



JANET T. MILLS
GOVERNOR

005
STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM
ACTING COMMISSIONER

MEMORANDUM

TO: The Board of Environmental Protection (Board)

FROM: Lou Pizzuti, Licensing & Compliance Specialist, BRWM
Victoria Eleftheriou, Deputy Bureau Director, BRWM

DATE: Board Meeting October 15, 2020

SUBJECT: Maine Hazardous Waste, Septage and Solid Waste Management Act
Department License #S-003463-WD-N-R
Appeals filed by the Hartland Environmental Advisory Team, Mr. Roderick Pease, Mrs. Judy Pease, Mr. Rick Sanborn, and Mr. Linwood Violette

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Statutory and Regulatory References

- *Maine Hazardous Waste, Septage and Solid Waste Management Act*, 38 M.R.S. §§ 1301 to 1319-Y;
- *Rule Concerning the Processing of Applications and Other Administrative Matters*, 06-096 C.M.R. ch. 2 (last amended June 9, 2018);
- *Solid Waste Management Rules: General Provisions*, 06-096 C.M.R. ch. 400 (effective May 24, 1989 and last amended April 6, 2015);
- *Landfill Siting, Design and Operation*, 06-096 C.M.R. ch. 401 (effective May 24, 1989 and last amended April 12, 2015); and
- *Water Quality Monitoring, Leachate Monitoring, and Waste Characterization*, 06-096 C.M.R. ch. 405 (last amended April 12, 2015).

Location

The Hartland Secure Sludge Landfill is located in Hartland, Somerset County.

Procedural History

On August 20, 2020, the Board of Environmental Protection (“Board”) considered the Appeals to Department License #S-003463-WD-N-R filed by the Hartland Environmental Advisory Team, Mr. Roderick Pease, Mrs. Judy Pease, Mr. Rick Sanborn, and Mr. Linwood Violette. At the August 2020 meeting, the Board voted to table the matter to a future meeting and requested that Department staff revise the proposed Board Order to incorporate additional conditions on public notice and odor.

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In response to appellants' concerns and Board member questions, the licensee proposed a condition to amend the facility's operations manual to include additional monitoring for odor and a condition to provide individual notice of applications to persons living within 1,000 feet of the landfill. Additionally, Board member Duchesne requested clarification of the language regarding the hydrogen sulfide ambient air guidelines.

A revised draft Board Order was provided to the licensee and appellants on September 21, 2020 with comments due by 5:00 p.m. on September 25, 2020. Comments were received by the licensee on September 23, 2020; the Hartland Environmental Advisory Team on September 24, 2020; and Mr. Rick Sanborn on September 25, 2020. Comments by the licensee included clarifying language regarding hydrogen sulfide. Comments by the Hartland Environmental Advisory Team included, in part, a request to be copied on all correspondence, reports, e-mails, and documents regarding the Hartland Sludge Landfill; concern that the language regarding odor measurement does not go far enough; and a request to receive a copy of the proposed update to the operations manual regarding the odor measurement system with an opportunity to comment. Mr. Sanborn commented on the hydrogen sulfide monitoring which was previously conducted in the neighborhood and requested to be copied on every update and new contract moving forward.

The Department thoughtfully considered the comments made by the licensee, Hartland Environmental Advisory Team and Mr. Sanborn. Revisions made to the draft Board Order include defining which applications are to be included as part of the public notice that the licensee agreed to provide to those persons living within 1,000 feet of the landfill and minor language clarifications regarding hydrogen sulfide monitoring. Regarding the Hartland Environmental Advisory Team's request to receive a copy of the proposed odor measurement system; the revised draft Board Order includes a new condition (Condition #10) to Department License #S-003463-WD-N-R which would require a Condition Compliance Application to be submitted to the Department for review and approval. With the new Condition #9, the licensee will be required to provide public notice prior to its filing to persons living within 1,000 feet of the landfill and they will have an opportunity for comment. Regarding the Hartland Environmental Advisory Team's comment that the odor measurement condition doesn't go far enough, the Department is not in a position to specify the specific odor measurement technology that must be employed as there are several methodologies that the licensee should evaluate based on site-specific considerations; however, the Department is requiring the submittal of an application for review and approval. Regarding the Hartland Environmental Advisory Team's request to be copied on "any correspondence, reports, emails, documents, etc., regarding the Hartland Sludge Landfill, including but not limited to, anything from/to the Town (including but not limited to the treatment plant as well) or to/from TRC or anything internal at DEP and/or BEP regarding the Hartland Sludge Landfill and the amounts of each waste and what tests are done on the waste", the Department does not believe that this is appropriate wording to include in a license finding or condition. The proposed language is overly broad and inconsistent with the Department's approach to other solid waste projects. While the Department encourages the appellants and the Town to develop a mutually acceptable approach to share information at the local level, there are existing options available to the public to access Department records.

Department Recommendation

The Department's recommendation in the form of the proposed revised Board Order is included in the Board packet. The Department recommends that the Board affirm the Commissioner's decision with modifications and deny the appeals.

Estimated Time of Agenda Item: 1 hour

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