

**Comments for the Public Record  
Asking the Commissioner to  
DENY APPROVAL**

**August 26, 2024 | Jacquelyn Elliott**

**Subject: Sevee & Meher Engineers August 9, 2024 Response to Questions and Comments  
Application for Determination of Public Benefit  
Juniper Ridge Landfill**

**In the Matter of:**

**Application for a Public Benefit Determination pursuant to 38 M.R.S. § 1310-N(3-A) and 1310-AA, and Chapter 400, Section 5 MEDEP Solid Waste Management Rules for the Proposed Expansion of Juniper Ridge Landfill in Old Town owned by the Maine Department of Administrative and Financial Services' Bureau of General Services and operated by NEWSME Landfill Operations, LLC under a 30-year Operating Services Agreement, dated February 5, 2004**

Please accept these comments for the public record in rejoinder to Sevee & Meher Engineers August 9, 2024 response to the Maine Department of Environmental Services' (DEP) July 30, 2024 request for more information on the Application for Determination of Public Benefit in the matter of a proposed expansion of the Juniper Ridge Landfill.

**Excerpted from SME's August 9, 2024 response<sup>1</sup> to DEP's July 30, 2024 request for more information:**

**"19. Section 5.0 Consistency with Ensuring Environmental Justice for the Community in which the Facility is Proposed. This section specifies that "[a]n expansion of the monitoring program to include the additional 61 acres will continue to protect people and the environment surrounding the landfill." Does BGS and NEWSME anticipate making any enhancements to the current monitoring programs if an expansion is approved? (emphasis added)**

**SME's Response: *As concluded on page 10-1 of the 2023 Annual Water Quality Report for JRL prepared by SME, "site groundwater and surface water quality data do not show adverse effects from the performance of the landfill cells or leachate collection and transport systems" and "and do not indicate any***

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<sup>1</sup> SME August 9, 2024, (Page 12) response Maine Department of Environmental Protection July 30, 2024 request for more information

**significant landfill-related impacts to water quality from malfunction of the landfill liners.”** (emphasis added) **As currently envisioned, the Phase II Expansion will cover some of the current monitoring wells located to the north of Cells 14 and 17. Those wells will be abandoned by drilling out the well materials and grouting with a cement-bentonite slurry, in accordance with the MEDEP guidelines. New wells will be located at the northern boundary of the Phase II Expansion to replace the wells located to the north of the Cells 14 and 17, which represent the northern boundary of the current expansion. Additional wells will be added along the easterly and westerly sides of the Phase II expansion, similar to those located along the easterly and westerly sides of the first expansion, increasing the overall area monitored at the site.”** (emphasis added)

To purport that the BGS/SME/Casella response in any way meets the obligations of DEP’s Environmental Justice (EJ) requirements is untenable. The Environmental Protection Agency has an EJ Screening tool,<sup>2</sup> which uses demographic factors like income and race in comparison to environmental burden indicators. Compared to the rest of Maine, communities surrounding the landfill are within the 95th-100th percentiles of exposure to Nitrogen Dioxide, Toxic Releases to Air, Traffic Proximity, Hazardous Waste Proximity, Waste Water Discharge, as well as the 90th-95th percentile for exposure to Diesel Particulate Matter.

#### **Life lived:**

The public record contains innumerable reports of noxious odors, unanswered concerns about pollution and possible damage to landfill systems from fires; allegations by Casella of landfill instability; ongoing discharges of millions of gallons of leachate effluent untreated for removal of forever toxic per and -polyfluoroalkyl (PFAS) chemicals to the Penobscot River; and failure to provide a requested alert system for the public warning of incidents at the landfill. **Casella’s/SME’s assertions that there have been no adverse impacts from leachate discharges to surface and groundwater cannot necessarily be supported by the data utilized. Data is only as reliable as gathered, quantified, qualified, extrapolated, and employed.**

**“The typical groundwater monitoring well used today has a four- to eight-inch diameter borehole. Such wells are normally purged prior to the quarterly or so sampling, by removal of three to five borehole-volumes of water. Thus, the zones of capture for such monitoring wells are on the order of a foot around**

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<sup>2</sup> <https://www.epa.gov/ejscreen>

each well. Since the lateral spread of a finger plume of leachate contaminated groundwater from a lined landfill is dependent on aquifer characteristics and can be minimal, especially for leaks arising on the downgradient edge of the waste deposition area, monitoring wells that are spaced hundreds of feet apart at the downgradient edge of some lined landfills have a low probability of detecting the finger plumes of leachate produced by leaks in the liner system (Figure 4). Those finger plumes of leachate could travel long distances before groundwater pollution by the landfill is detected.

Parsons and Davis (1992) discussed issues of monitoring well spacing and zones of capture of monitoring wells associated with waste management units. As they discussed and as illustrated in Figure 5, in order to have a high probability of detecting leachate leakage from a waste management unit, the spacing of standard monitoring wells at the point of compliance must be such that zones of capture overlap. Thus, in order to be effective in achieving the groundwater monitoring performance standard of Subtitle D, for some landfills, conventional vertical groundwater monitoring wells would have to be spaced no more than a few feet apart along the entire downgradient edge of the landfill, creating a "picket fence" of wells.<sup>3</sup> Page 30 (emphasis added)

Pursuant<sup>4</sup> to 38 M.R.S. § 1310-AA(3)(E) in accordance with Chapter 400 Section 5.E.(5) the law states:

*E. For a proposed facility or the expansion of a facility, is not inconsistent with ensuring environmental justice for the community in which the facility or expansion is proposed.*

*As used in this paragraph, "environmental justice" means the right to be protected from environmental pollution and to live in and enjoy a clean and healthful environment regardless of ancestry, class, disability, ethnicity, income, national origin, or religion.*

*"Environmental justice" includes 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>5</sup>.* (emphasis added)

<sup>3</sup> *Flawed Technology of Subtitle D Landfilling of Municipal Solid Waste* (updated January 2021)

G. Fred Lee, PhD, PE, BCEES, FASCE and Anne Jones-Lee, PhD, G. Fred Lee & Associates

<https://www.nswai.org/docs/Flawed%20Technology%20of%20Subtitle%20D%20Landfilling%20of%20MSW.pdf>

<sup>4</sup> <https://legislature.maine.gov/bills/getPDF.asp?paper=SP0523&item=7&snum=130>

<sup>5</sup> <https://legislature.maine.gov/bills/getPDF.asp?paper=SP0523&item=7&snum=130>

**Environmental Justice must be the prominent consideration of the Public Benefit Determination** for Casella's proposed expansion of Juniper Ridge. **Those most affected by Casella's operations at Juniper Ridge have thus far, not been directly and meaningfully involved with the development, implementation and enforcement of waste management laws, rules, regulations, and licensing decisions.** There has been **no attempt to develop the particulars of what constitutes a true public benefit for these adversely impacted.** DEP, BGS and Casella have **neglected serious inquiry** of those bearing the immediate harmful impacts, of **what would establish environmental justice** for them. Opportunity to offer **comment** when much of the groundwork for reaching decisions has already transpired, **translates as irrelevant.** **The conditions of the law are unmet with BGS'/SME's/Casella's response. The Commissioner's approval of the PBD at this juncture, will perpetuate environmental injustice.**

**The PBD application STILL does not meet Environmental Justice criteria, violates citizens' rights, and MUST BE DENIED TO AVOID PROLONGING ENVIRONMENTAL INJUSTICE.**

Thank you for considering my comments.

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