

September 27, 2024

VIA ELECTRONIC MAIL

Karen Knuuti
Environmental Specialist
Bureau of Remediation and Waste Management
Maine Dept. of Environmental Protection
106 Hogan Road, Suite 6
Bangor, ME 04401

Subject: Draft Public Benefit Determination
State of Maine, Juniper Ridge Expansion,
S-020700-W5-CV-N

Dear Karen:

On behalf of our client, NEWSME Landfill Operations, LLC (NEWSME), and in conjunction with the Maine Bureau of General Services (BGS), we appreciate the opportunity to review and comment on the draft public benefit determination (PBD) for the expansion of Juniper Ridge Landfill (JRL), issued on September 13, 2024. Overall, we are pleased that the Department agrees with us that expanding JRL by approximately 11.9 million cubic yards provides a substantial public benefit. We also believe the draft decision is well-reasoned, thorough, and more than sufficient to meet the requirements of 38 M.R.S. § 1310-AA and 06-096 CMR 400 § 5.

As an initial matter, we suggest that you revise both Section 1(C), Summary of Proposal, and Section 4(D), Draft License Decision Comment Period, to address the second extension of the statutory 60-day review period.

- For example, in Section 1(C), we suggest as the third-to-last sentence something along the lines of: “After publication of the draft PBD, the Department received a request from the public to extend the deadline further, to allow more time for public comment on the draft and more time for the Department to review public input. With the consent of the applicant, the Department extended the public comment deadline from September 20, 2024, to September 27, 2024, and the decision deadline to October 2, 2024. This is more than five weeks beyond the 60-day statutory deadline.”
- Likewise, in Section 4(D), we suggest that you consider adding as the last sentence: “As noted above, with the consent of the applicant, the Department extended the public comment period on the draft PBD by one week to ensure an adequate opportunity for the public to comment on the draft PBD.”

We also offer the following comments with respect to the proposed conditions of approval for your consideration:

Condition 4(B): When providing rental containers to construction and demolition projects, provide separate containers for recyclable and non-recyclable construction and demolition material unless the renter refuses in writing. Include a discussion in each landfill annual report detailing diversion achieved and the number of entities (in total and as a percentage) refusing separate containers.

This provision would apply to Casella's separate hauling operations, which are owned and operated by Pine Tree Waste, Inc. Respectfully, this goes beyond the scope of the Department's authority for a PBD because Pine Tree Waste, Inc. is a separate entity from NEWSME that is not subject to this PBD, and waste and recycling collection activities are completely separate business activities in a competitive marketplace. It is neither fair nor reasonable to subject one market participant to business restrictions that do not apply to other market participants. The PBD appropriately regulates only the activities of the applicants – BGS and NEWSME. Furthermore, the process for renting such containers is typically done over the telephone and does not involve a contract or order form on which a customer could make such a refusal in writing. Finally, as a practical matter, the majority of Casella's rental containers for construction and demolition projects are already hauled to transfer stations or to ReSource, where recyclable material is removed. Having to offer separate containers, therefore, would increase costs but would not significantly increase recycling. For all these reasons, we ask that this condition be removed.

Condition 4(D): Evaluate, and submit the evaluation in each annual report, the availability and capacity of facilities in Maine to reduce the volume of municipal wastewater treatment plant sludge prior to landfilling at JRL and include recommendations to further reduce the volume of sludge prior to landfilling.

We assume that this condition is intended to refer to the availability and capacity of the proposed dewatering facilities at Norridgewock and Brunswick Landing, but it could be read as applying to the many dozens of municipal and industrial wastewater treatment plants around Maine, as well. We recommend clarifying this provision to apply to "the proposed dewatering facilities at Norridgewock and Brunswick Landing." Otherwise, it could be read to require BGS and NEWSME to analyze the operations of many dozens of other entities and suggest how they might better manage sludge, which is not within the expertise of BGS or NEWSME. We agree to request information from the two dewatering facilities and submit the information they provide in our Annual Landfill Report to the MEDEP.

Condition 4(E): Design and install a Department-approved system for the treatment of landfill leachate for PFAS prior to expansion operations.

Casella is committed to being a leader in PFAS treatment in Maine. BGS and NEWSME have already begun to research potential methods of managing sludge and treating PFAS in JRL's leachate and propose to implement a treatment system as soon as possible. The timing of this condition, however, appears to be unrealistic, as NEWSME would probably have to commit substantial funding to designing and permitting a system before the expansion license is even approved, which would be a significant risk. Further, given that this is a developing technology, it may take longer than usual for the applicants to prepare and for the Department to review and grant the appropriate permits (which may include amendments to the solid waste facility license and the air emissions license and a new Maine Pollutant Discharge Elimination System (MEPDES) permit). Accordingly, we suggest that this condition be revised to state: "Design and submit prior to expansion operations all required Department permit applications for a Department-approved system for the treatment of landfill leachate for PFAS."

Condition 4(F): Conduct odor dispersion modeling studies demonstrating that the facility will not cause more than a one-hour average impact of 2 dilutions to threshold, in any calendar year at any occupied buildings, and implement recommendations from the study prior to expansion operations.

There are issues with the proposed language of this condition. Little literature is currently available for odor dispersion modeling. As described in a 2019 report prepared by SCS Engineers¹ for a facility in California, odors typically do not become a problem until they reach a level of 7 dilutions to threshold (D/T) and above. The Bay Area Air Quality Management District's (BAAQMD) Regulations (Regulation 7{4}), which were the controlling regulations for the facility in the study, have a nuisance odor standard of 4 D/T, which was considered one of the most restrictive odor standards in the country at the time (2019) of this study. The threshold of 2 D/T proposed by the MEDEP is *half* the level of one of the most restrictive odor standards in the country and is 72 percent below the 7 D/T level where odors typically become a problem. Typically, air dispersion modeling is for concentrations of specific compounds, not for subjective parameters such as odor.

In lieu of the proposed dispersion modeling, we suggest a modified condition that requires completion of an odor analysis based on historical air quality sampling results and odor complaint history, including recommendations for the prevention and mitigation of potential odors.

Condition 4(G): Conduct two additional surface scans per year of the landfill intermediate cover to determine if there are fugitive landfill gas emissions and conduct repairs of the cover material accordingly.

We understand that these two surface scans would be in addition to those required by the air emissions license for JRL. Because they are not required, however, by the applicable new source performance standards in that license, we ask that the Department clarify that these additional scans need not necessarily be conducted pursuant to the same standards as in the air license by adding "using a Department-approved method" after the word "cover."

Sincerely,

SEVEE & MAHER ENGINEERS, INC.



Lisa Turner, P.E., L.S.S.
Project Manager

cc: Lane Gould - BGS
Wayne Boyd, Jeffrey Pelletier - NEWSME

¹<https://oclandfills.com/sites/ocwr/files/2020-06/15.%20%20APPENDIX%20D%20-%20ODOR%20IMPACT%20ANALYSIS.pdf>