

From: [Cheryl Spencer](#)
To: [Knuuti, Karen](#)
Subject: More PBD Comments
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Attachments: [Additional PBD Concerns and Comments.docx](#)

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Hi Karen,

Here are some more comments to ponder. And as a general comment, it seems as if the Environmental Justice component of the PBD has been given very short attention by Casella. I hope this does not reflect the Department's stance on EJ.

Regards,
Ed Spencer

Additional PBD Concerns and Comments

Dear Karen Knuuti and DEP Staff,

After finally finishing a brief analysis of Casella's response to your 23 questions, I would like to offer some comments in addition to those I've already presented in person and in writing. Let's go by the numbers.

1. ADC "fines" are in my opinion a waste industry scam, at least to an extent. CDD "fines" can actually include mattresses, at least according to Tom Gilbert, a former JRL manager. It doesn't really seal the waste below either from precipitation or gases coming from the wastes. Plus, CDD fines are full of broken dry wall, which tends to break down and form H₂S when wet. In addition, the way Maine law works, daily cover is classified as "recycled material" even though it will be in a landfill forever. The only way some "processing facilities" meet their required 50% minimum recycling threshold is to include large amounts of so-called daily cover. A removable tarp system would be superior cover and seal gases in overnight, thus greatly reducing leachate production. And who gets to classify what is ADC, and therefore, recycled material? If it is Casella this may give them control over their competitors. Finally, Daily Cover is exempt from tip fees paid to Old Town and Alton, amounting to about one-seventh of landfill inputs.
2. Was the 53,270 tons of instate CDD to ReSource actually from demolition and construction jobs in Maine? Or an accounting procedure, perhaps running Casella wastes through ReSource to increase the instate %? Though they admit reductions could extend landfill capacity, they only figure it in reference to an Expansion (to 13 years from 11). There doesn't seem to be any sense of urgency to preserve the existing permitted JRL capacity.
5. It appears that Casella basically lowballed bypass disposal from MMWAC to increase MSW deliveries to JRL. Was this in the state's best interest? It is concerning that once again it appears the State as Owner, BGS, has had an entirely hands off relationship with JRL's operator, failing to review contracts as required by the OSA (see my former comments for detailed OSA info). They must have given the WTE a much lower price to offset the additional trucking expense and distance.
6. An increase of what is labeled "mixed CDD" by almost 150,000 tons/year over the period between 2014 and 2023 is troubling. My belief is that most of the material coming to ReSource originates out of state and has already had most of the valuable materials removed, if there were any. Its chief "value" may be in avoiding other states' stricter rules on landfilling CDD. What really needs to be understood is how much of the material streaming into ReSource and only slightly reduced before it

comes to JRL was Casella waste in the first place? Casella used to own KTI, the precursor to ReSource. Is this how Casella transfer huge amounts of wastes originally discarded beyond Maine's borders into "Maine generated waste"? One of the benefits of having a publicly owned landfill should be transparency and accountability, but this is very lacking at JRL. Please ask that question- does the ReSource waste from beyond Maine have Casella ties?

8.They say they are using "structurally sound materials such as mixed CDD" in the outer 50 ft. of the waste pile. They say that this is critical to slope stability. There does not appear to be any industry source that identifies mixed CDD as structurally sound and desirable materials for stabilizing outer slopes. They did have a stability crisis, and I question the wisdom of this use for CDD. They say they use CDD fines for interior roads to avoid flat tires; I have heard that there are a whole lot of flat tires on trucks that regularly use JRL. "Fines" is more of generic term that sounds like a homogenous material but often is not. They also say that fines are "...purchased for use in landfill cover projects." Where has this happened, and how much material was purchased, and from whom? Fines can be mattresses.

9. They say they "...shipped approximately 93,000 tons of recyclables in Maine in 2023." Where did these go? How many were used as landfill cover? What is the non-ADC recycled rate at these various facilities?

18. It sounds like Casella lied about the level of BGS involvement with assisting municipalities with their waste products. Perhaps you might call it "gross misrepresentation" ascribing SPO efforts to BGS reality over a decade later. This is fraudulent.

19. This is a very troubling quote: "...and do not indicate any significant landfill-related impacts to water quality from malfunction of the landfill liners." It is my opinion that ANY impact on water quality is important, especially if it indicates liner failure of ANY amount. Please explain in detail what test results this statement is based on. In addition, have there been any impacts to water quality attributed to some other problems than malfunction of landfill liners?

23. Casella once again likes to hide behind the statutory definition of "waste generated in Maine". And they also claim that having hundreds of thousands of tons of materials from out of state but legal sources "...hence their origin is unimportant with regard to the use of landfill space." Really? There is no denying that if there had been no wastes from beyond Maine's borders brought to JRL that we would not be having to expand the capacity.

In summary, Casella's responses to Department questions raise many concerns and may require additional clarification and follow-up questions. Their responses do shed some light on JRL operations, and this is helpful in evaluating whether or not to extend landfill capacity at JRL with BGS as owner and Casella as operator. We need more human resources focused on JRL operation to gain a comprehensive understanding of waste streams, methods of classification, and where this waste is actually coming from and if our Waste Hierarchy is being respected.

Sincerely yours,

Ed Spencer

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