We're
8 keeping very good track of this. Okay. Laura
9 Sanborn, please. State your name and where you're
10 from, please.

11 MS. SANBORN: Laura Sanborn, resident of
12 Alton, and also a member of We The People, but I
13 am here today as Laura Sanborn. My first question
14 deals with what will be done in the area of test
15 well 302? Can these contaminants be spreading
16 into other areas and how and will these be cleaned
17 up? My second question, in Casella's application,
18 the items of waste are listed that will be
19 accepted at the proposed landfill, sandblasting
20 grit, medical incinerator ash and when you get to
21 the end, et cetera. If you could explain, you
22 know, what matter of waste, et cetera, is. Peter
23 Dufour was informed yesterday that there will be
24 no raw waste accepted at the proposed landfill. I
25 ask that this become a part of the application.

1 My fourth question, would it be possible to
2 prepare a list of the points of origin of this
3 waste stream? You know, we know MERC, PERC. I've
4 been having a real hard time making the traffic
5 count add up from numbers that I got from Eaton
6 Traffic and DOT. If we could also look at how the
7 abutting property owners were notified. There are
8 some actual abutting property owners that have not
9 been notified of this. I, myself, are an
10 interested party and didn't receive any notice of
11 these meetings. Maybe this is the result of the
12 speed this application has taken. I don't know.
13 I find it hard to believe at this point Casella
14 Waste does not know where the C and D materials
15 will be processed. I ask again where will these
16 items be processed? At a meeting that was in
17 Alton, we were informed that they would be brought
18 to the Old Town site. Perhaps this has changed.
19 If we could have the answer to that question. If
20 the abutting property owners sign the Casella
21 property value protection offer, we will not be
22 able to report any of the nuisance problems with
23 dust, odor, trucking issues. Is it a little
24 clearer to you now why the neighbors of Casella
25 landfill are not heard from? My next question,

1 what is the accepted spillage per acre allowed?
2 This is a lot harder than I thought it would be.
3 I really am emotionally involved. Is it fair for
4 Old Town to take from their host community funds
5 to expand their treatment plant to benefit Casella
6 Waste? I ask that this application include a
7 section to require Casella Waste to fund any
8 expansions that are needed at the Old Town
9 treatment plant. Next one, what will the process
10 be to sanitize the trucks after they've dropped
11 their toxic waste at the proposed landfill? Will
12 Casella be testing the leachate for dioxin? Has
13 Casella in the past made any political donations
14 to any of the Legislative leaders that dealt with
15 this legislation? And Commissioner Gallagher,
16 would you please allow if it's any way in your
17 power a chance for the area towns to take a vote
18 if we approve of this -- of a landfill in our
19 area? Governor Baldacci has indicated that, you
20 know, with the Harpswell residents, the people in
21 Searsport, the people's opinion is very important
22 and we feel that our -- our opinion here in Old
23 Town is important, too.

24 MR. BURSON: Ms. Sanborn, one minute.

25 MS. SANBORN: I'm all set. Thank you.

1 MR. DOYLE: As we've done in the past,
2 we'll respond to the questions that are relevant
3 to the approval criteria. Sandblast grit,
4 biomedical waste ash, there were some questions
5 regarding that. Is that Don?

6 MR. MEAGHER: In terms of acceptable
7 wastes, those are enumerated in the application.
8 Each and every one of the waste types is
9 identified in the application and the Department
10 will make a decision on each and every one of
11 those. None of them are covered as et cetera. As
12 additional waste streams are requested to be
13 approved in the future, an application will be
14 submitted to the Department and reviewed and acted
15 upon. In terms of the comment about no raw waste
16 being accepted into the landfill, I don't know
17 what the term raw waste means. In terms of points
18 of origin of the waste streams, they would be from
19 generators within the State of Maine. Certainly
20 the two largest categories are the PERC plant and
21 Maine Energy, but when we start talking about
22 waste categories such as construction and
23 demolition debris, it could be a fairly large
24 construction or demolition debris site from a
25 major structure. It could be a very small

1 homeowner renovation with a single two-yard
2 dumpster in the driveway. So being able to
3 identify all of those is simply an impossibility.
4 Suffice to say, the origin will be in the State of
5 Maine. In terms of how we determined the abutting
6 property owners who were notified as required by
7 certified mail, return receipt requested, during
8 both the transfer license application and during
9 the amendment application, those names and
10 addresses were obtained from tax maps and from tax
11 clerk records in the city of Old Town and the town
12 of Alton. Where will the C and D be processed, we
13 have not identified that location yet. We have a
14 current wood waste processing facility in Lewiston
15 that is an existing facility, but whether that
16 will continue to be the facility in the future, we
17 don't know at this point. The statement that
18 people if they sign the property value protection
19 agreement will not be able to report nuisance
20 problems is absolutely false. There is nothing in
21 that agreement that makes that assertion or
22 prevents people from reporting nuisances as they
23 occur. We have those agreements in Hampden and
24 those people report complaints, and it is not a
25 problem at all. In terms of acceptable amount of

1 leachate spillage, this may be in reference to the
2 subtle changes in the water quality that have been
3 talked about at various times in association with
4 the leachate pond. As we've described, we are
5 going to be -- be installing an above-ground,
6 enclosed, lined storage tank to store the leachate
7 instead of the leachate lagoon. The loading area
8 will be on a contained concrete pad so all of the
9 potential opportunities for leachate spillage
10 associated with pumping leachate from the current
11 leachate lagoon into a tank truck will be
12 eliminated with that above-ground storage tank.

13 MR. BURSON: One minute if we can.

14 MR. MEAGHER: In terms of expansion of the
15 Old Town treatment plant, we'll discuss that with
16 the city of Old Town. There's no sanitizing of
17 trucks after they discharge the waste. No
18 procedure for that at all. I do not believe the
19 leachate is tested for dioxin but, Tom, you can
20 correct me on that. Leachate testing for dioxin,
21 no, that is not a requirement by the Bangor
22 treatment plant. What we test the leachate in
23 Hampden for is as required by the Bangor
24 wastewater treatment plant in their testing
25 protocol. In terms of donations to legislators,

1 we report that and that's publicly available as
2 reported.

3 MR. DOYLE: John Sevee, do you want to
4 address 302?

5 MR. BURSON: I wanted to give Dick a
6 chance.

7 MR. BEHR: Dick Behr with Maine DEP. I
8 just wanted to make a few comments about
9 monitoring well 302. That's one of the three
10 wells that I identified as having shown some
11 subtle changes in water quality back in late
12 September, and subsequent to that memo, Casella
13 produced information that demonstrated that
14 several of those parameters had increased slightly
15 prior to the development of landfilling in that
16 area, and subsequent to reviewing that
17 information, looking closely at water levels and
18 groundwater flow directions, I would have to come
19 to the conclusion that those subtle changes in 302
20 are largely operational, that there have been
21 things that have spilled off the trucks, problems
22 with the roadway and the relatively small
23 increases but real increases in calcium and
24 magnesium, sodium and chloride are largely due to
25 operational procedures, and it's not a problem

1 related to liner failure.

2 MR. BURSON: Anything else?

3 MR. DOYLE: No.

4 COMMISSIONER GALLAGHER: Dawn Gallagher,
5 DEP, and there was a comment about having the
6 local citizenry vote on the landfill issue, and
7 the relationship with the LNG proposal down in
8 Harpswell. I think that's a fair enough
9 question. I think there are two distinctions.
10 The first distinction is that there was an
11 existing landfill that was here. So we were
12 talking about amending and not an original one,
13 which was different than the case down at LNG and
14 I also think that the notion about voting, I'm not
15 even sure that the Governor could require a vote,
16 but I will say that that would be a local
17 decision, and if the local town officials had
18 decided that that was what they deemed necessary,
19 then that would have been the avenue to do that.

20 MR. BURSON: The next person who's
21 indicated an interest in speaking is Laura Sanborn
22 -- sorry, lots of pieces of paper -- Cheryl
23 Spencer. Is she here?

24 MS. SPENCER: I'm going to read my
25 testimony. My name is Cheryl Spencer, and I'm

1 from West Old Town. I'd like to request that the
2 petitions already delivered to the DEP containing
3 the signatures of over a thousand people in the
4 area who are in opposition to this landfill
5 project and requested a legal public hearing be
6 entered into the public record if that's not
7 already been done.

8 COMMISSIONER GALLAGHER: It's been done.

9 MS. SPENCER: Thank you. I'd like the DEP
10 to take under consideration the Federal Aviation
11 Administration Advisory Circular, Number
12 150/5200-34, created August 2000. A copy was
13 submitted with comments this morning. It outlines
14 filing requirements for new municipal solid waste
15 landfills within six miles of a public airport.
16 In Section 7, it defines a new landfill as
17 receiving its first shipment of putrescible waste
18 after April 5th, 2000. Putrescible waste is
19 defined in Appendix 1-J as capable of attracting
20 and providing food for birds. These same
21 immigrant birds will intimidate the native
22 population of wading birds identified by the
23 Department of Conservation as using the area
24 surrounding the dump. Concerning the groundwater
25 and surface water monitoring, three tests per

1 year, although they meet the Department's
2 criteria, are far from sufficient to provide an
3 accurate historical record or any sense of
4 temporal pattern. My suggestion would be to test
5 every 30 days. The draft outlines the provisions
6 for self-testing. The state is the owner of this
7 facility and should take responsibility for doing
8 the necessary testing and billing the operator
9 accordingly. Ultimately 60 years from now, the
10 conditions that exist at the site will be the
11 state taxpayers' liability. We continue to hear
12 that no waste generated outside the state will be
13 brought to this facility; however, in the draft,
14 condition number 16-C, it states that no more than
15 310,000 tons of unprocessed municipal solid waste
16 bypass may be brought to the West Old Town
17 landfill and Pine Tree landfill. When the Pine
18 Tree landfill reaches capacity, all of that would
19 come to Old Town. 310,000 tons is more than 50
20 percent of the estimated 540,000 tons per year
21 estimated by Casella to be received at the
22 landfill. This amount of allowable bypass would
23 include unprocessed waste produced out of state
24 and in my opinion demonstrates poor process
25 management. The mill, the DEP and many of the

1 scientists doing the initial site study made
2 promises and assurances at that time that the
3 people should have nothing to fear for this would
4 never be anything more than a sludge dump. The
5 people of West Old Town made personal concessions
6 for the mill's survival at that time. Expecting
7 us to make further concessions I find
8 unconscionable. This fasttrack process has
9 effectively destroyed the trust of the people who
10 were given assurances. During this process I've
11 learned that one cannot trust the word of the
12 mill's upper management, the DEP or our state or
13 local government officials because at one time or
14 another along the way we were misled by all of
15 them. Breach of trust is a horrible abuse to
16 bear. The siting and operation of this landfill
17 should have been the model of a non-commercial
18 system of state waste management for others to
19 follow. The Maine State Motto is "I lead".
20 Instead, it is more --

21 MR. BURSON: One minute.

22 MS. SPENCER: Instead it is a more
23 convoluted form of the status quo and a grave
24 disappointment. Fifteen years in the making and
25 so little progress. Thank you.

1 MR. BURSON: Tom, do you have any
2 responses?

3 MR. DOYLE: No.

4 MR. BURSON: Dick Behr.

5 MR. BEHR: Dick Behr once more. Just a
6 brief comment in response to the increased
7 monitoring frequency. Currently, as Cheryl
8 pointed out, the facility is required to monitor
9 and collect groundwater samples three times a
10 year, and it really wouldn't make a better
11 monitoring program if we collected samples once a
12 month at this facility because of the geology, the
13 hydrogeology. The groundwater is flowing at such
14 a slow rate that if we re-sample within 30 days,
15 we're going to essentially be re-sampling that
16 same parcel of water once more. So rather than
17 rely on an increased frequency of groundwater
18 sampling, what I'm trying to do, the Department is
19 trying to do at this stage in the amendment
20 application is to increase the number of
21 monitoring wells downgradient of the landfill to
22 ensure a more protective monitoring program.

23 MR. BURSON: Any other comments? Greg
24 Lounder from the Municipal Review Committee.

25 MR. LOUNDER: Good afternoon. My name is

1 Greg Lounder. I represent the Municipal Review
2 Committee in the capacity of executive director.
3 The MRC is an entity comprised of over 160 Maine
4 communities. We've learned through experience
5 that successful solid waste management is realized
6 best through public and private partnership and
7 cooperation. We've been there literally forming a
8 public-private partnership with the Penobscot
9 Energy Recovery Company in Orrington that works
10 for Maine. The communities are now part owners of
11 the PERC facility. We've reviewed this proposal
12 carefully and believe the public-private roles set
13 forth in this arrangement will also work for
14 Maine. PERC provides a tremendous public benefit
15 to this region, not the least of which is the
16 facility's role in municipal waste volume
17 reduction on the order of 80 percent. Had this
18 region disposed of its municipal solid waste over
19 the past 15 years in the absence of PERC, we
20 already would have needed an additional six
21 million cubic yards of landfill air space to have
22 taken care of the region's needs. I also would
23 like to take a moment to update you on the
24 feedback that I've recently received from member
25 communities on this project. In the past week,

1 member representatives from over 50 of our
2 communities have contacted MRC voicing their
3 support for this project. Additionally, locally
4 adopted resolutions are coming in as well. Just
5 last evening MRC received resolutions that had
6 been locally adopted in the towns of Thomaston,
7 South Thomaston, Owlshead. A regional cooperation
8 serving the communities of Camden-Rockport,
9 Lincolnville and Hope and resolutions from the
10 towns of Bucksport and Newberg all speaking in
11 strong support of the timely advancement of this
12 project. The MRC communities respectfully and
13 anxiously await your decision April 9th, and I
14 appreciate the opportunity to provide comments
15 here today.

16 MR. BURSON: Thank you. Are there any
17 questions from anyone in the room? Thank you very
18 much. The next person on the list is Kenneth
19 Doiron. Is he here?

20 MR. DOIRON: Good afternoon. My name is
21 Ken Doiron, D-O-I-R-O-N. I'm a licensed
22 professional engineer. I'm employed at
23 Georgia-Pacific's Old Town mill where I have
24 worked for 20 years. I am a resident of Bangor,
25 and I'm here as a private citizen. In an ideal

1 world there would not be a need for a landfill in
2 Old Town or nearly anyplace else, as our expert
3 spoke earlier. In that world, society would have
4 sufficient foresight to understand that putting
5 material in a landfill is a waste and by using
6 only what is needed and recycling, that landfills
7 would be rare. Unfortunately, the real world is a
8 long ways from that ideal. The fact is another
9 landfill in Maine is needed soon to dispose of the
10 stuff that we all generate every day. In this
11 room we're generating lots of material every day.
12 So the question is, where will the additional
13 landfill space be located? To me, the logical
14 choice is to utilize all of the disposal potential
15 of the West Old Town landfill. This existing
16 landfill has a proven operational track record and
17 years of valuable, real-world site data regarding
18 its technical suitability. In addition, by using
19 the Old Town site, we -- in addition, by using the
20 West Old Town site, the need to create another new
21 landfill is delayed by years, while improving
22 business climate and employment opportunities for
23 the region and the state. To that end, I offer my
24 support for the approval of the West Old Town
25 Landfill Amendment Application. Thank you.

1 MR. BURSON: Thank you. Any questions?

2 The next person on our list is Lyman Feero.

3 MR. FEERO: Hi, my name is Lyman Feero from
4 Alton. I come here with concerns about the road
5 and the change of the waste stream into the
6 landfill. Located about 300 feet from the gate
7 near the West Old Town -- the Route 16 entrance is
8 a very nice vernal pool. Was the pool recognized
9 in the original application? What was done to
10 protect it? What will be done to protect it with
11 expansion of the landfill? And how is it defined
12 if it was recognized? Continuing on down the road
13 about one-half mile from the gate at the beginning
14 of the road is a wetland with a stream passing
15 through it, a perennial stream. The major part of
16 this wetland in Old Town and Alton is designated
17 as WWH significant wildlife habitat. Who
18 evaluated the landfill when the road was put in by
19 Patton Land Company? It is generally stated that
20 the road runs through a forested wetland. I
21 believe this area of the road is a shrub-shrub
22 wetland. Did it and will it have recognition by
23 DEP or any other federal or state agency? Did the
24 Corps issue a license to fill a shrub-shrub
25 wetland when this road was built? What plans are

1 there to secure a permit to fill in any parts of
2 this wetland now? Has Casella or anybody received
3 permits to fill this wetland or parts of this
4 wetland? And I believe the Corps, if they stick
5 to their guns, has some regulations. Who has the
6 legal liability for the access road? Where the
7 proper permits -- were the proper permits received
8 from all agencies for the construction? I ask
9 that again. I sent a letter to Ms. Gallagher
10 stating my thoughts on the conditional license.
11 Did you receive it?

12 COMMISSIONER GALLAGHER: I did.

13 MR. FEERO: Do you plan to respond? I --
14 will answer at the end of my presentation. The
15 conditional license -- in the conditional license,
16 the Department finds that the proposed facility
17 will not unreasonably adversely affect protected
18 natural resources in that no new impact on natural
19 resources will occur. How does DEP define natural
20 resources and an impact on such? With a change in
21 the stream -- wastestream coming into the
22 landfill, there will be changes on natural
23 communities in the area. Who will address these
24 changes? Is it not DEP's professional ethical
25 responsibility to address the impacts on all

1 natural resources? The impacts are to the
2 existing vertebrate populations. The avian
3 communities in the area will be altered by
4 increase in scavengers. Is this not true?

5 MR. BURSON: One minute, please.

6 MR. FEERO: Okay. I knew I didn't have
7 time. Mammalian species will also be affected.
8 And as I asked in the letter, since bear are a big
9 deal in the news right now as far as bear
10 baiting. There's a Maine State Fish and Game
11 research project pertaining to bear within this
12 area. The bear love garbage and I want to know
13 how this is going to impact this wildlife research
14 project. I have some questions -- another
15 question, has an impact -- an economic impact
16 study been done on the expansion and how do you
17 compare the cost of Cotton Petals' loss of revenue
18 to Casella and GP's profits? By the way, I worked
19 for GP. GP is not here to stay. They didn't stay
20 in Millinocket. Is their resolve a state law and
21 who enforces it?

22 MR. BURSON: Thank you. That was quite a
23 list of questions. We'll deal with these as
24 expeditiously as possibility, and I think there
25 were some comments on the other side of the

1 table.

2 MR. DOYLE: Mr. Feero, your questions --
3 there were a bunch of questions relating to the
4 original permitting of the road. I can't speak
5 for what the Patton Corporation did, but I can
6 speak for what James River Corporation did in
7 1992/93 when the landfill and the access road
8 improvements were originally permitted for the
9 West Old Town landfill. We received DEP solid
10 waste and Natural Resources Protection Act permits
11 and Army Corps of Engineer permits to fill 8.84
12 acres of wetlands. There was a full alternatives
13 analysis done as part of that process as required
14 by both state and federal law, and as I indicated,
15 we received the approvals. John Lortie is here.
16 He did all of the wetland delineation functional
17 assessment, and also the impacts on unusual
18 natural areas and rare, threatened and endangered
19 species. I'm going to let him speak to some of
20 those issues you raised in a moment including the
21 vernal pool issue. This application does not
22 propose to fill any additional wetlands. So there
23 is not an additional permit required for the
24 filling of wetlands from either the state or the
25 Army Corps of Engineers. Who has the legal

1 liability for the access road, under the agreement
2 between the State of Maine and -- the State of
3 Maine is the owner presently of the access road.
4 Casella will be operating that access road under
5 its agreement with the State of Maine, and they
6 have responsibility and liability for it. Change
7 in natural communities I'll let John address. The
8 issue of bear I will let John address. Has an
9 economic impact study been done on the project,
10 no, and none is required. Is the resolve a state
11 law, yes, and the Attorney General can enforce
12 state law. John.

13 MR. LORTIE: John Lortie. I'm a certified
14 wildlife biologist and also a wetland scientist,
15 and we did do all of the wetland identification
16 classification work as part of the original
17 permit, and we also evaluated the wetland
18 functions and values for every single wetland that
19 was there, and we also classified them --

20 MR. FEERO: Does that include the access
21 road, John?

22 MR. LORTIE: That's correct, yes. At that
23 particular point in time and even to this date,
24 the State of Maine Inland Fisheries and Wildlife
25 has not adopted a formal definition of vernal

1 pools. We did identify wetlands that contained
2 amphibian breeding habitat. Some of those areas
3 now do meet the working definitions that IF&W is
4 adopting. One thing that's important to recognize
5 is that as part of our mitigation package for that
6 site, we created a number of vernal pools and
7 subsequently identified breeding by spring
8 peepers, gray tree frogs, spotted salamanders,
9 wood frogs and leopard frogs and green frogs in
10 some of the waterbodies. Essentially the
11 mitigation that was performed for amphibians was
12 fairly successful. Regarding the changes in the
13 avian community, there will likely be some changes
14 that occur as a result of the open area.
15 Starlings and green billed and heron gulls are
16 known to utilize some landfill sites. There's the
17 potential that they may come in. The impacts of
18 those two species or other species that will come
19 in on the other avian community in that cleared
20 area are not expected to be significant or
21 probably measurable. In that area that's opened
22 up right now --

23 MR. FEERO: If there are no gulls there now
24 and gull populations increase by ten, there is a
25 significant change. In other words, what I'm

1 saying is you're saying there will be no
2 significant change in the gull population or the
3 scavenger population within that area and if you
4 witness Hampden or any other landfill, even Old
5 Town when it was active, there are certainly a
6 great deal of increase in scavenger populations.

7 MR. DOYLE: If we could follow the rules,
8 if we could just have John respond and then I
9 think we're on to the next subject. John.

10 MR. LORTIE: For the record, there are --
11 there is gull use on the site right now, and it
12 will likely increase. I do not believe that's
13 going to present an unreasonable impact. As far
14 as bear go, this comment is probably directed
15 towards the -- previously when landfills were
16 operated years ago, they were not -- they were
17 operated in a fashion that created feeding
18 opportunities for bears. That situation does not
19 exist anymore. This particular facility is
20 surrounded by a fence with barbed wire at the top
21 that would for all intents and purposes keep bear
22 from getting onto the site.

23 MR. FEERO: By the way, I'm a certified
24 wildlife biologist also. I guess I'm out of
25 time.

1 MR. BURSON: Thank you. Jack Lutz.

2 MR. LUTZ: My name is Jack Lutz. I live on
3 the Stagecoach Road in Alton. I've submitted a
4 copy of this in the comment section. Yesterday
5 someone, and I believe it was Mr. MacDonald,
6 characterized the landfill amendment as a win-win
7 situation, that everybody would win, but there are
8 some losers in this deal, and I think I'm one of
9 them. We've talked with a real estate agent who
10 told us that some houses close to the Hampden
11 landfill have lost 15 to 20 percent of their
12 pre-landfill value. I don't consider myself an
13 expert on appraisals, but I've spent much of the
14 last five years learning the appraisal business
15 and have somewhere over 100 hours of class time
16 from the Appraisal Institute, and I was a Maine
17 registered appraisal trainee for a couple of those
18 years. The landfill is going to be an eyesore in
19 some places. It fits the Dictionary of Real
20 Estate Appraisal definition of a nuisance. What
21 it will do is decrease the value of residential
22 properties in the neighborhood, and it doesn't
23 matter what the facts are. We've heard from
24 Casella and its experts and their consultants that
25 the landfill is not leaking and will not leak. In

1 response to a question yesterday, Tom Doyle said
2 there would be no increase in cancer rates for
3 people living near the landfill. Now, that could
4 be true, but people aren't going to believe that.
5 There are people in this room who don't believe
6 that. We've reached probably the point in this
7 process where some of you could come in dripping
8 wet and say it's rain outside and they won't
9 believe you. So no matter who says landfills
10 won't leak, there are going to be some people who
11 think they will. Prospective buyers of houses out
12 in my neighborhood are going to see that thing and
13 say I don't think I want to live near that
14 landfill. Any prospective buyer of a house along
15 Route 43 in Old Town and the Stagecoach Road, now
16 this is from the highway up, is going to get a
17 very clear view of the mountain as they come up
18 that road. There's only two or three houses right
19 near the exit where you wouldn't see that. Under
20 some weather conditions they're going to smell the
21 landfill. There are about a dozen days each
22 winter when I can smell the pulp mill at my
23 house. It's a faint smell. We don't smell it
24 inside, but you walk outside and you can smell
25 it. It usually means a front is coming through,

1 and that pulp mill is seven miles away -- over
2 seven miles away, and I know it's the mill because
3 when I drive into town I get the smell all the way
4 in. Okay, my house is within a mile and a quarter
5 of the current footprint. If I can smell the mill
6 from seven miles away on some days, what's it
7 going to be like living along Route 43 when this
8 landfill is going full blast? Now, the wind is
9 usually coming from 43 across the landfill towards
10 16, but my point is, people driving up that road
11 are going to see that, they may smell it. They
12 are not going to be excited about buying a house
13 near that landfill. Route 43 is also one of the
14 recommended heavy truck routes. Because of the
15 shape the road is in, heavy trucks tend to drive
16 well across the yellow center line of road. As I
17 was typing this this morning, my wife was on her
18 way in here and she got run off the road by two
19 gravel trucks. Now, that's not Casella, those
20 weren't trash trucks, but there are going to be
21 some more of these.

22 MR. BURSON: Could you slow down?

23 MR. LUTZ: How much time do I have left?

24 MS. WALSH: Two and a half minutes.

25 MR. LUTZ: Okay. There are -- I counted

1 this morning. There are 184 mailboxes on
2 Stagecoach Road or at the end of Stagecoach Road
3 and down Route 43 to Harris Grocery and up Route
4 16 to the landfill driveway. Now, that's 184
5 houses and East and West Coily Road. Those --
6 Stagecoach, 43 and 16 are the triangle that's
7 around the site. There's 148 -- I'm sorry, 184
8 houses on these roads that may lose some value due
9 to the landfill. How is this a win-win situation
10 for us? Someone yesterday reviewed the laws and
11 regulations related to this landfill amendment
12 application. It may have been Tom Doyle. At some
13 point in that review, whoever it was, noted that
14 one state agency in this process is supposed to
15 take into account the health and welfare of the
16 people around the facility. We've had a lot of
17 talk about health but not a lot about welfare. If
18 a hundred houses around the landfill lose an
19 average of \$10,000 each in market value, we're
20 collectively losing a million dollars. These are
21 individuals losing money on the largest investment
22 of their lives. This isn't a win-win situation
23 for us.

24 MR. BURSON: One minute.

25 MR. LUTZ: Okay. Casella is talking with

1 abutters, as I understand it, about dealing with
2 this issue, but not with the non-abutters, and I
3 guess my question for George MacDonald is, does
4 Section 2175-A, the property value offset, apply
5 to those of us who are not abutters? If it
6 doesn't, are we just out the money? If it does
7 apply, has the Office of State Planning defined
8 the impact area and the process and the timeframe
9 for dealing with this issue? Thank you.

10 MR. BURSON: Thank you.

11 MR. MacDONALD: As I understand the statute
12 you referenced, sir, the property value offset
13 that's required by the office is for abutting
14 landowners. So it would not apply to the people
15 that were not abutters. I will check into that
16 later.

17 MR. BURSON: Tom, do you have things to
18 respond to there?

19 MR. DOYLE: No.

20 MR. BURSON: Any others? I hope I have
21 this right. Is it Gerry Randall? Does that sound
22 right? It does sound right. Thank you.

23 MS. RANDALL: My comments this afternoon --
24 I'm Gerry Randall from Hudson, Maine. I'm a
25 citizen of Hudson, and my comments are directed

1 strictly to Commissioner Dawn Gallagher. It comes
2 from my heart, the heart of many people here I
3 believe and the heart of our communities. I was
4 born in Gouldsboro, Maine, in my grandmother's
5 livingroom. My ancestry goes back to the
6 Passamaquoddy Indians. I'm very fond of the
7 Penobscot Nation and the tribes, and I'm a proud
8 Mainer, I have to say. I am not happy with our
9 state right now and the government in it due to
10 the fact that this landfill is a done deal before
11 the citizens of Maine ever had any comment or
12 anything to say on it. I'm asking this
13 application please be denied at this time until it
14 can go to a referendum before the municipalities
15 so that the people can have their say as well. I
16 live on Route 43, one of the routes that has been
17 mentioned that trucks will be taking. Most of the
18 accidents in our town happen on that road,
19 including many of my family that have been in
20 accidents on that road. We have asked -- our road
21 commissioner in Hudson has asked DOT to please put
22 up a light in the middle of town. Our little
23 local store is right on 221 and 43. Our town
24 office is right across from there. Right up
25 through we also have a church. It's a unique

1 little town. You turn from there left onto 43.
2 Our post office is on the right. Our cemetery is
3 right behind it. There is a bad hill that you
4 cannot see that goes down through a valley and
5 up. The Mohawk Stream runs through there. A lot
6 of accidents have happened there even this past
7 winter. I almost saw a couple of our elderly
8 people killed there with the snowplow in the
9 wintertime when the snowplow came down over the
10 hill sideways and the car came down and couldn't
11 stop and went sideways and almost went right into
12 the plow. My husband and I had to ditch our
13 vehicle with two small children in it on the other
14 hill coming down. Thank goodness he's a good
15 driver. I couldn't have done it. After you leave
16 there, you're going to come to the railroad
17 tracks. Five trains a day go through there. We
18 used to have a railroad station there, a lot of
19 history to me in Hudson. After you pass that
20 railroad track, you're going to come to another
21 hill where our first selectmen lives, in fact,
22 Donny Grant, and on that hill there's been
23 numerous accidents, in fact, my brother-in-law was
24 seriously injured on that hill last year and he
25 will never be the same. He's having a hard time

1 to get back to normal and he never will be
2 actually. When you come down over that hill, you
3 come to where my sister lives which is another
4 hill. Numerous accidents have happened on that
5 hill as well, and, in fact, some -- a lot of
6 people that I have known have been in accidents
7 there, rollovers and everything else, and it's
8 kind of like a blinding hill and a sharp hill
9 coming down over that. It is also -- the road is
10 rounded --

11 MR. BURSON: If you please, ma'am, one more
12 minute.

13 MS. RANDALL: Oh, boy, it is rounded and
14 plus along that road I could name numerous others
15 as well. The citizens cannot blame our
16 senators. They cannot blame our representatives
17 for this deal. They was really misled on this and
18 please don't blame them. Bangor's expanding.
19 They're expanding from Broadway to Essex Street
20 over to Church Road in Glenburn. That's all
21 housing, acre lots going in there, and it's
22 building fast. We have alternative means that was
23 brought to us this afternoon. I think we should
24 pursue those. I think it's one way the state can
25 do this. We are all water from Old Town -- the

1 city of Old Town is an island, the Penobscot
2 Nation is an island, and we are all water from all
3 the way over even through my house. It's all
4 water.

5 MR. BURSON: You have to finish up. Your
6 time is up.

7 MS. RANDALL: Okay. So what I'm asking is
8 would you please hold this up until we have a
9 chance to vote on it in the municipalities.

10 MR. BURSON: Thank you. The next speaker
11 is scheduled to be Greg Polk.

12 MR. POLK: My name is Greg Polk. I'm a
13 worker at GP. I'm also a resident of Old Town.
14 I'm a taxpayer of Old Town, and I'll probably be
15 talking to you later on about the issue of the tax
16 burden that will be applied to this community if
17 this permit process is not carried forward, but
18 first off, I'd just like to do some comments.
19 There may be questions at the end. I've attended
20 all of the landfill meetings, whether it be here
21 at the club, whether it be at my city council
22 meeting, whether it be at the Ramada Inn in
23 Bangor, and then these two public meetings. My
24 knowledge has been expanded over this landfill
25 project. The people that set in front of me and

1 before me have done a formidable job of making my
2 knowledge to where it was not in the past. I want
3 to thank you for that opportunity for all of these
4 meetings that we've had. You've done a good job
5 at explaining your positions.

6 Now, moving on to the DEP, I've heard the
7 issues that have been before the DEP in this
8 permit process. You've answered numerous of
9 questions time and time again in front of these
10 processes. I commend you for that effort and
11 realize what an important job that you people hold
12 in the State of Maine to the environment of the
13 State of Maine. Am I taking it slow enough for
14 you? I'm taking it easy on you. I would just
15 like to thank the DEP that they would continue
16 this process in approving this permit the way that
17 it is set up now in a fashion that is expedited so
18 this process cannot be held up any longer than it
19 already has. This process has been started and
20 we're going on ten months now as all of us well
21 know.

22 As far as the State Planning Board, I've
23 been to these meetings. You've given me a lot of
24 information. I have not heard anything out of the
25 State Planning Board that has changed my mind on

1 why we shouldn't have this landfill. This
2 landfill has already been established as you have
3 stated. There just wants to be an expansion
4 coming forth from the Casella Corporation to run
5 this landfill for the State of Maine. I commend
6 you gentleman for working on this effort because
7 this will cost us more money in the long-run. We
8 have to act on this at present times.

9 Now I'd like to get to my real reason. I
10 want to talk tax base with you. I said that I was
11 a taxpayer in Old Town. So I am. Our city
12 council back in -- back on April '03, which was
13 last year, when half of the GP facility was closed
14 down ran special meetings on the type of tax
15 burden that our community would be facing. It is
16 devastating. Presently at this time we are in the
17 low twenties per 1,000 of valuation in this
18 community. It was just an estimation that our tax
19 base or our tax burden would be over \$36 per
20 thousand. If you think that you have mill workers
21 standing in front of you and if you think that you
22 have environmental people standing in front of
23 you, you should take a look at the people that I
24 have been talking with that are seniors in this
25 town, that are teachers in this town, that are

1 employees of this town, whether it be in the
2 police department, the fire department, we would
3 be full with about 8,000 people at these meetings
4 worried about their tax burden. I haven't really
5 heard that much conversation around tax burden of
6 this community. That's why I'm bringing it
7 forward today because I did not want to just keep
8 asking questions on numerous questions that have
9 been asked in the past.

10 MS. WALSH: You have one minute, sir.

11 MR. POLK: Some of these things --

12 MS. BELL: There's nothing in this
13 application about taxes.

14 MR. POLK: Some of these things -- it has
15 something to do if GP exits the area, if Casella's
16 does not get the benefits needed to this
17 community. That's my point that I'm trying to
18 make. We have a new elementary school to pay for
19 that was just built two years ago. Our high
20 school is in need of an addition. Our police and
21 fire departments are in need of updating. These
22 are all things that we in the community and our
23 city council have in front of us.

24 MS. WALSH: Okay, you have about ten
25 seconds left.

1 MR. POLK: Okay. I'm going to ask a
2 question then to Casella. I know you've said it
3 before but can you give us another run-down of the
4 benefits of this deal, whether it be to the
5 community of Old Town, whether it be to GP or the
6 community of Alton? I heard yesterday about --

7 MS. WALSH: Sir, I'm going to have to ask
8 you -- everybody has had five minutes and you're
9 taking much more than five. If you have a
10 question to ask, if you could please ask it and
11 then you'll be able to get an answer.

12 MR. POLK: Yup, just on the benefits, there
13 was a gentleman that spoke about the town of Alton
14 and I would hope that Casella's would give them
15 the same concerns that they gave the city of Old
16 Town, and how did this benefit package compare to
17 other benefit packages that other areas have had
18 put forth in front of them? Thank you.

19 MR. MEAGHER: I'll be glad to respond to
20 the question. Don Meagher from Casella Waste
21 Systems. Just briefly as I explained in our
22 introduction, in our proposal to the state, we've
23 provided a list of benefits to the city of Old
24 Town because the city is the host community as
25 defined in state statute, and although we are not

1 required to go above and beyond what we proposed
2 in response to the state's RFP, we have said we
3 are willing to voluntarily do just that. We will
4 provide a set of direct benefits to the town of
5 Alton. We will provide a greatly expanded set of
6 individual benefits to abutters living -- whose
7 property abuts the landfill. In combination, the
8 total value of the community and neighborhood
9 benefits for both Alton and Old Town, as I had
10 indicated, over the project life will likely
11 exceed the purchase price of the landfill. Thank
12 you.

13 MS. WALSH: Other questions or comments?
14 Okay, the next person is Joanne Twomey. State
15 your name and where you're from, please.

16 MS. TWOMEY: Thank you very much. I'm
17 State Representative Joanne Twomey, and I come
18 from Biddeford, and I want to be very respectful,
19 but it's very hard to be respectful when you're
20 about to receive a toxic dump, and I know this
21 because I have an incinerator in Biddeford, and we
22 needed to close our landfill, and when I hear this
23 gentleman talk about benefits, you don't talk
24 about the asthma increase in children and the
25 increase in cancer that we're seeing, but you see

1 I can't prove it's our incinerator emissions
2 because the burden of proof is on us, the people.
3 It's always on the people. I want you to know
4 that I did not take any money from Casella for my
5 election nor would I ever. These broken promises
6 in my community continue to go on. We have
7 explosions at the plant. When they say that all
8 -- we're looking at all the trash, and you know
9 that trash is not just being generated here in
10 Maine. It's coming in from New York, New Jersey,
11 Massachusetts, Pennsylvania, and when I was on the
12 city council, Texas. So if you can't understand
13 about heavy metals and dioxin and you only want to
14 talk about economics, what are the economics of
15 having Texas waste coming to Maine? But you know
16 under the statute, once it's incinerated, it's not
17 called out-of-state waste. It's out-of-state
18 waste, it's coming in every day, and we were lied
19 to and lied to and lied to. That's why I am in
20 the Maine State Legislature because I refuse to be
21 that activists in that street for one more
22 minute. I wanted to become a policy maker, and I
23 want you all to know that the shame of this whole
24 thing is these hard workers that are being pitted
25 against their neighbors. These hard workers who

1 are desperate for union jobs and insurance
2 benefits, and you're pitting those good people
3 against neighbors who care about cancer and care
4 about toxic waste for their children. Emotional?
5 You bet. Because these people are having to sit
6 here and listen to this and say we need this for
7 our jobs. If this was about jobs, we would have
8 taken this toxic waste dump and brought it next to
9 Momma Baldacci's. That is the economic
10 development that Jack Cashman has brought to
11 Maine. Let me tell you something else as a member
12 of the Natural Resource Committee, this is a
13 back-room approach to site this toxic dump. When
14 Georgia-Pacific officials came to my committee, I
15 asked them if they would put in writing that this
16 would not mean loss of jobs, if they would sign in
17 writing that they will stay here in Old Town and
18 give you those hard needed jobs that you deserve,
19 I will sign on to this, and they can't. They
20 can't because that's the nature. No one can
21 promise jobs. It's NAFTA and GAT that's causing
22 our jobs to go overseas, and the only winners in
23 this room today when we all leave is Casella, who
24 are going to be making millions on importing trash
25 and dumping it in the State of Maine. Why would

1 this southern Maine girl get involved in all
2 this? Why doesn't she mind her own business?
3 Because you are all my neighbors, and what they
4 don't talk about in these benefits is how much
5 cancer costs. Now, let me tell you, I lost my
6 husband from cancer four years ago. This has
7 nothing to do with it. I was on record fighting
8 these toxic waste dumps before he was ever
9 diagnosed. Little did I know it would hit my
10 home, and I wouldn't wish that on anyone, not
11 anyone. I love every single one of you. As much
12 as those workers have given me the evil eyes, I'm
13 here to tell you, the winners today is Casella and
14 in future legislation, we need to address more
15 monitoring, we need to address taking the toxic
16 waste out of the waste stream. We are all part of
17 the problem. We don't live with our heads buried
18 in the sand, but I'm going to demand that you get
19 the best monitoring. Do I think this deal is
20 done? I do. I didn't want to give the We The
21 People less hope.

22 MS. WALSH: You have one minute.

23 MS. TWOMEY: The deal has been made and
24 your politicians have sold you out. There are
25 sacrificial lambs in the State of Maine.

1 Biddeford is one town and Old Town is going to be
2 another. I got elected to speak truth to power
3 and that, Ladies and Gentleman, is the truth, and
4 I pray for all of you because you are going to
5 have the largest project in the State of Maine.
6 IP will be gone down the road someplace, Casella
7 will be gone with their millions and our great
8 grandchildren will have to pay for that toxic
9 waste cleanup. Thank you very much.

10 MS. WALSH: Nancy Higgins, please -- Stacy
11 Higgins, excuse me. State your name and where
12 you're from, please.

13 MR. HIGGINS: My name is Stacy Higgins.
14 I'm an employee of Georgia-Pacific, and I live in
15 the town of Verona and I'm here as a citizen of
16 Maine, and I just want to voice my opinion for the
17 landfill project, and I certainly hope that the
18 DEP pushes this forward as fast as possible. The
19 comments that have already been made that it's
20 gone on long enough are absolutely true. I feel
21 that, you know, the citizens of this town and
22 certainly the employees of the company
23 Georgia-Pacific have gone through a lot already.
24 We just want this to continue. We want this bill
25 to pass and I'm just looking forward to it. Thank

1 you.

2 MS. WALSH: Okay, I'm going to take one
3 more person before the break and that next person
4 is Brent Moore.

5 MR. MOORE: Brent, if you could state your
6 name and where you're from, please.

7 MR. MOORE: I'm Brent Moore. I'm a
8 resident of Alton, and I work at Georgia-Pacific.
9 I had a few things that I had intended to say
10 here. Listening to all the different back and
11 forth kind of changes that. Now I don't feel
12 quite as organized about what I wanted to say, but
13 I think that this landfill, as necessary as it is,
14 is probably the thing that we need for the moment,
15 and I've heard different numbers thrown around
16 about how much the state would have to pay if they
17 had to start a new landfill, and I realize this
18 isn't all economics. There's a lot of heated
19 feelings on both sides, and I think the state
20 needs to possibly look into new technology and use
21 some of that money that would have been spent on a
22 landfill maybe in better monitoring, but I think
23 this is a necessary thing for now and I support
24 the landfill. Thanks.

25 MS. WALSH: Okay. With that, we're going

1 to close this session and because we have so many
2 folks that want to speak and have signed up, new
3 people today and also others that are waiting that
4 spoke yesterday, we are going to shorten our break
5 at 4:00 to 4:15 and then remain with the 6 to 6:30
6 break so that folks can grab a quick bite before
7 we start at 6:30. So if you'd come back at 4:15
8 rather than 4:30, we'd appreciate it.

9 (Recess)

10

11 MR. BURSON: At the beginning of this
12 session, we do have a response to some questions
13 that Kimberly Robichaud filed yesterday, and I
14 guess, Don, are you giving that response?

15 MR. DOYLE: Pete Maher is going to respond
16 to four questions that Kimberly Robichaud provided
17 to us last evening before the end of the session.
18 Some of them were already addressed, but we'll
19 address them again.

20 MR. MAHER: Pete Maher. These questions
21 were provided to us by Kimberly Robichaud, and in
22 the interest of trying to be complete here in
23 answering all questions, although I think we've
24 answered these in one form or another, I'm going
25 to try to answer them all again. There are four

1 questions. They all, except one, related to what
2 happens if there's a leak in the liner, and I know
3 we've talked about this, but I'll talk about it
4 again, and, once again, these are all what-if
5 questions, and I just want to remind everyone that
6 there's a lot of landfills in the State of Maine,
7 in the country and in the world, and there's a lot
8 of secure landfills that have been designed with
9 liners and they're all operative. There's a lot
10 of them in operation, and as we've discussed here
11 over the last two days, landfills are a necessary
12 component of any solid waste management strategy.
13 There's always something left at the end. They
14 have to be put somewhere. At any rate, Kimberly's
15 first question was if there was a leak in the
16 liner that was detected after the post-closure
17 period, which is 30 years beyond the final closure
18 of the landfill, who will pay for and execute the
19 -- well, it says execute this operation. I guess
20 it would mean who would pay for whatever
21 remediation or corrective action would be deemed
22 appropriate. So what we're talking about here is
23 what would happen if there was a leak in the liner
24 30 years beyond final closure which would be, say,
25 60 years beyond now if the landfill was to last 30

1 years. As I mentioned yesterday, if there were to
2 be a defect or damage to the liner during
3 installation, it would be caught during the
4 testing phase when that liner is put down, or it
5 will most likely be caught shortly thereafter,
6 certainly within a five-year period or so, and at
7 that point in time, you may be able to correct
8 that problem by patching the liner. At the
9 closure -- at the point of closure of the landfill
10 when there's been waste piled up, however high
11 it's going to be and whatever is approved, and
12 it's 150 or 170 feet high or whatever it is, there
13 will be no additional forces placed onto that
14 liner between that point in time and the 30-year
15 period of post-closure monitoring. So there will
16 be no additional forces which would be created on
17 the liner and, therefore, you would not expect
18 that anything would happen to that beyond --
19 within that 30-year period of time. The most
20 important thing to recognize, though, is that once
21 you place the final cover and the landfill has
22 been closed, you are cutting off all recharge for
23 all additions of water to the landfill and,
24 therefore, there would be very little leachate
25 generated compared to what, say, is generated

1 during the operation of the landfill. There would
2 be almost a diminimous amount of leachate being
3 generated within that whole footprint of the
4 landfill. So with that in mind and understanding
5 that there would be very little leachate being
6 generated and, therefore, very little leachate
7 escaping if there was to be some sort of a hole or
8 leak in the liner, then there would be very little
9 leachate escaping into the environment. Because
10 of that, it would make no sense to try to excavate
11 100, 150 feet or whatever it is of waste to get
12 down to the plastic and fix the plastic or the
13 bentonite or the clay beneath it. Again, we have
14 a three-part liner which all meshed together in
15 the event of a failure, but if there was some sort
16 of a catastrophic failure and the liner was to
17 leak after 30 years of post-closure monitoring,
18 then there's not going to be much water, and the
19 appropriate corrective action would likely not be
20 to excavate all of that waste, fix the liner and
21 put all the waste back in. A more likely scenario
22 would be to place some sort of a measure or
23 corrective action at the toe or the lower
24 elevation of the landfill and collect that water
25 which was escaping at that point and treating it,

1 okay.

2 MR. BURSON: Can you finish up fairly
3 quickly?

4 MR. MAHER: Right. With that said, that
5 answers her third and fourth questions which were
6 is Casella willing to take the necessary steps to
7 avoid tampering with the fragile wetland ecology
8 in the event of an environmental crisis such as a
9 leak in the liner. There wouldn't be any huge
10 corrective action, as I've just explained, if the
11 liner was leaking, and any corrective action would
12 certainly have to consider the surrounding
13 wetlands. Her fourth question, will the
14 post-closure funds be sufficient to replace a
15 liner given the potential increased costs. Again,
16 the liner likely would not be replaced. Her only
17 other question that did not pertain to the liner
18 was, how long does it take the waste in a dry tomb
19 landfill to decompose versus the same waste in a
20 wet cell or a bioreactive landfill. We've talked
21 about this. Dr. Wardwell spoke of this. The
22 bioreactor landfills are in a demonstration phase
23 at this point in time. We don't know how long it
24 takes for each of these various wastes, newsprint,
25 household waste, demolition debris or whatever, we

1 don't know how long it takes for those wastes to
2 decompose in a bioreactive landfill. We do know
3 that it takes a long time for some of those wastes
4 to decompose in a dry tomb landfill. With that
5 said, there is no answer to her question. It's an
6 unknown at this point in time, and I suspect over
7 the next maybe ten or fifteen years there will be
8 an answer to that question. Thank you.

9 MR. BURSON: Thank you. It's one of those
10 things that happens, I want to apologize. We were
11 not aware that there were two persons, father and
12 son, both named Al Meister. One spoke yesterday
13 and when the application came in again today, we
14 thought, well, he already spoke. So with that
15 said, we would like to ask Mr. Al Meister, Senior,
16 to take his turn.

17 MR. MEISTER: Thank you very much.

18 MR. BURSON: Please state your name and
19 your place.

20 MR. MEISTER: I'm Alfred L. Meister, a
21 resident of Old Town, and all I can say is look at
22 the addresses. I have trouble enough with the
23 postal service and this change in addresses
24 lately, but thank you for the opportunity to speak
25 to this group. I'm not going to say I'm an

1 opponent or otherwise of this project. We have
2 the people from the State DEP, State Planning
3 Office, Casella and their dignitaries and paid
4 advisors, but I do have some comments to make, but
5 I want to precede that with a few seconds of
6 giving my background, curriculum vitae. I'm a
7 certified fishery scientist, certificate number
8 816. So I've been around a few years. I served
9 35 years in the State of Maine as chief biologist
10 of the Atlantic Salmon Commission. I have served
11 as a fisheries and aquatic biologist advisor to
12 both the Federal and State Governments. I served
13 for five years as an advisor to both Washington
14 and Ottawa and the International Joint
15 Commission. I then served 19 years as the State
16 of Maine representative to the Pollution Advisory
17 Board St. Croix River, part of the International
18 Joint Commission, an International Treaty
19 Organization founded in 1990. With that, I'll say
20 no more about the rest of it, but I do have some
21 comments and I'll follow that with two or three
22 questions that I have.

23 I'm not happy with the demolition debris
24 definition that's been presented here, and I don't
25 consider chipping to be an adequate change of

1 substance to change its state of origin from
2 demolition debris. I don't care what you do but
3 you haven't burned it. It's not ash. Chipping it
4 still makes it wood. The leachate license, I'm
5 not sure that GP's leachate license for mill
6 effluent is for anything other than the effluent
7 from their paper processing. It is not leachate
8 from a larger project. Here again, I would like
9 to reiterate an old axiom that dilution is no
10 solution.

11 The studies and the statistical derivatives
12 of those studies are not necessarily the final
13 answer to the problems that were presented here
14 today or will face Casella, the state and the rest
15 of it. As an example, I'd like to point out that
16 for many years, I worked with some of the people
17 in the old Water Improvement Commission, Rayburn
18 MacDonald is one who some of you may know or have
19 heard of, and for years the state and federal
20 definition of dissolved oxygen content in our
21 waters was for 95 percent of the time. Now, that
22 may seem quite all right, but don't try to explain
23 to the fish or the amphibians or the rest of them
24 why the hell they didn't have anything to breathe
25 for five percent of the a 24-hour day. They were

1 just as dead as if it had been a hundred percent.
2 So you can't always go with things that you feel
3 are effective. They do change. They're not
4 always the answer.

5 Now, I will get on to my questions. It was
6 stated here that projects have a 20-year life, the
7 liners. The project has been stated for 30
8 years. Does this mean that there will be 10 years
9 in which the liners won't be effective and what
10 about the liners that have been there for 10 years
11 already? When do they wear out?

12 MR. BURSON: One minute, please.

13 MR. MEISTER: Thank you. The one minute on
14 giving my background, curriculum vitae, according
15 to Commissioner Gallagher, does not come off of
16 that five. So I will proceed, thank you. Will
17 there be a separate hearing on the biomass boiler
18 and its emissions? Are there air quality credits
19 being transferred for that biomass boiler? I
20 don't think so, or if they are, who owns them?
21 This has not been presented to the public. Now,
22 the traffic patterns through downtown Old Town
23 have not been discussed. There's a new bridge
24 being proposed by DOT, and there sure as hell is
25 not turning room in downtown Old Town to come off

1 of the Milford or French Island bridge and make
2 the corner to come up 43. What are you going to
3 do about it? Why should the taxpayers in Old Town
4 pay for it?

5 In closing, I would like to ask if the State
6 DEP, the other agencies, follow strictly the
7 statutes as they exist. They may not be the final
8 answer. There's nothing that is in the statutes
9 that covers all situations, but the least you can
10 do is follow to the letter of the law the statutes
11 as they exist. Thank you very much.

12 MR. BURSON: Responses? Mr. Doyle?

13 MR. DOYLE: Yes, just two comments. First
14 of all, Georgia-Pacific's wastewater treatment
15 plant is licensed to accept the leachate from the
16 state-owned landfill. That's number one.

17 MR. MEISTER: Yeah, but that does not
18 include what it is after you operate it.

19 MR. DOYLE: Yes, it does.

20 MR. MEISTER: Oh, I differ with you there.

21 MR. BURSON: You may but you need to accept
22 his responses.

23 MR. MEISTER: All right.

24 MR. DOYLE: The life of the landfill liner
25 is not 20 years. The warranty is 20 years as was

1 explained yesterday.

2 MR. MEISTER: But that 20-year figure was
3 given at this meeting.

4 MR. DOYLE: Yes, but perhaps you
5 misunderstood. The warranty from the manufacturer
6 is 20 years, but the life is much longer.

7 MR. MEISTER: That wasn't said before, sir.
8 I'm sorry.

9 MR. DOYLE: It was. Perhaps you
10 misunderstood.

11 MR. BURSON: Any other responses? Thank
12 you.

13 MR. MEISTER: Thank you.

14 MR. BURSON: The next speaker is Nancy
15 Oden.

16 MS. ODEN: I hear mumblings over there. My
17 name is Nancy Oden, O-D-E-N, and I'm here
18 representing the Clean Maine Coalition which
19 primarily focuses on trying to stop the spraying
20 of pesticides and poisoning all of us in
21 Washington and Hancock Counties when they spray on
22 the wild blueberries; however, 16 years ago or 15
23 years ago, as several of these people over here
24 will remember because they were involved then,
25 they tried to site basically this dump in Township

1 30 in Washington County, and 15 years ago we
2 brought Dr. Paul Connett in in the same frenetic
3 fashion, flying in, flying out the same day, to
4 testify and that was when Tom Sawyer and Ralph
5 Leonard along with the guys from New Jersey were
6 trying to put this incinerator ash in Township 30
7 in Washington County. We organized the entire
8 county pretty much. We did have more time, which
9 is why ever since then the time for citizens'
10 involvement has been cut and cut and cut until it
11 is extremely difficult. We had to fight for these
12 hearings, and these aren't even, we understand,
13 real adjudicatory hearings; and, by the way, I
14 would like it put on the record that I think Mr.
15 Doyle was very rude and insulting to Dr. Connett.
16 I would also like to thank you, though, for having
17 made us fight for these hearings which gave us the
18 opportunity to inform a lot more of the citizenry
19 of the issues here, especially the one that people
20 continue to try to hide, the state and its
21 friends, that there is no out-of-state waste. It
22 is just ludicrous because, as has been stated,
23 there are hundreds of thousands of tons that are
24 coming in and will be coming in from out of state,
25 but, you know, we're not so stupid that we think

1 that burning it in a Maine incinerator makes it
2 Maine waste. This is insulting. This is
3 insulting to people's intelligence, and you simply
4 have to stop it.

5 I want to bring up the concept of
6 cumulative effect. I'm getting this on the
7 record. I would like DEP to respond in some
8 manner, shape or form at some point to the problem
9 of cumulative effect of continued bringing in of
10 incinerator ash. Now, when you burn ash in
11 incinerators -- by the way, I want to say that a
12 lot of these testimony about ash and wetlands is
13 in the testimony from Township 30. We had
14 hearings, Paula was there, Cyndi was there, in
15 late '88 and early '89, and you can look this all
16 up. We won. We kept these guys out of Washington
17 County, but unfortunately there's already a dump
18 here so this is a little harder, but the
19 cumulative effect of burning garbage and this
20 includes a lot of plastics. We all know that
21 people throw away a lot of plastics. It's
22 packaging, which synthesizes dioxins. Dioxins
23 come out in the air. We know this. It is in the
24 ash. We know this. And what is the cumulative
25 effect? It lands on the ground, on the land, on

1 the water, in people's gardens, gets taken up by
2 the plants. Dr. Connett told me this morning that
3 one cow grazing on a field anywhere near within a
4 hundred miles or more of an incinerator will take
5 in in one day the equivalent of what a person
6 standing next to them would take something like 14
7 years to breathe in. So, in other words, all the
8 animals that we eat and we eat their products,
9 cattle, chicken, pigs, and fish in the beautiful
10 Penobscot right over there which contain dioxins
11 from the paper mills now, this is cumulative and
12 this is something that DEP is allowed to look
13 into, cumulative effect. I was going to talk
14 mostly about clean alternatives, but Dr. Connett
15 did most of that for me.

16 MR. BURSON: One minute.

17 MS. ODEN: Thank you. I did want to
18 mention one thing and this is that Richard
19 Wardwell sitting right over there is on the Board
20 of Environmental Protection. I'm making sure this
21 is on the record, and he is working for Casella.
22 Just so we all know this, and this is on the
23 record. Now, Cyndi Darling, DEP engineer in
24 Bangor sitting over here, told me that engineers
25 expect a certain amount of leakage from any dump,

1 and I got a figure from her which I don't have
2 with me, but she was going to get me a figure --
3 she gave me a figure what was going to leak into
4 the test wells and then I never got the figure
5 from her of what was expected to leak into the
6 outlying areas, but let me say this. In Township
7 30, it's in the testimony, any geologist -- we
8 don't have a geologist here -- any geologist if
9 you put them under oath will admit when you pin
10 them down, and theirs did, too, that all dumps
11 leak.

12 MR. BURSON: Your time is up.

13 MS. ODEN: There is no question. All dumps
14 leak. Thank you.

15 MR. BURSON: Mr. Doyle.

16 MR. DOYLE: I have no questions for you,
17 but I do have some comments.

18 MR. BURSON: Okay.

19 MR. DOYLE: I'm familiar with everybody
20 who's on our team, and not one of them was
21 involved in Township 30, so perhaps you're
22 misrecalling what exactly went on. You did
23 testify, however, ten years ago during the James
24 River proceeding when we sited this landfill, and
25 at that time the Board of Environmental Protection

1 and Department staff rejected your views on the --
2 on that application, and I'm confident that any
3 fair-minded decision maker will do the same this
4 time around. I'm going to let Rich Wardwell --
5 you did testify. I'm going to let Rich Wardwell
6 respond to the comments with respect to his role
7 on the Board of Environmental Protection.

8 MR. WARDWELL: My name is Rich Wardwell.
9 I'm a consulting engineer. I work for myself,
10 R.E. Wardwell, Inc. That's a full corporation
11 here. I am a member of the Board of Environmental
12 Protection. I am chair of the Board of
13 Environmental Protection at this time. I
14 appreciate the opportunity to discuss this, so I'm
15 glad you brought it up because I was wondering
16 when someone would. I expected that to happen.
17 The immediate question comes up, of course, isn't
18 this a conflict of interest, and the answer is,
19 yes, it is, and because of that, I will recuse
20 myself from all participations if, in fact, this
21 ever does come before the Board. I have announced
22 this at three Board meetings previously this past
23 winter and spring, so it's well-known and
24 well-documented. It's also made the press at
25 least around here that this situation has occurred

1 because I told the press when they contacted me
2 about this. So it's clearly open that this is
3 taking place. The Board of Environmental
4 Protection is a citizens' board. That means it's
5 not professional. We don't get paid. It's a
6 volunteer thing. It's done intentionally so that
7 the citizens of Maine are participating in the
8 environmental aspects of our regulations so that
9 people can feel comfortable that it's not just a
10 professional bureaucracy that's controlling all
11 environmental issues. So it was done
12 intentionally on that aspect to have it a
13 citizens' board. Because of that, at some point
14 all members have to recuse themselves from one
15 issue or something or another that comes before
16 the Board and, inherently, every member at some
17 point during their appointment faces this problem
18 because we have other outside lives besides just
19 participation on that Board. They do what I do,
20 and recuse themselves from all participation. I
21 will not participate in it. I do not -- and have
22 not and will not discuss this with any other Board
23 member. I have announced this before. It has
24 come up in regards to Board discussion during the
25 Commissioner's Corner and when that happens, I

1 back away and immediately turn it over to someone
2 else to handle any of the chairing associated with
3 just the discussion because it hasn't formally
4 come before the Board yet; and, again, if it does,
5 I will -- and have announced that I will not
6 participate in any manner, including being in the
7 room.

8 MR. BURSON: One minute, Mr. Wardwell.

9 MR. WARDWELL: The only other aspect I'd
10 like to mention is that there's also been the
11 reference that I have undue influence because I am
12 chair of the Board. I did not become chair of the
13 Board because I was voted that by a popularity
14 contest of other Board members. I was appointed
15 that by the Governor. So it's not that I have any
16 more influence than any other Board member. I am
17 merely the police person to ensure that the
18 process is being followed in regards to my
19 activity. So the chair has no more influence than
20 any other Board member, and with that, I'll
21 close.

22 MR. BURSON: Thank you.

23 MR. WARDWELL: Oh, yeah, one other aspect
24 is, of course, I was involved with this project
25 before I even came on the Board and that's why I

1 have to recuse myself. I started working on this
2 in 1999, and was going to have to recuse myself
3 even before Casella asked me to continue my
4 stability work for this very narrow aspect that I
5 do provide input into this application.

6 MS. DARLING: This is Cyndi Darling, and
7 I'm the project manager. I'm not the project
8 engineer, before you get me in trouble. I did get
9 back to you that same day that the number that I
10 had originally given you was correct, that's the
11 design leakage rate for landfills.

12 MS. ODEN: No, you told me there was a
13 number that did actually leak through that was
14 expected to leak and that was the number I was
15 waiting for. You gave me a number but not the
16 first number. You were going to get me the second
17 number.

18 MS. DARLING: And I did that.

19 MS. ODEN: I never got it.

20 MS. DARLING: And that's the design leakage
21 rate as defined in the rules.

22 MS. ODEN: I never got it, and that's when
23 you wouldn't take phone calls anymore.

24 MR. BURSON: The next person who has
25 registered to speak is Jill Rand. Is she here? I

1 recognize that our list has grown for so long that
2 some people may have had to leave. As we have
3 been doing, we'll put that one aside and get her
4 back in at the next available opportunity.

5 Candace Guerette, do I have that right?

6 MS. GUERETTE: No.

7 MR. BURSON: Well, then please correct me.

8 MS. GUERETTE: Commissioner Gallagher, my
9 name is Candace Guerette. I represent the Bangor
10 Region Chamber of Commerce of the chamber. I'm
11 the president of the chamber. I am going to read
12 to you the letter that we sent during the comment
13 period from the Board of Directors to Cyndi
14 Darling, and I do have copies of that, one for the
15 Commissioner and others if they would like them.
16 The Bangor Region Chamber of Commerce Board of
17 Directors has reviewed the facts and issues
18 surrounding the expansion of the existing landfill
19 currently being operated by Georgia-Pacific in Old
20 Town. The issues were brought forward by the
21 Chamber's Governmental Affairs Committee who
22 clearly felt this proposal provided a win-win
23 situation for our region, the state and our
24 business community. Based upon the committee's
25 recommendation and further analysis, the Chamber

1 Board of Directors endorse this project for the
2 following reasons. The state needed landfill
3 capacity. The expansion of the existing Old Town
4 landfill will extend capacity for 30 additional
5 years while providing stable pricing. The State
6 of Maine's Legislature passed resolve last
7 November reading, to authorize the state to
8 purchase the landfill in the city of Old Town and
9 establish a citizens advisory committee to oversee
10 the development and operation of the site. Based
11 upon review of the information presented, the
12 existing site is a secure facility operating for a
13 number of years with no environmental damage.
14 Georgia-Pacific will use the revenue generated
15 from the sale to purchase a biomass boiler to
16 lower its energy costs, the biggest obstacle to
17 the mill's long-term economic viability in the
18 international paper market.

19 The traffic concerns are an issue that can
20 be accommodated. These concerns were raised when
21 the PERC plant was built 15 years ago. It was
22 based upon similar apprehensions. The plant
23 adopted collection hours that keep the trucks off
24 Route 15 and other feeding routes during busy
25 hours such as school bus transportation both a.m.

1 and p.m. This transaction will allow for the
2 ongoing viability of the Old Town mill securing
3 450 remaining jobs. It is evident that a plant's
4 closure has a ripple effect throughout the region
5 from customers to vendors to the communities' tax
6 base to the flow of payroll dollars. The loss
7 will be felt far and wide. The ongoing operation
8 of this facility is clearly within the scope of
9 the Chamber's mission which is promote a vital,
10 healthy regional business environment. The
11 Chamber is working to support this region's
12 long-term economic viability by ensuring this
13 region's waste management goals and needs are
14 met. We thank you for your consideration in the
15 factors of this case. If you would like specific
16 examples from our member businesses or
17 communities, please feel free to contact me. This
18 letter was signed by our Board Chairman, Brian
19 Foster, and the Chair of our Governmental Affairs
20 Committee, Arthur Comstock. As I noted earlier,
21 this was adopted and passed unanimously by the
22 Board of Directors. I have provided a list of the
23 Board of Directors for you.

24 MR. BURSON: Thank you very much. Any
25 questions or comments? No. Stephen Condor or

1 Condon, sorry.

2 MR. CONDON: Actually it could have been
3 worse. My name is Steve Condon. I'm a member of
4 the Bangor Region Development Alliance, and I'm
5 here representing that group. Commissioner
6 Gallagher, Members of the Panel, the Bangor Region
7 Development Alliance is a resource for businesses
8 that are considering opening or relocating
9 business to the Bangor area. It comprises eight
10 towns --

11 MR. BURSON: You need to slow down just a
12 little.

13 MR. CONDON: Sure. It comprises eight
14 towns in the Bangor Region Chamber of Commerce,
15 the local colleges, University, as well as several
16 area economic development groups. Our primary
17 focus is preserving the viability of this region
18 through economic development. As such, we
19 unanimously endorsed the West Old Town landfill
20 amendment application at our board meeting on
21 February 20th of this year. If approved, the
22 transaction between Georgia-Pacific's in Fort
23 James mill, Casella Waste Systems and the State of
24 Maine will preserve 450 well-paying manufacturing
25 jobs in the immediate area. These jobs come with

1 benefits and are exactly the type of work that
2 Maine has been losing en mass in recent years. If
3 this plant is shut down, the mill will close and
4 the ripple effect it will have on the area economy
5 cannot be overstated. Our families, our small
6 businesses and our economy will suffer greatly.
7 Thank you for your attention. I apologize. I
8 promised 20 seconds. I think I pushed it to 30.

9 MR. BURSON: Thank you. Any comments or
10 questions? We've now reached somebody who
11 actually was scheduled earlier and had asked to be
12 here after five and we're hoping -- is Bob Bulay
13 here? Is he back? Okay, we'll put that one down
14 in the pile and hope that he gets another chance.
15 George -- is it Danduneau? Tell us your name and
16 where you're from.

17 MR. DANDUNEAU: George Danduneau. You did
18 a good job pronouncing my name. I've heard a lot
19 worse also. I'm from -- a resident of Hampden,
20 Maine, and I work for GP. I'm a recent employee.
21 I've been employed there for a couple months. My
22 first is a question for Casella. I've heard a lot
23 of talks about toxic waste, and I was just
24 wondering by the guidelines set up by State of
25 Maine if you are going to accept toxic waste in

1 the landfill.

2 MR. BURSON: You're going to get an
3 immediate response to that one.

4 MR. MEAGHER: No, the landfill will not
5 accept toxic or hazardous waste, and that is based
6 on a thorough chemical analysis of the material
7 before it's accepted for disposal.

8 MR. DANDUNEAU: Thank you, and I heard a
9 lot of talk about real estate values in the areas
10 of landfills, and I live in Hampden, and I would
11 appreciate any assistance with people to help me
12 decrease my appraised value of my home so I can
13 get my taxes lowered because my taxes definitely
14 have not been going down, and I live in the
15 vicinity of the landfill in Hampden. So I haven't
16 seen that happen. Another thing I'd wanted to
17 talk about was my experiences with ash and in the
18 power industry. My first job out of college was
19 at a trash incinerator in Massachusetts, and I was
20 involved with the licensing there and the process
21 for start up, and then I went to continue on to
22 work for Inland Steel out in the Midwest, came
23 back to Maine and worked for Eastern Paper and
24 because of the economic times there, I ended up
25 relocating to Ohio. I was involved with a coal

1 burning facility and had a lot of experience. We
2 actually had one project where we were going to
3 burn tires and mix it with our fuel and that
4 process there was denied by the EPA because of the
5 increased emissions from burning the tires. So
6 I've heard a lot of people talk about concerns
7 about the ash from this boiler project, and their
8 concerns about the government and the EPA maybe
9 relaxing some of the ties for economic advantages,
10 and my experiences with the EPA in Massachusetts
11 and in Ohio and in Maine is that definitely is not
12 true. They are very strict and concerned and take
13 those guidelines and parameters very seriously and
14 on that one project, it was a very good economical
15 project. We were going to burn a million tires
16 and get rid of a million tires. We had support of
17 the local city officials and government. We had a
18 grant from the state of Ohio to burn the tires,
19 and it still was denied by the EPA because of a
20 slight increase in SO₂s. So I do not see that
21 being an issue.

22 Just in closing, I would just like to say
23 that I support the landfill. I do understand the
24 people's emotions and their concerns, but I
25 definitely think it's a good thing for the State

1 of Maine and the local economy. Thank you.

2 MR. BURSON: Thank you. Any questions or
3 comments? Brian Richard or Richarde. Give us
4 your name and your place.

5 MR. RICHARD: Brian Richard. I live in
6 Bradley, Maine. I've been an employee at this
7 mill for 25 years. Some of the questions I had
8 have already been answered, but I have a few
9 statements I'd like to make. I've heard that the
10 landfill will be here whether the mill is here or
11 not. So we're looking at a two-edge sword here.
12 This was a good place for the location of the
13 landfill when it was adopted. So I have a
14 question as to why it wouldn't be a good place for
15 a landfill now. We're all talking about jobs,
16 quality jobs with benefits. All we have to do is
17 look around and see what's happened up the river
18 and down the river. We have a chance here for a
19 second chance. I was a displaced worker last
20 year. This right here could be the difference
21 whether I stay in the State of Maine or whether I
22 have to look elsewhere and uproot my family.
23 Georgia-Pacific is a business like all others.
24 They will operate their low-cost mills. They will
25 continue to run them. This biomass boiler will

1 put us back in the game which we all can benefit
2 from. We have a landfill here that will be owned
3 by the state and run by Casella. So it will be
4 overseen by the state which I really don't see as
5 a problem. Taxes -- you're faster than I am,
6 aren't you? Taxes is another big thing. It was
7 spoken upon earlier. Without this mill, most
8 people, young and old, would not be able to afford
9 to stay in this area; therefore, I commend all you
10 people on the work that you've done. I approve of
11 this landfill, and I would like to see this move
12 forward rapidly.

13 MR. BURSON: Thank you. Any questions or
14 comments? Thank you. Okay, handwriting can get
15 tricky. Preston -- is that Mahar?

16 MR. MAHIEUX: Mahieux.

17 MR. BURSON: Mahieux, thank you.

18 MR. MAHIEUX: Good afternoon. My name is
19 Preston Mahieux, and I'm a resident of Edinburg,
20 and an employee of Georgia-Pacific and a former
21 employee of Lincoln Pulp & Paper. I am in support
22 of the landfill. I listened yesterday to someone
23 explain that approving the landfill deal is an
24 example of why young people are leaving the
25 state. I strongly disagree. I'm also a young

1 person residing in the state, and I want you to
2 listen to my point of view. It isn't the
3 abundance of industry in the state that is causing
4 young people to leave. It is the lack of
5 industry. I went to school in Maine, received a
6 degree in Maine, and want to stay working in
7 Maine, but I'm getting frustrated. I'm tired of
8 seeing my friends, my family, lose their jobs and
9 always need to defend my job and watching people
10 of the State of Maine repeatedly pushing away new
11 industry from coming into our state. This is my
12 last attempt in staying in the State of Maine, and
13 if the landfill is not approved and the mill is
14 shut down, I'll probably leave the state so I can
15 keep a stable job in my field. We need a change.
16 This is a good place to start. The landfill will
17 keep taxes low and provide GP with a biomass
18 boiler which is proven technology that will reduce
19 our need for fossil fuels and allow us to be
20 competitive in the consumer products industry.
21 All I ask is that the DEP make their decision on
22 technical facts. Thanks for your time.

23 MR. BURSON: Thank you. Any comments?
24 Rick Douglas? Here he is.

25 MR. DOUGLAS: Commissioner and Members of

1 the Staff, my name is Rick Douglas. I live in
2 Brewer. I was born in Milford just across the
3 river here. I went to school in Old Town.

4 MR. BURSON: Get a little closer.

5 MR. DOUGLAS: I grew up in Milford. I went
6 to school in Old Town and the University of Maine
7 in Orono and I care deeply about this community as
8 I think everybody does in this room. As a
9 youngster, I remember spending summers in Enfield
10 and on Saturdays going to the town dump with my
11 father, and it was kind of an exciting thing to
12 try to get that bag of trash thrown into that open
13 fire, kind of exciting for a young person to see
14 it burn and the cans and glass explode. Also
15 there was an open landfill just down the road from
16 Enfield in Passadumpkeag, and I also used to fish
17 quite a bit on Route 16 with some friends of mine,
18 and there was a landfill in Old Town at that point
19 as well. So if you think back 20 years or 30
20 years ago, we had open burned landfills, they were
21 unlined, no monitoring, no leachate collection,
22 definitely impacted human health and the
23 environment. Today with incineration and
24 state-of-the-art landfill technology, we're miles
25 ahead of where we used to be. One of the real

1 controversial issues obviously is the out-of-state
2 waste issue. What hasn't been talked about enough
3 is that issue was really decided upon 20 years ago
4 when the PERC plant, for example, put a business
5 plan together to operate in a uniform fashion
6 throughout the seasons of Maine when generation
7 for in-state waste was lower. In a way to try to
8 minimize those impacts, it takes roughly 15
9 percent of its volume from out of state to produce
10 energy and that ash is then disposed of. The
11 other perspective on importing of waste for the
12 incinerators isn't talked about much and that is
13 the export of waste, and in the State of Maine, we
14 are lucky, I think, to be in a place that exports
15 100 percent of its hazardous waste and all medical
16 waste. So how does the West Old Town landfill fit
17 into all this? We are confident in the
18 environmental integrity of the landfill as it
19 exists today and since we built it in the 1990s.
20 It has operated effectively since then and the
21 proposed improvements by Casella as a part of this
22 permit process should make it even better. In
23 closing, sometimes leaders have to make difficult
24 decisions, and difficult decisions sometimes leave
25 people at odds with those decisions. In this

1 case, our elected leaders, the Governor, the vast
2 majority of our Legislators together authorized
3 this landfill sale. Was it done to help GP? Was
4 it done to help the city of Old town? Was it done
5 to take care of a coming crisis in terms of solid
6 waste disposal capacity for the citizens of
7 Maine? Or was it done to stabilize the future
8 taxes of the 160 towns that use the PERC plant? I
9 would suggest it was done for all of those
10 reasons, and the citizens can trust that the
11 regulatory process has been more than thorough,
12 the geology is sound and the economic imperative
13 is overwhelming. Thank you.

14 MS. WALSH: Michael Lizotte? Ralph Feck?

15 MR. FECK: Commissioner Gallagher, Staff,
16 Members of the Panel, and Concerned Citizens of
17 Old Town, I'm the mill manager for the Old Town
18 facility. My name is Ralph Feck. I've work for
19 Georgia-Pacific for 25 years. I've been the mill
20 manager for a little over 10. 360 days ago the
21 Old Town facility was given quite a shock. We
22 were informed by our corporation that we were
23 closing half of the facility, what we call the
24 south mill, which is the retail and consumer
25 products component of the mill, leaving only the

1 commodity pulp side of the business still in
2 operation. That decision was a very tough
3 decision. It's a decision that we see that's
4 happened around the State of Maine, around our
5 country. The problem in our industry is over
6 capacity. So when Georgia-Pacific did the
7 analysis and made a decision to say we need to
8 close the Old Town consumer products part of the
9 mill, it was a decision that was announced on Wall
10 Street. It was a decision that was announced and
11 discussed in the boardroom, and it was a decision
12 that Pete Correll endorsed. Now, Pete Correll,
13 and I heard earlier today or I don't remember if
14 it was yesterday, somebody said Pete Correll, CEO
15 of Georgia-Pacific has no ties to Maine. Pete
16 Correll got his degree at the University of Maine,
17 lived in Maine, and the Governor was aware of
18 that. The Governor called Pete Correll and said,
19 Pete, is there anything that we can do to change
20 this decision. Pete told the Governor, you know,
21 I really love Maine, I love the people in Maine, I
22 wish there was something I could do, we looked at
23 it, we analyzed it, it just doesn't make sense for
24 us to continue to run that operation. The
25 Governor asked him if you gave me an opportunity

1 to come up with a different plan, a different
2 solution, would you consider that decision, and
3 then the plan came forth, this strategic plan that
4 we're discussing today, a plan that has a lot of
5 controversy with it, a plan that's realistic, a
6 plan that's practical, a plan that gave the Old
7 Town mill a second chance. I was there that day
8 on April 4th, and I had to look 300 people in the
9 eye and tell them you're no longer employed. Pete
10 Correll had to go to the Board of Directors and
11 say I'm reconsidering my decision to close the Old
12 Town mill. I don't know how he did that. I don't
13 know how he looked Wall Street analysts in the
14 eyes that encouraged him to close the Old Town
15 facility, to give Old Town a second chance. This
16 plan that we're talking about today and all the
17 components of it, again, is a realistic approach.
18 It's a practical approach. It gives the Old Town
19 employees, which are also Old Town neighbors,
20 which are also friends of each other in Old Town,
21 an opportunity to earn a living, raise their
22 families here and still stay in the State of
23 Maine, and maybe it's a trend that can change the
24 corporate image of Maine. Maybe this truly is an
25 opportunity for a new day, an opportunity for

1 Maine to say to incorporate everywhere that Maine is
2 a place where you can come and you can do business
3 and we care, and that's why I'm proud to be part
4 of the Old Town facility. Thank you.

5 MS. WALSH: Dennis Trueworthy. Dennis,
6 would you please state your name and where you're
7 from.

8 MR. TRUEWORTHY: My name is Dennis
9 Trueworthy, and I'm from Lincoln, Maine, just up
10 the road. This landfill is already here. It's
11 not going to go away. I think that the best thing
12 we can do is to take an existing condition and
13 make it more usable. We're not going to go build
14 another landfill in someone else's backyard. We
15 have to make the best of what we have with this
16 one. I, like Preston, used to work at Lincoln
17 Pulp & Paper. Every day I see my friends up
18 there, the looks on their faces, how are they
19 going to raise their children, maintain their
20 homes. It shouldn't have to be that way for them,
21 and it shouldn't have to be that way for us. They
22 say an estimated 6,000 jobs if GP shuts down,
23 surrounding jobs that are affected, not only the
24 450 at the mill. There will be a lot of other
25 people impacted by that, too. I understand the

1 opponents' passion about this, how strongly they
2 feel about the environment, keeping our world a
3 place we're proud to bring our children into.
4 Sometimes things aren't always the way they seem,
5 they're not always the way they want them.
6 There's no guarantees in anything. There's no
7 guarantees GP will stay in Old Town. There's no
8 guarantees that we won't have any issues with this
9 landfill. The only thing I can guarantee is that
10 we have to continue to do the best that we can for
11 everyone involved. Thank you.

12 MS. WALSH: Anthony Watkins. I just want
13 to remind everybody in the room if folks have not
14 yet had a chance to speak, ask a question, make a
15 comment, that you need to sign up in the back of
16 the room. Thank you. If you would state your
17 name and where you're from.

18 MR. WATKINS: Anthony Watkins, Old Town. I
19 have been doing some reading on landfills and the
20 conclusion I've come to is that most of them do
21 leak. One of the things that I noticed about
22 landfill construction is that a lot depends on the
23 liner, the liner being made out of plastic and
24 then there are soils and other gravels underneath,
25 but I really am disturbed by the gentleman's

1 comment -- I don't know if I see him here right
2 now -- he said something about the landfill not
3 having a problem in 30 years, and I -- and he
4 didn't know the rate of decomposition for a dry
5 landfill as opposed to a bio landfill, but I did
6 come across several articles on landfills, one of
7 which was in National Geographic of all places.
8 It discussed landfills from the point of view of
9 someone who wants to find out what the world was
10 like when the landfill started, and the way they
11 were able to do this was to go ahead and dig
12 inside them to see what was inside them. What
13 they did discover was that there were newspapers,
14 tin cans, potatoes, pieces of lettuce and just
15 about everything you can name in the landfill
16 completely readable with their texture intact, and
17 this goes for all the chemicals that were put into
18 it as well. They have several photographs in this
19 article, one of which is the photograph of the
20 lettuce that they took out which was placed there
21 in '84. This article is from May of '91. The
22 lettuce was buried in the landfill. They decided
23 to excavate and they have a photograph of it
24 completely unbothered. You wouldn't want to eat
25 it, but it's there and it's got the veins in it,

1 everything that lettuce should have except it
2 looks a little bit dry, but this -- this is
3 directly relevant to whether or not things are
4 going to decompose. I don't think they really
5 are. I think it's more or less something to keep
6 things in -- you keep things in the landfill but
7 that doesn't mean that they're going to turn into
8 anything else any time soon. Concerning
9 catastrophic breaks in the landfill liner, I
10 decided to go home and find out what it was that
11 the liner would be composed of, and I got a piece
12 of trash bag. I decided to staple some of them
13 together to see how thick, say, 60 mils would be.
14 I remembered that figure because there was an
15 article in the Bangor Daily News that referred to
16 the mil as -- the plastic part of the liner being
17 60 mils thick, and that's what this is. This is
18 your 60 mils that you're depending upon to keep
19 the toxic substances in the landfill out of the
20 ground. I think that once anything gets past
21 this, it's going to pretty much have an easy time
22 of getting into the soil beneath. I don't know of
23 anything that can stand tons and tons, thousands
24 of tons of pressure, and not break unless it's
25 some kind of steel. When the landfill is loaded

1 to anywhere near its capacity, the forces bearing
2 down on this liner are tremendous.

3 MS. WALSH: You have one minute left.

4 MR. TRUEWORTHY: Thank you. I don't
5 believe that anyone can be an engineer and
6 calculate that nothing is going to happen to this
7 type of liner or plastic or whatever it's made of
8 once those tons are unevenly distributed onto it.
9 I think this is something that needs to be
10 explored. I think the landfill as it is
11 constructed in Old Town is leaking. I think that
12 the contamination that has been detected has been
13 explained away in another fashion to make it
14 appear not to be leaking, but I think it is. I
15 remember one of the statements that Ms. Gallagher
16 made and it was quoted in the paper saying that it
17 can't be proven that the landfill is leaking. It
18 can't be proven that it isn't either. I think
19 we're at a standstill as far as who can prove what
20 but I don't see that as a basis for proceeding
21 with something that is as potentially dangerous as
22 this which can affect our water supply and quality
23 of life.

24 MS. WALSH: Your time is up. Responses,
25 comments?

1 MR. MAHER: I'm not sure what exactly your
2 first comment or question was about landfills
3 leaking and about the 30-year comment that I
4 discussed before, but I think we beat the 30-year
5 thing a little bit to death. What I do want to
6 talk about a little bit, and we do have some
7 actual samples of the material, and this is not a
8 bunch of trash bags stuck together. This is the
9 real material that's 80 mils thick. If you'd like
10 to look at this, it's a little more representative
11 of what we're going to have at the landfill. We
12 also have the clay material which will be directly
13 beneath this which, upon wetting, swells to about
14 three quarters of an inch thick and would tend to
15 fill any possible holes that were in it and
16 beneath this is two feet of clay. We compact it
17 to a very tight and low permeability. I invite
18 you to look at this. It's quite a bit different
19 than a bunch of baggies put together. On your
20 discussion about waste decomposition, you are
21 entirely correct, and you essentially confirmed
22 what I said, was that in a dry tomb landfill,
23 especially in a dry tomb landfill in Arizona which
24 was the subject of the National Geographic article
25 I believe you referenced, waste does not decompose

1 in a very short period of time. It's there.
2 We've dug up landfills that have been 20, 30 years
3 old, and you can read the newsprint. I'm not
4 disputing that at all. My point was that in dry
5 tomb landfills, the waste is not decomposing at a
6 very quick rate. In a wet cell or bioreactor
7 landfill, we don't know how fast that waste is
8 going to decompose because it's an unproven
9 technology. It's in its pilot or demonstration
10 stage. It may turn out to be a very effective way
11 to landfill, but at this point in time, it's not a
12 proven technology and we are not about to design
13 something that's not a proven technology and the
14 State of Maine DEP is not about ready to accept a
15 design that's not a proven technology. As far as
16 your contention that the landfill is leaking, I
17 think we talked about that to death. It's our
18 belief as well as the DEP staff's belief that the
19 landfill is not leaking. Thank you.

20 MS. WALSH: Robert Boulin -- Bob Boulin?

21 MR. BURSON: Bulay.

22 MS. WALSH: Bulay? Still not here. Okay,
23 Brad Agius. Brad, if you can state your name and
24 where you're from.

25 MR. AGIUS: Good afternoon. My name is

1 Brad Agius. I'm a resident of Old Town. My first
2 question is for Dawn Gallagher. Last night I had
3 asked you about the numerous comments that I have
4 sent to you as well as others. You had mentioned
5 that you're going to make a decision by April
6 9th. I've been writing to you over the last three
7 months plus, and I have not receive anything back
8 directly about my specific questions. Do you, A,
9 plan to answer them and if so, when?

10 COMMISSIONER GALLAGHER: Do you have other
11 questions?

12 MR. AGIUS: I do.

13 COMMISSIONER GALLAGHER: Do you want to go
14 ahead with your questions?

15 MR. AGIUS: No, I'd like an answer now,
16 please.

17 COMMISSIONER GALLAGHER: As I recall last
18 night when you spoke with me, you had some
19 questions about the Endangered Species Act and you
20 had some questions about statistical averages, is
21 that right?

22 MR. AGIUS: Analysis about the water
23 quality data.

24 COMMISSIONER GALLAGHER: Okay, the
25 monitoring data on the water quality. We will be

1 issuing a general response for comments that come
2 in as well as information that we've received. Do
3 we plan to issue an individual response to every
4 letter? I think the answer to that is no, but we
5 are here right now and if you want to ask your
6 questions, we will do our best to answer them as
7 well, as well as addressing them in the comments.

8 MR. AGIUS: So you do not plan to make --
9 you say you're going to make -- you know, bunch
10 the responses together. When and how will they be
11 received?

12 COMMISSIONER GALLAGHER: Those responses
13 will be -- what we will do is we've tentatively
14 decided to take the draft license itself and it's
15 divided into a certain number of sections.
16 There's a hydrology section, an aesthetic section,
17 traffic flow, financial viability, sections such
18 as that, and so what we would do is we would take
19 the comments that we have received and we would
20 probably base them on each individual section so
21 that you wouldn't necessarily -- for instance,
22 we've gotten letters that have asked maybe 20
23 questions in 20 different areas. So we wouldn't
24 be issuing a direct response to that individual
25 saying here are the answers to your 20 questions

1 in 20 different areas. We have received, I don't
2 know, I'm going to guess and say several thousand
3 comments both for and against as well as a
4 petition for the landfill that's signed by 2,000
5 and a petition against that's signed by I guess
6 1,200 or 1,300. So, no, I'm sorry to say I wish I
7 had an opportunity to actually address an
8 individual letter to everyone who's commented but
9 we won't, but we will summarize those comments and
10 we are here tonight if you would like to ask --

11 MR. AGIUS: Where will those summaries be
12 posted?

13 COMMISSIONER GALLAGHER: The summaries, I'm
14 sure, will be posted on the web site as well as
15 issued in paper form.

16 MR. AGIUS: Great, thank you. For the
17 record, I would like to say that I am 100 percent
18 opposed to this project. I'd just like to get
19 that out there, and for Casella, at several
20 meetings that I've been to, you've stated that
21 there are no hazardous or toxic materials that are
22 going to be going into the dump. Is that the
23 case?

24 MR. MEAGHER: That is correct.

25 MR. AGIUS: What is your definition of

1 toxic and hazardous then?

2 MR. MEAGHER: It's a concentration level
3 established by State and Federal Statute for
4 individual parameters. If the concentration is
5 below that threshold, it is not hazardous. If
6 it's above the threshold, it is.

7 MR. AGIUS: Then I encourage every person
8 on the team that feels there are no hazardous or
9 toxic materials that I've read in this special
10 permitting which include a numerous array of
11 toxins including arsenic, mercury, lead, if you
12 feel so confident that your landfill is not going
13 to leak, then I encourage you to drink the water
14 that comes out of the bottom of the aquifer
15 there. If you really believe that your science is
16 so sound, then I encourage you like a lot of the
17 citizens in this room and in the community, not
18 only for one day, for 30 years, for your entire
19 life period. Keep that in mind. Do you feel that
20 your science is that sound? That you would be
21 willing to drink water that comes out underneath
22 the aquifer if you believe that it's not going to
23 leak? Okay, so by a lack of response, no one
24 feels that confident that the dump is not going to
25 leak?

1 MR. DOYLE: We've testified over the last
2 two days our scientists believe and are confident
3 that the landfill liner is not going to leak.
4 It's not presently leaking. If anything, there
5 are enhancements that are proposed in this
6 application and we're confident that those
7 improvements will make a very good landfill even
8 better.

9 MR. AGIUS: For the record, sir, would you
10 be willing to drink the water underneath the
11 aquifer, underneath the dump?

12 MR. DOYLE: Underneath the aquifer? I
13 mean, I don't understand what you're talking
14 about. I beg your pardon?

15 MR. AGIUS: Would you be willing to drink
16 water in the aquifer underneath the dump if you
17 feel that the landfill is not leaking?

18 MR. DOYLE: If it's a drinking water well
19 and it comes from an aquifer and John Sevee tells
20 me it's safe, I'll drink it.

21 MR. AGIUS: Thank you.

22 MS. WALSH: Other comments? Charles
23 Leithiser. Can you state your name and where
24 you're from, please.

25 MR. LEITHISER: My name is Charles

1 Leithiser. I'm a resident of Old Town. I have a
2 couple comments based on the conditional approval
3 that I've read that came from the DEP. To begin
4 with, when reviewing that conditional approval for
5 the project, I read right there on the second page
6 and I quote, in April 2003, Georgia-Pacific
7 Corporation shut down its Old Town mill. That is
8 untrue as we just heard someone state. What
9 Georgia-Pacific did was to lay off approximately
10 half of its work force. Part of the mill was
11 still operating. I'm a little disillusioned to
12 find such a blatant mistake at the very beginning
13 of the document, and I would hope that in the next
14 step of this approval of process everybody does a
15 better job of getting their facts correct. I have
16 a few questions based on the conditional
17 approval. In Section 13, Part C, Item #2 states
18 that unprocessed municipal solid waste incinerated
19 at Maine Energy and municipal solid waste bypass
20 from Maine Energy for disposal at the West Old
21 Town landfill and the Pine Tree landfill will not
22 exceed 310,000 tons per year. There's a comment
23 that that figure can be revised. My question
24 would be, will there be any limit to the
25 percentage of this amount of the 310,000 tons that

1 can be the bypass material? I guess that's for
2 DEP folks.

3 COMMISSIONER GALLAGHER: Would you --

4 MR. LEITHISER: The conditional approval
5 stated that there could be 310,000 tons per year
6 of incinerated municipal solid waste and bypass
7 municipal solid waste going to West Old Town and
8 Pine Tree and I'm wondering if there's a breakdown
9 as to how much of that can actually be raw bypass
10 material?

11 MS. DARLING: Cyndi Darling. Actually I
12 think that 310,000 language has caused more
13 confusion than most other parts of the license.
14 So I am going to try to reword that so that it
15 makes more sense. That 310,000 tons per year
16 figure is a calculation of the plant capacity of
17 Maine Energy. That provision is a carryover from
18 the Pine Tree landfill -- a Pine Tree landfill
19 license to address concerns from Regional Waste
20 Systems in southern Maine that if PTL, Pine Tree
21 landfill received a permit to take bypass from
22 Maine Energy, that they might bring in more waste
23 than they could literally process and then bypass
24 it. So that 310,000 tons was put in that license
25 to make sure that the total amount of waste that

1 was handled at Maine Energy and Pine Tree landfill
2 and now West Old Town landfill, if this
3 application is approved, does not exceed Maine
4 Energy's ability to handle the waste. We fully
5 expect that the vast majority of that will go to
6 Maine Energy. We just want to make sure that
7 there isn't excess waste.

8 MR. LEITHISER: Then my next question would
9 be, is there a cap on the amount of raw municipal
10 solid waste that could come to the West Old Town
11 landfill?

12 MS. DARLING: I'll let Casella answer a
13 part of this. Because of the concern that was
14 raised at the last informational meetings about
15 bypass from out of state going to the West Old
16 Town landfill if it couldn't be processed at Maine
17 Energy, Casella did submit a letter assuring the
18 Department and people concerned that if there is
19 waste bypassed because it can't be processed at
20 Maine Energy that comes in from out of state, it
21 will go to Hampden instead of Old Town.

22 MR. LEITHISER: So there will be no raw
23 bypass material going to West Old Town and that
24 will be part of the approval of the process?

25 MR. BURSON: I think Casella would like to

1 respond to that.

2 MR. MEAGHER: You misunderstood the
3 answer. There will be no out-of-state bypass
4 going to the West Old Town landfill.

5 MR. LEITHISER: But if out-of-state
6 material comes, say, to Maine Energy and it can't
7 be processed there, then my understanding is it is
8 in-state bypass, is that true?

9 MR. MEAGHER: No, it's still out of state
10 and will go to Pine Tree landfill, but in-state
11 bypassed waste that was designated for Maine
12 Energy would go to the Old Town landfill and
13 there's no numerical annual limitation.

14 MR. LEITHISER: So then basically with the
15 language that's in that conditional approval
16 310,000 tons per year out of the 450,000 tons of
17 expected waste in the first year could
18 theoretically be bypass, so greater than
19 two-thirds of the waste coming there could be
20 untreated raw municipal trash?

21 MR. MEAGHER: In the hypothetical, it would
22 mean that Maine Energy was completely shut down
23 for the entire year and all 310,000 tons would
24 also have to be entirely originating from in
25 Maine.

1 MR. LEITHISER: Could there be a cap as to
2 how much raw municipal in-state waste would be
3 coming to Old Town? I believe Peter Dufour also
4 requested that last night, because the way I read
5 the -- excuse me if I misread it -- but the way I
6 read the 310,000 tons out of 450,000 tons expected
7 is a little scary. That's better than
8 two-thirds. Also in the conditional approval or
9 in one of the other articles I read that if
10 Casella deemed it necessary, they'd bring in more
11 out-of-state demolition debris to be processed for
12 use in the proposed biomass boiler, and is there
13 any restriction placed on the amount of
14 out-of-state demolition debris that can come
15 directly to the West Old Town landfill?

16 MR. BURSON: I think we're close to the end
17 of your time.

18 MR. MEAGHER: In terms of unprocessed
19 out-of-state construction demolition debris, none
20 would come to the West Old Town landfill. In
21 terms of construction demolition debris that is
22 processed, there is no limit because once it goes
23 through a processing facility, that is in-state
24 waste.

25 MR. LEITHISER: And where would that be

1 processed?

2 MR. MEAGHER: As I've answered before, we
3 haven't located a site for that but it would be a
4 facility in the State of Maine.

5 MR. LEITHISER: Just to get that clear
6 then, demolition debris could easily come in from
7 out of state and end up at the biomass boiler in
8 Old Town?

9 MR. MEAGHER: There is no question that we
10 are very clear in our proposal in response to the
11 State's RFP that in order to satisfy our biomass
12 fuel obligation to Georgia-Pacific of a hundred
13 thousand tons of chip wood per year, we would be
14 utilizing out of state C and D. There was no
15 uncertainty about that at all.

16 MR. LEITHISER: Okay, thank you, and I'll
17 try and be very brief here. At the informational
18 session that was held in Bangor, I was told by the
19 Department of Environmental Protection specialists
20 that the degradation in the water quality and the
21 test wells was determined to have been caused by
22 mishandling at the leachate pond, either a spill
23 or someone pumping liquid into the wrong pond. Is
24 that still the suspected cause of that?

25 MR. BURSON: Dick Behr.

1 MR. BEHR: I hope that wasn't me because
2 that's not -- that's a contributing potential
3 source, yes, but the Department, myself and
4 Richard Heath, the other geologist that's worked
5 on this project with me, we believe that there are
6 a number of other potential sources like perhaps
7 leakage from the leachate lagoon, perhaps piping
8 associated with that lagoon, also perhaps the
9 discharge of untreated leachate to the detention
10 ponds that may have gotten into the groundwater in
11 that area, and there will be further investigation
12 to determine the source of those problems and
13 hopefully we'll correct those problems as soon as
14 possible.

15 MR. LEITHISER: Had there been any reports
16 made to the DEP about problems or suspected
17 problems that may have contributed to that?

18 MR. BEHR: As far as I know, there are no
19 reports on record about leachate spillage. Maybe
20 Cyndi knows specifically, but my knowledge and
21 Cyndi's, as I understand it, the Department hasn't
22 received records of a spill of such and such an
23 amount.

24 MR. LEITHISER: I was just kind of
25 wondering how many future mishandlings may go

1 unreported, but nobody has a crystal ball, and,
2 lastly, last night I heard someone testify that
3 the studies they have done for the proposed West
4 Old Town landfill determined that there would be
5 no adverse visual impact on the surrounding area,
6 and I just have to ask each of you as you're
7 driving through the state, next time you drive
8 past Hampden on the interstate, to take a look at
9 the Pine Tree landfill with its acres and acres of
10 uncovered raw trash and then tell me that it does
11 not have a visual impact. Thank you.

12 MR. BURSON: Thank you. I think at this
13 point, we have the names of three people who did
14 sign up to speak this afternoon or this evening
15 who were not in the room at the time their names
16 were first called, and I think I'll ask if any of
17 them are here. Jill Rand, Michael Lizotte or Bob
18 Bulay? Any of those people here? Okay. Then I
19 think the Commissioner would like to say
20 something.

21 COMMISSIONER GALLAGHER: We are down to one
22 individual who hasn't yet testified, and then I
23 think there are 16 other people who have testified
24 who would like to come up and speak again, and
25 with the time that we have left and if we're very

1 brief on the responses that are coming back, I
2 think we can afford to have every individual who
3 has already spoken giving them an additional five
4 minutes of speaking. So that's what I would
5 propose to do. So beginning now, we would go
6 ahead and have the last person speaking who has
7 asked for ten minutes and then give everybody else
8 who's talked an additional five minutes. If you
9 want to speak again and you haven't signed up,
10 I'll ask you to speak with Deb Garrett who's at
11 the back of the room. If not, we'll begin that
12 process until the end. I do want to say that if
13 additional people do come in who haven't spoken,
14 we will also give some priority to them.

15 MR. DOYLE: Commissioner, just to clarify,
16 that's five and five, right?

17 COMMISSIONER GALLAGHER: Correct.

18 MS. WALSH: It's the same format as it has
19 been the whole time, and so we'd like to start
20 with Deborah Gibbs. State your name and where
21 you're from, please.

22 MS. GIBBS: My name is Deborah Gibbs. I
23 live on the old Stagecoach Road which abuts the
24 landfill property up in Alton. Thank you for
25 letting me come up. I had asked for about 15

1 minutes. Hopefully I should be done shortly after
2 ten. I'm less than a mile away from the landfill
3 property. My husband and I have lived there for
4 more than 18 years. I spent my childhood growing
5 up in Alton. For most of my entire life, I have
6 lived in the town of Alton. My daughter is buried
7 in the cemetery a few miles away. I represent We
8 The People as well as myself, an individual who
9 will be directly impacted by the decisions made in
10 the proceedings happening now and/or in the
11 future. Not everybody in the town of Alton is
12 part of We The People, a group comprised of many
13 people from all the area communities. It does not
14 matter whether or not they are a member, resident
15 or a Georgia-Pacific employee. These are all the
16 very people that bring turkeys to man the kitchens
17 at Thanksgiving time to make sure that the less
18 unfortunate do not go hungry. They keep the
19 shelves stocked at the local soup kitchens to feed
20 the hungry. These are the people that supply toys
21 to the needy children at Christmas time so that
22 they will have a gift waiting for them underneath
23 the tree. These are the people that open their
24 homes to a stranger and give assistance if it's
25 needed. These are all people that I am proud to

1 know and be associated with. We are all hard
2 working, caring and honest individuals. We are
3 very trusting and trust in the fact that our
4 elected officials are looking out for our best
5 interests. We trust that when something important
6 comes up, that we will be notified by those
7 elected officials, that we will have a voice in
8 the decision-making process. Up until now, we
9 have had no formal voice. I hope mine will speak
10 for all of us right now who share my same
11 concerns. I do have some questions that we would
12 like to have answered. I have crafted them so
13 that most require brief answers, though, some will
14 require an explanation. Please keep all
15 explanations short, concise and easy to
16 understand. My main concern is the ground and
17 surface water prevalent in the area. We have an
18 aquifer that stretches from Lagrange to Stillwater
19 and supplies drinking water to Lagrange, Alton,
20 Old Town and Orono. There are two streams that
21 run through the landfill property. Both
22 eventually entering into the Penobscot River.
23 There is a habitat mapped out by the Inland
24 Fisheries and Wildlife offices for an endangered
25 brown spotted turtle abutting the landfill

1 property, a high-valued marshland is also part of
2 the premises. The ten-mile bog that borders Old
3 Town and Alton is just a short distance away.
4 Vernal pools are also located throughout the
5 property. The landfill site sits right on top of
6 a critical wildlife corridor stretching all the
7 way to the marsh off Stillwater Avenue near the
8 Bangor Mall. We have known contaminants in the
9 groundwater monitoring wells and the streams.
10 Things like aluminum -- I'll find my list here --
11 aluminum, arsenic, barium, chromium, iron, lead,
12 magnesium, manganese, nickel, potassium, sodium,
13 zinc, total phosphorous, total carbon, chloride,
14 sulfate and a few others. The following questions
15 will be directed to the DEP and the first one will
16 be going to Dick Behr. Dick, would you please
17 briefly explain what a matrix spike is?

18 MS. WALSH: Would you like to have these
19 questions answered now or --

20 MS. GIBBS: I would like to have him answer
21 it now as I go through, please.

22 MR. BEHR: Dick Behr speaking. I'm afraid
23 I'm not the best person to answer that question
24 for you because I'm not a chemist. I have a
25 chemical background but you really need to speak

1 to a laboratory analyst.

2 MS. GIBBS: Do you have one here?

3 MR. MAHER: I think we could give her a --

4 MS. GIBBS: Just a brief description of
5 what a matrix spike is.

6 MR. BEHR: I'll defer to Casella in this
7 case. Richard, yeah, please.

8 MR. HEATH: Basically what a matrix spike
9 is -- my name is Richard Heath. I'm a
10 hydrogeologist with Maine DEP, and essentially a
11 matrix spike is taking a known concentration so a
12 particular parameter, say, it's lead or whatever,
13 and injecting that into a known volume of
14 solution, known sample, and then analyzing that
15 sample to see how much you actually detect as part
16 of that analytical method.

17 MS. GIBBS: Thank you. Monitoring well --
18 groundwater monitoring well number 207 had 57
19 matrix spikes, exceeding the maximum contamination
20 levels and the maximum exposure guidelines for
21 cadmium, manganese, total phosphorous and sodium.
22 This is just one groundwater monitoring well.
23 Were any water samples taken from the aquifer and
24 tested for contaminants, DEP?

25 MR. BEHR: Dick Behr speaking. Monitoring

1 well 207 is an upgradient monitoring well and
2 based on my review of the data, Richard Heath's
3 review of the data, that monitoring well has
4 served its purpose as a background upgradient
5 monitoring well. Why -- meaning that the water
6 quality has been reflective of uncontaminated
7 background. It hasn't been influenced by site
8 activities. Why that monitoring well would have
9 been used for matrix spikes for repeated samples,
10 I couldn't tell you.

11 MS. GIBBS: The question was, were any
12 water samples taken from the aquifer and tested
13 for contaminants?

14 MR. BEHR: Yes, they have been.

15 MS. GIBBS: When.

16 MR. BEHR: Well, on a routine basis, three
17 times per year, the monitoring wells are sampled
18 at this facility and have been for some time.

19 MS. GIBBS: For the aquifer?

20 MR. BEHR: You mean for the aquifer --

21 MS. GIBBS: The aquifer that stretches from
22 Lagrange to Stillwater that's in very close
23 proximity to the landfill, have any samples been
24 taken from that aquifer?

25 MR. BEHR: I'm somewhat confused because it

1 sounds like you might be asking have the aquifer
2 materials been sampled to determine if they
3 contain those materials, contaminants or --

4 MS. GIBBS: I'm asking if there were any
5 contaminants found in the aquifer, waters of the
6 aquifer?

7 MR. BEHR: The subtle water quality changes
8 that we've seen in the downgradient -- in a few of
9 the downgradient monitoring wells, they're
10 referred to as subtle water quality changes,
11 slightly degraded water quality, because they
12 don't meet the definition of contamination based
13 on the solid waste rules at this time.

14 MS. GIBBS: Were the things found the same
15 components that make up the sludge?

16 MR. BEHR: Some of the things that we
17 looked for like chloride and sulfate and so on, in
18 particular in MW-204, they are somewhat elevated,
19 but it's important for me to point out that things
20 like sodium and chloride and magnesium and
21 manganese are commonly found in Maine groundwater
22 and the concentrations of those contaminants or
23 those elements, they're used as indicator
24 parameters for leachate contamination because
25 they're very soluble. Consequently, not only do

1 you find them in leachate, but you find them
2 commonly in groundwater throughout Maine. So it's
3 not unexpected to find sodium and chloride in
4 domestic water supplies throughout the state.

5 MS. GIBBS: Were any water samples taken
6 from the marsh and tested for contaminants?

7 MS. WALSH: You have about one more
8 minute.

9 MS. GIBBS: I thought I had close to 15
10 minutes. I had specifically requested -- I talked
11 to Dawn Gallagher two weeks ago about this. I
12 haven't had a voice in the process. I've been
13 waiting for three months. I am going to be
14 directly impacted. It's going to uproot my life
15 if the dump goes in. I'm moving. My business is
16 moving. I would think you'd give me a little bit
17 of latitude and give me the 15 minutes that I
18 asked for.

19 MS. WALSH: Ms. Gibbs, everybody that has
20 spoken thus far in this process has followed the
21 rules.

22 MS. GIBBS: And I am following the rules,
23 too, and I had taken and asked before the hearings
24 even began that I would be given 15 minutes of
25 time and I was told that I could have it.

1 MS. WALSH: I understand that you asked
2 that question, but I -- in fairness to everyone
3 else in the room who's only taken their five
4 minutes and had a five-minute respond time from
5 the panel, I'm just enforcing the process, and I
6 understand that you want more time. So I'm going
7 to allow Dawn to address that.

8 COMMISSIONER GALLAGHER: Deb can have her
9 additional five minutes along with everybody else
10 that's speaking for the second time. That's what
11 I meant to say.

12 MS. WALSH: Can you clarify that?

13 COMMISSIONER GALLAGHER: Deb, you've got
14 five more minutes and then after that we'll
15 continue on with the other folks. That gives her
16 a total of ten minutes which is what we're giving
17 other people who are speaking twice. She's just
18 taking her second turn now.

19 MS. WALSH: Okay, thank you. Am I clear
20 that the consultant team from Casella will have
21 ten minutes as well if they choose in response?

22 COMMISSIONER GALLAGHER: Yes.

23 MS. WALSH: Okay. You can proceed.

24 MS. GIBBS: Some vegetation acts as a
25 sponge and contaminants accumulate over a period

1 of time giving higher concentration readings.
2 Were any tests run on the vegetation growing in
3 the streams? If yes, when?

4 MR. BEHR: The answer is, no, I don't know
5 of any routine sampling vegetation.

6 MS. GIBBS: At the Ramada Inn in Bangor on
7 February 24th, 2004, I spoke to Dick Behr, the
8 hydrogeologist for DEP right here overlooking the
9 site. I was told that the liner had been ruled
10 out as a source of contamination. When asked
11 where the contaminants had come from in the
12 streams, he admitted that there was a leak
13 somewhere. There needed to be further
14 investigation to find the source. It could be --
15 if it could be located and it could be corrected,
16 we would see or start to see improvement in our
17 streams within one and a half to two years. What
18 wasn't said was how many years would it take for
19 the contaminants to be completely eliminated from
20 the streams. How many years will it take?

21 MR. BEHR: First, I have to begin by -- I
22 hope that I didn't tell you that contaminants or
23 degraded water quality was observed in the surface
24 water in the streams because all of the memos, the
25 water quality data that I've reviewed, is

1 reflective -- at some point I can show you.

2 MS. GIBBS: What I consider contaminants
3 are anything that came from the sludge that wasn't
4 in the streams prior that has showed up in the
5 streams now and are components of the sludge. To
6 me than contaminant.

7 MR. BEHR: Well, I will state that having
8 examined the surface water quality data upgradient
9 and downgradient, the surface water locations,
10 that I haven't seen any change downgradient as a
11 result of the operation of the landfill; however,
12 I want to address the changes that we've seen, the
13 degraded water quality in the vicinity of the
14 leachate pond, that's going to take the additional
15 investigation to determine what the source is. It
16 could be as simple as one of the leachate pipes
17 that exits the liner where it penetrates the liner
18 system, that may be a major source of contribution
19 of leachate to groundwater and that can be
20 corrected.

21 MS. GIBBS: But you don't know what it is
22 right now?

23 MR. BEHR: No, I don't.

24 MS. GIBBS: Okay, thank you. Tests not as
25 comprehensive as required by DEP for baseline

1 testing were performed on some private wells
2 surrounding the facility. Various amounts
3 including arsenic exceeding maximum contamination
4 level in one, including sodium, chloride, lead,
5 arsenic, increased hardness, increased iron have
6 showed up. I submitted a written request for
7 complete baseline testing on the private drinking
8 wells within a mile and a half radius surrounding
9 the site. I have not received a reply. Will that
10 testing be provided, if so, who will perform the
11 test and who will pay for it?

12 MS. WALSH: We need to wrap this up now if
13 that's okay. I sort of lost track of time, but I
14 was giving you a little extra.

15 MR. BEHR: I can address the first
16 component about the water quality issues along
17 43.

18 MS. GIBBS: Have you been taking the time
19 that they have been answering my questions off of
20 my time? Because I need to have the full amount.
21 It takes about ten minutes to read through this,
22 and I've got two pages left.

23 MS. WALSH: I have been keeping track of
24 the time all day, and so, yes, I have been.

25 MR. BEHR: Last month, I believe, Deb, you

1 and I discussed some of the water quality data
2 from homeowners along 43, and one of the results
3 that we've talked about related to the high iron
4 and manganese concentrations, and I thought that
5 was particularly important to discuss with you
6 because some of those concentrations are -- they
7 are within the normal -- the range expected
8 throughout Maine. They were in the milligram per
9 liter range and the thing that I wanted to stress
10 and I did at that time with you is that those
11 concentrations are not a result of the landfill.
12 The landfill -- one of the wells has -- there are
13 some small increases in manganese and iron, and I
14 need to emphasize that they're very small
15 increases. The concentrations are less than .5
16 milligrams per liter adjacent to the landfill and
17 minor bumps, minor increases. Those
18 concentrations at the perimeter of the landfill
19 could not be expected to increase to milligram per
20 liter range even if there was a direct connection
21 between the groundwater at the vicinity of the
22 landfill and the homeowners on 43. Unfortunately,
23 throughout Maine, it's not uncommon to find
24 groundwater that naturally contains high iron and
25 manganese. I'm not making this up.

1 MS. GIBBS: Is it common to take and find
2 chloride and lead in water that was never there
3 before and we live on a private road. Chloride
4 can only come in through a saltwater intrusion or
5 from the chemicals that they use to salt the
6 roads. I live on a dirt road, been there for 18
7 years. It's maybe seen salt twice in 18 years.
8 The well is 260 feet deep. They went through
9 ledge and bedrock to get to it. How did chloride
10 show up in my well? I'm a mile away.

11 MR. BEHR: I don't know what the chloride
12 levels were in that monitoring well -- in that
13 domestic well, but chloride will be found -- I'd
14 be surprised if you didn't find it in 50 percent
15 of the domestic wells you sample as a result of
16 road salting, as a result of just the chloride
17 that's present in natural precipitation.

18 MS. GIBBS: I'd like to continue so I
19 hopefully can get through this before I'm thrown
20 off the podium here.

21 MS. WALSH: Well --

22 MS. GIBBS: Could an earthquake change the
23 water flow direction underground? Somebody from
24 DEP.

25 MS. WALSH: You have one minute left and

1 it's ten seconds of and we're going to do one more
2 minute.

3 MS. GIBBS: Yes or no, can an earthquake
4 change the bedrock fracture patterns underneath
5 the ground?

6 MR. BEHR: What would happen --

7 MS. GIBBS: Yes or no.

8 MR. BEHR: It could change the direction of
9 groundwater flow but in most -- it's unlikely at
10 this location if there was an earthquake of
11 significant magnitude and it increased the number
12 of fractures, it's going to make a more
13 interconnected groundwater flow direction, allow
14 for a more direct flow pattern, and in my
15 estimation, the only thing that would change
16 perhaps is the speed and/or the direct -- the
17 pathway to the stream where that groundwater most
18 likely discharges.

19 MS. GIBBS: Back in '92-'93 from testing
20 performed on the fractured bedrock, all water flow
21 was believed to be traveling westerly direction.
22 Some of the test results that you had recently
23 indicated that water flowing -- water was flowing
24 also in a south/southeasterly direction. We did
25 have an earthquake about five or six years ago.

1 There is a fault line in close proximity and that
2 caused a crack in our foundation that we had to
3 have repaired, and so I'm wondering if an
4 earthquake can change the fractured bedrock
5 patterns underneath the ground, that perhaps it's
6 changed the water flow dynamics underneath that
7 landfill in some way, shape or form?

8 MS. WALSH: Ms. Gibbs, I'm going to have to
9 ask you to wrap it up. I want you to submit your
10 comments in writing and the DEP will respond to
11 your comments.

12 MS. GIBBS: Can I at least go through just
13 my closing part without the rest of the
14 questions? I think it's important. Could I do
15 that?

16 MS. WALSH: How long is it?

17 MS. GIBBS: Two minutes. I'll read fast.

18 MS. WALSH: Please don't read fast because
19 the recorder is trying to -- I just want you to
20 understand where this put me, and it's
21 uncomfortable for me because I've --

22 MS. GIBBS: Well, it's very uncomfortable
23 for me, too, and I'm very frustrated with the who
24 situation. I'm frustrated with the process, too,
25 with the people that I've had to take and deal

1 with. I spent many hours at the DEP offices and
2 it's like pulling teeth to get information from
3 anybody.

4 MS. WALSH: I understand you're
5 frustrated. I've just been maintaining the clock
6 today. And I've allowed you a bunch of extra
7 time. Please be brief and I'll give you one
8 minute for your closing.

9 MS. GIBBS: I believe that new site
10 specific data needs to be collected which a new
11 license would require ensuring that the site is
12 safe. We believe the site is posing a serious
13 unreasonable threat to our environment. We want
14 to send all of you a clear message that we will no
15 longer accept the contamination of our waters and
16 air. We need to have a secure landfill but it
17 needs to be in a safe place away from large bodies
18 of water and away from populated areas.

19 THE REPORTER: Ma'am --

20 MS. GIBBS: I'm sorry. Aware from
21 populated areas. We need a secure landfill that
22 will not be filled to capacity in a few short
23 years by the continued importation of out-of-state
24 waste. We need a secure landfill with the latest
25 technology and run by local people. Any profit

1 that is made would benefit Maine people not an
2 out-of-state company that stands to make in excess
3 of a billion dollars to the term of this deal.
4 Our profit less, and monetary gains will come from
5 a healthier environment with cleaner air to
6 breathe and clean uncontaminated drinking water
7 being pumped into our homes. These are the rights
8 guaranteed to every citizen of this state, and we
9 are going to do everything in our power to
10 exercise them. Thank you.

11 MS. WALSH: I'll give anybody else an
12 opportunity to respond.

13 COMMISSIONER GALLAGHER: Ms. Gibbs, I'd
14 just ask that you submit everything that you've
15 got in writing. The questions that were not
16 answered and your closing statement for the
17 record, and we will respond to that. Thank you.

18 MS. WALSH: Bob Bulay, please, and, Bob, if
19 you could please state your name and where you're
20 from for the record.

21 MR. BULAY: I will. My name is spelled
22 B-U-L-A-Y. It's pronounced the same way Bu-lay.
23 Thank you. I live in Old Town on Second Street.
24 Am I being clear? Can everybody hear me? I guess
25 I have some questions of, first, Pierce, Atwood's

1 attorney.

2 MR. DOYLE: Right here.

3 MR. BULAY: I read legal notices commonly
4 in three different papers, and I don't think I
5 have missed any in years, and I'm kind of under
6 the understanding that if anything in public
7 interest is done, whether it involves developing a
8 piece of property or if it involves public money,
9 there's a legal notice which should at some common
10 -- usually a low common denominator could be
11 deciphered by at least a semi reasonable
12 intelligent person. Was such a legal notice ever
13 put out in any of the publications I might have
14 read?

15 MR. DOYLE: Yes, in fact, there were two
16 legal notices, one for the transfer application,
17 transferring the ownership of the landfill from
18 Georgia-Pacific to the State of Maine. That was
19 published in the Bangor Daily News and sent by
20 certified mail to all abutters of the project, and
21 then a second public notice was published in the
22 Bangor Daily News when the amendment application
23 was filed, and also sent by certified mail to all
24 abutters of the landfill.

25 MR. BULAY: I'm aware of both of those

1 public notices, and at no time did they raise an
2 eyebrow that said we were going to be the
3 recipients of all of Maine plus waste.

4 MR. DOYLE: Well, you're not going to be
5 the recipient of all Maine -- plus all of Maine's
6 waste, so there's no reason for the public notice
7 to say that.

8 MR. BULAY: There's no fine line there,
9 that's okay, no point of that. Who's our
10 geologist specialist, our soil specialist? And
11 your name was?

12 MR. SEVEE: John Sevee.

13 MR. BULAY: John, first, before I bring up
14 anything else, I took great pleasure in listening
15 to if there was a break in the bedrock underneath
16 the 80 percent portion of the landfill which above
17 the bedrock flows down, you stood there and said,
18 well, it will come back up through anyway. I'll
19 leave it at that. You can say anything you want.
20 The next thing I wanted to say is -- and this is
21 great fun for any of you that have doctorates
22 because I'm a novice in the studies of soil and
23 geology. I do it because I like to, and I
24 recognize that site, I've walked through from
25 Route 16 to Route 43 for years under the pretense

1 of I was hunting, but I only just carried my gun
2 and said hi to the animals. I recognized the site
3 was at the end of an esker, and having had taken
4 some soil classes, one of the things I understood
5 -- and this is a question for you. Don't some
6 geologists and soil people think that the end of
7 an esker is unstable?

8 MR. SEVEE: John Sevee. The site is
9 located on a glacial lin or uncommonly referred to
10 as a drumlin. It's basically a glacial stream
11 form that consists of glacial till. There is no
12 evidence of an esker within the site.

13 MR. BULAY: Well, I actually, you know, as
14 far as being just a novice, I have a tendency to
15 agree with you a hundred percent because it's
16 quite common on a drumlin to have the deposits of
17 and what is in that area Plaisted in both 15
18 percent and 2 to 8 percent slope and howland 8 to
19 15 percent slope and howland in 0 to 8 percent
20 slopes, but then the idea that there's verandas
21 (phonetically) in there kind of is a little shaky
22 and then there's scantic at 0 percent and then
23 there's skrotem (phonetically), the stuff that you
24 don't want to walk through unless you have 18-inch
25 boots on, right? You've been through there. What

1 I said is correct, right?

2 MR. SEVEE: The soils on that site are --
3 at the surface are glacial till consisting of --

4 MR. BULAY: You mean they weren't what I
5 just said?

6 MR. SEVEE: A lot of those terms I -- I've
7 been practicing for a long time, and I don't
8 recognize them, I'm sorry.

9 MR. BULAY: Okay. I appreciate that you're
10 honest about the fact that you're the expert and
11 you don't recognize them. Dawn, how are you
12 doing?

13 COMMISSIONER GALLAGHER: Fine.

14 MR. BULAY: Good. I would also while I'm
15 up here like to say I'm opposed to this permit
16 process. That's it.

17 COMMISSIONER GALLAGHER: Thank you.

18 MR. BURSON: Thank you, sir. It now being
19 a few minutes after 6:00, we are scheduled to take
20 a break. I think for the sake of assuring that
21 everyone has a chance to speak, we will take 27
22 minutes and reconvene promptly at 6:30.

23 (EVENING RECESS)

24

25 MR. BURSON: The Commissioner has reminded

1 us that the actual comment period itself, because
2 that's the way that it was advertised, must stay
3 open until 8:00. At exactly 8:00 we will stop
4 receiving comments and questions from the public,
5 at which point the Department and applicant will
6 have five minutes to summarize, at which point we
7 will close the meeting. We will continue for the
8 time being. There are three persons who have
9 registered to speak who have not previously
10 spoken. They are entitled to the same five
11 minutes and any response time that all other
12 speakers have had. So we will start with them.
13 If at that point there are no other persons who
14 have not yet spoken who wish to speak, we will
15 then go to the list of those who have spoken
16 before and wish to speak again, and we will try to
17 get as many of those in as possible before 8:00.
18 Let me also ask for people who were earlier on the
19 list to speak and were not available, either
20 Michael Lizotte or Jill Rand, are either of them
21 here? Then our next speaker will be Steve
22 Goulette. Announce your name and where you're
23 from.

24 MR. GOULETTE: My name is Stephen Goulette.
25 I'm from 2090 Bennoch Road here in Old Town, and

1 before I begin, I'd like to simply ask a question
2 of the rules. As I ask questions, will they be
3 answered as I ask them or will I have to wait
4 until afterward to hear all the responses?

5 MR. BURSON: We've done it either way, and
6 it's really up to you. The only limitation on
7 that is you have to pass the mike back and forth,
8 but if you'd like an answer to each question in
9 turn, that's fine.

10 MR. GOULETTE: That's what I would prefer
11 if that's okay.

12 MR. BURSON: There's a total of then ten
13 minutes, five for you and five for the
14 respondents.

15 MR. GOULETTE: Okay. I'll try to be as
16 briefly as I can. My first question deals with
17 how many acres will the dump -- the landfill cover
18 at this point, mostly for reference information.

19 MR. MAHER: Pete Maher. The licensed
20 footprint today is 68 acres, and the amended --
21 amendment that we are applying for at this time
22 does not change that. So it's 68 acres.

23 MR. GOULETTE: Okay, and can you tell me
24 what the size of the current Hampden landfill is?

25 MR. MAHER: Approximately 40 acres.

1 MR. GOULETTE: Okay. On the proposed
2 landfill, can you tell me how many acres of the
3 landfill will be open to the air each day as work
4 continues? I know there's a term for that, but
5 I've forgotten what it was.

6 MR. MAHER: It's called the operating phase
7 or the operating area. It's four to five acres
8 approximately.

9 MR. GOULETTE: Four to five?

10 MR. MAHER: Yes.

11 MR. GOULETTE: And will this be covered at
12 night or will it remain open, those four to five
13 acres?

14 MR. MAHER: At the end of every day, the
15 putrescible-type wastes are covered.

16 MR. GOULETTE: Okay, thank you. Before I
17 start my comments, I would like to mention the
18 fact that I have no ill feeling to anyone in this
19 room. I have a lot of friends here who work at
20 the mill. I'm not opposed to the mill. I am not
21 opposed to the landfill, but I am opposed to where
22 it's located and the way things have come about.
23 My first major concern is that I, as most of the
24 people of Old Town, lie west of this proposed
25 landfill. If you're familiar with the term

1 westerlies, which basically means the given name
2 of prevailing winds that cross the United States,
3 air moves from west to east which basically means
4 the air moving from the landfill will move from
5 the landfill toward the greater majority of Old
6 Town. Most of us witnessed a few years back the
7 smell of fires that were created from wild fires
8 in the Province of Quebec. I hope that makes
9 people realize that we are going to smell the
10 odors from this dump from quite a distance. If we
11 can smell forest fires from Quebec, we can
12 certainly smell the odors from the dump within
13 several miles, at least in my opinion. To me that
14 proves that there is an issue of air quality,
15 especially for people like myself who have asthma
16 and other issues. It is my understanding from
17 what I saw on the news last night that Casella has
18 guaranteed land values. Am I correct in this
19 statement?

20 MR. MEAGHER: For homeowners that have
21 property that abut the 780-acre parcel that's now
22 owned by the state.

23 MR. GOULETTE: So if a homeowner such as
24 myself lives within three-quarters of a mile of
25 your proposed landfill and is affected by the odor

1 on a regular basis, there is no guarantee?

2 MR. MEAGHER: There is no guarantee beyond
3 the abutters, no.

4 MR. GOULETTE: The guarantee that you say
5 is for the abutters, has that been signed and is
6 it legally binding?

7 MR. MEAGHER: We have sent draft agreements
8 to the abutters. I have met with several abutters
9 individually, gotten comments from them on the
10 initial draft. We're in the process of revising
11 that really to accommodate their -- their
12 observations and suggestions. We're trying to be
13 very responsive to that. We sent another draft
14 out, and when that's finalized, for those abutters
15 that choose to sign the agreement, they will do
16 so, we'll sign it, it will be duly notarized and
17 witnessed, and it will certainly be legally
18 binding. It's a contract.

19 MR. GOULETTE: So for people such as myself
20 who will be affected by the odor, we have no
21 recourse other than to seek legal counsel?

22 MR. MEAGHER: Well, again, our property
23 value guarantee which we are offering voluntarily
24 above and beyond what we proposed to the state is
25 what we are offering, and it's to abutters of the

1 property.

2 MR. GOULETTE: Okay, thank you. My second
3 and largest concern is the number and frequency of
4 trucks which will be passing by my house with
5 waste, according to what I have read, I believe is
6 going to be toxic in many cases. I'm concerned
7 about spewing of this waste out of the vehicles,
8 out of the trucks. I'm concerned about the fact
9 that we've already had a sludge spill, although I
10 realize that's a different type of truck. I'm
11 concerned that my house is down an embankment off
12 of Route 16 that every truck route will pass at
13 this point and that if any type of accident or
14 spill occurs, I'm looking at this spill making its
15 way down my driveway toward my well which is
16 approximately 50 feet off the road down the
17 embankment. Along with those concerns, I'm also
18 concerned about the stopping distance of these
19 trucks. Trucks of this size and weight are going
20 to take several feet to be able to stop, and there
21 are many areas on that road where there are curves
22 which limit visibility, and I'm concerned that
23 people such as myself who walk the road, bus
24 students standing waiting for the bus, buses
25 themselves and other stopped vehicles or parked

1 vehicles may be in danger due to the fact that
2 these vehicles will not be able to stop as quickly
3 as other trucks that would be going across Route
4 16 and past my house.

5 MR. BURSON: Mr. Goulette, one more
6 minute.

7 MR. GOULETTE: Okay. The dump was
8 advertised mainly as a means to save the mill and,
9 yet, the mill staying open is not tied to the
10 dump. The expansion part was kept relatively
11 quiet. We had two local representatives who
12 admitted they were rushed into a midnight vote and
13 did not realize what they were voting on. My
14 feeling is if this dump is going to go forward, it
15 should be tied to the remaining -- excuse me -- it
16 should be tied to the mill remaining open. If the
17 mill should happen to close in five years, it's my
18 feeling that at that point the landfill should be
19 closed. To me it was always represented as the
20 main purpose was to save the jobs of the fine
21 people in this area who work at that mill. I see
22 no reason that this dump should pass the way it is
23 since it does not take that into account. I
24 realize that we have a waste problem in the
25 state. I realize it needs to be taken care of. I

1 also think it should be taken care of in a more
2 remote place that affects fewer people in everyday
3 life. Thank you.

4 MR. BURSON: Thank you. James Bosse, and
5 when you come to the mike, please give us your
6 name and your location.

7 MR. BOSSE: Yes. My name is James Bosse.
8 I'm 58 years old. I've lived in Old Town all my
9 life. I've been a worker of Georgia-Pacific and
10 many other companies that have come through for
11 almost 39 years. It will be 39 years in June.
12 I'm really concerned about losing jobs. They're
13 going down the river, they're going overseas,
14 they're going everywhere. This dump up here does
15 not guarantee that we'll have a mill here. If the
16 dump stays there, and I'm for it, if it stays
17 there, there's no guarantee. There's no guarantee
18 in life for anything, but I am guaranteed of one
19 thing. If it doesn't go through, the mill is gone
20 along with all the other mills. Now, I don't know
21 where these people put their trash. They keep
22 saying they got a better idea of where to put the
23 trash, but I haven't heard one idea. There's all
24 better technology. The best technology we got is
25 right now with the system we have in place at this

1 time. Twenty years from now there will be a
2 better system I hope. Do we want dumps? No, but
3 there's been dumps in this town since I was a
4 child and before I was a child. My father said in
5 the city of Old Town where the city park is used
6 to be a dump. Nobody worries about that. We've
7 got a dump up here across from the airport. I
8 heard last night some people saying about nuclear
9 waste going in there. Give me a break. If
10 there's nuclear waste going in that dump, there's
11 nuclear waste going in the other dump. The dumps
12 used to burn all over this place. Now they're
13 trying to put it into one place, regulate it. I
14 used to go up to the old dump up here. I've got
15 some friends here. You could shoot brass ten
16 cents on a dollar all day long, pick tires out of
17 the dump up here. Nobody seemed to be worried
18 about that. The lady last night she's got a
19 business. She started her business after this
20 dump was put in place up here, the landfill. I
21 feel bad for her, but I'm going to tell her right
22 now if you shut this place down, who's going to
23 buy her product because everybody is going to be
24 out of a job. We're all going to head south.
25 We've lost enough people. Some of the people had

1 to move to Arizona, Florida. That's a big turn
2 around in a person's life. I'm too damn old to be
3 moving. I don't want to move, but if I lose my
4 job down the mill, I'm going to have to move to
5 survive. It's just ridiculous. I don't care how
6 many times you hit them in the head with a
7 hammer. When they wanted proof that there was no
8 leaks up there, they went to DEP. DEP says there
9 are no leaks there or the leaks that were there
10 are taken care of. Now they're saying, well, the
11 DEP is lying to us because it's going to leak,
12 it's going to leak, it's going to leak. There's
13 no guarantees in life. Maybe it will leak, but
14 I'm sure it will be taken care of. They're
15 worried about a truck getting in an accident.
16 There have been more damn trucks running up and
17 down this road since I've been a kid. There was
18 more trucks going to the mill back then than there
19 is now because they were small trucks, but if they
20 hit you, they hit you just as plenty hard. It's
21 getting ridiculous. These people keep getting up
22 and pounding on it and pounding on it and pounding
23 on it. Well, let's put it out in the woods.
24 Let's go out another 50 yards out in the woods.
25 Well, you don't think anybody is going to holler

1 about that? Of course they are going to holler
2 about it. The next dump after this one is full,
3 people are going to holler about it.
4 Unfortunately, we create waste. Every single one
5 of us create waste. I listen to these people with
6 their computers. I don't own one, don't want
7 one. I have to work on one down at the mill.
8 That's enough, but what do you read in the news?
9 Now they're talking about TVs, computers going to
10 the dump. Now they're going to have to find
11 another way to recycle them. Well, what are you
12 going to do with yours? You haven't got an
13 answer. Not one of you has got an answer.

14 UNIDENTIFIED PERSON: Throw them in the
15 dump?

16 MR. BOSSE: What?

17 UNIDENTIFIED PERSON: Throw them in the
18 dump.

19 MR. BOSSE: Yeah, throw them in the dump.
20 Well, hopefully we're finding better ways. Nobody
21 wants a dump. I don't want a dump.
22 Unfortunately, the sad part of life is there are
23 dumps, there are always going to be dumps.

24 MR. BURSON: You've got one more minute.

25 MR. BOSSE: As far as last night, I heard

1 the other thing. I'm tired of hearing this one.
2 Back when the Indians owned the land. God bless
3 them but I guarantee you they had dumps. It
4 wasn't the same dumps today, but, unfortunately,
5 time goes on, technology goes on. I doubt that
6 any one of them would want to go back and live in
7 a teepee and freeze to death. It takes oil. If
8 you're not burning oil, you're burning wood
9 products.

10 MR. BURSON: Excuse me, let him finish. He
11 has 30 seconds.

12 MR. BOSSE: I'm not knocking the Indians.
13 I'm just saying back when they were in this land,
14 it was what, a few thousand? We're in the
15 millions now, people, wake up. The world is
16 overcrowded, but we still have to put a dump
17 somewhere, and I feel this is the safest place to
18 put it, and hopefully somewhere down the line we
19 can shoot it to the moon and we can pollute
20 someone else's land.

21 MR. BURSON: Thank you. Jeff Plourde.

22 MR. PLOURDE: Good evening. My name is
23 Jeff Plourde. I live in Old Town. I just wanted
24 to say that this morning around 7 a.m. on my way
25 out to work, I took two trash cans out to the end

1 of my driveway. When I got home tonight, lo and
2 behold, the trash will be gone, and I'm not naive
3 enough to realize or to think that that trash went
4 and vaporized somewhere. It's got to go
5 somewhere. I support this landfill because it's
6 geologically sound, and it's safe, and unlike the
7 folks of We The People, I do trust the DEP and the
8 State Planning Office and the Members of the Joint
9 Community Advisory Council to monitor Casella to
10 ensure that they are good stewards of this
11 landfill and to make sure that they are following
12 the guidelines and regulations that the DEP sets
13 forth. I don't buy into this notion that it's a
14 classic example of the fox guarding the hen
15 house. To me that's an insult to the folks at
16 DEP. It's an insult to their integrity and it's
17 an insult to their professionalism. This past
18 winter, my brother was laid off from Great
19 Northern Paper. I grew up in Lincoln. I grew up
20 in a mill town. I have family members who are now
21 laid off because of the Eastern Fine closing. I
22 have seen firsthand what happens to a community
23 when you lose a major economic source in that
24 community. They're still feeling the pain. They
25 don't even know what their future is going to

1 hold. We have 450 men and women working very hard
2 trying to keep that mill more cost effective, more
3 efficient, more productive. Yes, there's nothing
4 in this provision that guarantees that those 450
5 jobs will remain as a result of this transaction.
6 At the end of the day, I think it's important that
7 we can all look in the mirror and say did we do
8 everything possible to prevent the loss of those
9 jobs, and I think this is just one thing -- this
10 is one tool that are available to us to ensure
11 that those jobs have as fair of a chance as
12 possible to stay. There's -- I picked up this
13 evening -- I stopped in at city hall and I picked
14 up a copy of the proposed budget for the next
15 fiscal year. In that proposed budget, it calls
16 for a 3.43 percent increase in taxes, taxes to a
17 state that is already overtaxed, and the potential
18 revenue from this landfill will help hopefully
19 provide some tax relief to the citizens and
20 businesses living in Old Town, and also it will
21 help mitigate some of the long-term costs of our
22 waste disposal in the communities throughout the
23 region and throughout the state. So for those
24 reasons, I support the landfill proposal, and I
25 appreciate your time.

1 MR. BURSON: Thank you. Any questions or
2 comments? We now have reached, as far as I know,
3 the end of the list of persons who have not
4 previously spoken and who wish to speak. So we
5 turn to those who have requested another
6 opportunity to speak. The time is now 12 minutes
7 of 7. We will conclude the public comment portion
8 of this at 8:00 sharp, and there are 18 names in
9 front of me of persons who wish to speak again.
10 Obviously we cannot allow five minutes plus
11 response time for each of them. We would propose
12 for those who are speaking a second time that you
13 limit your comments to three minutes. That would
14 allow everyone -- excuse me, please let me finish
15 -- that would allow everyone who wishes to speak
16 a second time the opportunity to speak provided
17 that not too many questions or responses were
18 necessary; however, if we run out of time, we will
19 stop. Ma'am, do you have a comment?

20 MS. BELL: Yes, I do. My name is Pamela
21 Bell. I live in Milford.

22 MR. BURSON: Please go to the mike.

23 MS. BELL: Okay, I would like to request on
24 behalf of We The People this meeting would not be
25 happening if we had not asked for it.

1 MR. BURSON: I'm sorry, Ma'am, you are
2 making a statement. If you have a procedural
3 question, please ask it. Otherwise, I will
4 proceed with the list.

5 MS. BELL: I am advocating -- I am telling
6 you the reason that I'm asking for this.

7 MR. BURSON: Please just make the request
8 and then we will answer it.

9 MS. BELL: We asked for more than three
10 minutes. We asked for enough time to present this
11 statement.

12 MR. BURSON: Commissioner, you are the only
13 one at this point who can make a ruling on that,
14 otherwise I believe we should go forward as
15 proposed.

16 COMMISSIONER GALLAGHER: I think to be fair
17 to everybody, we said that we were going to end
18 this at 8. I do understand if you want to make --
19 if you want to pool your comments and have less
20 individuals up or for those people that have
21 written comments that they want to submit to the
22 record, we will take those written comments and we
23 will provide responses to them. So I guess I'm
24 leaving it up to you all whichever way you
25 prefer.

1 MS. BELL: All of these people on this side
2 said that they are the applicant. There is only
3 one applicant here, and that is the State Planning
4 Office. They have all day and all day yesterday
5 used up half, at least, of the time and they
6 aren't even a player in this.

7 COMMISSIONER GALLAGHER: Why don't we just
8 proceed.

9 MR. BURSON: I think we're going to proceed
10 as we suggested, three minutes followed by up to
11 three minutes in response or for comments. If we
12 run out of time, then we run out of time. The
13 first person on the list --

14 MS. WALSH: There's one new person, too.

15 MR. BURSON: The first person on the list
16 is Dr. Lommler.

17 MR. LOMMLER: I have a few questions.
18 Number one --

19 MR. BURSON: Please identify yourself, I'm
20 sorry.

21 MR. LOMMLER: I'm sorry. My name is Dr.
22 Lommler, Elmer Lommler. I would like to know what
23 is the definition of a leak? How much leachate
24 can come out of the landfill and still not be
25 classified a leak? I've seen some numbers of 20

1 gallons per day per acre. I'd like somebody to
2 confirm or deny that. Number two, dry tomb versus
3 wet cell. I've seen some information in the
4 literature that looks at wet cell technology
5 actually being able to get rid of the leachate in
6 that 30-year time span versus dry tomb technology
7 that may take anywhere from 50 to 200 years or
8 even more depending on how it's broken down and
9 put in the landfill site. Number three, we had
10 two people -- we had MERC and PERC bid on -- or
11 look at this job for possible bidding. I didn't
12 hear any reason why they didn't pursue it
13 further. I'm wondering if there was something in
14 the RFP that made it impossible to bid on it and
15 favored Casella, especially since Casella was
16 involved even before the resolve. Next question,
17 what's the remaining capacity of MERC and PERC?
18 Next question, what's the usual time for
19 processing a new or renewable application and how
20 much time was the DEP given and was there any
21 pressure on the DEP to get this done in a
22 shortened amount of time? With regards to the
23 health hazards, I apologize to Mr. Doyle, I didn't
24 know he had some medical background. Mr. Maher
25 gave me the statement when questioned about air

1 quality at the landfill, he said air quality is
2 going to be better. I then checked with the DEP.
3 There has never been an air quality check at the
4 landfill. I don't see what you're going to
5 compare that to. A question was brought up about
6 odor intensity. Odor intensity does not directly
7 equate to health risk. Many things can't be
8 smelled, and since there are greater than 2,000 --
9 20,000 VOCs and only 200 are being looked at, we
10 don't know what else is out there.

11 MR. BURSON: One minute.

12 MR. LOMMLER: The traffic report, I wonder
13 how comfortable the people who made all their
14 estimates given the fact that they were based on
15 450,000 pounds being trucked a day and now there's
16 no limit. It seems like there's going to be some
17 egg on their face if all of a sudden the 5 trucks
18 per day increase now increases to 20 trucks per
19 day increase. Next question, the initial
20 stability studies to look at the sludge now have
21 to be redone. My question, are the same people
22 who did those studies going to repeat the studies
23 and do it again? They were wrong the first time.
24 What makes it so sure they're going to be right
25 the second time. Cancer costs, we know there's an

1 increased risk of cancer. I've got information
2 that will be delivered to the public record and a
3 copy will be given to Mr. Doyle. Cancer costs out
4 strip the cost of anybody's job.

5 MR. BURSON: Time.

6 MR. LOMMLER: Okay.

7 MR. BURSON: Tom, you can answer as many as
8 you can in three minutes. I'm not sure that it
9 will be possible to address all of them.

10 MR. DOYLE: Well, I don't think it's
11 necessary to address all of them because some of
12 them have already been addressed and some of them
13 aren't really relevant to the approval criteria.
14 What is the definition of a leak and the dry tomb
15 versus wet cell issue, Rich.

16 MR. WARDWELL: Dry tomb instability.

17 MR. DOYLE: Dry tomb instability?

18 MR. WARDWELL: Yes. As we mentioned
19 before, the use of bioreactor will -- as the
20 demonstration status of that particular technology
21 now will be investigated and evaluated and
22 considered in future operations at the landfill.
23 In regards to the sludge stability, I was hired in
24 '99 for that reason because of the instabilities
25 determined there. Those have been quantified and

1 a procedure has been developed to ensure that it
2 will maintain stability by mixing it with the
3 incoming waste.

4 MR. MAHER: Real quick on this other
5 discussion we've had lately on leaks and design
6 leakage rates and estimated leaks, just to clarify
7 what everybody is talking about here, we are not
8 anticipating leaks. Nobody is anticipating leaks,
9 but as part of the application process, you are
10 required to assume a certain leakage rate, and
11 using that rate of leakage, estimate what will
12 happen to the water that leaks out so that there
13 is some way to at least prepare for something --
14 some sort of a failure in the future, okay, and
15 that's what the design leakage rate is, and that
16 is -- that number is cranked into a failure
17 analysis which is all part -- it's all
18 hypothetical and part of the application, and
19 those are the numbers where Cyndi has been talking
20 to -- I forget who it was, one of the women who
21 was here earlier -- and what Dr. Lommler referred
22 to.

23 MR. DOYLE: I'm going to have Martha
24 O'Brien address the question about odor
25 intensity.

1 MR. BURSON: One minute.

2 MS. O'BRIEN: Martha O'Brien. I'm not
3 quite sure if that was a question, but I just
4 wanted to remind you that, you know, when we smell
5 something, it doesn't necessarily mean it's
6 harmless. In fact, when we talk about nuisance
7 odors, especially associated with landfill
8 emissions, those are the types of compounds that
9 we can smell at very, very, very low levels, where
10 in turn -- like down in the part per trillion
11 level, where in turn, the level at which they
12 become an issue as far as a health issue, that's
13 several orders of magnitude above that. So, yes,
14 we can smell it; yes, we might not like it, but
15 oftentimes there's a three order of magnitude
16 difference before we have to worry about it being
17 harmful to us for most of these sulfur-type
18 compounds.

19 MR. FARRAR: Steven Farrar, Department
20 project engineer, getting back to the design
21 leakage rate issue, just to clarify, the reason
22 that we have the consultant look at a design
23 leakage rate is to help establish where the
24 monitoring well should be located. It's not an
25 expected leakage rate.

1 MR. DOYLE: Remaining capacity of MERC --
2 of Maine Energy and PERC really aren't relevant to
3 this proceeding.

4 MR. BURSON: We're out of time on this
5 one. The next person who has asked to speak again
6 is Robert Campbell.

7 MR. CAMPBELL: Good evening. My name is
8 Robert Campbell. I'm from Brewer, Maine. I want
9 to thank everybody for giving us this chance. I
10 have one major question that I have for the lawyer
11 and that would be, will Casella or any subsidiary
12 of such company be able to sue or take any legal
13 action towards or on the host community or the
14 State of Maine in which it has done to other
15 communities and is this a common practice for
16 large corporations? And you can answer that at
17 this point in time.

18 MR. DOYLE: Well, I guess in order to
19 pursue a claim against any entity, the plaintiff
20 has to have a cause of action to pursue. So, you
21 know, you're raising a hypothetical question that
22 I don't really have an answer to because it's so
23 hypothetical.

24 MR. CAMPBELL: Has Casella ever sued any of
25 the communities within this state and any other

1 state?

2 MR. DOYLE: Well, I know that --

3 MR. CAMPBELL: Yes or no, please.

4 MR. DOYLE: Well, these are not yes or no
5 answers or questions.

6 MR. BURSON: Order, please.

7 MR. DOYLE: I know that in the town of
8 Hampden, Casella appealed a denial of a permit
9 decision there to Superior Court and later to the
10 Law Court, and overturned the decision but that
11 was a licensing decision. I can't speak to
12 whether Casella has sued other towns or
13 municipalities. Chip, I don't know if you're
14 aware of any -- Casella has been sued by
15 municipalities.

16 MR. CAMPBELL: Was there any cost to the
17 city -- or the town of Hampden with this lawsuit?

18 MR. DOYLE: Chip, do you want to address
19 that?

20 MR. AHRENS: My name is Chip Ahrens of
21 Pierce, Atwood, and I was involved in the lawsuit
22 you're referencing. The town issued a decision on
23 a permit application which was appealed by the
24 Pine Tree landfill. It was appealed to Superior
25 Court where we prevailed. It was then appealed by

1 the town of Hampden to the Law Court, and we
2 prevailed again. In Maine, each side is required
3 to pay its own attorneys, and, therefore, I assume
4 Hampden paid its own attorneys.

5 MR. CAMPBELL: Should the city of Old Town
6 have a certain amount of money put away in case
7 they have any type of lawsuit of that nature in
8 the future? And that's not -- that would be your
9 opinion that I'm asking for.

10 MR. AHRENS: I'm not aware of any
11 likelihood of actions against Old Town at this
12 point. I haven't been involved in the local
13 activities.

14 MR. BURSON: One minute for the combined
15 conversation.

16 MR. CAMPBELL: I'm just very concerned
17 about the city of Old Town, but that ends my need
18 to know that. I hope that we didn't insult the
19 DEP because their science is the latest in the
20 science that we have, and as well, all of you
21 people, this is the way that this country has been
22 doing business for a long time, and it certainly
23 is for profit, but there is new science out there,
24 and we need to create jobs by looking at the new
25 science. We don't want to take away any jobs from

1 anybody. We do not want to close the mill. We
2 would like to have the good science, the new
3 science, looked into so in the future we can
4 create thousands of more jobs by taking care of
5 this instead of thinking that we're going to mine
6 these things in the future. Let's not put it in
7 there. Let's look at other ways to take care of
8 this. We need jobs. Thank you.

9 MR. BURSON: Thank you, Mr. Campbell.
10 Pamela Bell.

11 MS. BELL: Okay. This is a statement from
12 We The People. This is like a myth, the statement
13 that --

14 MR. BURSON: Could you repeat your name and
15 your place?

16 MS. BELL: Pamela Bell, from Milford,
17 Maine. This amendment and the landfill is said to
18 be needed for the state -- no, this amendment and
19 landfill is needed for out-of-state waste. Enough
20 evidence has been presented here to clearly
21 demonstrate that a Casella operated landfill plus
22 amendment and expansion will provide 20 million
23 tons of landfill capacity for approximately 30
24 years at a minimum fill rate of 500 tons per
25 year. The State Planning Office claims in their

1 2001 report to the Legislature that the state has
2 existing landfill capacity for eight years. This
3 West Old Town landfill will increase that capacity
4 for another 30 years. There is no possible way
5 for Casella to have an economically viable
6 operation without depositing in this dump waste
7 from out of state, incinerated or not. Let me
8 explain. If the state has sufficient capacity for
9 six years and Casella gets this amendment, Casella
10 will approximately double the waste landfilled in
11 Maine for approximately six or seven years, yet
12 the agreement says that the West Old Town landfill
13 will not accept out-of-state waste. How is that
14 possible? Where are we going to find twice as
15 much trash? Can't you people count? Perhaps the
16 if state -- here's another statement that we're
17 making. The state has become an agent for private
18 interested and profits, not the people's
19 interests. Perhaps the state could accept some
20 input into all of this from some independent
21 experts other than these 25 or so over here to my
22 right who are not independent. If the state would
23 do that, then perhaps the state could be agents of
24 the people as required by the Constitutions of the
25 State of Maine and United States of America

1 instead of acting as agents of a private
2 corporation, which according to the U.S.
3 Constitution's 14th Amendment, constitutes only
4 one legal person. There are more than one million
5 people in the State of Maine. We The People as a
6 group may not be many, but we are not ignorant and
7 we number more than one legal person. 360
8 landfills in the State of Maine are hereby
9 proposed to be reduced to one located in Old Town,
10 Alton, a mammoth one, a 20-million ton landfill.
11 How did we get so lucky? Did we win the lottery?
12 Thank you.

13 MR. BURSON: Thank you. We had, since we
14 began this second round, one additional person who
15 has not yet spoken, and I think we'll try and put
16 that person in now. Is Ed Lucas here? So a
17 reminder for this person, we will go back to the
18 five-minute rule. Please give us your name.

19 MR. LUCAS: Yes, my name is Ed Lucas. Good
20 evening, Commissioner Gallagher, how are you?

21 COMMISSIONER GALLAGHER: Good.

22 MR. LUCAS: I work at the GP mill. I've
23 worked there for 34 years. Since 1979, I've
24 operated the wastewater treatment plant. I hold a
25 Grade III license, licensed by the State of Maine

1 to operate that facility, and I have a Maine State
2 high pressure boiler license that we need to
3 operate a steam generator that drives our sludge
4 to send to the landfill. I'd like to go on record
5 that, of course, I'm in favor of the amendment
6 that you're going to be hopefully approving, and
7 one other thing, I'd like to mention -- the
8 comment was made yesterday about our sludge being
9 poisonous. I think if you'd turn the lights down,
10 you'd see that I don't glow. I've been working
11 around sludge since 1979. I've handled it, you
12 know, grabbed it. It's not -- I'm not ill. We
13 have deer and ducks that frequent the treatment
14 plant. They're all healthy. They're quite
15 plentiful. Old Town is overrun with deer, and
16 they're always around the treatment plant. The
17 leachate from the landfill that right now we
18 operate, we bring the leachate back to the mill
19 and it comes right back into our system,
20 reprocessed and sent right back out. It's just a
21 simple loop that comes back around. The other
22 operators and I at the treatment plant, we're real
23 proud. We've gone eleven and one half years
24 without any effluent violation to the river. We
25 take pride in what we do as protectors of the

1 environment, and there was a question the other
2 day about the wetness of the sludge. We've made
3 vast improvements at the treatment plant to reduce
4 the amount of water that's in the sludge going to
5 the landfill. Within the last, I want to say,
6 four or five weeks especially, we've literally
7 reduced the amount of wet tons that are going to
8 the landfill so we're going to be using up less
9 space, and we intend on doing it into the future.
10 I would just -- I live in the town of Bradley. I
11 get the smell of the mill every day, and I say
12 thank goodness I can still smell it because that
13 means a paycheck in my pocket. In closing, I'd
14 like to just go on record as saying that I'm in
15 favor of the license -- relicensing the landfill.
16 Thank you.

17 MS. WALSH: So we're back to the folks who
18 have already spoken and would like to speak again
19 and Alfred Meister, please. And, Alfred, I'd ask
20 you to state your name and where you're from,
21 please.

22 MR. MEISTER: My name is Alfred Meister.
23 I'm a resident of Old Town. I currently live in
24 West Old Town and I'm an abutting property owner.
25 I appreciate everybody's patience the last couple

1 days. I've been here the whole time. A lot of
2 things I could say, would like to say, but I'm
3 going to try and be brief and let everyone else
4 have a chance. Earlier today a mill employee who
5 lives right by the mill spoke, and he made
6 reference to when he bought his house for his
7 family, he knew the mill was there, and a
8 lightbulb went off on me. I said exactly, and
9 that is the point that most of us have been trying
10 to make. We deserve to know what is there.
11 What's going to be there. I grew up right over
12 the hill. Sixteen years ago when I bought
13 property and built my place in West Old Town, I
14 knew what was there. Woods. I loved it. Since
15 then, the landfill has gone in. I knew that. Now
16 it's turning into something else. This is also
17 going to turn into something else. I won't go
18 into horizontal expansions. At least that's one
19 of the things that has happened over the last
20 couple days. I think enough information has got
21 out that most people do realize large expansions
22 are definitely in the works. My request -- one of
23 my requests right now is for the State Planning
24 Office or Casella, if they can put on the record
25 and guarantee us to the best possible, if

1 preliminary tests have been done for the
2 geological area out there on future horizontal
3 expansions so that we may know and may plan our
4 lives for the future to decide our hard decisions
5 of what we have to do. As soon as more testing
6 takes place and you learn what size geologically
7 is available, can we be notified and will you do
8 that, let the public know?

9 MS. WALSH: You have one minute, sir.

10 MR. MEISTER: Okay. My last thing is just
11 a statement, and I'm not trying to be funny. I'm
12 deadly serious. Our city has been divided and
13 unfortunately there is a legacy that once again
14 will unite us. This city is known as a mill
15 town. There's nothing wrong with that. Many
16 towns in our state are. That will no longer be
17 the case. Like it or not, our city will be known
18 as the host to the largest commercial landfill in
19 the northeastern United States. Unless our city
20 or the Penobscot Indian Nation or world-famous
21 companies like Old Town Canoe can come up with a
22 marketing strategy for Mount Baldacci, every
23 resident and business in the surrounding areas
24 come out on the losing end of this deal. Thank
25 you.

1 MR. MEAGHER: I just wanted to respond to
2 your question about, you know, advanced
3 information about field work that is done. The
4 application process when an expansion application
5 is being prepared, well before the expansion
6 application is prepared and submitted to the
7 Department, there is an earlier step. It's called
8 a preliminary information report which really
9 compiles the field work and identifies what is
10 anticipated to be proposed in a subsequent
11 application, and that is something that the
12 Department would review. It would be a public
13 document. It would be available for review. So
14 it really meets exactly the request that you had
15 made.

16 MS. WALSH: Anybody else? Charles Gibbs.
17 State your name and where you're from, Charles,
18 please.

19 MS. GIBBS: My name is Charles Gibbs, and I
20 live on the old Stagecoach Road in Alton.
21 Yesterday Mrs. Feero, a very nice and
22 well-respected member of our small community of
23 Alton spoke about the dust and the steps she had
24 taken with her concerns. The answer that she
25 received from each of you, specifically Don

1 Meagher and Cyndi Darling -- I hate getting old,
2 it's hard to read -- anyway what bothered me about
3 that is it appears to me that we're already
4 starting out with this passing the buck. Now,
5 these are nice people, just like everybody here
6 from Georgia-Pacific is a nice person, we're all
7 good citizens, we all care about each other, and
8 that's why we're so impassioned as we're here
9 today. It's about money. It's about the jobs.
10 It's about our way of life. It's about the
11 ecology. Let's not forget the little people in
12 this. Mrs. Feero has got to eat that dust and all
13 she asked for was where do I go to take and get
14 remediation from it and that buck was passed.
15 It's not your responsibility, the equipment isn't
16 good enough apparently to satisfy her. I believe
17 up and running that should have been addressed. I
18 also believe that when Cyndi was saying that she
19 had spoke to Mrs. Feero, it bothered me as well
20 because Casella is going to run the dump. The
21 Department of Transportation is going to be
22 responsible for clean up in front of the dump, and
23 everyone is going to be going back and forth. Who
24 is responsible? That is something we should come
25 together on in a hurry. If you're getting

1 complaints that are going to cause people that
2 many health concerns now, it's going to be a long
3 30 years. Secondly, I was talking to Bill Eaton,
4 nice guy, I like him --

5 MS. WALSH: You have one minute.

6 MR. GIBBS: Okay. When I was talking to
7 Bill Eaton of the Department of Transportation
8 yesterday, we talked about the damage to the
9 roads, these heavy trucks, because of the
10 unyieldingness of lowering the weight from 100,000
11 pounds down to 80,000 pounds so they could run on
12 the interstate. He reassured me that it wasn't
13 going to come out of the taxpayers' pockets. It's
14 real simple. Another way of passing the buck.
15 We're going to take and raise the price of
16 gasoline apparently to cover that cost. Everybody
17 seems to be paying the price for this dump,
18 whether it's the Georgia-Pacific people, whether
19 it's the citizens of Alton and Old Town, and the
20 only people I see making money with all the smiles
21 on their face in the end are going to be you
22 people, and like I said when I started yesterday,
23 you are pathetically brilliant and I applaud you
24 Thank you.

25 MS. WALSH: Comments?

1 MR. MEAGHER: In responding to Mrs. Feero
2 yesterday, I really didn't intend to pass the
3 buck. We absolutely want to improve the dust
4 situation there at the entrance to the landfill,
5 and we know how to do it. The way to do it is to
6 pave a good portion of that road so it's not a
7 gravel road, so it's a paved road, and to get a
8 full commercial grade street sweeper up at the
9 site so it can go over that paved road as often as
10 it has to go over it to keep it clean, but we
11 can't do that until the amendment application is
12 approved because that's part of the project, and
13 we want to do that. I mean, we're anxious to get
14 to that specific issue because we know it's a
15 problem and we want to fix the problem, but the
16 way we're going to fix the problem is to pave the
17 road and get the street sweeper up there and do
18 those operational improvements that we've
19 committed to do, and so I -- there's no intention
20 on my part to pass the buck on that at all. That
21 will be done.

22 MS. WALSH: Anybody else? Okay, it's come
23 to my attention we have a new person who hasn't
24 had an opportunity to speak, and we're going to
25 allow them that time. So Jeffrey Dunphy, you have

1 five minutes to make your presentation or ask your
2 questions, just to let you know what the format
3 is, and then representatives of Casella have an
4 equal amount of time for a total of ten minutes.

5 MR. DUNPHY: My name is Jeff Dunphy. I
6 live on the Bennoch Road in Old Town. I'd like to
7 ask the State of Maine why did the State of Maine
8 go with Casella to run the landfill? Does anybody
9 want to answer that?

10 MR. MacDONALD: George MacDonald, State
11 Planning Office. To select a competent company to
12 run the landfill for the state, we issued a
13 request for proposals in June of this past year.
14 We issued the RFP. It was requested by a number
15 of companies. We had a pre-bid meeting at the
16 landfill site itself. Five potential bidders
17 showed up at the meeting. The day the bids were
18 due, we received one bid, one proposal, and two
19 letters of interest but not able to bid at that
20 point in time.

21 MR. DUNPHY: So the only person left was
22 Casella?

23 MR. MacDONALD: Casella was the only firm
24 bid that we received.

25 MR. DUNPHY: Did you check out their track

1 record in other towns?

2 MR. MacDONALD: Yes.

3 MR. DUNPHY: You were happy with what when
4 on, in particular, in Bethlehem, New Hampshire,
5 Biddeford, Maine, Saco, problems the State of
6 Pennsylvania had with them, the State of New
7 Hampshire, the State of New York? With everything
8 that was against them, why would you not wait for
9 more bids or start the process over?

10 MR. MacDONALD: Based on that single
11 proposal, we made our decision. We reviewed the
12 company's records. It didn't happen overnight.
13 It took us five weeks to complete the review of
14 their proposal.

15 MR. DUNPHY: I don't understand how you
16 could go with a company that doesn't even haul
17 leachate in a leachate-equipped vehicle? There
18 are multitudes of violations. Why didn't you
19 start from process one again? Do you have to go
20 with one if there's only one left?

21 MR. MacDONALD: No, we could have denied
22 it, but we chose to go with Casella. They're a
23 competent firm.

24 MR. DUNPHY: Competent? Their track record
25 doesn't prove they're competent. I've got another

1 question. Do all landfills leak? Anybody want to
2 answer that?

3 MR. SEVEE: John Sevee. This bottle is
4 leaking water right now. This bottle is made of
5 material that's about one-sixth the thickness of
6 the liner that's going to be placed -- the plastic
7 liner placed underneath the landfill. The
8 molecules of water fit very nicely between the
9 molecules of plastic, and this bottle is leaking
10 right now. So the answer to your question is,
11 yes, all landfills leak. Is this a significant
12 leak that's coming out of this bottle right now?
13 I would argue that it isn't and that's the type of
14 leakage, if you want to call it that, that will
15 occur beneath the liner. Actually it will be a
16 lot less than that.

17 MR. DUNPHY: Do you suppose that it's a
18 health risk to live near a landfill?

19 MR. SEVEE: I don't have any information
20 that it is.

21 MR. DUNPHY: Well, there's plenty printed
22 about living around landfills. They say there's
23 higher risk of cancer, leukemia, other illnesses,
24 living near landfills.

25 MR. SEVEE: I'd be happy to review those

1 studies for you. Share them with me, and I'll
2 look at them.

3 MR. DUNPHY: I have another question. The
4 traffic on the Bennoch Road, now all these trucks
5 are going to funnel on the Bennoch Road, correct,
6 and there are going to be 50 to 60 per hour
7 trucks, is that my understanding?

8 MS. WALSH: Mr. Eaton from the DOT will
9 answer those questions for you.

10 MR. DOYLE: Mr. Eaton is from Eaton Traffic
11 Engineering.

12 MS. WALSH: I'm sorry, thanks. I
13 apologize.

14 MR. EATON: Bill Eaton. Not all the
15 traffic is going to travel over the Bennoch Road
16 other than the little segment of the Bennoch Road
17 between the interstate exit and the entrance to
18 the site. Anything that can run legally on the
19 interstate is probably going to be on the
20 interstate. The trucks that are over 100,000
21 pounds -- at 100,000 pounds or over 80,000 pounds
22 will be eventually running up Route 16.

23 MR. DUNPHY: Correct. Do you know how many
24 are expected?

25 MR. EATON: We're estimating -- our

1 estimates are based on two levels of waste, okay?
2 It ranges from 450 to 540 tons a year -- excuse
3 me, thousand tons a year, and it ranges from a low
4 of seven on a peak hour to a high of nine to ten
5 on a peak hour, okay, and that's because they are
6 going to run on that road on the way up when
7 they're loaded, but when they come back and
8 they're empty, they're legal on the interstate so
9 they'll be coming back on the interstate.

10 MR. DUNPHY: Are they going to run during
11 the times that kids are waiting out for buses and
12 things like that?

13 MR. EATON: They probably will, yes, just
14 like other trucks currently do.

15 MR. DUNPHY: Okay. I think the quality of
16 life in the area will die. Our homes will not be
17 worth much in value. Our land we own will not be
18 the same for gardening, for pets or people. The
19 stress put on us wondering if our water is safe to
20 drink, wash, bathe, brush our teeth, give our pets
21 water or grow our crops in our gardens. Does the
22 Governor expect all of us who live in that area,
23 43, Route 16, does he want us to give up our land
24 and just move away so GP can exist in Old Town?
25 Is that the question? Does someone want to answer

1 that? What's he expecting us to do?

2 COMMISSIONER GALLAGHER: Dawn Gallagher. I
3 think that's a very thoughtful question and, of
4 course, he doesn't want you to give up your way of
5 life. No one wants you to do that. I think what
6 we have is a situation where we have regulations
7 and statutes that govern when we get applications
8 in and we're abiding by the law that has been
9 given us. I think it would be disingenuous for me
10 to say to you things won't change because,
11 frankly, I think they will change for you. Any
12 time that a change occurs, there's bound to be
13 some differences that happen. I'm -- when you
14 hear my closing statement, I won't say it now, but
15 I'm really sorry. I'm very sorry and, yet, we all
16 have a need for a landfill.

17 MR. DUNPHY: That's enough by me.

18 MS. WALSH: Paul Schroeder, please, and I'd
19 ask you to state your name and where you're from,
20 please.

21 MR. SCHROEDER: My name is Paul Schroeder.
22 I live in Orono. I want to say thank you very
23 much for providing the opportunity for all of us
24 to be here and speak the last couple of days. I
25 know there have been some mix-ups and

1 misunderstandings about what it means to take time
2 and present our comments, and I'll do the best I
3 can to present my statement. I did write out a
4 statement with supporting documents, and I'll pass
5 that over to you, and I'll do my best to summarize
6 it. My comment, I would like to be --

7 MS. WALSH: And if you want to just slow
8 down so the recorder -- it's been a long day for
9 everybody, and I'll start your time again.

10 MR. SCHROEDER: Thank you. I'd like to
11 make as positive a contribution to this process as
12 I can. I think that this has been an opportunity
13 for all of us who have become aware of this very
14 recently, I would say in January, although I was
15 aware last summer of the complexities of this
16 particular policy-making process. I think that
17 there have been a lot of problems that have been
18 shown, especially in terms of public notice,
19 public information and public involvement in this
20 process. So I'd like my contributions to be
21 thought to be directed toward those pieces of this
22 process. I've had an active interest in this area
23 of public information process for a long time.
24 I'm a professional librarian. I'm former
25 president of the Maine Academic and Research

1 Libraries. I'm a former member of the government
2 document section of the Maine Library Association
3 and I've organized a statewide conference on
4 public access to information, and I've recently
5 received a Ph.D. from the University in spacial
6 information science and engineering. Part of my
7 concentration has been in public access to public
8 spacial data. I have outlined a number of my
9 concerns in my prepared comments, but the
10 suggestions that I want to make that I hope are
11 taken to heart by everyone in this process are as
12 follows: I believe that the real problem here
13 existed before the DEP was involved, and that's
14 why my request was for the State Planning Office
15 to be joint sponsor of this hearing or process
16 along with -- the State Planning Office along with
17 DEP. I'm glad that someone is here to listen to
18 this. My recommendations are as follows: first
19 of all, the state does not have an environmental
20 justice policy. I believe the state should
21 immediately undertake the process, legislators, to
22 adopt and implement an environmental justice
23 policy especially because there are so many
24 environmental justice issues involved in this
25 particular setting.

1 MS. WALSH: One minute.

2 MR. SCHROEDER: Second, the state should
3 convene a task force along the line of the
4 recently completed task force on public access to
5 information that would establish a state policy on
6 public participation. I was actually shocked to
7 find out that there's no policy at the State
8 Planning Office related to public involvement in
9 an effort that's of this scope, and I imagine the
10 State Planning Office really should take the
11 lead. They're the lead State Planning Agency.
12 They should take the lead in having a state agency
13 policy on involving the public, and this should
14 have happened in this case as soon as the
15 Legislature made its resolve and before the RFP
16 went out. There should have been some sort of
17 effective public inclusion process established.
18 My third recommendation is that the state should
19 consider having an agency related to DEP that's
20 similar to the Public Advocate's Office for the
21 Public Utilities Commission, in fact, this sort of
22 management of waste was originally proposed to be
23 under the Public Utilities Commission, and I think
24 there should be an advocacy office for the public
25 as far as the technical parts of all of these

1 kinds of processes. Fourth of all, I think the
2 state should establish a public information office
3 where the public's interests and access and
4 involvement to public information should be
5 handled as an ongoing state responsibility. I
6 have other observations, including problems with
7 the DEP's Bangor office and their procedures for
8 gaining information, which I think are totally
9 inadequate, but I've included those in my
10 statement, and thank you very much for allowing me
11 to speak.

12 MS. WALSH: Ellery Keene or Larry Keene?
13 Laura Lommler, and I'd remind you to state your
14 name and where you're from.

15 MS. LOMMLER: I don't actually have
16 anything to say at this time.

17 MS. WALSH: Okay. Mike St. Peter.

18 MR. ST. PETER: My name is Mike St. Peter.
19 I live in Old Town. This is my second time. I
20 was here yesterday, spoke, been here all day
21 yesterday and all day today. I don't have a
22 bachelor's degree, don't have a master's degree,
23 not a Ph.D. I don't have any of those very
24 impressive credentials. My background does not
25 include any of these. I'm just an average

1 layman. As we would say around here, I'm just
2 your average Joe Blow I guess, but I may have a
3 difference of opinion with some of the people here
4 in what course should be taken in this landfill,
5 but my comments are not to either the DEP or those
6 on the other side here also. A few years back, I
7 stood with Laura Sanborn when she was campaigning
8 for State House, supported her, still support her,
9 love what she stood for. I went to school and
10 grew up with many of the people and socialized
11 with many of the people in this room today, both
12 that are for and against the landfill. It's a sad
13 state of affairs that we have ourselves into, but
14 we are here. Neighbor's interest against
15 neighbor's interest. It is not what any of us
16 wanted, any of us wanted, but we have it. In the
17 face of adversity, we often find some positives.
18 I've had the opportunity or I had the opportunity
19 last night to have a discussion with a man that I
20 have not had a discussion with before. I know
21 him, know of him. I know of him because I went to
22 school with his wife, Debbie, but I had never
23 previously met this man. I hope he doesn't mind
24 that I'm going to say his name. I met Charlie
25 Gibbs, and talked with him for a good long time

1 after we got out of here. I think Charlie and I
2 we both walked away from our discussion better
3 people. I know I felt I'm a better person from my
4 discussion with Charlie. A few months ago Charlie
5 said he never would have imagined when he was
6 sitting on his back deck having a beer and a
7 barbecue that he'd be here speaking in front of
8 the people that he did or this large group of
9 people. Neither did I, Charlie.

10 MS. WALSH: You have one minute.

11 MR. ST. PETER: Thank you very much, and we
12 are because we both have strong convictions for
13 our interests and the interests and the
14 well-beings of our families, our friends and our
15 communities. While Charlie and I may have
16 different opinions in what course we should take
17 here, we both agree to disagree. He and I both
18 agree on one issue. Regardless of how this thing
19 turns out, we both lose. The state will go back
20 to Augusta, the lawyers will go back to fight
21 another cause, the experts will find another cause
22 and we will still be here, the people of Old Town,
23 going on with whatever life we have. Whether it's
24 exciting or boring, we'll be going on with our
25 life. We both have friends and neighbors on both

1 sides of this issue, and we have the greatest
2 respect and heartfelt feelings for those on both
3 sides for their plight, and I'm done right here in
4 one second. Charlie, as you said last night, no
5 one wins here, no one wins here, and how we handle
6 ourselves in the future will speak loudly of the
7 character of all of us. I last night met a man
8 with a great character and that was Charlie. I'm
9 glad I did. We all have different views but we
10 all have the same interests to secure a place for
11 our families and our future. Charlie, you offered
12 me something last night. You offered me an
13 opportunity to sit down and share a beer and share
14 some stories. I would like very much to accept
15 that. Thank you.

16 MS. WALSH: Chris Lommler. Chris, if you
17 would state your name and where you're from,
18 please.

19 MS. LOMMLER: My name is Chris Lommler, and
20 I'm from Old Town. I just have one thing to say,
21 and one request. The one thing I'd like to say is
22 John Baldacci had no right to give us 392 feet of
23 toxic waste and to tear our community apart by
24 pitting the mill against its residents in this
25 town. My -- I don't need an applause for that. I

1 just needed to say it. My request is that I want
2 to yield the floor to someone who has something
3 important to say here, but I wish that Dawn
4 Gallagher would include in her summation an answer
5 to all of us what would we have had to do to get
6 this stopped and to get this evaluated fairly.
7 What would we have had to do? We've asked a lot
8 of times, and we don't feel we got the answer.

9 MS. WALSH: Kimberly Lommler Robichaud.

10 MR. ROBICHAUD: Kimberly Robichaud, Old
11 Town, Maine. Did the DEP contact the EPA's
12 landfill methane outreach program to investigate
13 more environmentally protective measures to manage
14 landfill gas than proposed --

15 THE REPORTER: Ma'am --

16 MS. LOMMLER ROBICHAUD: Can I just ask my
17 questions in the three minutes and then give them
18 to you to type?

19 THE REPORTER: They won't be on the record.

20 MS. LOMMLER ROBICHAUD: Okay. Did the DEP
21 contact the EPA to investigate more
22 environmentally protective measures to manage
23 landfill gas than proposed by the operator? Does
24 the DEP consider the approval of a deal that will
25 leave one town with a large commercially operated

1 for-profit landfill, a biomass boiler that has
2 been previously cited for air emissions
3 violations, a significant increase in oversized
4 diesel truck traffic that is exempt from emissions
5 standards and a paper mill an active environmental
6 justice? I believe the failure to have
7 environmental justice laws should prevent the
8 approval of this amendment. The DEP should
9 consider what incentives are lost for citizens of
10 Maine to reduce the waste they produce if the
11 landfill in their town may fill up at the same
12 rate either way. The DEP should strongly consider
13 that while certain technologies may be considered
14 relatively reliable with the current state of the
15 art, human reliability is much less predictable.
16 The DEP should consider the number of times the
17 proposed applicant has been cited for violations
18 involving human or operator error. I want to see
19 that my waste and the waste of my neighbors is
20 managed responsibly and that incentives are
21 provided for Maine to reduce the amount of waste
22 that we produce. I want this landfill, if it must
23 exist, to be as small as possible, to last as long
24 as possible and to be as safe as possible. I do
25 not see how these goals can be achieved with this

1 plan with Casella. A corporation has a primary
2 obligation to its stackholders, not to the
3 community and not to the environment. Maine needs
4 to act intelligently. The State Planning Office
5 needs to find a better way to save jobs and to
6 empower, not divide, communities. Thank you.

7 MR. BURNS: I'm David Burns for the DEP. I
8 did the analysis gas management review for this
9 project, and with regards to your comment on LMOP
10 and our contact with them, I am in contact with
11 LMOP. I receive their monthly newsletters. I
12 attended a conference last week and had
13 discussions with them. I also am a member of the
14 Solid Waste Association of North America
15 Bioreactor Committee. So the DEP is very active
16 in this area.

17 MS. LOMMLER ROBICHAUD: So you did contact
18 them and discussed the proposed gas management
19 procedures with what they would suggest?

20 MR. BURNS: I did not discuss with them the
21 specifics of this design.

22 MS. LOMMLER ROBICHAUD: Okay. I had asked
23 at the last public meeting that that be done, and
24 I provided contact information, a name and a phone
25 number, and so I was just trying to see if that

1 had been followed up on.

2 MR. BURNS: No, I have not done that, but I
3 am in contact with them on gas issues.

4 MR. ROBICHAUD: Thank you.

5 MS. WALSH: Okay. It's come to my
6 attention there are two new people that would like
7 to ask a question or make a comment who have not
8 yet had an opportunity to do so. David Attean.
9 David, you have five minutes to make your comment
10 or ask your question and then the panel must have
11 an equal amount of time, so a total of ten
12 minutes.

13 MR. ATTEAN: Thank you. My name is David
14 Attean, and I'm from Indian Island, Old Town,
15 Maine. I'm a student at the University of Maine.
16 I'm studying English. It occurs to me that
17 landfill expansion is a euphemism for major toxic
18 waste facility, and I can only surmise that it's
19 going to create a lot of air pollution and who
20 knows how much water pollution. I've been living
21 here for about 24 years of my life out of 40, and
22 I like it here. It has a lot of problems, but I
23 like it here. It's home. It's the only home I
24 have. I don't know how much pollution that this
25 is going to cause. I don't want to feel like I

1 have to move because -- because of problems that
2 are made and probably will occur in the future,
3 and if I have to move, if this turns out to be a
4 disaster, I will. I don't want to, but I will,
5 and I just want to say that I feel mostly bad for
6 everybody but particularly the children of this
7 area. They can't get up and move. They don't
8 have the resources, and I'm just amazed at how
9 close to a town that this facility is going to be
10 in. It doesn't make any sense to me. I know the
11 mill has to employ people, we need jobs, and I'm
12 not anti work, but I'm for what's right and, once
13 again, I will reiterate I do feel bad for the
14 children that are going to have to breathe in
15 these toxic substances. That's almost inevitable,
16 and I hope the right decision is made. Thank
17 you.

18 MS. WALSH: Jennie Cook. Again, Jennie,
19 you have five minutes to make your statement or
20 ask your questions with a response time of five
21 minutes for up to ten minutes. State your name
22 and where you're from, please.

23 MS. COOK: My name is Jennie Cook, and I
24 live in Old Town. I don't live in West Old Town.
25 I'm not employed by the mill. I live in the

1 middle of Old Town. I did serve on the Planning
2 Board. I actually served as the chairman when we
3 approved James River's generator owned landfill.
4 I am not I guess -- I guess I don't know enough to
5 really take a position specifically on the
6 landfill, but I do have a very serious concern
7 that I wanted to bring public and get it on the
8 public record because -- for follow-up. First,
9 I'd like to thank you for giving us the
10 opportunity in Old Town to express our concerns on
11 the public record. Again, I served as the
12 chairman of the Planning Board when the original
13 site was approved as a generator owned secure
14 landfill for James River. My concern at this
15 point as a citizen of Old Town is the serious
16 doubt that DEP even has the authority at this time
17 to approve the application as presented by the
18 State of Maine. According to the Maine Planning
19 and Land Use Laws, dated 2004, Title 30-A gives
20 the municipalities the right to determine and
21 exercise its home rule authority by developing a
22 growth management program. We've done this by
23 means of adopting a comprehensive plan, zoning
24 ordinances and other tools with which to implement
25 the goals that were set back in 1995. Title 30-A,

1 Section 3001 discusses the absolute power bestowed
2 upon the enacted ordinances and bylaws. Part 1
3 specifically states that this section being
4 necessary for the welfare of the municipalities
5 and their inhabitants shall be liberally construed
6 to effect its purpose. Section 2 declares that
7 there's a presumption that any ordinance enacted
8 under this section is a valid exercise of a
9 municipality's home rule authority. The city of
10 Old Town, which I was somewhat a part of, enacted
11 a comprehensive plan that was approved by the
12 State of Maine in 1995. It clearly identifies
13 growth management policies in terms of growth in
14 the rural areas of Old Town. Sections 12-11 and
15 12-12, policy one addresses the need to provide
16 for future residential, commercial and industrial
17 growth recognizing that rural areas are protected
18 by resource protection district and land areas
19 owned by the University.

20 MS. WALSH: You have one minute.

21 MS. COOK: Oh, shoot. I did present this
22 in writing, but I'll just cut to the chase. It's
23 obvious to me that the Governor has bypassed our
24 right as a municipality to grow in a manner that
25 we deem to be in our self-interest by violating

1 Title 30-A, Section 4352, and which lists
2 limitations on the state in order for the Governor
3 to bypass our specific ordinances, and, just
4 briefly, the ordinance that I believe,
5 specifically Section 12 of our zoning ordinance,
6 that -- that as a condition of approval which we
7 gave James River, Section 112.06, no transfer of
8 the ownership of the development, which is that
9 site, will be given without the written permission
10 of the Planning Board here in Old Town. These
11 hearings should have taken place at the local
12 level, and, again, I have, you know, a two-page
13 document that I would like entered into the public
14 record and I appreciate for taking so long in
15 reading my statement.

16 MS. WALSH: We will enter that into the
17 record. Thank you. Response?

18 MR. DOYLE: Actually, Jennie, the
19 Legislature passed a resolve last session which
20 trumped municipal ordinances in Old Town and laid
21 out the ground rules for what -- how Old Town
22 could regulate the landfill. So the Legislature
23 which has the authority to trump municipal
24 regulations and ordinances are the people who
25 authorized the purchase of the landfill, the

1 transfer of the landfill from Georgia-Pacific to
2 the State of Maine and said so notwithstanding any
3 municipal ordinance in Old Town.

4 MS. WALSH: Any other comments? Andrew
5 Barnes. Just to remind you, Andrew, while you're
6 walking up, you have three minutes in which to
7 make your statement and then there will be an
8 equivalent three minutes for a response. State
9 your name and where you're from.

10 MR. BARNES: Andrew Barnes. I'm from
11 Houlton, Maine. I represent We The People as
12 well, and I didn't think I'd get to speak again
13 tonight. I'm glad to. As you can see, I have
14 about ten or fifteen questions here. I won't get
15 them all asked, but I'd like to express the basic
16 plan here as an introduction. The plan here is to
17 have this landfill run by Casella which is a
18 company that can bring unlimited amounts of trash
19 from any part of the United States it wants to.
20 They can refute that all they want to, but that's
21 the case, and I'd like the town to conceptualize a
22 million, two million tons, multiple transfer
23 stations at the landfill so that multiple trucks
24 can be unloaded at once. DEP cited guidelines or
25 statistics from 2001 for the Pine Tree landfill,

1 240 or something thousand tons a year. Current
2 stats are 630,000, 660,000 tons a year that are
3 being filled up in that landfill. The image that
4 comes to mind, as I've said to a few people, is, I
5 don't know, a grizzly bear in your livingroom, and
6 excuse me for speaking so harshly, but I've
7 noticed that the Casella lawyer hasn't answered
8 any questions that he doesn't want to, and he's
9 going to refute that and that's fine. The problem
10 is, the 23 points that govern the landfill that
11 we're presenting to the town of Old Town for the
12 town of Old Town to comment on were not responded
13 to by the town of Old Town. So we all know we
14 need a landfill. We now have a commercial
15 operator for it who has unlimited capacity to
16 bring in tonnage from out of the state, and we
17 don't even have this grizzly bear in a cage. We
18 don't have straps on it. We don't have anything,
19 and that image won't go away. You know, I was at
20 this testimony all day yesterday -- well, just for
21 four hours I guess, and I hardly slept last night
22 after listening to the comments of this panel
23 here.

24 MS. WALSH: Andrew, you have one minute.

25 MR. BARNES: Going through my mind all

1 night the same things, the ability not to answer
2 questions. I do have a question. How many
3 lawsuits has Casella and its subsidiaries placed
4 against host communities, one, and, two, does
5 Casella have business relationships or does
6 Casella's subsidiaries have business relationships
7 with towns or any kind of businesses that
8 transport trash or are going to have decreased
9 waste in landfills that are going to need new
10 space for that trash? Does Casella currently have
11 relationships with those types of companies as far
12 south as New work and, in particular, the Fresh
13 Kills landfill which closed in 2001, the world's
14 largest landfill that was for New York City. I
15 believe the landfill caused a million eight
16 hundred thousand tons of trash to be sent just to
17 Pennsylvania last year or two years ago.

18 MS. WALSH: Mr. Barnes, your time is up.
19 Is that your question?

20 MR. BARNES: Yup, that's my question, and
21 please could we have a Green Plan similar to
22 Oregon -- the State of Oregon's salmon program
23 apply which will allow a nongovernmental
24 organization to participate on a legal basis as
25 governance over this landfill? Thank you very

1 much.

2 MS. WALSH: Comments?

3 MR. MEAGHER: The two lawsuits with host
4 communities that have been mentioned already are
5 Hampden and Bethlehem, New Hampshire. Those have
6 been described. Business relationship with waste
7 hauling companies, I can't say that I understood
8 the question but --

9 MR. BARNES: Can I help you with that?

10 MR. MEAGHER: Yeah, sure.

11 MR. BARNES: I want to know if there are
12 business relationships entered into formally or
13 informally with companies that are going to need
14 to put a lot of trash somewhere, and the reason
15 for my question is because Maine is basically
16 unbounded wilderness. It's not surrounded by
17 communities, and I want to know -- I want the
18 community to get an idea of how much trash you
19 could actually haul. Not the minimum in the
20 contract, but how much you could haul.

21 MR. MEAGHER: Well, as we have said many
22 times during these two days, we will only be
23 taking waste generated in the State of Maine to
24 this landfill.

25 MR. BARNES: Excuse me, if I could just

1 clarify, any waste, whether we reclassify it as
2 Maine waste that originated outside the state.
3 That's all. If it originated outside the state,
4 legal definition, it's in-state waste. I'd like
5 to know what relationships with businesses you
6 have that could allow you to transport a million,
7 two million, I don't know, but I'd like you not to
8 skirt the issue of the in-state land waste. I
9 really am sincere about that. I understand the
10 definition. If it originated out of the state, I
11 would like you to address that issue, please.

12 MR. MEAGHER: And, again, I'm not skirting
13 the issue. Any waste that is generated within the
14 State of Maine may come to this facility. That's
15 the answer to your question.

16 MR. BARNES: So I'm not going to take
17 anymore time. I guess I'm just going to conclude
18 that it's unlimited, and everyone should be aware
19 of that.

20 MR. MEAGHER: No, it's limited by what is
21 generated within the State of Maine.

22 MS. LOMMLER: That's a lie. Throw me out
23 if you want, but that's a lie.

24 MS. WALSH: So that concludes the time we
25 have allotted for public comment. You're welcome

1 to submit written comments. Mr. Barnes, you've
2 had quite a lot of time. Would you like to come
3 to the mike and what's your --

4 MR. BARNES: I'm sorry, I just asked a
5 question about the Green Plan. Could someone
6 address whether or not we could have that?
7 Thanks.

8 MS. WALSH: Does anybody want to address
9 that? Do you need clarification on the question?
10 Yes, clarification or -- could you restate that
11 question, please?

12 MR. BARNES: Yes. Businesses had trouble
13 protecting the environment and the government had
14 trouble regulating the environment and a Green
15 Plan such as what has been happening in Oregon,
16 New Zealand, et cetera, could we have one of those
17 in place where a nongovernmental organization acts
18 as a watchdog, business writes the plan so that
19 the numbers work out and business can make a
20 profit and government does the regulation? A
21 three-person process -- a three-group process.

22 MS. WALSH: Okay. So this concludes the
23 public comment period. If you want to submit
24 written comments, please do so, and I'd like to
25 turn the floor over to Commissioner Gallagher or

1 actually, no, would you guys like to do a closing
2 first? So Mr. Doyle will do a closing for five
3 minutes and then Commissioner Gallagher will close
4 the proceeding.

5 MR. DOYLE: I'm not sure that we're all
6 going to agree on all issues. One thing I think
7 we can agree on is it's Tuesday night and it feels
8 like it should be Friday. The entire record of
9 this application proceeding these last two days
10 have demonstrated that this is an outstanding site
11 for a landfill. It was an outstanding site and it
12 was found to be so by the Board of Environmental
13 Protection and the DEP staff over ten years ago.
14 Nothing has changed. It is an outstanding site
15 today. It is hydrologically isolated from
16 drinking water supplies. It also has other
17 excellent characteristics that make it an
18 outstanding landfill site. It has dense, low
19 permeability soils. It is relatively remote. It
20 is well buffered from residences and natural
21 resources, and it would be easy to remediate in
22 the unlikely event of a release. The State
23 Legislature found in 1989 that suitable landfill
24 sites are in limited supply and represent a
25 critical natural resource. The West Old Town

1 landfill is one of these resources. What better
2 place to have this critical resource than in
3 ownership of the State of Maine. There is no need
4 to disturb a green filled site. With the landfill
5 in state ownership, it is the realization of a
6 long-time state policy goal set 15 years ago.

7 MS. WALSH: Proceed. If you guys could
8 refrain from making intrusive noises while we're
9 doing this closing, that would be very helpful.

10 MR. DOYLE: And the acquisition of the
11 landfill and the development and operation of the
12 amendment application project will be achieved at
13 no cost to taxpayers. The amendment application
14 involves construction on the same footprint that
15 the Department approved in 1993. There will be no
16 additional impacts to land or natural resources.
17 The proposed improvements will only enhance an
18 already well-designed landfill. The application
19 shows and Casella's technical team which has over
20 300 years of combined professional experience has
21 demonstrated that the project will be developed
22 and operated in accordance with all applicable
23 standards. One thing that also is abundantly
24 clear from these proceedings, Commissioner, is
25 that your decision will never satisfy everyone.

1 That simply is not possible. That is the nature
2 of landfill permitting. Casella respects the
3 concerns of the residents of Old Town and Alton
4 and the other communities that have expressed
5 throughout these multiple public meetings. We
6 believe that our satisfaction of the state's
7 stringent approval criteria is the best way we can
8 protect the health and welfare of the residents
9 and protect the natural environment. Approval of
10 the amendment application will result in
11 significant benefits to the region, the state and
12 the Old Town mill. There will be substantial
13 benefits to the MRC towns who will not need to
14 find another landfill in two years for PERC
15 residues, saving approximately 2.2 million dollars
16 annually. Nearly 450 jobs at the GP mill will be
17 preserved for the foreseeable future. Casella
18 Waste Systems, the landfill operator, is
19 experienced and professional and it gives back
20 generously to the communities in which it
21 operates. Although not everyone will agree, we
22 believe this is a win-win proposition by any
23 measure, a win for the region, a win for the state
24 and a win for the Old Town mill. Commissioner
25 Gallagher, our proposal meets or is superior to

1 all applicable standards, and we respectfully
2 request that you issue an approval decision as
3 soon as possible. Thank you.

4 COMMISSIONER GALLAGHER: I just wanted to
5 wrap up this evening by saying that I'm thankful
6 that all of you were here today and for those
7 individuals that testified yesterday. I think it
8 was very important to us. I heard some things
9 that I have heard before, but I also heard some
10 new things, and what I was particularly struck by,
11 and some of you may know, last month we were in
12 front of the Legislature with a bill that we had
13 proposed which would ban CRTs and computer screens
14 and televisions from landfills. I feel very
15 strongly about this, and I will tell you that this
16 is one of the first bills in the nation that will
17 allow us to do that, and I think we have to spend
18 more time on product stewardship because, as I
19 said to the committee when I was testifying, we're
20 treating the symptom, which is landfills, and not
21 the disease, which is our throw-away society. I
22 was very struck by what Dr. Connett said today in
23 terms of saying we ought to not look at what's
24 coming out but we ought to look at what's going
25 in. I think he has delivered a very important

1 message and one that we plan to pursue, and I just
2 think it was a pretty incredible piece of
3 testimony. We must base our decision on the
4 regulations that we have, and I feel very
5 comfortable in what our responsibility is and the
6 requirements we must follow, but I do promise you
7 that it doesn't end here. That we always will try
8 to strive for making better and more improvements,
9 and I want to thank you for being a part of this
10 process. Thank you.

11 (Whereupon, the above-named hearing was concluded
12 at 8:10 p.m.)

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CERTIFICATE

I, Joanne P. Alley, a Notary Public in and for the State of Maine, hereby certify that on the 30th day of March, 2004, personally appeared before me the within-named witnesses who were sworn to testify to the truth, the whole truth, and nothing but the truth in the aforementioned cause of action and that the foregoing is a true and accurate record as taken by me by means of computer-aided machine shorthand.

I further certify that I am a disinterested person in the event or outcome of the aforementioned cause of action.

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of April, 2004.

Joanne P. Alley
Court Reporter/Notary Public

My commission expires: July 18, 2008