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Trash Talk: A growing landfill splits state government

Serious issues cloud the future of Juniper Ridge Landfill in Old Town



BANGOR DAILY NEWS PHOTO BY JOHN CLARKE RUSS

tom Gilbert (left), Environmental Compliance Manager at Juniper Ridge Landfill in Old Town, and Don Meagher, manager of planning and development for Casella Waste Management, Inc., talk with the BDN while giving a tour of the landfill March 11, 2010. Towering behind them is a 40-foot-tall gas flare stack which burns off some of the landfill gas collected at the site's wells.

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OLD TOWN, Maine — Like it or not, the Juniper Ridge Landfill belongs to the people of Maine.

It is the only state-owned landfill in Maine, and its primary obligation is the responsible disposal of hundreds of thousands of tons of trash each year — but only trash that is generated in Maine.

Unlike the Pine Tree Landfill in Hampden, a privately owned facility 20 miles to the south that stopped accepting waste at the end of last year, Juniper Ridge is poised for significant growth. But the magnitude and direction of the facility's growth, as well as its future management and regulation, are a matter of significant speculation and division.

The origin, makeup and quantity of waste material brought to Juniper Ridge since it opened under private management in 2005 has its critics fuming. Skeptics, including state Rep. Bob Duchesne, point to a conflict between the two state agencies charged with its oversight.

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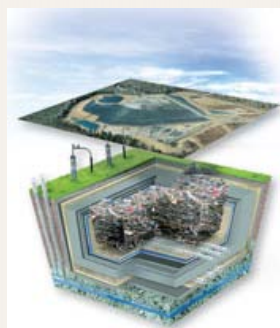
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Click the graphic to explore the Juniper Ridge Landfill

Duchesne, D-Hudson, not only lives in the area but also co-chairs the Legislature's Natural Resources Committee, which has oversight of the Department of Environmental Protection. Duchesne said Juniper Ridge Landfill is going through predictable growing pains, but that issues regarding its future are serious. For example, he said, there is an "inherent conflict" in the State Planning Office's owning Juniper Ridge, overseeing the contract with Casella, and being responsible for planning the state's long-term solid waste management strategy. That's one reason the committee will meet several times this summer to discuss the future of solid waste management in Maine, including the possibility of moving the responsibility for planning from the State Planning Office to the DEP. Also on the

table is a proposal to allow the expansion of the private Crossroads landfill in Norridgewock and, possibly, a reconsideration of the definition of in-state waste.

Meanwhile, a proposal to expand capacity at Juniper Ridge could more than triple its size, and a developing project would generate new profits from the sale of the landfill gas produced there. Casella Waste Systems, the Vermont-based company that manages the landfill, says these changes are essential to its business plan and grounded in laws that were in effect at the time it paid the state \$26 million for a 30-year contract. Regulatory changes now could undermine that deal, the company says, and leave the state vulnerable to a lawsuit.

Maine in landfill business Legislation passed in 1989 required the state of Maine to develop a public landfill to serve the needs of the state. According to Martha Freeman, director of the State Planning Office, that law was intended to phase out that familiar but environmentally catastrophic institution: the town dump.

"We had 360 open, burning dumps in Maine," Freeman said. "That's really the worst of all worlds."

Another goal of the 1989 law was to curb the growth of large-scale commercial landfills; the only ones operating at the time were the Crossroads landfill in Norridgewock and the landfill in Hampden that would later be sold to Casella and named Pine Tree.

Because federal interstate commerce laws restrict states' ability to regulate privately owned landfills, Freeman said, policymakers and the Maine Legislature decided to put the State Planning Office in charge of planning and managing the disposal of waste generated in the state. Establishing a state-owned landfill was a primary component of that effort.

The planning office in 1995 acquired a 1,500-acre parcel outside of Lincoln known as Carpenter Ridge. The initial goal was to use it as a place to dump incinerator ash from the Penobscot Energy Recovery Company in Orrington and the Maine Energy Recovery Co. in Biddeford. Both facilities burn municipal solid waste from Maine communities as well as from out of state. MERC is wholly owned by Casella. Casella has no ownership interest at PERC.

Long term, the state planned to develop Carpenter Ridge as a full-scale landfill to handle solid waste from throughout Maine. But in 2004, the state's incentive to develop Carpenter Ridge was sidelined by the phenomenon that is Juniper Ridge.

Juniper Ridge Landfill was created that year by a three-way, \$26 million economic development deal between the state, the failing Georgia-Pacific paper mill in Old Town and Casella. At the time, the landfill property was owned by G-P. The state's acquisition, financed by Casella's sole bid for the landfill's operation over the next 30 years, allowed G-P to purchase a new biomass burner to produce its own electricity and, ostensibly, to save more

than 400 jobs at the mill. The agreement included a clause requiring Casella to provide G-P with enough burnable fuel, in the form of processed construction and demolition debris, to generate the power it needed.

The effort failed: G-P folded up and left town two years later, leaving the Juniper Ridge Landfill in state ownership with Casella at the helm.

Hard to see, easy to ignore In contrast to the very visible Pine Tree Landfill beside I-95 that marks the southern gateway to Greater Bangor, the 780-acre Juniper Ridge property is situated in the woods northwest of Old Town. The location makes it hard to see and easy to ignore, offering only an occasional glimpse of its surprising topography to motorists on Route 43 and other area roadways.

But already, the waste pile at its highest rises 100 feet above the surrounding landscape, composed of more than 3 million cubic yards of refuse as of the end of 2009. Materials dumped there include household trash, industrial byproducts, medical waste, wastewater sludge, the unsold leftovers of the annual Kiwanis auction in Orono, and much, much more.

The amount of waste brought each year to Juniper Ridge Landfill has risen considerably since 2004. That year, Casella accepted only about 54,000 tons, followed by about 260,000 tons the next year to help stabilize the waste heap.

By 2008, waste trucked across the scales had jumped to 617,782 tons. Last year, 528,622 tons of waste was disposed of at Juniper Ridge.

Notably, nearly half of the waste at Juniper Ridge Landfill is construction and demolition debris, or CDD, and its residue. Some of the CDD comes from nearby towns and is trucked directly to Juniper Ridge. But the great majority of this material originates in other states and is brought into Maine to be sorted for burning to generate electricity. Sorted, or processed, CDD that is either not sold or nonburnable is legally defined as residue of a Maine-based production process and as in-state waste. As such, it may legally be disposed of at Juniper Ridge.

All this waste is brought to the landfill — seven days a week, 24 hours a day — in covered trucks, dumped in specified areas, compacted, and layered with soil, tire chips and other cover materials to help control odor and hasten decomposition.

The smell of money More evident at times than the contours of the expanding waste heap itself is the odor caused by the breakdown of the materials layered within it. The sulfurous smell, as it wafts toward homes and businesses, has prompted vigorous complaints, but facility officials say a built-in vacuum system that collects the stinky, flammable landfill gas as it is produced has mitigated much of the odor problem.

The collected gas currently is torched at the landfill in a continuous outside flare, reflecting Casella's obligation to "manage" the gas from the landfill both now and for 30 years after the facility is closed and capped. But in partnership with the city of Old Town and the University of Maine, Casella is exploring the possibility of building a pipeline to deliver the collected landfill gas to the University of Maine steam plant seven miles away. There it would be burned to generate heat for campus buildings.

An alternative plan is to build a gas-to-energy plant closer to the landfill and sell the electricity it produces to the regional power grid. In either case, the city of Old Town, by virtue of its host community agreement with Casella, would share in the profits. Earlier this month, the Old Town City Council voted in support of the pipeline option, a measure that would direct to city coffers 5 percent of any revenues Casella derives from selling the gas. Casella, as a producer of green or renewable energy, would have an incentive and a license to bring more gas-generating waste to Juniper Ridge.

The company's recent application to more than triple the landfill's current capacity over the next 30 years is based on the current rate at which it is being filled, including the influx of CDD. The proposed expansion could accommodate a waste heap six times the size of the Pine Tree Landfill in Hampden. David Littell, commissioner of the Maine Department of Environmental protection, said in January that there are too many questions about the way solid waste is managed in Maine to justify the expansion. In

addition, he said, there is enough existing landfill capacity in the state for at least 10 years and probably longer.

“Based on current projections, there is enough long-term and medium-term capacity” at landfills in Maine, Littell said. “There is no need to move forward with a substantial expansion.”

Though Littell denied the Juniper Ridge expansion in his preliminary analysis, all parties expect to see another application filed in the near future.

Like it or not Old Town City Manager Peggy Daigle says no community would elect to have a major landfill located within its boundaries. But Juniper Ridge is here to stay, she said, and the area must take advantage of its presence, including the potential to profit from renewable energy produced as a by-product of the gas it generates.

“That landfill is producing a tremendous amount of gas,” she said. “My goal is to make sure it doesn’t become a long-term headache for the people of Old Town.”

Adding profits from gas sales and energy production to other funds paid by Casella to the city can only help the municipality, which is still reeling from the impact of the G--P closure and the general financial downturn, she said. Already, Casella has contributed close to \$5 million in various fees and payments to town coffers — revenue sorely needed as the town grapples with the loss of the G-P mill, the struggling economic climate and other financial burdens.

The small town of Alton, which abuts the landfill, also receives host community payments from Casella. And a number of neighboring landowners have benefited from agreements ranging from outright purchase of their properties to the provision of bottled drinking water — although Casella spokesman Don Meagher points out that regular testing of groundwater supplies in the area has shown no contamination from the landfill. Meagher maintains that the landfill is a state-of-the-art facility operating in compliance with all state and federal environmental requirements. There has been no documented soil or water contamination and no proof of trucks bringing out-of-state trash to the site. The company contributes significant funds and services to surrounding communities and provides monthly, quarterly and annual public reports on the amount and type of waste brought in, as well as other activities at the site.

Current regulations allow the company enough profit to merit its investment at Juniper Ridge, said Meagher, but changes under consideration in response to growing public concerns could threaten the company’s 30-year commitment to the state and to the communities that surround the landfill.

“Is the state of Maine going to honor that contract or not?” Meagher asked. “It poses a question for any company doing business with the state.”

Critics of the landfill are not mollified by Casella’s contributions to local economies or its claims of environmental stewardship.

Paul Schroeder of neighboring Orono is one of a loose-knit group of persistent Juniper Ridge Landfill critics calling themselves “We The People.” The group has expressed ongoing concern about a number of issues, including odor, truck traffic, and a less-than-transparent relationship between the State Planning Office and Casella, as well as the amount and origin of CDD residue disposed of at Juniper Ridge.

Schroeder says area residents, municipal officials and policymakers were assured at the onset of the Juniper Ridge project that there would be no out-of-state waste accepted at the publicly owned landfill.

Loopholes such as the definition of processed CDD as in-state waste along with reams of bureaucratic red tape and a frustrating lack of transparency from Augusta have contributed to public distrust and anger, he said.

Schroeder worries that granting Juniper Ridge Landfill the status of a renewable energy source while it is still accepting waste will pave the way for more “raw materials” of gas production — more waste — to be brought to the site. These materials would likely include greater volumes of space-consuming CDD from both inside Maine and out of state, he said.

"This is where I begin to feel really betrayed by my state representatives," Schroeder said. "Suddenly we don't have 'out-of-state waste' at Juniper Ridge, but we have 'input to the production process.'"

Meagher points out that bringing large amounts of CDD into Maine and processing it for fuel at the Georgia-Pacific mill and other sites was part of the original 2004 agreement with the state. That agreement remains in place and should be honored, he said, even though G-P is no longer in operation and Old Town Fuel & Fiber, the current owner of the Old Town biomass burner, doesn't use CDD.

"Since 2003, the focus of this debate has been out-of-state construction and demolition debris," he said. "This is something the State Planning Office required us to do. There wouldn't have been a viable proposal without the commitment to provide fuel for the biomass burner at G-P."

What would happen if the state moves to restrict CDD at Juniper Ridge?

Meagher said Casella offered the state a two-part proposal: 15 years of operations at Juniper Ridge for \$12.5 million, or 30 years for \$26 million, the cost of the new biomass boiler at G-P. The state accepted the 30-year bid, which was based on the legal and regulatory environment at the time, he said.

Now, he said, Casella's attorneys are preparing for a fight to keep the state from changing the rules that made the deal attractive in the first place.

"For us, the price of admission was \$26 million," he said. "Is the state going to give us that money back if they change the rules? I don't think so."

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