



CARING FOR THE WATERS OF MIDCOAST MAINE

upstreamwatch.org | PO Box 113, Belfast, ME 04915

September 6, 2024

Karen Knuuti
Environmental Specialist
Bureau of Remediation and Waste Management
Maine Department of Environmental Protection
106 Hogan Road, Suite 6
Bangor, Maine 04401

via email: karen.knuuti@maine.gov

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

Dear Karen Knuuti:

Thank you for the opportunity to submit comments on the Application for a Determination of Public Benefit for the Juniper Ridge Landfill Expansion (DEP#S-020700-W5-CV-N) ("Application"). These comments are submitted on behalf of Upstream Watch, a non-profit organization based in Belfast, Maine that advocates for the health of Midcoast Maine's rivers and Penobscot Bay through science, education, and public action.

As an organization that works to protect and advocate for the waters of Penobscot Bay and the entire Penobscot Bay watershed, we are opposed to the expansion of a landfill that is already causing significant harm to nearby communities and waters, and impacting communities and waterways downstream. We submit the following comments for consideration on why the proposed expansion cannot meet the standards for a positive public benefits determination, and we urge the Commissioner to make a negative determination. In addition to our comments below, we also support the arguments made by the Penobscot Nation and the Conservation Law Foundation (CLF) in their July 31, 2024 joint letter.

1. The application fails to meet criteria because it runs contrary to the State's Solid Waste Management Hierarchy

The Application states: "...CWS supports the State's solid waste hierarchy by operating Maine's State-owned landfill. Although positioned at the bottom of the hierarchy, landfill disposal capacity is an essential resource for the citizens of Maine. It provides necessary capacity for the safe and secure disposal of materials that cannot be managed at higher tiers of the hierarchy."

Landfill expansion is at the bottom of Maine's solid waste management hierarchy; an expansion of this landfill or any other without Maine meeting its own waste reduction and recycling goals is inconsistent with Maine's solid waste management hierarchy. There is still capacity at Juniper Ridge Landfill for the next five years, and in the meantime, Maine must do better to meet its own statutory reduction and recycling goals.



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While the Applicant has stated that it does not accept out-of-state waste, they do accept waste that *originated* out of state but is then processed in Maine. In order to extend the life of the Juniper Ridge Landfill, the owner and operator must present a plan that significantly reduces the volume of Construction & Demolition Debris (CDD) it accepts that originates from out-of-state sources.

While the Application states the landfill and an expansion “provides necessary capacity for the safe and secure disposal of materials that cannot be managed at higher tiers of the hierarchy,” the record of incidents at this facility, including the May 2023 fire and citizen complaints submitted to the Department of Environmental Protection regarding the landfill, as well as the discharge of PFAS contaminated wastewater do not amount to “safe and secure disposal.”

In their August 9, 2024, Response to Questions submitted by Sevee & Maher Engineers letter, the Applicant states: “There has been no contamination attributable to the landfill observed in any of the residential wells near the landfill.” A review of the data collected from private wells provided in this letter shows that much of the data collected is qualified with elevated reporting limits. A lack of detection of contaminants of concern is due to reporting limits that are incredibly elevated, and is not evidence of no harm, but rather inadequate testing. Further, PFAS are not on the list of contaminants tested for in these private wells.

2. The facility is not inconsistent with ensuring environmental justice for the community in which the facility is proposed.

In their Application, the Applicant has failed to adequately address or acknowledge environmental justice concerns of a landfill expansion, how their proposed operation will ensure that those in the surrounding community will be protected from environmental pollution, or how surrounding communities will be assured equal protection and *meaningful involvement* with respect to the development, implementation, and enforcement of waste management laws, regulations, and licensing decisions.

The holding of public meetings and notification of abutters does not amount to “meaningful involvement.” The concerns of the public, and especially those most impacted by this landfill and an expansion must be actually considered in this determination. Host benefit agreements by nature are only in place where a community is hosting a harmful project; economic benefits through direct financial assistance or job creation provided through community benefits agreements or community host agreements do not equate to environmental justice. Those in the immediate vicinity of this landfill have borne the burden of disposal for the entire state, as well as other states, for decades. The Application fails to address how an expansion of a facility already disproportionately harming the surrounding communities will be addressed with an expansion.



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It is the position of Upstream Watch that an expansion of Juniper Ridge Landfill is not only *not* a public benefit, but also directly harmful to the communities surrounding this landfill, and harmful to the waters downstream of this facility.

Sincerely,

A handwritten signature in purple ink, which appears to read "Jillian Howell". The signature is fluid and cursive.

Jillian Howell
Executive Director, Penobscot Bay Waterkeeper
Upstream Watch