



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE
GOVERNOR

PATRICIA W. AHO
COMMISSIONER

May 19, 2014

Greg Louder, Executive Director
Municipal Review Committee, Inc.
395 State Street
Ellsworth, ME 04605

Re: Application for determination of public benefit, DEP# S-022432-W5-A-N

Dear Mr. Louder:

During initial review of the application for determination of public benefit ("application"), some questions have arisen that will require additional information from the Municipal Review Committee ("MRC"), as follow.

1. Please provide MRC's articles of incorporation and any amendments.
2. The application states that MRC has received formal support for the application from 70% of the member communities. Please explain how this percentage was calculated and state the percentage of the number of member communities providing formal support for this application.
3. Please provide documentation supporting the list in Appendix E to the application of member communities who have provided formal support for the application (such as copies of meeting minutes, resolutions adopted, etc. from each entity on the list showing how it expressed support).
4. Please provide any agreements, powers of attorney, resolutions, and other documents not already submitted with the application that relate to MRC's authority to apply for the public benefit determination and to represent its members in the application.
5. Please provide further explanation of MRC's authority to apply for the public benefit determination, with citation to legal authority, including discussion of:
 - authority of MRC vs. authority of members under relevant statutes, and
 - authority of MRC as a "regional association" pursuant to 38 M.R.S. Sections 1304-B(5-A) and 1301-C(24) to construct and own a solid waste disposal facility.
6. The application states that the proposed solid waste disposal facility would be owned and operated by MRC or a successor entity. Please explain why MRC doesn't know who the owner and operator would be, why it might be owned by a successor entity, and what that successor entity would be. Will the owner and operator be the same entity?

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

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106 HOGAN ROAD, SUITE 6
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PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
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7. Please provide an explanation regarding which exception to 38 M.R.S. Section 1303-C(6) (commercial solid waste disposal facility) would apply to the proposed solid waste disposal facility.
8. The application states that MRC cannot rely on Juniper Ridge landfill having permitted capacity for the types and quantities of waste and residuals to be managed by MRC. Does this refer to the waste types and quantities included in Table 1-3?
9. The application also states that MRC cannot “rely on other landfills due to the regional nature of the planned development and due to transportation distances and other factors.” Please explain what this means and what the other factors are.
10. How did MRC arrive at the current annual waste quantities generated for CDD, special waste, oversized bulky waste, and clean wood waste in Table 1-2?

The processing time for this application will run out on June 2, 2014. It appears unlikely that this timeframe can be met, particularly in view of the need for additional information and time necessary to respond to it, and the fact that a public meeting will be held. Additional requests for information may also result from continued staff review of the application and from comments received from the public. The Department therefore requests an extension of the processing time of 90 days, until September 2, 2014. Please confirm that MRC agrees to this extension.

I look forward to receiving information addressing the above items. Please note that comments received on the application are being placed on the Department’s website. I encourage you to review the comments and submit responses where you believe it is appropriate. Please contact me if you have questions.

Sincerely,

/s/ Karen Knuuti

KAREN KNUUTI
Division of Solid Waste Management
Bureau of Remediation and Waste Management
Eastern Maine Regional Office

copy: Paula Clark
Denis St. Peter
Interested parties