

**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

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

**OPPOSITION OF BUREAU OF GENERAL SERVICES AND NEWSME LANDFILL
OPERATIONS, LLC TO INTERVENORS' REQUEST FOR MODIFICATION OF
HEARING SCHEDULE AND LICENSING APPLICATION**

Bureau of General Services (“BGS”) and NEWSME Landfill Operations, LLC (“NEWSME”) hereby oppose Intervenor the Penobscot Nation, Maine Rivers, Penobscot Bay Waterkeeper, Edward S. Spencer, and Daisy Goodman’s (collectively, “Intervenors”) Request for Modification of the Hearing Schedule and Application. BGS and NEWSME respectfully request that the Presiding Officer deny the Intervenor’s request for delay and retain the process and schedule set forth in the Third Procedural Order.

In the first quarter of 2028—less than two years from now—the Juniper Ridge Landfill (“JRL”) is forecasted to be full. This looming capacity cliff does not just pose a problem for JRL—it is a potential crisis for all of Maine. JRL is a critical centerpiece of Maine’s waste management system. As of 2023, according to the Department’s Public Benefit Determination (“PBD”), JRL accepted 52% of the solid waste generated by the entire state, including 90% of municipal and industrial sludge.¹ And across all facilities, Maine’s solid waste disposal capacity is rapidly approaching its limit. The only practical solution to this impending crisis is to expand JRL, and

¹ See Public Benefit Determination, DEP Dkt. No. S-020700-W5-CV-N at 8 (Mar. 23, 2026) [hereinafter, “Second PBD”].

expand it quickly. Intervenor's proposed delay would all but guarantee that JRL runs out of space before the expansion begins. None of Intervenor's concerns regarding the current schedule justify precipitating an unnecessary waste management emergency for the entire state.

I. BACKGROUND

On June 10, 2024, BGS, as the owner of JRL, and NEWSME, as its operator, filed an application for a PBD to expand JRL. Following extensive public comments during an extended comment period, including comments from Intervenor the Penobscot Nation, Ms. Goodman, and Mr. Spencer, the Department issued a PBD.² The Penobscot Nation and the Conservation Law Foundation appealed the PBD to the Superior Court, which, after remand to the Department, resulted in the issuance of a second PBD on March 23, 2026, which remains in effect while it is under review in the Superior Court.

Meanwhile, on November 21, 2025, BGS and NEWSME filed an application to amend the solid waste management facility license to expand JRL (the "Application"), which the Department accepted as complete on December 9, 2025. On May 5, 2026, the Department, through the Presiding Officer, issued a notice advising the public that it would hold a public hearing on the application. Now, nearly ten months after the Application was filed, Intervenor seeks a more than four-month delay in the licensing hearing, from December 7-9, 2026, to April 20-22, 2027, asserting that they have insufficient time and information to prepare.

² See Public Benefit Determination, DEP Dkt. No. S-020700-W5-CV-N, at 5-7 (October 2, 2024); Comments of Conservation Law Foundation and the Penobscot Nation, DEP Dkt. No. S-020700-W5-CV-N (July 31, 2024); Comments of Daisy Goodman, DEP Dkt. No. S-020700-W5-CV-N (Aug. 1, 2024); Comments of Edward Spencer, DEP Dkt. No. S-020700-W5-CV-N (Aug. 7, 2024).

II. ARGUMENT

A. Maine's Solid Waste Management System Faces a Capacity Crisis and Must Be Expanded as Soon as Possible.

The expansion of JRL is urgently needed and cannot be delayed to accommodate Intervenors' scheduling preferences. At current disposal rates, JRL forecasts it will be unable to accept new waste in the first quarter of 2028, less than two years from now.³ As the Department recognized in its 2024 Maine Materials Management Plan, "[t]he loss of JRL as a disposal facility would create catastrophic capacity issues as it receives over 50 percent of all material landfilled in Maine annually."⁴ These capacity constraints are even more acute for municipal and industrial sludge. Although new sludge drying and processing facilities are coming online, JRL has been accepting approximately 90% of Maine's municipal and industrial sludge.⁵ Until sufficient new facilities are fully operational, there is no alternative outlet for the tonnage of sludge handled at JRL.⁶ Indeed, across all disposal facilities, Maine has less than ten years of solid waste disposal capacity remaining.⁷ As a consultant for the Department explained, if JRL is not expanded quickly, "there will be no Maine landfill with enough capacity to meet solid waste needs and much of the biosolids . . . will need to be sent out of state at greatly increased cost for utilities and ratepayers."⁸

³ See BGS and NEWSME Application for a New Landfill or Landfill Expansion, Vol. I, at 17 (Nov. 11, 2025) [hereinafter "Application"]; Second PBD, at 8.

⁴ Application, Vol. I, at 453.

⁵ See Second PBD, at 8, 17.

⁶ See Second PBD, at 16-17; Brown and Caldwell, *An Evaluation of Biosolids Management in Maine and Recommendations for the Future* (Prepared for the Maine Dep't of Env'l Prot.), at 2 (Dec. 15, 2023), <https://brownandcaldwell.com/papers-and-reports/an-evaluation-of-biosolids-management-in-maine-and-recommendations-for-the-future/> [hereinafter, "Brown and Caldwell Report"].

⁷ See Second PBD, at 9.

⁸ Brown and Caldwell Report, at 4.

Put more bluntly, “[i]f JRL is not expanded, the state faces a dire situation for solid waste generally in Maine.”⁹ In short, an expansion of JRL must come “as soon as possible.”¹⁰

Intervenors contend that the hearing process should follow the same schedule applied to the prior expansion of JRL in 2016, which allotted several more months between the pre-hearing conference and submission of pre-filed testimony and the public hearing. In 2016, however, Maine’s solid waste management system was in a fundamentally different position, and the need for that expansion lacked the same urgency. Solid waste generation was declining, and the state had adequate capacity to meet its immediate and short-term needs.¹¹ Since then, circumstances have changed dramatically. The volume of solid waste needing to be landfilled has grown significantly because of Maine’s transition from land spreading sludge to landfilling it (pending development of alternatives), as well as disruptions at waste processing and waste-to-energy facilities in Hampden and Orrington and increased waste generation from natural disasters, among other factors.¹² As a result, Maine’s solid waste management needs are rapidly outpacing its capacity, and the outlook has evolved from one of mere concern in 2016 to a genuine emergency in 2026.

NEWSME therefore intends to begin constructing new double-lined landfill cells immediately upon approval of the Application. Construction of initial cells, however, will take months, and the public hearing is just one step of many before the project can begin. For instance, during JRL’s last expansion, eight months elapsed between completion of the public hearing in

⁹ *Id.* at 46.

¹⁰ *Id.*

¹¹ Public Benefit Determination, DEP Dkt. No. S-020700-W5-AU-N (Phase I), at 18-19 (Jan. 31, 2012).

¹² *See, e.g.*, Second PBD, at 9.

October 2016 and the execution of the final license in June 2017.¹³ Accordingly, in a best-case scenario—before accounting for any delays, including litigation and appeals—construction would begin in late summer or early fall of 2027, mere months before JRL is expected to reach capacity. If Intervenor’s proposed schedule were adopted, construction likely could not begin before the beginning of 2028 when JRL is on the brink of maximum capacity. Given the statewide reliance on JRL’s disposal capacity, that delay is untenable.

B. The Third Procedural Order Provides Sufficient Time for a Fair and Thorough Process and Intervenor’s Have Had Ample Time to Prepare.

Intervenor’s request a delay of more than four additional months before beginning the public hearing, arguing that they need more time to “review the Application, identify and retain appropriate experts, prepare testimony, and develop a complete evidentiary record.” But Intervenor’s have had (and will have) ample time to review the Application and marshal their evidence and arguments before a hearing in December, particularly given the involvement of multiple of the Intervenor’s in the current JRL expansion proceedings since 2024.

The Department accepted the Application as complete on December 9, 2025, more than eight months ago. Shortly thereafter, Intervenor’s the Penobscot Nation and Mr. Spencer petitioned the Department to hold a public hearing and the Department announced nearly four months ago, on May 5, 2026, that it would do so. Intervenor’s have had the intervening months to prepare. Indeed, presumably they have been. Intervenor the Penobscot Nation, and its attorneys at the Conservation Law Foundation, have vigorously engaged in and litigated the JRL expansion since at least August 2024, submitting extensive public comments on the PBD application and twice

¹³ See Phase I Expansion License, DEP Dkt. Nos. S-020700-WD-BI-N and L-19015-TG-D-N (June 1, 2017); Hearing Schedule, DEP Dkt. Nos. S-020700-WD-BI-N and L-19015-TG-D-N (Oct. 7, 2016).

challenging the Department's PBDs in the Superior Court.¹⁴ Similarly, Intervenor Mr. Spencer and Ms. Goodman have been actively involved in the JRL expansion since at least the summer of 2024, when they submitted public comments regarding the PBD process.¹⁵ Given some of the Intervenor's long-standing involvement, including their petitions for the very process that they now claim is moving too quickly, the need to engage experts and/or prepare testimony on the Application for this public hearing should come as no surprise. *See, e.g.*, 06-096 C.M.R. ch. 2, § 7(D) (public hearings must be scheduled "as expeditiously as possible following a decision to hold one").

C. JRL's PFAS Treatment System Will Be Licensed in a Separate Process and Intervenor Will Have Adequate Opportunity to Question the Specifics.

Intervenor's argument rests in part on their insistence that they will need time to review a proposed per- and polyfluoroalkyl substances ("PFAS") treatment system as part of the Application, and that unless the Application is amended to disclose additional details regarding the PFAS treatment plan, they cannot adequately analyze the Application. This argument is unfounded, however, because there is no requirement for the PFAS treatment system to be included in this Application.

NEWSME does not intend to seek licensure of the PFAS treatment system through *this* licensing process because the system will not be located at JRL. Neither the PBD nor the solid waste management licensing criteria require that the Department approve a specific PFAS

¹⁴ Comments of Conservation Law Foundation and the Penobscot Nation, DEP Dkt. No. S-020700-W5-CV-N (July 31, 2024); Pet'rs Br., *The Penobscot Nation vs. Maine Dep't of Env'l Prot.*, No. PENSC-APP-2024-00014 (Me. Super. Ct. filed Jan. 21, 2025); Pet'rs 2d Br., *The Penobscot Nation vs. Maine Dep't of Env'l Prot.*, No. PENSC-APP-2024-00014 (Me. Super. Ct. filed May 11, 2026).

¹⁵ Comments of Daisy Goodman, DEP Dkt. No. S-020700-W5-CV-N (Aug. 1, 2024); Comments of Edward Spencer, DEP Dkt. No. S-020700-W5-CV-N (Aug. 7, 2024). Mr. Spencer also intervened in the public hearing for the last expansion at JRL, so he has experience with the process. *See* Phase I Expansion License, DEP Dkt. Nos. S-020700-WD-BI-N and L-19015-TG-D-N at 10 (June 1, 2017).

treatment system before the license issues. Rather, a Department-approved PFAS treatment system must be in place “prior to expansion operations,”¹⁶ and a license can issue with conditions requiring further specification of the PFAS treatment system. Although the project is still under consideration and subject to change, NEWSME currently plans to install the PFAS treatment system at the nearby Pine Tree Landfill in Hampden, subject to obtaining all required approvals and agreements. NEWSME will seek Department approval by amending the solid waste facility license for that landfill.

Among other benefits, this will enable NEWSME to treat PFAS leachate from both the Pine Tree Landfill *and* JRL before it is transported to a licensed wastewater treatment facility. This plan exceeds the condition of approval in the PBD because it will result in PFAS treatment for leachate from both landfills. As required by the PBD, the treatment system will be operational prior to operation of the expansion at JRL. The Department is aware of this proposed dual-track licensing framework. The public, including the Intervenors, if they so choose, will have a full and fair opportunity to comment on the PFAS treatment system in that separate licensing proceeding. Because the PFAS treatment system will be permitted through a separate licensing proceeding, there is no cause for further delay on this basis.

III. CONCLUSION

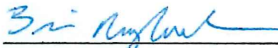
BGS and NEWSME respectfully request that the Presiding Officer deny the Intervenors’ requests and retain the process and schedule set forth in the Third Procedural Order.

¹⁶ Second PBD, at 39.

Dated: August 28, 2026

Respectfully submitted,

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