Comments for the Public Record
Submitted
September 27, 2024 | Jacquelyn Elliott
IN THE MATTER OF
STATE OF MAINE, PUBLIC BENEFIT DETERMINATION
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL DETERMINATION SERVICES,
BUREAU OF GENERAL SERVICES
OLD TOWN, PENOBSCOT COUNTY, MAINE
JUNIPER RIDGE LANDFILL EXPANSION
S-020700-W5-CV-N
APPROVAL WITH CONDITIONS

Thank you for extending the opportunity to respond to the Maine Department of Environmental Protection's (MEDEP) **September 13, 2024 DRAFT decision to approve with conditions the application for Public Benefit Determination (PBD) for Casella Waste Systems' proposed expansion of the Juniper Ridge Landfill**. The original truncated comment period concluded September 20,th 2024 with September 23rd identified for a final decision. The additional time to respond until September 27th and the MEDEP decision set for October 2nd is appreciated.

However, it is **important for comments from the community to be seriously considered** as required by Maine statute that governs the PBD process and defines "environmental justice" as the ***"equal protection and meaningful involvement of all people with respect to the development, implementation and enforcement of waste management laws, rules, regulations and licensing decisions***[1]." (emphasis added) **The period closing comments for the public and MEDEP's final decision, continues to raise the question if the public's comments will be taken into earnest consideration.**

Notwithstanding, an argument can be offered that **the matter of Environmental Justice and the intrinsic moral and ethical framework is not addressed with the Commissioner's DRAFT decision**. The **decision does not acknowledge nor rectify *Environmental Injustice* and provides no mechanism to move forward with restorative choices that protect the rights of those who are unjustly impacted**. It is **hoped a final decision will reflect thoughtful respect for what is envisioned with Maine's Environmental Justice law.**

What Maine Environmental Justice law currently requires:
38 M.R.S. § 1310-AA(3)(E) in accordance with Chapter 400 Section 5.E.(5*)*
E. For a proposed facility or the expansion of a facility, is not inconsistent with ensuring environmental justice for the community in which the facility or expansion is proposed. As used in this paragraph, "environmental justice" means the ***right to be protected from environmental pollution and to live in and enjoy a clean and healthful environment***

[1] 38 M.R.S. § 1310-AA(3)(E)

regardless of ancestry, class, disability, ethnicity, income, national origin, or religion. "Environmental justice" includes the equal protection and meaningful involvement of all people with respect to the development, implementation, and enforcement of waste management laws, rules, regulations, and licensing decisions. (emphasis added)

MEDEP's Flawed Position:

*"The Application further concludes that an **expansion of JRL is necessary** to prevent a shortfall of disposal capacity for all wastes in less than 10 years **based on a set of assumptions**: the **State's recycling rate is consistent**; **waste generation continues to increase** at approximately 5.6% per year; the quantity of **waste exported from Maine remains consistent**; the **Maine Waste to Energy and ecomaine waste-to-energy incinerators continue operation at the current rates**; the MWS waste processing facility in **Hampden sends 30% of its contracted waste to landfills**; the **Orrington facility incinerates 50% of its contracted waste in 2025 and 60% thereafter**; **municipally operated landfills do not change significantly**; and the **Crossroads Landfill in Norridgewock could not handle all of the State's landfill needs**. With **these assumptions and based on calculations presented by the Applicant** a shortfall of landfill disposal capacity for all wastes will occur in less than 10 years, and **therefore the expansion is needed** to meet Maine's long-term capacity needs for all wastes.* (emphasis added)

***[A]dding 11.9 million cubic yards of capacity is reasonable**, considering the amount of time it takes to license new or expanded disposal capacity or waste processing facilities**, uncertainty surrounding waste management options** in the Eastern Maine region, **uncertainty surrounding the future municipal wastewater treatment plant sludge management options**, the fact that **waste generation rates fluctuate** but as noted in the State Plan**, per capita waste generation appears to be increasing**, the **need to support waste-to-energy incinerators** and disposal needs of the Eastern Maine region, and the **lack of existing infrastructure to increase waste diversion**.*

***Continued operation of the landfill in a manner similar to which it has been operated is consistent with past waste management practices** in the state. The Department finds that the proposed expansion is not inconsistent with local, regional, or state waste collection, storage, transportation, processing, or disposal, as required by 38 M.R.S. § 1310-AA and 06-096 C.M.R. ch. 400, § 5(E)(3) . . .*

***THEREFORE, the Department APPROVES** the above noted application of the STATE OF MAINE, acting through the Department of Administrative and Financial Services, Bureau of General Services, SUBJECT TO THE FOLLOWING CONDITIONS, and all applicable standards and regulations."* September 13, 2024, Public Benefit Determination DRAFT [pages 8, 12, 16, 23]

MEDEP's **decision is heavily reliant on the assumptions of the Applicant** and **reflects a lack of State planning and commitment to front-end approaches** and investment in infrastructure to **reduce the waste stream** requiring disposal. The **decision presents the Maine (pun intended) tap roots of the problem and exposes choices that ignore public health impacts and undervalue environmental threats**. Offering the **need to support incineration as a reason for expansion is astounding** as it is the second least desired option in the State Waste Hierarchy. **Waste incineration is the source of**

pollution such as mercury, lead, and dioxin that has no safe exposure levels. Incinerators produce **nitrogen oxides (NOx) and sulfur dioxide** implicated with asthma symptoms, as well as **PM2.5**, extremely small pollution particles **that settle into the lungs and pass into the bloodstream**. Regulation does not require continuous monitoring of all 9 regulated pollutants. Incineration produces an ash product that contains concentrated levels of toxics and must be landfilled. EPA[2] is proposing increased standards for larger waste incinerators. The Orrington facility, if it does reopen, should be required to meet New Source Review Standards[3]. The public deserves the best achievable pollution control technology available and strong regulation.

Arguments being put forth **to support expansion of Juniper Ridge are without a verifiably independent evaluation** of Maine's materials management policies and landfill disposal capacity. Such an evaluation should expand what is factored into decisions and outcomes, and would perhaps allay **questions of insouciance, incompetence, coercion, collusion, and perhaps even corruption**. Policy and regulation must be about more than ticking off technical jots and tittles.

The relationship of the State as owner and regulator of the landfill contracted with Casella as operator is problematic. There is argument the **State has not utilized its right as owner[4] and market participant**, to preserve Juniper Ridge as a disposal asset for Maine's citizens and has **put us at the mercy of Casella Waste Systems' vertically integrated, continually expanding, for-profit business model**. Waste procured, processed, and disposed as a commodity, predominantly within the private, for-profit sector, will never bring us to the place where we seriously **RETHINK** our approach to materials management and reduce the amount and toxicity of what requires disposal.

September 9, 2024, Megan Quinn, *Casella expanding in New York and Connecticut with latest acquisition:* https://www.wastedive.com/news/casella-acquire-royal-carting-welsh-sanitation-new-york/

"The Environmental Protection Agency has an EJ Screening tool, which uses demographic factors like income and race in comparison to environmental burden indicators. Compared to the rest of Maine, communities surrounding the landfill [Juniper Ridge] are within the 95th-100th percentiles of exposure to nitrogen dioxide, toxic releases to air, traffic proximity, hazardous waste proximity and wastewater discharge." August 2, 2024 Portland Press Herald, *DEP needs to get serious*: https://www.pressherald.com/2024/08/24/opinion-dep-needs-to-get-serious-about-environmental-justice/

[2] https://www.epa.gov/stationary-sources-air-pollution/commercial-and-industrial-solid-waste-incineration-units-ciswi-new

[3] https://www.epa.gov/nsr

[4] 2010 Final Report of the Joint Standing Committee on Natural Resources Interim Study of Solid Waste Issues (Please refer to Memorandum from Jerry Reid, AAG, Chief, Natural Resources Division, Date: May 13, 2010
Subject: Commerce Clause Limitations on State Regulation of Solid Waste; Legal Restrictions on Unlined Landfills: https://digitalmaine.com/cgi/viewcontent.cgi?article=1043&context=opla_docs

Casella's operations of Juniper Ridge perpetuate environmental injustice. The **rights to clean water and air, and the ability to live safely in their communities** for the citizens of Old Town, Alton, and members of the Penobscot Indian Nation occupying their tribal lands, **have been sacrificed** to ill-considered **objectives** that have **failed to seriously consider human health effects and environmental protection, and have diminished the quality of life for those affected**.

Department Finding:

The Department finds that **expansion of JRL is not inconsistent with ensuring environmental justice for the community in which the facility is proposed**, as required by 38 M.R.S. § 1310-AA and 06-096 C.M.R. ch. 400, § 5(E)(5), provided that if a license is issued for the construction and operation of the expansion the applicant: (emphasis added)

(1) Designs and installs a Department-approved system for the treatment of landfill leachate for PFAS prior to expansion operations;

(2) Conducts odor dispersion modeling studies demonstrating that the facility will not cause more than a one-hour average impact of two dilutions to threshold, in any calendar year at any occupied buildings, and implements recommendations from the study prior to expansion operations;

(3) Conducts two additional surface scans per year of the landfill intermediate cover to determine if there are fugitive landfill gas emissions and conducts repairs of the cover material accordingly; and

(4) Establishes a system to inform the public about significant landfill events in near real time such as through a website or other means as approved by the Department." September 13, 2024, Public Benefit Determination DRAFT [pages 20, 21]

Though the **Commissioner's DRAFT decision with conditions is offered as addressing environmental justice** legal requirements, the **conditions lack substance and do not address the larger issue of meaningful inclusion of impacted community members**. Importantly, MEDEP, BGS and Casella have **failed to meet with the communities most directly impacted** by Juniper Ridge operations and MEDEP decisions **to seek input for what environmental justice would entail for them** to fully realize the provisions provided by law.

Requirement (1) does not include a specified timeline for the design, approval, and implementation of an effective treatment system for removal of PFAS from the leachate.

- What are MEDEP's standards that will be applied to determine if the system is effective and will be approved?
- What is the time-frame for meeting specific goals for design, installation, approval, and implementation?
- Will there be a date-certain for completion?

- Approval of the treatment system is linked to approval for landfill expansion. **What is the MEDEP's plan for disposal capacity if Casella fails to employ an approved treatment system within the timeframe stipulated?**

Conditions (2) and (3) are in effect, tangential, to the foundational issue of protecting public health and the environment from harmful releases emanating from the landfill operations. Scientific studies demonstrate that emissions of landfill gas (LFG) include toxics regulated as Hazardous Air Pollutants (HAPS). Reports[5] identify pollutants from a landfill itself to include biogenic hydrocarbon gases such as polychlorinated dibenzo-p-dioxins (PCDD), vinyl chloride monomers, non-methanic volatile organic compounds, dibenzofurans, polycyclic aromatics hydrocarbons, odor, dioxin that include polychlorobiphenyls (PCB), benzene, hydrogen sulfide (H2S), and ozone (O3). Flaring [6]of LFG produces toxic releases that include carbon disulfide, ethanol, acetaldehyde, acetone, toluene, carbonyl sulfide, 2-butanone, and 3-carene. **These toxics involve carcinogens and endocrine-disrupting chemicals, ozone precursors and greenhouse gases.** Combustion[7] also produces secondary toxic pollutants like acetaldehyde and benzene. Temperature and wind impact concentrations[8] of polycyclic aromatic hydrocarbons (PAHs). This **necessitates that there must be real-time, continuous monitoring of all toxic releases to the air from Juniper Ridge at multiple locations. Monitoring must include surface scans and monitors at the landfill perimeter, as well as locations in the communities of Old Town, Alton, and Penobscot Indian Nation lands impacted by the landfill. Priority must be given to schools, health care institutions, and other public areas**.

Requirement (4) fails to provide specifics for what MEDEP would approve as a public alert system warning the communities of significant events at the landfill. There is **no definition for what constitutes such an event**, and suggesting a **posting on a website is** sufficient notification of events is **derelict**. MEDEP must clearly establish **what would initiate a warning** to the public and outline a **process for real-time notification** that takes into consideration **varied methods of access** for members of the affected communities. Not every member of the impacted communities may have access to

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[5] Salami et al., 2023. *A Comprehensive Review of Atmospheric Air Pollutants Assessment Around Landfill Sites*. Air, Soil and Water Research Volume 16: 1–17: 000000000000https://journals.sagepub.com/doi/10.1177/11786221221145379 .

[6] Yang, et al. 2018 *Polycyclic aromatic hydrocarbons (PAHs) associated with PM2.5 within boundary layer: Cloud/fog and regional transport*. Science of the Total Environment 627: 613–621: https://www.sciencedirect.com/science/article/abs/pii/S0048969718300147.

[7] Wang et al. 2023. *Flare exhaust: An underestimated pollution source in municipal solid waste landfills*. Chemosphere 325:138327: https://www.sciencedirect.com/science/article/abs/pii/S0045653523005945 .

[8] Yang, et al. 2018 *Polycyclic aromatic hydrocarbons (PAHs) associated with PM2.5 within boundary layer: Cloud/fog and regional transport*. Science of the Total Environment 627: 613–621: https://www.sciencedirect.com/science/article/abs/pii/S0048969718300147.

computers and cell phones. An **audible warning system would be useful**, as well as **push notifications to cell phones and alerts to local media**.

What About Landfill Gas?

> *"Landfill **gas** at JRL has been **flared**, but **Casella, with an energy partner, developed a renewable natural gas facility that converts landfill gas to biogas**. The biogas will **eventually be directed to a natural gas pipeline; currently the gas is compressed and trucked**, while awaiting extension of the gas line."* (emphasis added) ***September*** 13, 2024 public Benefit Determination DRAFT [page 13]

Landfill gas (LFG) to biogas (RNG) operations may actually add to a problem they claim to address.[9] Landfills are major contributors of the man-made greenhouse gas (GHG) methane that fuels climate disruption. Methane is a more potent GHG than carbon dioxide. **Gas collection systems vary in efficiencies and release fugitive emissions to the atmosphere from leaking pipes and breached landfill liners**. RNG operations can **promote production of GHG**. There are **viable front-end approaches to mitigating production of landfill GHG emissions** that include **diverting organic wastes for composting and other higher value uses**, and **keeping wet wastes out of the landfill**. Sludges contribute significantly to GHG/LFG and should be dewatered and dried before they are landfilled. Research[10] has been conducted on **biologically active landfill covers** that can reduce overall methane releases, and in some instances, will draw methane from the atmosphere. **Such methods reduce production of GHG/LGF and avoid the risks involved with LFG/RNG operations**.

> *"The waste sector is the third-largest source of anthropogenic methane emissions worldwide, contributing roughly 20% of all such emissions. Following the waste hierarchy, organic waste prevention is the most powerful tool for reducing methane emissions, including preventing upstream emissions involved in its production, management and transport. Source separation of organic discards, coupled with composting, bio-stabilisation of residual waste and biologically active cover for landfills and dumps can reduce solid waste methane emissions by as much as 95% by 2030. **Composting alone, an age-old practice utilised around the world, could reduce solid waste methane emissions by 78% by 2030**. Furthermore, waste prevention, source separation and composting of organic discards can create more and better jobs than other disposal methods, as well as a more stable, dignified livelihood for workers in the informal waste sector."* Methane Matters: A comprehensive approach to methane mitigation. (emphasis added): https://eia-international.org/report/methane-matters-a-comprehensive-approach-to-methane-mitigation/

[9] January 2013, Jim R. Stewart, PhD., *Landfill Gas-to-Energy Projects May Release More Greenhouse Gases Than Flaring:* https://www.arb.ca.gov/lists/com-attach/59-slcpdraftstrategy-ws-VTkHYF0yUGdQMAlg.pdf

[10] 2007, Jennifer C. Stern, Jeff Chanton, Tarek Abichou, David Powelson, Lei yuan, Sharon Escoriza, Jean Bogner, Waste Management Volume 27, Issue 9, pages 1248-1258, *Use of a biologically active cover to reduce landfill methane emissions and enhance methane oxidation*: https://www.sciencedirect.com/science/article/abs/pii/S0956053X06002364

Preventing the hazard of landfill fires is a major challenge for operators. **Despite initial promises made to the public, Juniper Ridge has become a repository for growing amounts of raw municipal solid waste (MSW) contributing to the production of LFG and fire risks**. Such fires increase the dangers for workers, add to harmful health impacts on human neighbors and wildlife, and further contaminate the environment from landfill operations. N**eighbors have reported noxious effects from the several fires at Juniper Ridge. LFG/RNG production has potential to increase the danger for fires and explosions** that result in damage to the landfill liner and leachate and gas collection systems.

Landfilled wet wastes such as sludges, combined with oversized bulky wastes, provide pockets for air to collect and increase decomposition and heat within the landfill. These spaces also collect gas and add to the risk of fire or explosion. The working landfill area is exposed to precipitation and contributes to moisture and waste decomposition and thus, LFG production. **Removable tarps and biologically active landfill cover soils can reduce emissions**.

Aggressive LFG/RNG operations further the risk of fire.[11] **Construction of the gas system itself may damage[12] the liner** and other systems. **Current operations compressing and trucking Juniper Ridge LFG, and future plans for piping LFG/RNG offsite, have serious inherent risks for accidental releases, fires, and explosions at the landfill and during transport. How is MEDEP regulating and mitigating those risks to the public?**

RNG infrastructure developed in an attempt to reclaim LFG from landfilled materials that would be better managed in other ways, is **counter-productive to the State's stated goal of reducing what requires disposal**. The LFG/RNG system operator's goal is to produce increased quantities of LFG for profit. **Gas production requires a guaranteed source and magnitudes of materials to produce that gas**. Such a business model **does not incentivize reduction of what is wasted and diverts resources from higher-value purposes that reduce risks and negative impacts.** RNG operations specifically **do not support Maine's efforts to divert food and organic waste from disposal**[13].

Remarkably, **MEDEP has not held any public hearings on the construction and operations of the Juniper Ridge RNG facility** though the **risks for Juniper Ridge's neighbors are considerable**. MEDEP has approved this operation without input from those who are most impacted. Such neglect **appears to be a serious violation of rights of the impacted communities to due process and application of Environmental Justice**

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[11] May 31, 2019, Waste Advantage, *Subterranean Landfill Fires: The Cause and Solutions:* https://wasteadvantagemag.com/subterranean-landfill-fires-the-cause-and-solutions/

[12] September 9, 2024 NCES Incident Report: https://drive.google.com/file/d/1OqMLpa3WXrSVNuGrps_AkuDHCpEYZqNN/view?usp=drive_link

[13] MRS Title 38, §2101-B. Food Recovery Hierarchy: https://legislature.maine.gov/statutes/38/title38sec2101-B.pdf

regulations in Maine law that must now be met. At the very least, it is a poor public relations move for Casella and MEDEP and does not engender public trust that MEDEP is protecting the interests of Maine citizens.

The Larger View:

If we seek to put a credible framework around the proffered metrics for decisions that determine needs for future disposal capacity, we will admit we **rely on past and present bad practice to set the agenda to move forward**. Much of that agenda has been, and continues to be, **conspicuously influenced by the operations of Casella Waste Systems in the State and across the region** and imposes **harmful outcomes that perpetuate environmental injustice** for those who bear the most direct results of these unjust and unsustainable choices.

> ***"The Board has been concerned that in the licensing and appeal proceedings before the Board, BGS and DEXD consistently defer to Casella creating at least the impression that the facility is being managed as a private landfill for the benefit of Casella rather than as a publicly owned asset for the benefit of the State and its citizens."*** January 2019, Board of Environmental Protection, *Report to the Joint Standing Committee on Environment and Natural Resources*: https://www.maine.gov/dep/bep/legislative-reports/2018%20BEP%20Legislative%20Report.pdf

The **history** of Juniper Ridge and its operations have been **controversial** and the public record documents citizens' attempts to participate and seek redress for grievances[14] through what has been **experienced as an illegitimate and ineffectual process**. Over the years, specific matters[15] have been raised with the Government Oversight Committee (GOC) about the relationship of the State and Casella. Those **matters are still unaddressed**.

The Regulatory "Insult Added to Injury" of the Lived Experience of Juniper Ridge's Neighbors:

> *"The greatest amount of waste must be handled through means as high on the hierarchy as* ***possible without causing unreasonable increases in facility operating costs or unreasonable impacts on other aspects of facility operation****."* (emphasis added) September 13, 2024 Public Benefit Determination [page 14]

Costs and impacts **must include ALL costs and impacts** – impacts to public health, environmental degradation, and loss of quality of life must be **factored on the**

[14] March 9, 2012 Meeting Summary Government Oversight Committee: https://www.maine.gov/legis/opega/GOC/GOC_meetings/Current_handouts/4-10-12/Summary.pdf
[15] March 9, 2012, Meeting Summary, Government Oversight Committee, *Contracts and Agreements Related to the Operations and Management of the State-owned Juniper Ridge Landfill, pp. 2,3*: https://www.maine.gov/legis/opega/GOC/GOC_meetings/Current_handouts/4-10-12/Summary.pdf

front end of decisions. These all represent a monetary cost[16] as well as a cost to general well-being. **Complete economic analysis considers the externalized costs borne by the public and society and does not singularly focus on profits**. Maine is living the reality of financial costs and lives devastated by pollution as we deal with the aftermath of PFAS-contaminated sludge spread, at MDEP's behest, for fertilizer on our farmlands. **Costs of harm must be accounted to those who have caused the injury**. And **we must move to a process of choices and decision-making that prevents those harms**.

Penobscot Indian Nation's Reality:

"I feel like I'm sitting here waiting to die." *Kathy Paul, Member Penobscot Indian Nation residing on Tribal Lands impacted by Juniper Ridge operations:* https://www.youtube.com/watch?v=0e2X_F-Zrdk

"The health and well-being of the [Penobscot] River has a direct and absolute effect on the health and well-being of our Tribal citizens. The expansion of Juniper Ridge under Casella perpetuates harms against the Penobscot Nation, who are the original stewards of these lands and waters dating back over 10,000 years. We add our voice to the assertion that there is no public benefit to this expansion, quite the opposite." *Penobscot Tribal Ambassador Maulian Bryant* : https://mailchi.mp/85ba01bee625/april-29-beyond-borders-unheard-abenaki-voices-from-odanak-first-nation-18077729?e=ef7b4ecc8b

The Penobscot Nation considers **the Penobscot River a relative and a sacred part of their rites, spirituality, and sustenance**. They "**suffer the injustice of the inability to live in and enjoy a clean and healthful environment regardless of ancestry, class, disability, ethnicity, income, national origin, or religion.**" This **violates[17] Environmental Justice obligations of Maine** law. 38 M.R.S. § 1310-AA(3)(E) in accordance with Chapter 400 Section 5.E.(5)

They **can no longer engage in their cultural practice of sustenance fishing from the river** due to dangerously **high levels of PFAS in fish** linked to many adverse health impacts, that include high cholesterol, developmental problems in children, liver, and testicular cancers, immunotoxicity and reduced immune function, fertility and reproductive harm, thyroid dysfunction, and other endocrine disruptions. **In 2023, 26,531,525 gallons of landfill leachate from Juniper Ridge were hauled off-site for minimal treatment at the Nine Dragons Old Town Mill, LLC wastewater treatment facility before being discharged as effluent into the Penobscot River.** September 13, 2024 Public Benefit Determination DRAFT [page 18]

[16] February 18, 2020, *This is the global economic cost of air pollution:* https://www.weforum.org/agenda/2020/02/the-economic-burden-of-air-pollution/.

[17] September 10, 2022, Marina Schauffler, *Compound Injustice: PFAS may concentrate over time in landfills near the Penobscot Indian Reservation*: https://themainemonitor.org/compound-injustice-pfas-may-concentrate-over-time-in-landfills-near-the-penobscot-indian-reservation/

Dan Kusnierz, Manager of the Water Resources Program for the Penobscot Indian Nation has stated concerns that tests have showed Juniper Ridge leachate effluent, discharged into the Penobscot River, a source of sustenance and cultural identity for tribal members, contained 20 times as much PFAS as the state allows for drinking water.

"Clean water is of utmost importance to protect these practices. These are not recreational uses but legally protected rights." January 24, 2022, Kevin Miller: *https://www.mainepublic.org/environment-and-soutdoors/2022-01-24/penobscot-nation-and-environmental-advocates-raise-concerns-about-pfas-in-landfill-runoff*

Landfills and leachate are threats[18] to surface and ground water.[19] July 26, 1982, the EPA put its opinions into the Federal Register:

"A liner is a barrier technology that prevents or greatly restricts migration of liquids into the ground. No liner, however, can keep all liquids out of the ground for all time. Eventually liners will either degrade, tear, or crack and will allow liquids to migrate out of the unit." [page 32284]

Maine Law Requires:

"The facility will not pollute any water of the State, contaminate the ambient air, constitute a hazard to health or welfare or create a nuisance; . . . The department may not issue a license for a solid waste facility if it finds that the proposed facility will cause an unreasonable threat to the quality of a classified body of surface water, and, . . . The department may not issue a license for a solid waste disposal facility when it finds that the proposed facility overlies a significant sand and gravel aquifer or when the department finds that the proposed facility poses an unreasonable threat to the quality of a significant and gravel aquifer it does not overlie, or to an underlying fractured aquifer." Title 38, Chapter 13, § 1310-N WATERS AND NAVIGATION SOLID WASTE FACILITY SITING: https://legislature.maine.gov/statutes/38/title38sec1310-N.html

How does MEDEP maintain the position that operations at Juniper Ridge do not "contaminate the ambient air, constitute a threat to health or welfare or create a nuisance or pose an unreasonable threat to the quality of a classified body of water"?

[18] March 14, 2023, Proposed PFAS National Primary Drinking Water Regulation: https://www.epa.gov/sdwa/and-polyfluoroalkyl-substances-pfas

[19] Overton, Penelope, February 20,2024, Portland Press Herald, Forever chemicals in landfills threaten groundwater, streams and rivers: https://www.pressherald.com/2024/02/20/forever-chemicals-in-landfills-threaten-groundwater-streams-and-rivers/

Who Influences the Policy and Regulatory Direction for Waste Management in Maine?

"(2) ***Casella operates a single sort recycling facility in Lewiston*** *and a* ***commercial recycling facility in Scarborough, and provides brokerage operations****; over 93,000 tons per year of recyclables are managed through these programs. JRL's 2023 annual report states that 101 tons of residue from the Casella operated single sort recycling facility was delivered to the Maine Waste to Energy waste-to-energy incinerator. Additional residue and trash from the Casella operated single sort recycling facility disposed at JRL totaled 8,239 tons. Casella provides recycling capability for traditional recyclable materials (paper, plastics, glass, cans) at 11 out of* ***15 Casella-owned or operated transfer stations*** *and provides* ***curbside collection of or drop-off locations for recyclables in 39 municipalities. Casella states that 3,251 businesses in Maine participate in its single sort recycling program****.*

(3) ***Casella also collects and manages universal waste, electronic waste, and tires at most of its owned or managed transfer stations****. Metals are accepted for recycling at all of its owned or operated transfer stations****. Four of its transfer stations collect wood separately****; wood waste processed from two of them is used for alternative daily cover or other landfill use****, and the other two send wood waste to other processors.*

(4) ***Casella manages 15,000 to 30,000 tons per year of residuals for agronomic utilization****, including seaweed residual, wood-fired boiler ash, and paper mill lime wastes.*

(5) ***Casella provides education and outreach for recycling customers through its website, at schools, businesses, and community events****; with* ***student internships*** *focused on recycling education; and with a****s [SIC] ("app")*** *that it has* ***deployed to six communities*** *so far, with* ***plans to deploy to additional municipalities****. Casella worked with one large municipality to perform recycling audits and bin tagging to reduce contamination in recycling, and is willing to work with other interested towns. The Application demonstrates that Casella has existing programs in place to reduce and reuse waste and to encourage recycling at the* ***facilities it owns*** *and, to a lesser extent,* ***facilities it operates for municipalities****, including single sort recycling, commercial recycling, universal waste and electronic waste recycling, metal recycling, tire recycling, agronomic utilization of residuals, wood waste recycling, and* ***converting landfill gas to renewable natural gas****. The categories of* ***waste accepted by the landfill in the greatest volumes*** *in recent years have been bypass* ***MSW, CDD, residue from CDD processing facilities, and wastewater treatment plant sludge. Casella cannot control the amount of MSW that is bypassed*** *from waste-to-energy incinerators or the Hampden waste processing facility. The volumes of* ***CDD delivered to the landfill from non-Casella haulers or transfer stations not owned or operated by Casella similarly are beyond Casella's control to sort or reduce****."* (emphasis added) September 13, 2024 Public Benefit Determination DRAFT [page 13]

The DRAFT Public Benefit Determination outlines the waste management landscape in Maine and **highlights the significant presence and control Casella's**

operations have over collection, transportation, processing, and disposal of waste in Maine. Their extensive operations across the region and now reaching to the Mid-Atlantic,[20] represent **opportunities to amass major volumes of profit-generating waste that require processing and disposal**. Desirable targets for such operations will be facilities owned by, or that have close associations with Casella, and where regulation and oversight allow for imported waste, increased processing, and disposal expansion.

> **"Casella cannot control the amount of MSW that is bypassed from waste-to-energy incinerators or the Hampden waste processing facility. The volumes of CDD delivered to the landfill from non-Casella haulers or transfer stations not owned or operated by Casella similarly are beyond Casella's control to sort or reduce."** September 13, 2024 Public Benefit Determination Draft [page 15]

MEDEP makes the defense for Casella that they have no control over the amount of bypass that finds its way to Juniper Ridge for disposal. Factored into that defense is reference to idled operations at the MRC/MWS Innovative Solutions facility in Hampden and the defunct waste-to-energy incinerator in Orrington. Neither facility is offering dates certain for resuming operations. The public conversation and MEDEP action around the technology proposed for the Hampden facility indicates it is still in the development and testing stage.

A recent newsletter[21] from MRC introduces a new Chief Operating Officer, Gary Hartmann, most recently District General Manager for Waste Connections in Albany, NY, managing sizable operations. His resumé includes association with Republic Services and Waste Management. It **prompts questions if MWS/Innovative Solutions operations will focus on the needs of its Maine member communities**, or if the **plan** is **to expand operations to a larger scale** that would **include importation of waste**. Maine's **problematic regulation as to what qualifies as "Maine waste**" that can be **landfilled at Juniper Ridge** raises alarms.

Hartman is cited as bringing expertise **processing recyclable materials to "sell to manufacturers as raw materials for new products**." Such language **often refers to processes identified as "advanced recycling**,"[22] that are not recycling at all and actually pose many hazards. Operations linked to the category of manufacturing, **removes regulation, and provides a shield against transparency**. All of which **excludes public knowledge of operations** and **impedes the public process that would help protect public health and the environment**.

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[20] May 16, 2024, Megan Quinn, *Casella president outlines growth plans for mid-Atlantic and other priorities*: https://www.wastedive.com/news/casella-ned-coletta-gfl-pfas-rng-employee-retention/

[21] September 18, 2024, *Municipal Review Committee (MRC) Welcomes New COO, Gary Hartman Provides Hampden Waste Facility Updates*

[22] December 14, 2022, Kevin Budris, *Loopholes, Injustice, & the "Advanced Recycling" Myth:* https://just-zero.org/reports/loopholes-injustice-advanced-recycling-myth/

The more **waste collected, transported, imported, and processed in Maine, that makes it through Maine's regulatory processing loophole to be accounted as Maine waste for disposal at Juniper Ridge**, increases the **pressure for** future **expansion of the landfill**. The State's **reliance on Casella's operations to be the hub of waste management in Maine,** makes our **policies and systems vulnerable to manipulation and capture** by profit-making interests[23] **that depend on ever-increasing amounts of waste that require processing and disposal**. This approach **works against Mainers** now and for our future generations **who have the right to live safely in our communities with protections for health and the environment**.

RETHINKING Another Way:

The **State of Maine itself, should take the necessary steps to operate Juniper Ridge** and develop a road map and model with a focus to build an intersectional learning center that will study ecology, economics, sociology, political science, environmental law, and engineering for materials management and attendant issues. The University of Maine and the Senator George J. Mitchell Center for Sustainability Solutions systems are there and waiting. That undertaking could include real-time archeological studies to **create a laboratory that examines and addresses the psychological and philosophical impasses that currently impede building a durable and planet-sustaining civilization**.

Juniper Ridge Landfill should be established as a zero-waste hub and toxics reduction center that implements a **plan for maximum conservation of capacity** with the **goal of planned closure.** The plan would develop adequate funding resources for surveillance and maintenance of the closed landfill site to protect public health and the environment. As part of that plan, the State should consolidate long-term storage of toxic materials that merges with bans on unnecessary toxic chemicals found in consumer, industrial, and agricultural products. To accomplish these goals, the **State must increase its efforts to secure financial compensation for the costs of collection, processing, and containment from the producers of toxic products**.

Specific Steps to Preserve Disposal Capacity:

1. The **State** must **use its role as owner of Juniper Ridge to utilize the asset for Maine disposal capacity**.
2. **MEDEP should not issue a license for expansion until operations** at Juniper Ridge are **structured and regulated to preserve disposal capacity for Maine-generated waste and all Maine citizens' rights to clean water, clean air, are protected.**
3. **Organics must be removed from the waste stream. Regional infrastructure for safe composting** operations should be established that **return amendments to**

[23] April 26, 2024, Megan Quinn, Casella highlights pricing growth, infrastructure project progress in Q1: https://www.wastedive.com/news/casella-q1-2024-rng-pfas-mckean-landfill/714468/

replenish depleted soil.

4. There must be **regional development for sludge-drying infrastructure** to **maximize landfill capacity** and **utilize Maine**-generated **CDD/OBW** for the best use.
5. **Establish** Zero Waste Goals[24] and **RETHINK** the front-end of materials management to **minimize disposal needs**.

Environmental Justice and other issues raised by impacted communities and the broader community pertaining to the Public Benefit Determination **must be satisfactorily addressed**. **Until then, FINAL APPROVAL MUST BE DENIED**. Thank you for considering these comments.

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[24] EPA, *Managing and Transforming Waste Streams – A Tool for Communities:* https://www.epa.gov/transforming-waste- tool/how-communities-have-defined-zero-waste