

August 1, 2024

Via Electronic Mail: [Melanie.Loyzim@maine.gov](mailto:Melanie.Loyzim@maine.gov); [karen.knuuti@maine.gov](mailto:karen.knuuti@maine.gov)

**Melanie Loyzim**  
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**Karen Knuuti**  
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**Re: Request for an Extended Review and Comment Timeline for the Public Benefit Determination Application for Juniper Ridge Landfill (DEP# S-020700-W5-CV-N)**

Dear Commissioner Loyzim & Specialist Knuuti:

Pursuant to 38 M.R.S. § 1310-AA(2), the Maine Department of Environmental Protection (“MEDEP”) is accepting public comments as it processes the Public Benefit Determination Application (“PBD”) for the expansion of the Juniper Ridge Landfill (“JRL”) (DEP# S-020700-W5-CV-N).<sup>1</sup> JRL is owned by the Maine Department of Administrative and Financial Services’ Bureau of General Services and is operated by NEWSME Landfill Operations, LLC, whose parent company is Casella Waste Systems (all together “the Proponent”).<sup>2</sup> **Conservation Law Foundation (“CLF”) writes this letter to request that MEDEP extend the review and comment timeline for when MEDEP must make its PBD determination.**

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<sup>1</sup> *Juniper Ridge Landfill*, ME DEP’T OF ENV’T PROT., <https://www.maine.gov/dep/waste/juniperridge/index.html> (last visited August 1, 2024).

<sup>2</sup> *Id.*; Sevee & Maher Engineers, *Application for a Determination of Public Benefit Juniper Ridge Landfill Expansion*, ME BUREAU OF GEN. SERV. & NEWSME LANDFILL OPERATIONS, LLC (June 2024), available at [https://www.maine.gov/dep/ftp/Juniper-Ridge/PBD2024/PBDapplication/20240607\\_APPLICATION%20FOR%20A%20DETERMINATION%20OF%20PUBLIC%20BENEFIT.pdf](https://www.maine.gov/dep/ftp/Juniper-Ridge/PBD2024/PBDapplication/20240607_APPLICATION%20FOR%20A%20DETERMINATION%20OF%20PUBLIC%20BENEFIT.pdf).

CLF protects New England’s environment for the benefit of all people and uses the law, science, and the market to create solutions that preserve our natural resources, build healthy communities, and sustain a vibrant economy. Through its Zero Waste Project, CLF aims to protect communities from the dangers posed by unsustainable waste management practices.

On July 30, 2024, MEDEP sent a letter (“Request for More Information” or “Request”) to Lisa Turner of Sevee & Maher Engineers, Inc, expressing that it had completed an initial review of the PBD application and had about four pages of comments and questions that it would like the Proponent to respond to.<sup>3</sup> MEDEP does not list a date for when it would like the Proponent to submit their responses to MEDEP by.

This letter is in response to MEDEP’s Request. Because there is currently no set date for the Proponent to submit its response by, it is unclear when the Proponent will do so and how much time MEDEP and the public will have to review the information the Proponent submits to MEDEP.

#### **I. MEDEP is Already Under a Very Restricted PBD Timeline.**

Maine law requires the Commissioner to issue its determination within 60 days of accepting the application,<sup>4</sup> which MEDEP has determined to be August 23, 2024.<sup>5</sup> Within this timeline, MEDEP must review the application, host public meetings, take into consideration comments provided at these meetings, and review submitted written comments.

Despite the compressed nature of the determination timeframe, MEDEP is permitted to issue a decision before the 60 days run out. The only established date in this timeframe is August 23, 2024, which has caused some confusion and concern in the public. For example, it has been unclear as to when people should submit their written comments so that MEDEP can adequately review and consider the comments before issuing its determination. The public is permitted to submit comments to MEDEP any time before it issues a determination. MEDEP has stated that written comments should be submitted as soon as possible (“the sooner the better”),<sup>6</sup> and

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<sup>3</sup> Letter from Karen Knuuti to Lisa Turner, *Application for Determination of Public Benefit, Juniper Ridge Landfill (JRL)*, STATE OF ME DEP’T OF ENV’T PROT. (July 30, 2024), available at [https://www.maine.gov/dep/ftp/Juniper-Ridge/PBD2024/2024\\_07\\_30%20JRL%20PBD%20additional%20information%20request.pdf](https://www.maine.gov/dep/ftp/Juniper-Ridge/PBD2024/2024_07_30%20JRL%20PBD%20additional%20information%20request.pdf).

<sup>4</sup> 38 M.R.S. § 1310-AA(2).

<sup>5</sup> See *Juniper Ridge Landfill PBD meeting 07262024*, ME DEP’T OF ENV’T PROT. (July 26, 2024, 00:3:54), available at <https://www.youtube.com/watch?v=nMXtUm2NX-Y>; *Juniper Ridge Landfill PBD meeting 20240716*, ME DEP’T ENV’T PROT., (July 18, 2024, 00:7:50; 01:51:40; 01:53:55), <https://www.youtube.com/watch?v=tLxFwPf1shg>; E-mail from Karen Knuuti to Suhasini Ghosh, *RE: PBD meeting*, (July 1, 2024) (“August 23 is day 60.”).

<sup>6</sup> *Juniper Ridge Landfill PBD meeting 20240716*, ME DEP’T ENV’T PROT., (July 18, 2024, 01:45:45; 01:54:12), <https://www.youtube.com/watch?v=tLxFwPf1shg>.

specifically, by “mid-August,”<sup>7</sup> but these statements still lack clarity and leave open the possibility that a concerned citizen may put in the time and effort to prepare a comment, just to have the rug pulled out from under them because MEDEP renders a decision early. The application is over 600 pages; just reviewing it takes significant time, especially for a member of the public who is not an expert on waste issues and has familial, work, and other personal obligations. On top of that, preparing comments, written or verbal, takes even more time. How can the public know when it is best to submit their comments if MEDEP can issue a determination any time before August 23, 2024? MEDEP has a legal duty to consider each comment submitted before issuing its determination.<sup>8</sup> How can the public be assured that their comments will be fully considered when there is so much required to happen during the 60-day timeframe?

## **II. MEDEP Should Extend the PBD Determination Timeline due to MEDEP’s Request for More Information.**

CLF appreciates that MEDEP has requested the Proponent provide additional information on 23 identified topics, and recognizes that multiple inquiries in the Request for More Information reflect issues that community members have raised. However, on top of an already confusing and condensed determination timeline, there is a lack of clarity on how MEDEP’s Request impacts MEDEP’s timeline for its determination on the Proponent’s PBD application. Because of this, CLF respectfully requests the following:

- An established date by which the Proponent must submit its answers to MEDEP’s Request. MEDEP should demand detailed responses and provide the Proponent with enough time to sufficiently answer MEDEP’s Request.
- An extension of the August 23, 2024 determination date for the following reasons:
  - To give MEDEP a reasonable amount of time to adequately consider the Proponent’s answers to its Request;
  - To give the public a reasonable amount of time to submit comments to MEDEP based on the Proponent’s answers to the Request; and
  - To give MEDEP a reasonable amount of time to review the public’s comments submitted to it in response to the Proponent’s answer to the Request.

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<sup>7</sup> *Juniper Ridge Landfill PBD meeting 07262024*, ME DEP’T OF ENV’T PROT. (July 26, 2024, 00:3:49), available at <https://www.youtube.com/watch?v=nMXTUm2NX-Y>; *Juniper Ridge Landfill PBD meeting 20240716*, ME DEP’T ENV’T PROT., (July 18, 2024, 00:10:05; 01:53:48), <https://www.youtube.com/watch?v=tLxFwPfIshg>.

<sup>8</sup> 38 M.R.S. § 1310-AA(2).

**Nothing in the law prohibits MEDEP from extending the timeline when the circumstances require it, especially if both the community and Proponent agree to an extension.**

Though CLF appreciates that MEDEP is inquiring about the issues included in the Request for More Information, many of the topics on which MEDEP requested more information were obviously insufficient on the face of the application. When MEDEP received the PBD application on June 10, 2024,<sup>9</sup> it had 15 business days<sup>10</sup> to review and process the application. MEDEP did not use the full 15 business days and instead accepted the application for processing on June 24, 2024.<sup>11</sup> Some of the inquiries that MEDEP made in its Request could have likely been brought up during the initial review and processing and would not have impacted the 60-day timeline.<sup>12</sup>

CLF understands that this timeline puts MEDEP in a difficult position, as MEDEP is required to review a lot of information within the 60-day timeline. CLF is grateful that MEDEP submitted the Request for More Information but believes that both MEDEP and the public should have the time to adequately consider the Proponent's answers to the Request. It would be difficult to do so within the current timeline. An extension would also benefit the Proponent to adequately respond to all of MEDEP's inquiries in the Request.

An extension would benefit all parties involved—MEDEP, the Proponent, and the community—and allow the PBD application to get the full consideration it deserves. Providing everyone enough time to review and provide input is legally permissible and would respect how critical this issue is for the community and the State's waste management system.

### **III. An Extension of the PBD Determination Timeline is Consistent with the State's "Environmental Justice" Definition.**

As CLF has previously expressed to MEDEP and Commissioner Loyzim has expressed to the public, this PBD application is of significant interest to many members of the community and State.<sup>13</sup> The relevant Maine statute governing a PBD defines "environmental justice" as

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<sup>9</sup> See E-mail from Karen Knuuti to Suhasini Ghosh, *PBD application*, (June 10, 2024 4:44 PM) ("The application for determination of public benefit (for Juniper Ridge Landfill expansion) has been submitted.").

<sup>10</sup> See E-mail from Karen Knuuti to Suhasini Ghosh, *PBD application*, (June 11, 2024 4:59 PM) ("[T]he clock starts after we have accepted it for processing. We have 15 working days in which to do that.").

<sup>11</sup> See E-mail from Karen Knuuti to Suhasini Ghosh, *PBD application, Juniper Ridge Landfill*, (June 25, 2024 1:10 PM) ("I accepted the application for processing yesterday."); *Juniper Ridge Landfill PBD meeting 20240716*, ME DEP'T ENV'T PROT., (July 18, 00:7:40; 01:51:30), <https://www.youtube.com/watch?v=tLxFwPf1shg>.

<sup>12</sup> See Request 1, 4, 5, 6, 7, 8, 9, 15, 16, 18, 19, 20. Letter from Karen Knuuti to Lisa Turner, *Application for Determination of Public Benefit, Juniper Ridge Landfill (JRL)*, STATE OF ME DEP'T OF ENV'T PROT. (July 30, 2024), available at [https://www.maine.gov/dep/ftp/Juniper-Ridge/PBD2024/2024\\_07\\_30%20JRL%20PBD%20additional%20information%20request.pdf](https://www.maine.gov/dep/ftp/Juniper-Ridge/PBD2024/2024_07_30%20JRL%20PBD%20additional%20information%20request.pdf).

<sup>13</sup> Letter from Alexandra St. Pierre & Suhasini Ghosh to Commissioner Melanie Loyzim & Karen Knuuti, *Request for a Virtual Public Comment Opportunity for the Public Meetings on July 16, 2024 for the Public Benefit*

“includ[ing] the equal protection and **meaningful involvement of all people** with respect to the development, implementation and enforcement of waste management laws, rules, regulations and licensing decisions.”<sup>14</sup> CLF believes that the “meaningful involvement of all people” includes the public’s ability to have enough time to provide comments on the Proponent’s responses to MEDEP’s Request for More Information, and for MEDEP to have time to adequately review and consider those comments, as required by law.

#### **IV. Conclusion**

Thank you for your consideration of this request. Please do not hesitate to contact us and direct any questions to Alexandra St. Pierre ([aestpierre@clf.org](mailto:aestpierre@clf.org)) and/or Suhasini Ghosh ([sghosh@clf.org](mailto:sghosh@clf.org)).

Sincerely,

**Alexandra St. Pierre**  
*Director of Communities & Toxics*  
*Conservation Law Foundation*

**Suhasini Ghosh**  
*Staff Attorney, Environmental Justice Program*  
*Conservation Law Foundation*

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*Determination Application for Juniper Ridge Landfill (DEP# S-020700-W5-CV-N), CONSERVATION LAW FOUND.* (July 5, 2024), available at [https://www.maine.gov/dep/ftp/Juniper-Ridge/PBD2024/comments/2024\\_07\\_05%20letter%20from%20CLF%20RE\\_virtual%20public%20comment.pdf](https://www.maine.gov/dep/ftp/Juniper-Ridge/PBD2024/comments/2024_07_05%20letter%20from%20CLF%20RE_virtual%20public%20comment.pdf); *Juniper Ridge Landfill PBD meeting 20240716*, ME DEP’T ENV’T PROT., (July 18, 2024, 00:2:39; 01:48:50), <https://www.youtube.com/watch?v=tLxFwPfIshg>.

<sup>14</sup> 38 M.R.S. § 1310-AA(3)(E) (emphasis added).