

September 16, 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**  
Environmental Specialist, Bureau of Remediation and Waste Management  
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**Re: Request for an Extended Review and Comment Timeline for the Maine Department of Environmental Protection's Draft Public Benefit Determination for the Expansion of the 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 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> On September 13, 2024, MEDEP published their Draft Public Benefit Determination (“Draft PBD”). Public comments on the Draft PBD are due by Friday, September 20, 2024, and MEDEP’s Final PBD is due on Monday, September 23, 2024.

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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 Sept. 16, 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).

Conservation Law Foundation (“CLF”)<sup>3</sup> writes this letter to request that MEDEP extend the review and comment timeline for when comments on the Draft PBD are due and for when MEDEP issues its Final PBD. Specifically, CLF requests a two-week extension for when public comments on the Draft PBD are due (October 4, 2024), and a two-week extension for MEDEP to review and consider the comments before issuing their Final PBD (October 18, 2024).

**I. MEDEP Should Extend the PBD Timeline due to MEDEP Publishing and Asking for Comments on Their Draft PBD.**

As CLF has articulated before, 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 originally determined to be August 23, 2024.<sup>5</sup> Within that timeline, MEDEP had to review the application, host public meetings, take into consideration comments made at these meetings, review submitted written comments, and issue a determination. After the community and CLF wrote to MEDEP asking for an extension on this timeline,<sup>6</sup> on August 14, 2024, MEDEP extended their timeline to make a determination by 30 days until September 23, 2024.<sup>7</sup> On August 15, 2024, MEDEP stated that public comments should be submitted by September 6, 2024 to allow MEDEP “adequate time to consider comments.”<sup>8</sup> Then, on September 13, 2024, MEDEP published their Draft PBD and stated that public comments on the Draft PBD are due by September 20, 2024.<sup>9</sup> MEDEP’s Final PBD is still due on September 23, 2024.

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<sup>3</sup> 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.

<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> Conservation Law Foundation, *Request for an Extended Review and Comment Timeline for the Public Benefit Determination Application for Juniper Ridge Landfill (DEP# S020700-W5-CV-N)*, ME DEP’T OF ENV’T PROT. (Aug. 1, 2024), available at [https://www.maine.gov/dep/ftp/Juniper-Ridge/PBD2024/comments/2024\\_08\\_01%20CLF%20Request%20for%20Extension.pdf](https://www.maine.gov/dep/ftp/Juniper-Ridge/PBD2024/comments/2024_08_01%20CLF%20Request%20for%20Extension.pdf).

<sup>7</sup> E-mail from Karen Knuuti to Interested Parties, *Juniper Ridge Landfill*, (Aug. 14, 2024) (“The Department has requested, and received applicant concurrence for, a 30-day extension to the application processing time. The new deadline is September 23, 2024.”).

<sup>8</sup> E-mail from Karen Knuuti to Interested Parties, *Juniper Ridge Landfill*, (Aug. 15, 2024) (“With the processing time having been extended, the Department requests comments on the public benefit application be submitted by September 6, 2024, to provide staff adequate time to consider all comments.”); *DEP extends review timeline for Juniper Ridge Landfill Application for Determination of Public Benefit*, ME DEP’T OF ENV’T PROT. (Aug. 15, 2024), <https://www.maine.gov/dep/news/news.html?id=12942321>.

<sup>9</sup> E-mail from Karen Knuuti to Interested Parties, *draft public benefit determination*, (Sept. 13, 2024) (“The Department will accept comments on the draft until 5:00 pm on Friday, September 20, 2024.”); Opportunity for

As we expressed in our previous request to MEDEP to extend the PBD timeline, though Maine law created a very compressed determination timeframe, **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. **MEDEP has already wisely and justly extended the timeline once; there is nothing stopping MEDEP from doing this again.**

CLF understands the timeline established in Maine law puts MEDEP in a difficult position; MEDEP was required to review a lot of information within the original 60-day timeline. CLF is grateful that MEDEP understood the importance of considering public comments and responded positively to the request by extending the timeline for their determination by 30 days. MEDEP should once again extend the timeline since **MEDEP has a legal duty to consider each comment submitted before issuing its determination.**<sup>10</sup> How can the public be assured that their comments will be fully considered when MEDEP is planning to publish their final PBD the following business day after comments are due? Maine law requires MEDEP to consider all comments before making their determination. If MEDEP actually cares about considering the public's input in this matter, as MEDEP has already shown they do, then the timeline should be extended.

Reviewing the Draft PBD takes time. Preparing comments takes time. As we emphasized in our previous request, it is important to remember that many members of the public may not be expert on waste issues; they also have family, work, and other personal obligations which make it difficult to participate in important and technical processes like these on such a short-time frame. Justice requires that the public be given adequate time to submit comments, and for MEDEP to take adequate time in considering such comments.

## **II. Another Extension of the PBD 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>11</sup> The relevant Maine statute governing a PBD defines "environmental justice" as "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

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Comment: Juniper Ridge Landfill Expansion Public Benefit Determination, ME DEP'T OF ENV'T PROT. (Sept. 13, 2024), <https://www.maine.gov/dep/comment/comment.html?id=13019262>.

<sup>10</sup> 38 M.R.S. § 1310-AA(2).

<sup>11</sup> Conservation Law Foundation, *Request for a Virtual Public Comment Opportunity for the Public Meetings on July 16, 2024 for the Public Benefit Determination Application for Juniper Ridge Landfill* (DEP# S-020700-W5-CV-N), ME DEP'T OF ENV'T PROT. (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=tLxFwPf1shg>.

and licensing decisions.”<sup>12</sup> CLF believes that the “meaningful involvement of all people” includes the public’s ability to have enough time to provide comments on MEDEP’s Draft PBD, and for MEDEP to have time to adequately review and consider those comments, as required by law. MEDEP conducting meaningful involvement with the public would be difficult to do within the current timeline.

### **III. Conclusion**

An extension would benefit all parties involved—MEDEP, the Proponent, and the community—and allow the PBD process 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.

For all of these reasons, CLF respectfully requests a modest extension of the September 23, 2024 determination date: (1) to give the public a reasonable amount of time to review and provide comment on the Draft PBD; (2) to give MEDEP a reasonable amount of time to adequately consider public comments on the Draft PBD before issuing the Final PBD; and (3) because the legal requirements of environmental justice require it.

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 ([sgghosh@clf.org](mailto:sgghosh@clf.org)).

Sincerely,

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*Conservation Law Foundation*

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

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<sup>12</sup> 38 M.R.S. § 1310-AA(3)(E) (emphasis added).