

August 20, 2026

Ronald Mongeon
Presiding Officer
Board of Environmental Protection
106 Hogan Road, Suite 106
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ronald.mongeon@maine.gov

Submitted via Electronic Mail

Re: Juniper Ridge Landfill Expansion (#HQH-D4D1-RJBBR)
Intervenors' Request for Modification of Proposed Hearing Schedule and for a
Complete Licensing Application

Dear Presiding Officer Mongeon,

Intervenors the Penobscot Nation, Maine Rivers, Penobscot Bay Waterkeeper, Edward Spencer, and Daisy Goodman (collectively, "Intervenors"), respectfully request that the Presiding Officer: (1) amend the proposed scheduling order for the Juniper Ridge Landfill ("JRL") expansion licensing application (#HQH-D4D1-RJBBR) ("Application"); and (2) require the State of Maine, Department of Administrative and Financial Services, Bureau of General Services ("BGS" or "Applicant"), and their agent, NEWSME Landfill Operations, LLC to supplement the Application with a sufficient description of the PFAS leachate treatment system planned for implementation at JRL.

I. Background

On December 9, 2025, the Maine Department of Environmental Protection ("DEP") accepted as complete for processing the Application for a solid waste license for a proposed expansion of JRL. The project will take place in Alton and Old Town, in Penobscot County, Maine.

On August 14, 2026, Presiding Officer Mongeon held a virtual pre-hearing conference to discuss the scope of the public hearing, party member and intervenor roles and responsibilities, and a proposed schedule for the upcoming process including pre-filed testimony, rebuttal, and the potential hearing dates.

II. DEP's Proposed Schedule Undermines a Fair, Thorough Review.

The proposed schedule does not provide sufficient time for a fair and thorough evaluation of the Application and risks undermining DEP's interest in developing a complete evidentiary record. 38 M.R.S. § 344-B(3)(A)(1) states that the processing time may be stopped "for as long as necessary to accommodate the public hearing process."

While no two licensing proceedings are identical, the timeline employed during the 2016 JRL expansion proceeding demonstrates the time reasonably taken to review, analyze, and litigate a landfill expansion application of this size and complexity.¹ The present landfill licensing application, as explained below, is more technically complex than the last one and warrants, at a minimum, an equally thorough review process.

Following the February 10, 2016 pre-hearing conference for the prior JRL expansion proceeding, the parties were afforded approximately **five and a half months before pre-filed direct testimony was due, seven months before rebuttal testimony was due, and more than eight months before the evidentiary hearing was held in October 2016.**² During that period, the record was developed through multiple rounds of agency review comments, requests for additional information, supplemental technical submissions, expert memoranda, procedural motions, and procedural orders. The 2016 proceeding for JRL's expansion recognized that meaningful participation in a landfill licensing matter requires substantial time to review technical materials, identify information gaps, retain qualified experts, and develop testimony on complex environmental and engineering issues.

By contrast, the schedule that DEP orally proposed during the August 14, 2026 pre-hearing conference would give Intervenor approximately **half the time** as was afforded in the 2016 proceeding to review the record, find and retain experts, prepare testimony, and litigate issues central to DEP's licensing determination.³

III. The Application Omits Information Critical to Evaluating Regulatory Compliance.

Additional time is particularly warranted here because the Application presents highly technical issues not present in the prior expansion proceeding. Most notably, the Application relies on a conditioned leachate treatment system for PFAS that is central to the Applicant's demonstration of compliance with applicable licensing criteria. **Yet critical information concerning the proposed treatment methodology is absent from the Application: most notably, what the treatment methodology will be.**

DEP's revised Public Benefit Determination ("PBD") issued after remand again conditioned any expansion approval on the design and installation of a DEP-approved PFAS treatment system for

¹ Intervenor recognizes that the 2016 expansion was under the jurisdiction of the Board of Environmental Protection, which sets its own timeline.

² See *Juniper Ridge Landfill*, ME DEP'T OF ENVT'L PROT., <https://www1.maine.gov/dep/waste/juniperridge/index.html> (listing dates and documents for the Application for Landfill Expansion for JRL that took place between 2015-2017).

³ At the August 14, 2026, pre-hearing conference Presiding Officer Mongeon stated parties and intervenors were to identify issues, applicable licensing criteria, application components, and anticipated witnesses by September 4, 2026; submit pre-filed testimony and exhibits by October 16, 2026; submit rebuttal testimony by November 20, 2026; and participate in the administrative hearing in December 2026.

JRL's leachate prior to expansion operations.⁴ As of now, Intervenor is forced to evaluate a leachate treatment system that is both a novel condition, highly technical, **and not identified in the Application**.

The public should not be required to take a leap of faith that an unspecified future treatment system will adequately address the PFAS concerns that DEP itself deemed significant enough to condition its PBD approval on. Without identification of the actual proposed treatment system, parties cannot work with experts to meaningfully evaluate its effectiveness, reliability, limitations, and environmental implications. Fundamental fairness and the integrity of the licensing process require supplementation of the application before the hearing proceeds.

This omission is particularly significant given DEP's position during the PBD litigation that **"the licensing process is the time for the Department to consider what specific treatment modalities, metrics, and enforcement mechanisms may be appropriate"** for the PFAS treatment system.⁵ It is unclear how DEP—let alone the public—can consider the specific treatment modalities, metrics, and appropriate enforcement mechanisms during the licensing process when the treatment methodology itself is not even identified in the licensing Application.

The proposed schedule also fails to account for the practical realities of retaining qualified experts. The issues implicated by this application require expertise in highly specialized fields, including PFAS treatment, environmental chemistry, hydrogeology, landfill engineering, and leachate management. Experts qualified and available to evaluate these issues are limited in number and will require substantial time to review a record of this size before reaching opinions and preparing testimony. That burden is magnified where key technical information has not yet been provided.

Given the volume of the Application, the novelty and significance of the PFAS-treatment issues, the absence of material information regarding the proposed treatment technology, and the time necessary to retain and work with qualified experts, the proposed schedule and the current application does not provide a reasonable opportunity for Intervenor to prepare and present an informed analysis of the proposed expansion's conformity with the law.

IV. Conclusion

For all these reasons, DEP should:

1. **Require the Applicant, as soon as possible, to supplement the Application with sufficient information regarding the proposed PFAS treatment methodology to permit meaningful**

⁴ *Juniper Ridge Landfill Expansion S-020700-W5-CV-N Public Benefit Determination (Approval with Conditions)*, STATE OF ME, DEP'T OF ADMIN. & FIN. SERV., BUREAU OF GEN. SERV. 34 (March 23, 2026).

⁵ Brief for Respondents at 23, *The Penobscot Nation and Conservation Law Foundation v. Maine Department of Environmental Protection*, No. PENS-APP-2024-00014 (Me. Super. Ct. Feb. 20, 2025).

expert review and evaluation of the Applicant's compliance with applicable licensing criteria; and

2. **Establish a hearing schedule that more closely reflects the timeline afforded in the 2016 JRL expansion proceeding and provides the parties with a reasonable and meaningful opportunity to review a complete Application, retain experts, and develop testimony.**

To provide the parties with a reasonable opportunity to review the Application, identify and retain appropriate experts, prepare testimony, and develop a complete evidentiary record consistent with the timeline employed during the prior JRL expansion proceeding, **Intervenors respectfully propose the following schedule.** This schedule reflects the approximate intervals from the 2016 JRL expansion proceeding and presumes that the application will be supplemented with information on the proposed PFAS treatment system as soon as possible:

Proposed Schedule

1. **November 13, 2026:** Parties and Intervenors submit issues statement identifying relevant licensing criteria, relevant application components, and number of anticipated witnesses.
2. **January 29, 2027:** Pre-filed direct testimony and exhibits due.
3. **March 12, 2027:** Pre-filed rebuttal testimony and exhibits due.
4. **April 20-22, 2027** (or such dates thereafter as the Presiding Officer may designate): Public evidentiary hearing.

We thank you for your attention, review, and consideration of this Request.

Respectfully submitted,

THE PENOBSCOT NATION

By its attorney,



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Dated: August 20, 2026

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document has been served on all counsel of record and parties listed on the attached Service List on August 20, 2026 by electronic mail.



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