



BOARD ORDER

IN THE MATTER OF

STATE OF MAINE  
BUREAU OF GENERAL SERVICES  
JUNIPER RIDGE LANDFILL EXPANSION  
City of Old Town, Town of Alton  
Penobscot County, Maine  
#S-020700-WD-BI-N  
#L-024251-TG-C-N

) APPLICATION FOR  
) MAINE HAZARDOUS WASTE, SEPTAGE and  
) SOLID WASTE MANAGEMENT ACT, and  
) NATURAL RESOURCES PROTECTION ACT  
) PERMITS, and  
) WATER QUALITY CERTIFICATION  
)  
) FOURTH PROCEDURAL ORDER

This Order addresses the requirements for submission of pre-filed testimony in the Juniper Ridge Landfill Expansion application proceeding. It also documents certain scheduling decisions made in consultation with the parties following the Board meeting on June 23, 2016.

**1. Requirement for Pre-Filed Testimony**

As set forth in the Second and Third Procedural Orders, the Board is requiring pre-filed testimony and exhibits. Parties are reminded that a witness for a party will not be allowed to testify at the hearing if the witness has not pre-filed testimony. Oral testimony by parties at the hearing will be limited to a concise summary of their pre-filed testimony so that the majority of time may be allocated to questioning and cross-examination of witnesses. A very limited exception may be made by the Presiding Officer for a new exhibit to be introduced at the hearing.

**2. Format and Numbering of Testimony and Exhibits**

A. The form for testimony is set forth in Chapter 3, § 3(A). Parties are reminded that written testimony must be sworn. As set forth in Chapter 3, § 16(C), written testimony is sworn if “the witness declares by oath or affirmation that the testimony is true and correct to the best of the witness’s knowledge and belief.” For technical witnesses, the witnesses’ credentials should be submitted as an exhibit with their pre-filed testimony.

B. Exhibits should be uniquely numbered sequentially as follows:

- Applicant: BGS 1, BGS 2, etc.
- City of Old Town: Old Town 1, Old Town 2, etc.
- Mr. Spencer: Spencer 1, Spencer 2, etc.
- Mr. Snowman: Snowman 1, Snowman 2, etc.
- SSR, LLC: SSR 1, SSR 2, etc.

While there may be gaps in numbering, numbers should not be repeated.

- C. The Board will not accept links to documents; the documents, or relevant portions thereof, must be submitted as exhibits.
- D. In instances where a witness is referring in his or her testimony to a specific portion of a document, the relevant portion must be appended as an exhibit to that witness' testimony. For example, if a witness directs the reader to a specific table in the application, a copy of the table should be appended as an exhibit to the testimony for clarity and ease of reference. If testimony includes an excerpt from a document, the excerpt must be clearly identified and sufficient context provided so that the reader can comprehend the testimony without the need to refer to the complete document.
- E. Any proposed exhibits that are compilations of data in the form of charts, tables, graphs, etc. taken from various documents in the record that are newly created for the purpose of this proceeding must be clearly labeled as to source and must be submitted with the witness' pre-filed testimony.
- F. The introduction at the hearing of additional exhibits which are revised or reformatted pre-filed exhibits are not likely to be permitted because the other parties will have reviewed the evidence and formulated cross-examination using the exhibits as presented in the pre-filed testimony. Some very limited exceptions to this rule may be allowed by the Presiding Officer at the hearing if circumstances warrant it, such as in response to questions raised at the hearing or information that has been developed through questioning of a witness at the hearing.

### **3. Filing of Testimony and Exhibits**

Each party is required to file with the Board an electronic copy and 15 paper copies of its testimony and exhibits for distribution to Board members and Department staff. Each party is also required to provide each of the other persons on the service list with an electronic copy (and a paper copy if the party wants to receive a paper copy) of the pre-filed testimony and exhibits of its witnesses by the filing deadline.

With respect to electronic copies, if the testimony and exhibits are brief and can be transmitted in a single email, they may be sent by electronic mail; otherwise, please submit the testimony and exhibits to the Board on a thumb drive by the filing deadline. Each electronic document must be clearly named: for testimony, the document name must include the name of the witness; for exhibits, the document name must begin with the appropriate identifying number as specified in section 2(B) of this Order. Testimony and exhibits should be submitted in PDF format if possible.

Pre-filed testimony and exhibits will be posted on the Department's webpage for review by members of the interested public.

#### 4. Schedule

Following the Board meeting on June 23, 2016, there was discussion of Intervenor Edward Spencer's June 20, 2016 request for a time extension for the submission of witness lists and pre-filed direct testimony. There was agreement among the parties present for that discussion on two changes to deadlines specified in the Third Procedural Order. The following changes are approved:

- The deadline for submission of witness lists is moved from Friday, July 1, 2016 to Monday, July 11, 2016.
- The deadline for submission of pre-filed direct testimony and exhibits is moved from Friday, July 22, 2016 to Friday, July 29, 2016.

There was also agreement on the following deadlines which are approved:

- The deadline for motions to strike pre-filed direct testimony is Friday, August 12, 2016.
- The deadline for responses to motions to strike testimony will be Thursday, August 18, 2016.
- The procedural order ruling on motions to strike testimony will be issued by Thursday, August 25, 2016.
- The deadline for any appeal of a procedural order ruling on motions to strike testimony will be Monday, August 29, 2016.
- The Board will consider any appeal of the procedural order at its meeting on Thursday, September 1, 2016.

DONE AND DATED AT AUGUSTA, MAINE THIS 7th DAY OF JULY, 2016.

BOARD OF ENVIRONMENTAL PROTECTION



BY: \_\_\_\_\_  
James W. Parker, Board Chair  
and Presiding Office