



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE
GOVERNOR

PATRICIA W. AHO
COMMISSIONER

September 14, 2012

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

William Laubenstein, Esq.
Assistant Attorney General
6 State House Station
Augusta, ME 04330-0006

Donald L. McCormack, Director
Bureau of General Services
77 State House Station
Augusta, ME 04333-0077

Don Meagher
Pine Tree & Juniper Ridge Landfills
Casella Waste Systems
358 Emerson Mill Road
Hampden, ME 04444

Thomas Doyle, Esq.
Pierce Atwood
254 Commercial Street (Merrill's Wharf)
Portland, ME 04104

Re: Application for a Solid Waste Project Amendment
Juniper Ridge Landfill

Dear Applicant:

The Department has received your application to amend the solid waste license for the Juniper Ridge Landfill (JRL), # S-020700-WD-N-A, dated April 4, 2004. The proposed Amendment requests, among other things, to allow disposal of unprocessed municipal solid waste (MSW) at JRL other than the MSW legitimately bypassed from Maine incinerators to JRL, which is already licensed.

As you know, the Department issued a Public Benefit Determination (PBD) for expansion of JRL, # S-020700-W5-AU-N, on January 31, 2012 that was affirmed by the BEP on July 19, 2012. The PBD provides partial approval of an application from the State Planning Office/NEWSME Landfill Operations, LLC (SPO/NEWSME) which stated, among other things, that it proposed to continue disposal of the same waste streams which are currently permitted in JRL. The Department's Findings and Conclusions were based upon this representation as to the waste streams. Indeed, the PBD contains Condition No. 5, which imposes a limit of 25,000 tons of MSW bypass from Maine Energy to the JRL Expansion in any calendar year unless otherwise authorized by specific conditions in a Department license. Nothing in SPO/NEWSME's

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., TYSON DRIVE

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

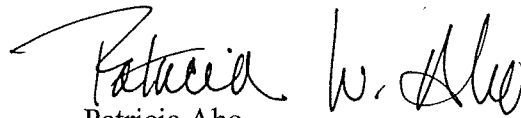
PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(207) 764-0477 FAX: (207) 760-3143

application for the PBD or in the PBD itself states, or even suggests, that unprocessed MSW, other than MSW from a legitimate bypass from Maine Energy, PERC, MMWAC or ecomaine, would be disposed at the JRL Expansion. Instead, SPO/NEWSME's application repeatedly asserts that its operation of JRL supports the waste management hierarchy, in which landfilling is the disposal of last resort.

Given this application and the basis for the PBD, I find, pursuant to 38 M.R.S. § 1310-AA(5), that the application proposes a material change in the underlying facts or circumstances upon which the PBD was based, requiring a modification of the PBD. The PBD must be modified in this regard prior to submission of the technical application for expansion of JRL. Please contact Department staff to discuss the timing and procedure for submitting an application for modification of the PBD.

Sincerely,


Patricia Aho
Commissioner

cc: Ron Dyer, DEP
Paula Clark, DEP
Cyndi Darling, DEP
Michael Parker, DEP
Nancy Macirowski, AAG