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Sent: Monday, January 22, 2018 3:15 PM
To: Mercer, Paul; melanie.lozim@maine.gov
Cc: Tarbuck, Kathy
Subject: Juniper Ridge

Concerning Casella's request for a license amendment that would allow them to continue to bring MSW to the State owned Juniper Ridge Landfill beyond the current March 31, 2018 deadline.

Commissioner Tucker, Deputy Commissioner Loyzim,

I attended the January 3, 2018 ENR meeting and listened to Michael Barden's presentation. I wanted to share my comments and notes:

The state purchased JRL in 2004. No unprocessed MSW was allowed, consistent with state policy, from 2004 - 2012.

In August 2012 MERC and the City of Biddeford finalized an agreement to close and demolish the MERC incinerator located in Biddeford, according to the first item on Mr. Barden's timeline handout.

Missing on that timeline & Mr Barden's presentation was the information that MERC was owned by Casella; Casella made the agreement to close its MERC plant, and made it knowing full well that state policy for the state owned landfill managed by Casella was not to allow MSW, except for Bypass and under a few other limited circumstances. The reason to have a state owned landfill is so that the state can control the option of landfilling, so that option is a last resort, in accordance with the hierarchy, and to be able to exclude waste, such as out of state waste and MSW, that does not fit in with state policy. Otherwise there would be no point in having a state owned landfill; if the state didn't care what was brought in to be landfilled, there would be no reason not to allow more commercial landfills in the state. The state, through the offices of the state's Waste Management Agency, did decide in 1989 that no more commercial landfills would be allowed in Maine. The state also established a solid waste hierarchy as a state policy at that time, years before that became a statutory law.

Casella was granted a license amendment to accept disposal of 93,000 tons a year of unprocessed MSW in December 2012. It does not say on the timetable, but it appears this was for a period of one year, because in December 2013, DEP gave conditional approval for Casella to dispose 81,800 tons a year of MSW within the existing footprint of the landfill, until March 2016.

Casella requested (timeline does not stay when) an extension of that amendment - to bring in 81,800 tons of unprocessed MSW until March 2018; DEP approved, and BEP affirmed DEP's decision in June 2014 (after Ed Spencer appealed).

Which brings us to the present situation. Casella has successfully been granted three major exceptions to the state policy that Juniper Ridge, its state owned landfill, was to exclude unprocessed MSW.

At the time when Casella closed its MERC plant, there was no agreement between Casella and the state that it would be allowed to landfill unprocessed MSW at Juniper Ridge. It is understandable that the state would give Casella a few years to find alternative locations for the waste contracted to MERC. It has now been over 5 years. But it doesn't appear that Casella has made any serious effort to find an alternative location for any of the 81,800 tons MSW now going to Juniper Ridge. Instead, it appears Casella has assumed that the state will

continue to go along with landfilling this high volume of unprocessed MSW, which flies in the face of the purpose of a state owned landfill.

I heard the argument Casella has contracts with 10 or 12 towns in southern Maine that had been sending MSW to MERC that it must honor.

However, it is not the business of the state to accommodate a private company's decisions; it is Casella's responsibility to find another place for its MSW. Casella owns landfills around New England that it hauls waste to and has arrangements with other landfills and waste-to-energy plants.

The contracts with each town and Casella should be made available to the public. Have any or all of the contracts that were made before 2012 expired? Did Casella make new contracts with any or all of the towns after it closed down the MERC plant in 2012? Casella is mistaken to think that it has the right to landfill unprocessed MSW with Juniper Ridge as the destination in any contracts made after it made the decision to close the MERC plant.

If Casella wishes to operate in Maine, it needs to follow the statutory hierarchy. Landfilling unprocessed MSW is not following the hierarchy.

Furthermore, if Casella has made contracts at a certain price to haul and dispose waste from southern Maine towns with the assumption that Casella could dispose the MSW at Juniper Ridge, those price quotes are based on a false assumption. If the state continues to allow Casella to use JRL for MSW, it is providing an unnaturally low subsidy for landfilling MSW.

Unnaturally low because they don't take into the account the cost and difficulty of locating and developing a new landfill, nor the long term environmental consequences of landfilling. At the beginning of his presentation, Mr. Barden reviewed the status of the state's two other state owned landfill sites: Carpenter Ridge and the Dolby landfill. Both are further away than JRL, so trucking costs would be considerably higher over time. Both are much smaller in size than Juniper Ridge. Mr Barden quoted a figure of \$760,00 an acre to develop a landfill, and a 1995 estimate of 15 million dollars to develop the 35 acre Carpenter Ridge, which he also mentioned is surrounded by wetlands. Regarding the Dolby landfill, the original landfill is unlined; there are 9 acres that need to be capped and the state is currently pumping 60 million gallons of leachate from the site at a cost to the state of \$500,00 a year. If the available 75 acre footprint of Dolby III were to be developed, it would have 400,000 cubic yards of capacity, which is equivalent to 5 years of only the unprocessed MSW Casella is currently bringing into Juniper Ridge. Mr Barden stated to the ENR that "landfills require perpetual care" despite a requirement of only 30 years after closure.

Given the limitations in size and cost to develop those two other sites, and adding the great difficulty of locating a new site because of political and environmental factors, Juniper Ridge has to be seen as a limited, precious resource, which should not be squandered by Casella's subverting the goals and needs of the state.

If the state were to consider an amendment to allow more MSW at Juniper Ridge beyond 2018, a proposition I am not at all in favor of, it should require a change in the operating service agreement, which presently states that revenues should be neutral to the state. The state should add a fee of \$35 a ton or more. This fee would

1. Make the cost of landfilling more in line with the true cost of developing and perpetual care of a landfill, which are not reflected in the current tipping fee.
2. By making the option of landfilling more equal to the costs of alternative treatments of MSW, this would incentivize alternative treatment and disposal methods that are more environmentally sound.

3. Extend the life of this precious state resource, rather than use it up as fast as Casella can fill it, their modus operandi

3. Provide the state with funds to support alternative treatment and disposal methods of solid waste , monitor and remediate landfill problems (for instance; JRL should test for the 100 chemical compounds for the annual outfall test of lechate to go into the Penobscot River that it currently analyzes in the Quarterly leachate tests at the landfill, not 10 as is current practice, and treat or remove any chemical that's should not go into the Penobscot), and set aside funds for future remediation.

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