



City of Old Town

August 30, 2024

Ms. Karen Knuuti, Environmental Specialist
Bureau of Remediation and Waste Management
Maine Department of Environmental Protection
106 Hogan Road
Bangor, ME 04333-0017

Re: Application for Public Benefit Determination, Proposed Expansion of Juniper Ridge Landfill

Dear Ms. Knuuti:

Please accept this letter as the City of Old Town's (City) comments on Sevee & Maher's (SME) August 9, 2024 response to the Maine Department of Environmental Protection's July 30, 2024 questions and comments following the July 16, 2024 public hearing on Maine Bureau of General Services' (BGS) Application for a Determination of Public Benefit for a New or Expanded Solid Waste Disposal Facility for the proposed expansion of Juniper Ridge Landfill.

Among other matters raised in our July 11, 2024 comments to the Department, the City observed that since the closure of the Maine Energy Recovery Company (MERC) incinerator in Biddeford in 2012 and the subsequent shutdowns of the MRC/Fiberight/Coastal Resources of Maine (CRM) and Penobscot Energy Recovery (PERC) facilities, substantial amounts of raw municipal solid waste (MSW) have been and continue to be disposed of at JRL. While the Department approved the disposal of the MERC MSW at JRL on a temporary basis and while the MRC/Fiberight/CRM and PERC MSW is characterized as "bypass" and therefore is "Acceptable Waste" under JRL permits and agreements, the fact is these situations are resulting in the disposal at JRL of much more raw MSW than was envisioned in the initial JRL permits and agreements. It is the disposal of raw, unprocessed MSW at JRL that, in the City's experience, leads to public complaints of odor.

The only MSW authorized for disposal at JRL as Acceptable Waste under the December 8, 2005 Host Community Compensation and Facility Oversight Agreement between the City and the State of Maine is "Front end process residue" (FEPR) and "Municipal Solid Waste (incinerator bypass only)." As the table at page 4 of SME's response to the Department's question 5 illustrates, incinerator bypass received at JRL before 2020 was

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24,200 tons in 2018 and 36,400 tons in 2019; but has exceeded 200,000 tons in each year since 2020. While this Agreement was amended in August 2014 to allow for the Department-approved temporary disposal at JRL of 81,800 tons per year of non-bypass MSW that formerly had been processed at MERC, neither the Agreement nor the Department permits for JRL contemplate the disposal of nearly ten times that amount of raw MSW (768,981 tons in 2022, according to Figure 7 of the Department's 2024 Maine Materials Management Plan) at JRL as is happening now.

Further, the Department's questions and SME's responses fail to provide a clear picture of the amount and sources of raw MSW that is being disposed of at JRL. The focus in the Department's question 4 and in SME's response is on bypass received from incinerators, which amounts to over 200,000 tons per year in 2021, 2022, and 2023 (and by contrast, was only 24,200 tons in 2018 and 36,400 tons in 2019). However, this focus on incinerators omits the amount of "bypass" that has been received directly by JRL since April 2020 as a result of the MRC/Fiberight/CRM closure. It would be instructive to the Department and to this Public Benefit Determination process to know what amount of MSW "bypass" the closed MRC/Fiberight/CRM facility contributes to JRL, which as previously noted, accepted 768,981 tons of MSW in 2022.

In addition, although it is hoped that the MRC/Fiberight/CRM facility will commence operations in early 2025, that is not guaranteed. Alternative arrangements should be planned for disposal of this MSW in the event resumption of operations at either or both facilities are unsuccessful. Also, the majority of the incinerator bypass is from PERC - in 2023, 185,300 tons out of a total of 205,200 tons from all incinerators - which similarly is slated to resume operations in early 2025, but that resumption is not certain, and alternatives should be considered for this MSW as well. Interestingly, SME's response to question 5 estimates that "the total bypass tonnage from the three [incinerator] facilities will be in the range of 205,000 to 250,000 tons for the foreseeable future."

Therefore, the City again requests that either in this Public Benefit Determination proceeding or in subsequent licensing of the expansion of JRL, the Department place a time limit on the duration of what actually is the disposal of unprocessed MSW at JRL and more tightly define "bypass" so that the amount of unprocessed MSW disposed at JRL can be reduced to historical amounts of FEPR and true bypass at that facility.

Thank you for your consideration of the City of Old Town's concerns in this matter.

Sincerely,



William J. Mayo
Old Town City Manager

cc: Old Town City Council