



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
BOARD OF ENVIRONMENTAL PROTECTION

James W. Parker, Chair

Cynthia S. Bertocci
Executive Analyst

Ruth Ann Burke
Board Clerk

May 2, 2018

Edward S. Spencer
P.O. Box 12
Stillwater, ME 04489

Michael Barden
Dept. of Economic & Comm. Dev.
59 State House Station
Augusta, ME 04333-0059

William Laubenstein, III
Assistant Attorney General
6 State House Station
Augusta, ME 04333-0006

Thomas R. Doyle
Pierce Atwood
Merrill's Wharf
254 Commercial Street
Portland, ME 04101

RE: Juniper Ridge Landfill Solid Waste License Amendment #S-020700-WD-BL-A
Appeals by Edward Spencer and Bureau of General Services/NEWSME
Notice of Receipt of Appeals / Deadline for Comment on Proposed Supplemental Evidence

Dear Participants:

This letter acknowledges receipt of the appeal filed by Edward Spencer, and the appeal filed by William Laubenstein on behalf of the State of Maine Bureau of General Services (BGS) and Thomas Doyle on behalf of NEWSME Landfill Operations, Inc. (NEWSME), of Department Order #S-020700-WD-BL-A for the Juniper Ridge Landfill. The appeals were filed in a timely manner with the Board of Environmental Protection on April 30, 2018.

The appeals each include a request to supplement the record. Mr. Spencer requests to supplement the record with the following evidence:

- Exhibit 1: April 2018 (and later if possible) truck delivery reports at JRL¹ ;
- Exhibit 2: Lien on CRM facility;
- Exhibit 3: 03/28/2018 MRC Letter to MRC Communities; and
- Exhibit 4: 2003 MRC's Lounder letter to Cashman.

BGS and NEWSME request to supplement the record with the following evidence:

- Exhibit 1: Bangor Daily News article, dated April 6, 2018; and
- Exhibit 2: Knox Village Soup article, dated April 10, 2018.

In addition, in its appeal, BGS and NEWSME cite to the following Department decisions which are not in the licensing record:

- Municipal Review Committee, Inc. and Fiberight, LLC, #S-022458-WK-A-N (July 14, 2016); and
- City of Bath, #S-004991-WD-J-A (May 23, 2017).

¹ Truck delivery reports were not filed with the appeal.

Under provisions of 06-096 C.M.R., ch. 2 § 24 of the Department's *Rule Concerning the Processing of Applications and Other Administrative Matters*, if supplemental evidence is submitted by an appellant, a respondent may submit written comment on the admissibility of the proposed supplemental evidence and may offer proposed supplemental evidence in response to the appellant's proposed supplemental evidence and the issues raised on appeal. The respondent's submission is due within 30 days of the date of the Board's written determination as to which of the appellant's exhibits constitute proposed supplemental evidence. A respondent is defined in rule as the licensee (if the licensee is not the appellant) and any person who submitted written comment on the application.

In this instance, Mr. Spencer may comment on the admissibility of BGS's proposed supplemental evidence. BGS and NEWSME may comment on the admissibility of Mr. Spencer's proposed supplemental evidence. Both Mr. Spencer and BGS/NEWSME may comment on the admissibility of Department Orders #S-022458-WK-A-N and #S-004991-WD-J-A.

The criteria for admitting proposed supplemental evidence is found in Chapter 2 § 24(D)(2):

The Board may allow the record to be supplemented on appeal when it finds that the evidence offered is relevant and material and that:

- (a) the person seeking to supplement the record has shown due diligence in bringing the evidence to the attention of the Department at the earliest possible time; or
- (b) the evidence is newly discovered and could not, by the exercise of reasonable diligence, have been discovered in time to be presented earlier in the licensing process.

The deadline for comment on the admissibility of the proposed supplemental evidence is Friday, June 1, 2018 at 5:00 pm. After the Board Chair rules on the admissibility of the proposed supplemental evidence, the Board will establish a deadline for a response to the merits of the appeals.

I have attached for your information a copy of Section 24 *Appeal to the Board of Commissioner License Decisions* from the Department's Chapter 2 Rule. I have also attached a service list for this appeal proceeding. All correspondence filed with the Board on this matter should be addressed to the Board and copied to all persons on the attached service list.

If you have any questions, you may contact me at (207) 287-2452 or Katherine Tierney, Assistant Attorney General, at (207) 626-8897.

Sincerely,



Cynthia S. Bertocci, Executive Analyst
Board of Environmental Protection

Attachments: Chapter 2, Section 24 *Appeal to the Board of Commissioner License Decisions*
Service List 05-02-2018

cc: Service List w/ attachments