

VIA EMAIL AND UPS

To Mr. Ronald Mongeon, Presiding Officer

Department of Environmental Protection

108 Hogan Road

Bangor, Maine 04011

Dear Presiding Officer Mongeon.

SUBMITTED HERewith IS THE RESPONSE OF MAINE RIVERS TO THE OBJECTION OF NEWSME LANDFILL OPERATIONS LLC (“NEWSME”) TO THE PETITION OF MAINE RIVERS FOR INTERVENTION IN THE JUNIPER RIDGE LICENSE APPLICATION PROCEEDING.

Re: State of Maine, Department of Administrative Services, Alton, Old Town, Penobscot County, HQH-D4D1-RJBBR; in the Matter of the Application for Juniper Ridge Expansion License, Maine Hazardous Waste, Septage and Solid Waste Management Act.

INTRODUCTION: In its filing in this proceeding of June 18, 2026, NEWSME contends that Maine Rivers fails to demonstrate that the organization or its members will be substantially and directly affected by the proposed expansion of the Juniper Ridge Landfill and proposes that Maine Rivers participate as an interested person pursuant to 06-96 C.M.R. Ch 3, section 2(1). Maine Rivers submits that this contention is wrong and that it is entitled to intervene because one of its members and officers, Dan Kusnierz, will be directly affected and potentially adversely by the outcome of this proceeding and for this reason Maine Rivers is entitled to associational standing.

FIRST, Mr. Kusnierz will be directly affected by the proceeding because he is the program manager of the Penobscot Indian Nation and responsible for achievement of the Penobscot Nation’s program “to protect, enhance, and restore water quality and aquatic resources ...so that Tribal members may tribal traditional fully carryout traditional Tribal practices.” He will therefore be directly and adversely affected by the outcome of application for the expansion of the landfill operations unless he is entitled to defend tribal interests in the application proceedings. The risk of failure to achieve protection of those resources would be damaging to Mr. Kusnierz’ responsibilities to carry out the objectives of the Penobscot Nation program. This damage to a member of its Board is sufficient to entitle Maine Rivers to associational standing.

NEWSME’s objection to the Maine Rivers petition seems to suggest that harm to a single member of an organization such as Maine Rivers is not sufficient to establish associational standing. This is simply not true and NEWSME cites no authority for its claim.

Next, NEWSME argues that “inconsistency with the goals of one individual’s employer is not a substantial and direct effect.” Objection at 4. This is an odd argument. The employer of Mr. Kusnierz is the Penobscot Indian Nation based on Indian Island, Maine. The proposed Landfill

expansion is upstream of the Nation's property and the Penobscot River waters flow around this property. Mr. Kusnierz's responsibility is to implement the Tribe's objectives regarding the river's water quality and aquatic resources and his ability to achieve this mission will be unnaturally constrained absent intervention. This provides the requisite adverse effect on an officer and member of Maine Rivers to justify associational standing.

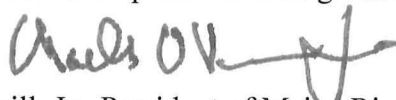
We note that associational standing has often been granted where an association member is a downstream property which may be affected by regulatory action. There is no rational distinction between such harm and harm to an association member in a different context.

In sum, Maine Rivers submits that one of its officers "may be substantially and directly affected by the proceeding" within the meaning of 5 M.R.S. 9054(2). Maine Rivers accordingly is entitled to rely on this circumstance to demonstrate associational standing because one of its officers, an ex-facto member, would himself have standing as an individual. See *Clardy v. Jackson*, 2024 ME 61, 332 A.3d 1158.

SECOND. Paragraph 3 of the Maine Rivers motion specifically states that "approximately 36 acres of the new landfill footprint lie below the water table..." Further, the Motion notes the known presence "of the forever chemicals PFAS" which clearly "have a potential impact on ecology of the river and the quality of drinking water." The Department is well aware that this impact will be a central issue in determining what action the Department will take in assessing the NEWSME application which was filed pursuant to the Solid Waste Management Act, 38M.R.S. 1301-1310-A and the Natural Resources Protection Act, 38 M.R.S. 480-480-FF. This directly raises the legal question whether a grant of the application for an expansion of the Juniper Ridge Landfill would be contrary to the public interest.

Given this context, the Department can and should conclude Maine Rivers has sufficiently identified "specific contentions regarding the subject matter of the hearing and the relevant statutory criteria." 06-096 C.M.R. CH. 3, 11(A)(10).

CONCLUSION: We respectfully request that the Department deny the objection of NEWSME to the Maine Rivers motion and request that it be given leave to intervene.



By Charles Owen Verrill, Jr, President of Maine Rivers, this June 25, 2026.

/s/Charles Owen Verrill, Jr, 9 Magean Street, Brunswick, Maine 04011.

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This response has been sent via email to the following people on this date:

(See following page)

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NB: a dated and signed paper version of this Response has been sent via UPS to Dominique DiSpirito, Maine Department of Environmental Protection, 106 Hogan Road, Bangor, Maine 04401