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April 17, 2013

Mr. Michael T. Parker  
Department of Environmental Protection  
17 State House Station  
Augusta, ME 04333-0017

RE: Juniper Ridge Landfill  
DEP Application #S-20700-WD-BC-A

Dear Mike:

On behalf of the Bureau of General Services (BGS) and NEWSME Landfill Operations, LLC (NEWSMSE), I'm writing to respond to the April 12, 2013 letter from Mark Bower, representing Intervenor ecomaine and MMWAC. Mr. Bower requests that a copy of the Interim Disposal Agreement (IDA) between PERC and Casella be made part of the record, because "references were made by witnesses for Casella, MRC and PERC" to it during the hearing.

As you know, at the close of the hearing the Hearing Officer, Ms. Parent, closed the record in this matter and there needs to be "good cause" under Chapter 3, § 24 to supplement the record. Simply because a witness mentions a document during a hearing does not mean that it should, or needs to, be admitted into the record. For example, there are documents that an ecomaine witness referred to during cross-examination that are not part of the record. Moreover, neither BGS nor NEWSME relied on the IDA in the pending application or in their pre-filed direct and rebuttal testimony. Nor did PERC or the MRC rely on the IDA in their pre-filed testimony. Also, the IDA, by its terms, ends on April 30, so it's of questionable relevancy in any event.

Having said this, BGS/NEWSME and PERC do not object to submitting a redacted version of the IDA (with prices removed) if the Hearing Officer requests that a copy of the Agreement be submitted.

Thank you for your attention to this matter.

Very truly yours,



Thomas R. Doyle

TRD/dcu

cc: Service List (via email)