



JANET T. MILLS  
GOVERNOR



MELANIE LOYZIM  
COMMISSIONER

## MEMORANDUM

TO: The Board of Environmental Protection (Board)

FROM: Susan Parmelee, Project Manager

DATE: Board Meeting June 16, 2022

SUBJ: Maine Hazardous Waste, Septage and Solid Waste Management Act  
License #S-020700-WD-CM-M  
Appeal filed by Edward Spencer

### Statutory and Regulatory References

The applicable statutory and regulatory framework governing the issues raised in this appeal are in the *Department of Environmental Protection Organization and Powers*, 38 M.R.S. §§ 341-A-349-B (2017); *Maine Hazardous Waste, Septage and Solid Waste Management Act*, 38 M.R.S. §§ 1301-1319-Y (2017); *Solid Waste Management Hierarchy*, 38 M.R.S. § 2101 (2017); *Solid Waste Management Rules: General Provisions*, 06-096 C.M.R. ch. 400 (last amended February 9, 2021), *Landfill Siting, Design and Operation*, 06-096 C.M.R. ch. 401 (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). Procedures for appeals before the Board are found in *Rules Concerning the Processing of Applications and Other Administrative Matters*, 06-096 C.M.R. ch. 2 § 24 (last amended June 9, 2018).

### Location

Juniper Ridge Landfill is located in Old Town, Penobscot County.

### Procedural History

On June 1, 2021, the State of Maine acting through the Bureau of General Services (BGS), and NEWSME Landfill Operations, LLC (NEWSME) filed a minor revision application to modify the annual oversized bulky waste (OBW) limit in Condition 12 of Department license #S-020700-WD-BI-N. The application requested to change the annual OBW limit from 65,000 tons to establishing a methodology to determine the OBW limit annually utilizing the average OBW tonnage and CPI over the previous five-year period. The methodology was proposed to be utilized through calendar year 2025, after which, the methodology would be reevaluated. The applicant stated the two primary factors for the proposed revision: (1) JRL is experiencing greater disposal

volumes of sludges because of restricted sludge management practices due to potential PFAS contamination and that sludge disposal requires mixing with bulkier and drier waste for stabilization purposes, and (2) Resource continues to invest in infrastructure to ensure they are recycling to the maximum extent practicable. A draft license was made available for comment on November 5, 2021. The Department issued Minor Revision License #S-020700-WD-CM-M approval with conditions on November 29, 2021.

On December 28, 2021, the Board received a timely appeal of the Department license #S-020700-WD-CM-M from Mr. Edward Spencer. Proposed supplemental evidence not admitted to the record by Board Chair Draper has been redacted from the appeal documents included in the Board packet.

### **Issues Raised by the Appellant**

Objections to the License Decision. Appellant Spencer objects to the modification of the annual OBW limit and the approved methodology to determine the annual OBW limit at JRL over a five-year period utilizing the average CPI and OBW tonnage over the previous five years. Mr. Spencer's appeal addresses several areas in which he objects to several findings, conclusions, or conditions in license #S-020700-WD-CM-M, including those related to upholding Maine's solid waste management hierarchy, OBW waste bulking characteristics, and the process for determining the annual OBW tonnage limit.

Remedy Requested. Mr. Spencer requests that the Board reverse the Department's decision and specifically requests the following remedies:

- (1) The importation of sludge into Maine is banned, by emergency decree if necessary, to allow sludge processors, such as Casella's Hawk Ridge facility in Unity Township, to process more Maine sludge and reduce the quantity of sludge that requires landfilling.
- (2) Convene a working group to determine the best management practices for bulking and sludge stabilization at landfills.
- (3) The Department adopts Mr. Spencer's proposed methodology to determine the annual OBW limit at JRL, taking the average OBW tonnage over a ten-year period and subtracting the 10,000 tons allotted for PERC OBW in the expansion if PERC is no longer sending OBW to JRL for disposal.

### **Department Recommendation**

The Department's recommendation in the form of a proposed Board Order is included in the Board packet. The Department recommends that the Board affirm the Commissioner's decision and deny the appeal.

**Estimated Time of Agenda Item:** 2 hours

## Index of Packet Material

## Page No.

<u>011</u>	Staff Memo
<u>015</u>	Draft Board Order
<u>035</u>	Department Licensing Decision Appealed
<u>059</u>	Appeal by Mr. Spencer / Information not Admitted has been Redacted Excerpts from the Record
<u>071</u>	Minor Revision Application
<u>099</u>	2012 Public Benefit Determination License #S-020700-W5-AU-N
<u>139</u>	Condition #12 from 2017 Expansion License #S-020700-WD-BI-N
<u>141</u>	2019 OBW Minor Revision License #S-020700-WD-BW-M 2020
<u>159</u>	OBW Appeal Board Decision #S-020700-WD-CG-Z
<u>175</u>	Response to Supplemental Evidence by BGS
Comments on the Appeal	
<u>183</u>	BGS/NEWSME
<u>197</u>	Interested Persons

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