

June 18, 2026

VIA EMAIL AND FEDEX

Ronald Mongeon
Presiding Officer
Department of Environmental Protection
108 Hogan Road
Bangor, ME 04401

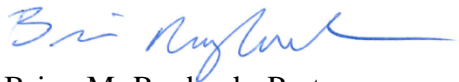
Re: State of Maine, Department of Administrative and Financial Services, Alton, Old Town, Penobscot County #HQH-D4D1-RJBBR; Application for Juniper Ridge Landfill Expansion License Maine Hazardous Waste, Septage and Solid Waste Management Act Public Hearing

Dear Presiding Officer Mongeon:

On behalf of our client, NEWSME Landfill Operations, LLC, enclosed for filing in the above-referenced matter, please find (1) the Opposition of NEWSME Landfill Operations, LLC to Petitions to Intervene of Maine Rivers and Penobscot Bay Waterkeeper, and (2) NEWSME Landfill Operations, LLC's Motion to Clarify or Amend the First Procedural Order.

Thank you very much for your attention to this matter.

DENTONS BINGHAM GREENEBAUM LLP



Brian M. Rayback, Partner

Enclosure

cc via email: Lane Gould
Daisy Goodman
Edward Spencer
Penobscot Bay Waterkeeper
The Penobscot Nation
Maine Rivers
City of Old Town

**STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

IN THE MATTER OF:

STATE OF MAINE, DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES, ALTON, OLD TOWN, PENOBSCOT COUNTY #HQH-D4D1-RJBBR
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APPLICATION FOR JUNIPER RIDGE
LANDFILL EXPANSION LICENSE MAINE
HAZARDOUS WASTE, SEPTAGE AND
SOLID WASTE MANAGEMENT ACT
PUBLIC HEARING

**OPPOSITION OF NEWSME LANDFILL OPERATIONS, LLC TO PETITIONS TO
INTERVENE OF MAINE RIVERS AND PENOBSCOT BAY WATERKEEPER**

Applicant NEWSME Landfill Operations, LLC (“NEWSME”) hereby opposes the Petitions for Leave to Intervene filed by Petitioners Maine Rivers and Penobscot Bay Waterkeeper. Neither petition demonstrates that the organization or its members will be substantially and directly affected by the proposed expansion of Juniper Ridge Landfill (“JRL”). Additionally, Maine Rivers’s petition fails to identify specific contentions regarding the subject matter of the hearing and the relevant statutory criteria. Both petitions should be denied in favor of having both entities participate as Interested Persons pursuant to 06-096 C.M.R. ch. 3, § 2(I).

I. FACTUAL BACKGROUND

Maine’s Bureau of General Services (“BGS”), as the owner of the JRL, and NEWSME, as its operator, filed an application to expand JRL pursuant to the Solid Waste Management Act, 38 M.R.S. § 1301 through § 1310-AA, and the Natural Resources Protection Act, 38 M.R.S. § 480-A through 480-FF. The proposal would extend the solid waste footprint of the existing landfill by approximately 61 acres and add additional infrastructure, including a system to treat landfill leachate for per- and polyfluoroalkyl substances (“PFAS”). The expansion consists of the phased construction of additional double-lined landfill cells, built one-by-one, as needed, with construction anticipated to begin immediately upon approval. Ultimately, the expansion will

provide approximately 11.9 million cubic yards of disposal capacity, as approved by the Department of Environmental Protection (the “Department”) in a Public Benefit Determination issued on March 23, 2026 (#S-020700-W5-CV-N). The expansion will help address the looming solid waste capacity crisis facing both JRL and the State of Maine.

On December 9, 2025, the Maine Department of Environmental Protection (the “Department”) accepted as completed BGS and NEWSME’s application to expand JRL. On May 5, 2026, the Department, through the Presiding Officer, issued a notice advising the public of the requirements to intervene as a party in the public hearing process. Three organizations (Maine Rivers, Penobscot Bay Waterkeeper, and the Penobscot Nation), and two individuals (Daisy Goodman and Edward Spencer) submitted Petitions for Leave to Intervene.¹

II. ARGUMENT

Maine Rivers and Penobscot Bay Waterkeeper each fail to meet the standard for intervention because neither organization nor its members will be substantially and directly affected by the proposed expansion of JRL. Further, Maine Rivers fails to identify specific contentions regarding the subject matter of the hearing and the relevant statutory criteria. Each should be denied leave to intervene as parties to this licensing proceeding.

A. To Intervene, Petitioners Must Be Substantially and Directly Affected and Must Assert Specific and Relevant Contentions.

Under the Maine Administrative Procedures Act, intervention by a non-governmental person or organization is appropriate only if the prospective intervenor “is or may be, or is a member of a class that is or may be, *substantially and directly affected* by the proceeding.”

¹ NEWSME’s lack of opposition, at this stage of the proceedings, to the Petitions for Leave to Intervene of the Penobscot Nation, Ms. Goodman, and Mr. Spencer, should not in any way be construed as acquiescence to the substance or relevancy of any statements in their petitions. NEWSME expressly reserves all available rights and remedies.

5 M.R.S. § 9054(1) (emphasis added).² The Department’s implementing rules specify further criteria a petition *must* include, including, *inter alia*: (1) “a description of the effect of the proposed activity on the petitioner”; and (2) “specific contentions regarding the subject matter of the hearing and the relevant statutory criteria.” *See* 06-096 C.M.R. ch. 3, § 11(A)(1). These requirements are intended to solicit detailed information about how the petitioner will be impacted and what the petitioner intends to assert at the hearing. This allows the Department to determine if the petitioner is “substantially and directly affected” by the proposed project and not merely pursuing a general policy position.

Although Maine courts have not defined the precise showing necessary to demonstrate a “substantial and direct” effect, they have repeatedly addressed the related question of who is sufficiently impacted by an agency’s decision to have standing to appeal. The courts employ similar language in the standing analysis, stating that a party must show that the challenged action acts “prejudicially and directly” upon the party’s rights. *Nelson v. Bayroot, LLC*, 2008 ME 91, ¶ 9, 953 A.2d 378. To meet that burden, the injury suffered must be particular to the party filing the appeal, “distinct from any experienced by the public at large.” *Nergaard v. Town of Westport Island*, 2009 ME 56, ¶¶ 18, 973 A.2d 735. That approach is instructive to the intervention analysis. Generalized policy concerns, no matter how passionately held, are insufficient either to show standing to appeal an agency decision or to demonstrate the substantial and direct interest necessary to intervene in agency adjudicatory public hearings.

Additionally, a non-governmental organization has associational standing to challenge an agency decision only if the organization’s members would have standing as individuals. *Clardy*

² The Department reserves “discretion” to allow any other person to intervene. 06-096 C.M.R. ch. 3, § 11(A)(1).

v. Jackson, 2024 ME 61, ¶ 26, 322 A.3d 1158. Thus, for an organization to demonstrate a substantial and direct interest sufficient to intervene in the JRL expansion hearing process, it must demonstrate that its members have a personal interest that would entitle them to intervene as individuals.

B. Maine Rivers Is Not Substantially and Directly Affected and Does Not Identify Specific and Relevant Contentions.

Maine Rivers’s Petition for Leave to Intervene fails to meet the necessary standard and should be denied for two reasons.

First, Maine Rivers fails to demonstrate that it is substantially and directly affected by the proceeding. *See* 5 M.R.S. § 9054(1); 06-096 C.M.R. ch. 3, § 11(A)(1). In its two-page petition, Maine Rivers identifies only a single member who resides in the vicinity of JRL or the Penobscot River. Maine Rivers articulates no impact on that member other than that JRL’s “activities will make it difficult for [the member’s] ability to ‘do his job’” of protecting the aquatic resources of the Penobscot Nation. The proceeding’s asserted inconsistency with the goals of one individual member’s employer is not a substantial and direct effect.

Likewise, Maine Rivers, which is based in Yarmouth, Maine, demonstrates no distinct impact to itself as an organization. It vaguely claims only that expanding JRL will conflict with its organization’s mission by reference to the “known presence” of PFAS, and it raises general concerns over environmental justice and “the evolving global recognition that nature has inherent rights.” The proceeding’s asserted inconsistency with Maine Rivers’s broad mission statement does not, in itself, amount to a substantial and direct effect on the organization.

Second, Maine Rivers fails to identify “specific contentions regarding the subject matter of the hearing and the relevant statutory criteria.” 06-096 C.M.R. ch. 3, § 11(A)(1). The petition’s statement of concern states, in its entirety:

Maine Rivers and [the identified member] are concerned that approximately 36 acres of the new landfill footprint lie below the water table and because of the known presence of the forever chemicals PFAS which clearly have a potential impact on ecology [sic] of the River and the quality of drinking water. In addition, this clearly raises serious environmental justice issues and that consideration should be given to the evolving global recognition that nature has inherent rights.

General reference to the siting of the expansion and the existence of PFAS are not specific or relevant contentions. Environmental justice issues also are not relevant to the statutory criteria and may be addressed only through the separate public benefit determination process. *See* 38 M.R.S. § 1310-AA(3)(E); 38 M.R.S. § 1310-N(3-A)(B) (“the commissioner’s [public benefit] determination . . . is not subject to review by the department or the [B]oard as part of the licensing process under this section”). Likewise, “global recognition that nature has inherent rights” is not a relevant statutory criterion. Accordingly, Maine Rivers fails to identify specific or relevant contentions. Maine Rivers should be denied leave to intervene.³

C. Penobscot Bay Waterkeeper Is Not Substantially and Directly Affected.

Penobscot Bay Waterkeeper’s Petition for Leave to Intervene should be denied because it fails to demonstrate that Penobscot Bay Waterkeeper will be substantially and directly affected by the proceeding. *See* 5 M.R.S. § 9054(1); 06-096 C.M.R. ch. 3, § 11(A)(1). Although its petition identifies five allegedly affected members, not one resides in the vicinity of JRL or on the Penobscot River. Instead, they are residents of North Haven (an island in the ocean), Belfast (a seaside city ten miles west of the mouth of the Penobscot River), and Swanville (a landlocked town on the outer edge of the watershed). The *closest* identified member lives some 35 miles from JRL; the farthest lives 60 miles and an ocean away. None of these far-flung members demonstrates

³ Maine Rivers further fails to provide an adequate “statement regarding the ability of the petitioner to participate in the proceeding” as required by Department regulations. 06-096 C.M.R. ch. 3, § 11(A)(1). The Petition’s bare assertion that Maine Rivers “will be able to participate in the proceedings” provides no explanation or justification for Maine Rivers’s ability to do so.

a connection or proximity to JRL that could result in a substantial and direct impact on them. Because it identifies no members that could intervene as individuals, and its organization's generalized policy concerns are insufficient to confer intervenor status, Penobscot Bay Waterkeeper should be denied leave to intervene. *See Clardy*, 2024 ME 61, ¶ 26, 322 A.3d 1158; *Nelson*, 2008 ME 91, ¶ 9, 953 A.2d 378; *Nergaard*, 2009 ME 56, ¶¶ 18, 973 A.2d 735.

III. CONCLUSION

NEWSME respectfully requests that Maine Rivers and Penobscot Bay Waterkeeper be denied leave to intervene. Both parties should instead be directed to participate as Interested Persons.

Date: June 18, 2026

Respectfully Submitted,

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**STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

IN THE MATTER OF:

STATE OF MAINE, DEPARTMENT OF
ADMINISTRATIVE AND FINANCIAL
SERVICES, ALTON, OLD TOWN,
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#HQH-D4D1-RJBBR

APPLICATION FOR JUNIPER RIDGE
LANDFILL EXPANSION LICENSE MAINE
HAZARDOUS WASTE, SEPTAGE AND
SOLID WASTE MANAGEMENT ACT
PUBLIC HEARING

**NEWSME LANDFILL OPERATIONS, LLC’S MOTION TO
CLARIFY OR AMEND THE FIRST PROCEDURAL ORDER**

Applicant NEWSME Landfill Operations, LLC (“NEWSME”) respectfully requests that the Presiding Officer clarify or amend the First Procedural Order to specify that, along with the Bureau of Governmental Services (“BGS”), NEWSME is a co-applicant, and therefore a party, in the above-captioned proceeding. NEWSME further requests that the Presiding Officer clarify or amend the First Procedural Order to list the undersigned counsel on the Service List for this matter. NEWSME states in support as follows.

1. BGS is the owner of Juniper Ridge Landfill (“JRL”).
2. NEWSME is the operator of JRL.
3. On December 9, 2025, the Maine Department of Environmental Protection (the “Department”) accepted as complete BGS and NEWSME’s application to expand JRL.
4. Because of space limitations in the application form, the application form listed only BGS as the applicant and NEWSME as the “Agent/Consultant.”¹

¹ See Application for a New Landfill or Landfill Expansion, Form 401ap, at 1 (Nov. 18, 2025), available at https://www.maine.gov/dep/ftp/Juniper-Ridge/PBD2024/archive/PhaseIIExpansionApplication/2025%20November%20Expansion%20App%20Vol%20I%20SWMR_Redacted.pdf.

5. However, it was, and is, the intention of BGS and NEWSME that both entities are applicants.

6. The license application, if granted, will directly impact NEWSME as the operator of JRL, which is the very definition of a “party” under the Department’s rules. *See* 06-096 C.M.R. ch. 2, § 2(N)(1) (defining a “party” as the “specific person whose legal rights, duties or privileges are being determined in a licensing proceeding”).² This is because the Operating Services Agreement, the contract under which Casella Waste Systems, Inc. (“Casella”) (the ultimate corporate parent of NEWSME), operates JRL, places the obligation for obtaining permits and operating the landfill on Casella.³

7. Indeed, it is readily apparent from the application as a whole that NEWSME is an applicant. For example, the very first paragraph of the application states that both BGS, as the owner, and NEWSME, as the operator, prepared the application, and many of the submittals throughout the document are from NEWSME (or its ultimate corporate parent, Casella).⁴

² Notably, the current Public Benefit Determination for this application establishes multiple conditions that apply directly to Casella with respect to obligations that will be established during this licensing proceeding, such as a cap on the amount of certain kinds of waste that may be accepted, and the design, installation, and operation of a per- and polyfluoroalkyl substances (“PFAS”) treatment system for JRL leachate. *See* Public Benefit Determination, S-020700-W5-CV-N, at 38-39 (March 23, 2026).

³ *See* Operating Services Agreement, at 27, *available at* https://www.maine.gov/dep/ftp/Juniper-Ridge/PBD2024/archive/PhaseIIExpansionApplication/2025%20November%20Expansion%20App%20Vol%20I%20SWMR_Redacted.pdf.

⁴ *See* Phase II Expansion Application Juniper Ridge Landfill Volume I – Maine Solid Waste Management Rules, at 1-1 (Nov. 2025), *available at* https://www.maine.gov/dep/ftp/Juniper-Ridge/PBD2024/archive/PhaseIIExpansionApplication/2025%20November%20Expansion%20App%20Vol%20I%20SWMR_Redacted.pdf. *See also* Application, Vol. I, at 2-1 (“This section describes Applicants’ compliance”); *id.* at App. A-3 (Department’s response to Preliminary Information Report issued to NEWSME); App. A-5 (joint notice of intent to file from BGS and NEWSME); App. A-6 (joint preliminary public information meeting notice from BGS and NEWSME); App. A-7 (joint public notice of intent to file from BGS and NEWSME); App. A-8 (certificate of good corporate standing for NEWSME); App. O (information on financial capacity from NEWSME); App. Q (liability insurance from NEWSME); App. R (criminal and civil disclosure from NEWSME). *See also* Application Materials, Vol. II at 1-1 (stating that BGS and NEWSME are proposing the expansion) and Vol. V at ES-1 (same).

8. There is a long history of both the Department and the Maine courts treating NEWSME as a party in proceedings involving JRL. For example, in the pending appeal of the Public Benefit Determination, the appellants challenging the Department's approval (including the Penobscot Nation, who is seeking party status here) specifically included NEWSME in their appeal as the "party-in-interest," and the Superior Court has treated NEWSME as a full party throughout. *See Penobscot Nation, et al. v. Maine Dept. of Env'l Protection, et al.*, No. PENS-C-2024-00014 (Penobscot County Super. Ct. filed Nov. 12, 2024). Likewise, during the licensing hearing for the last expansion at JRL in 2016, NEWSME was automatically treated as a party because it was recognized to be a co-applicant with BGS.⁵

9. Finally, if there were any question about NEWSME's status as an applicant, the Department retains discretion to allow "any other person" to intervene. *See* 06-096 C.M.R. ch. 3, § 11(A)(1).

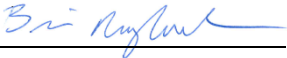
10. Not identifying NEWSME as an applicant in the First Procedural Order may cause inadvertent confusion, delay, or prejudice in subsequent steps of the licensing process and could deny or impair NEWSME's right to participate fully as a party.

WHEREFORE, NEWSME respectfully requests that the Presiding Officer clarify or amend the First Procedural Order to specify that NEWSME and BGS are each applicants in the above-captioned proceeding and to specify that undersigned counsel be added as such to the Service List for this matter.

⁵ *See* Second Procedural Order, S-020700-WD-BI-N (Feb. 25, 2016), *available at*: https://www.maine.gov/dep/waste/juniperridge/documents/archive/2015expansion/02_25_16%20JRL%20Second%20Procedural%20Order.pdf.

Date: June 18, 2026

Respectfully Submitted,

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