

**Comments for the Public Record**  
**Submitted by Jacquelyn Elliott | August 17, 2026**  
**In the Matter of:**

**HQH-D4D1-RJBBR permit application received for PHASE II EXPANSION of the JUNIPER RIDGE LANDFILL, state-owned through the Maine Bureau of General Services, with contracted operations provided by the private for-profit waste company Casella Waste Systems d.b.a. NEWSME Landfill Operations, LLC., by the Maine Department of Environmental Protection (MEDEP) on November 21, 2025 and determined to be complete and accepted for processing by the MEDEP on December 9, 2025.** Pursuant to the Maine Solid Waste §§ 1301 – 1310-AA and Management Act, Title 38, M.R.S. MEDEP Rules Concerning and Processing Applications 06-096 CMR-2 and Solid Waste Management Rules 06-096 Chapter 400

Thank you for the opportunity to submit comments for the public record in the above-referenced matter. These comments may be out of sync with the “official process and timeline”, but I am a very old woman and my expiration date is getting closer by the hour. What I have to offer is significantly germane to the issue and decisions at hand. I would respectfully ask for your indulgence and consideration of these comments regardless of where we are currently in the “official permitting process”. As a member of the public, this opportunity presents a challenge to establish parameters that move decisions to an authentic and appropriate structure that prioritizes the rights and interests of impacted people. In many ways, it is a struggle of narratives, and the tangible results of the choices reflected in those narratives. The chronicles, at root, are about people who exercise power, and those with much less power who live with the veracities of what is wrought with power. One of the narratives is laden with obstacles intended to intimidate, obfuscate, manipulate, and discourage meaningful engagement from ordinary people trampled by outcomes.

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**Parameters to Frame Decisions - Make Visible that Which is Relegated as Invisible**

- **Clarify that pollution is about people - rights, values, ethics, and morals**
- **Rights are trespassed when toxic chemicals are found in air, water, soil, the food web, our bodies, and the breast milk<sup>1</sup> we feed our babies**
- **Arguments must be stress tested and appropriately weighted – toxic exposures are cumulative, synergistic, follow multiple exposure pathways, and can be bio-cumulative**
- **Compel consideration of: Forecare. Presumptive Association. Precaution. Prevention.**
- **Simplify artificially “hypertechnified” language and processes**

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<sup>1</sup> November 12, 2024, *ATSDR Per- and Polyfluoroalkyl Substances (PFAS) and Your Health: Breastfeeding and PFAS*: <https://www.atsdr.cdc.gov/pfas/prevent-exposure/breastfeeding.html> .

- Acknowledge regulation is fundamentally the Department of YES – and lacks resources and often incentive to prevent environmental harm or protect public health<sup>2</sup>
  - Resist losing the shock value of what is involved because the quiet part continues to be said out loud by those most harmed
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## Understanding Environmental Justice Experienced

Casella's relationship with the public, regulators, and legislators around the Juniper Ridge Landfill is fraught<sup>3</sup>. The history of the landfill is long, convoluted, and has circumvented meaningful participation in decisions from those most impacted by landfill operations. The record abounds with protestations and pleas from the public for the State's intervention on behalf of those most threatened. It is not an overstatement to assert the people of the Penobscot Nation, and the people of Old Town and Alton who occupy a close proximity to the landfill, have had their rights to live safely in their communities abused and their wellbeing put at risk. **There has been a grave denial of justice and that injustice will compound with any decision that allows for expansion of the landfill.** Proposed expansion of Juniper Ridge begs the obvious question: **How is the Maine Department of Environmental Protection (MEDEP) going to meet its now-required Environmental Justice obligation to protect one of Maine's most exploited environmental justice communities, the Penobscot Nation?**

... "I think just as a simple kind of **democracy and administrative law concept, the agency [MEDEP] has been selected by the legislature as the entity to make this decision.** There's **no environmental justice office.** The **agency is the one who's, who's chosen to do this.** And in fact, there **have been several opportunities for the legislature to step in.** [T]hey **could have, at the beginning of this whole process, for example, just put in law, no expansion of JRL.** They could have done this this year. **Instead . . . [they] blessed the condition that we are imposing on JRL"** . . . Assistant AG Jack DeFoe for MEDEP arguments before Penobscot Superior Court *Pursuant to M.R. Civ. P. 80C Civil Action No. PENSC-APP-2024-00014*, July 23, 2026 (emphasis added)

Those living the experience of being Juniper Ridge's neighbors have expressed their reality as: one that reflects **intentional incompetence** and emphasize that **MEDEP and Casella**

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<sup>2</sup>January 2022, [Andrea Saltelli](#), Dorothy J. Dankel, Monica Di Fiore, Nina Holland, Martin Pigeon, *Science, the endless frontier of regulatory capture*, **Article:** 102860, **Volume:**135: <https://www.sciencedirect.com/science/article/pii/S0016328721001695>.

<sup>3</sup> April 20, 2023, Sawyer Loftus, *The showdown behind the scenes of Maine's sludge crisis:* <https://www.bangordailynews.com/2023/04/20/maine-focus/behind-the-scenes-maine-sludge-crisis-joam40zk0w/>.

are not helpless but have influence and power and have ignored the opportunity to do the right thing. Answering Casella's and MEDEP's assertions that **environmental justice** is complicated they counter: **It is an issue of people who matter with rights and who should have access to clean air and clean water and the ability to live in their communities without pollution and threats to their safety.** Following a July 23, 2026 hearing, in Penobscot Superior Court on the appeal of the Penobscot Nation (PN) and Conservation Law Foundation (CLF) of the Public Benefit Determination (PBD) issued by MEDEP Commissioner Loyzim, it was put this way:

*"It's getting to the point where it could be unhealthy and unsafe for me to simply continue to practice the cultural traditions that my tribe has practiced literally for thousands and thousands of years."* John Banks, member of Penobscot Nation

### Life On Appeal in the Penobscot Superior Court

**"The department recites evidence, but it does not engage with it . . . [d]oes not meaningfully analyze the nation's unique relationship with the Penobscot River nor the burdens that the Penobscot Nation faces."** Alexandra Enriquez St Pierre, CLF arguments before Penobscot Superior Court *Pursuant to M.R. Civ. P. 80C Civil Action No. PENSC-APP-2024-00014*, July 23, 2026 (emphasis added)

The July 23, 2026 hearing<sup>4</sup> again outlined the **continued failure of MEDEP to substantively address existing harms and prevent further harm and injustice with decisions.** An obligation that they must now legally<sup>5</sup> meet with permitting decisions for waste facilities in the PBD – the initial step of the permitting process when MEDEP deems the application complete. The fact should be noted that there is an outstanding judgment of the Court on the matter of the PBD which raises another plaguing issue: **why is the permitting process for expansion moving forward with the intervenor portion when the appeal of the PBD is still being decided by the Court?** Many members of the public view this process as it is currently in play as at least irregular. Akin to hitching the cart to the front end of the horse.

When queried, there have been arguments pressed by the State and Casella, that **details of Environmental Justice will be hammered out in the permitting process as it progresses.** It can be understood why such declarations would be met with considerable skepticism from the

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<sup>4</sup> July 23, 2026 Penobscot Nation/Conservation Law Foundation v. DEP Court Hearing: [https://docs.google.com/document/d/1WbYLQ0PP9QT9pmAZdQ-iGo\\_h2v4fXvLMSIBL9A2Srt4/edit?usp=sharing](https://docs.google.com/document/d/1WbYLQ0PP9QT9pmAZdQ-iGo_h2v4fXvLMSIBL9A2Srt4/edit?usp=sharing) .

<sup>5</sup> Chapter 38 §1310-AA <https://legislature.maine.gov/statutes/38/title38sec1310-AA.html> .

people who are endangered. **The PBD is the step in the permitting process where Environmental Justice mandates must be established.**

### **Environmental Justice Is a Complicated Mystery?**

MEDEP and Casella maintain Environmental Justice is complicated and without clear guidelines. That avowal comes off as **disingenuous** and an **attempt to obfuscate** what is not difficult to understand. Casella additionally provides the **off-putting assessment** that per- and polyfluoroalkyl substances (**PFAS**) **levels in the Penobscot River have not reached alarming levels!**<sup>6</sup> PFAS are “forever toxic chemicals” so categorized because of their propensity to withstand breakdown in bodies and the environment. They are known to cause certain cancers, interfere with metabolic and hormone function, and increase risk with pregnancy, to name some harms. Research is indicating there may be no safe level<sup>7</sup> of PFAS exposure from drinking water. Disturbingly, federal regulation on these toxic chemicals is being rolled back.<sup>8</sup> Demonstrating the importance of states providing regulation that reflects scientific evidence and precaution concerning known harms. **It is untenable to proffer that PFAS levels are not alarming** to the Penobscot People who regard the River as sacred and a relative and who are unable to continue with the traditions of their culture because the fish in the river pose a risk to their health if consumed according to their cultural practice!<sup>9</sup>

**Environmental Justice is about cumulative toxic trespass of air, water, and bodies and threats to public health and the environment. It is about the rights of an already burdened population.** There are basic questions that must be examined before any expansion of the landfill is licensed. **What are the baselines of those toxic impacts that have already accrued? What will expansion of Juniper Ridge contribute to those existing harms? In the framework of presumptive association and harm from known toxics, it can be reasonably assumed harmful impacts will increase.** How will continuing to contribute to the injustice of what is already borne by people be considered to meet the clear intent of Environmental Justice considerations?

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<sup>6</sup> *REPLY BRIEF FOR PETITIONERS, Pursuant to M.R. Civ. P. 80C Civil Action No. PENSC-APP-2024-00014, 2d Pet’rs’ Br. 7, 21, 24.*

<sup>7</sup> April 10, 2024, Kathryn Crawford, PFAS ‘forever chemicals’: Why EPA set federal drinking water limits for these health-harming contaminants: <https://theconversation.com/pfas-forever-chemicals-why-epa-set-federal-drinking-water-limits-for-these-health-harming-contaminants-227621>.

<sup>8</sup> May 19, 2026, Megan Quinn, EPA to formally rescind PFAS drinking water regulations: <https://www.wastedive.com/news/epa-rescind-pfas-drinking-water-regulations-2026/820595/> <https://www.epa.gov/sdwa/proposed-pfas-rescission-rule>.

<sup>9</sup> *Assessment of Tribal Exposure through Sustenance Lifeways:* <https://www.usgs.gov/publications/penobscot-river-and-environmental-contaminants-assessment-tribal-exposure-throughhttps://www.epa.gov/sites/default/files/2015-12/documents/final-rare-report-august-2015.pdf>.

### It Would Appear that MEDEP and Casella Exhibit:

*“[W]illingness to sacrifice the cultural way of life of the Penobscot Nation . . . As a riverine tribe, the Penobscot culture and traditions are inextricably tied to the Penobscot River watershed. **If these traditional activities are not continued, the very words of the Penobscot language that describe these practices will be lost. The ability to preserve the Penobscot Nation's Native American culture is being lost.** The ecosystems that support the **flora and fauna to sustain the Penobscot Nation's subsistence way of life are contaminated by toxic pollutants discharged in the air, water, and land on and near the tribe's trust and reservation lands . . . Ignoring all these health and community vulnerability disparities undermines what is the purpose of a cumulative burden analysis and the statutory goal to avoid the creation or perpetuation of a sacrifice zone. It is DEP's and Casella's position that the health disparities are irrelevant, absent.**”* Alexandra Enriquez St Pierre, CLF arguments before Penobscot Superior Court Pursuant to M.R. Civ. P. 80C Civil Action No. PENS-APP-2024-00014, July 23, 2026 (emphasis added)

### Environmental Justice a Small Piece?

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*“**The EJ [Environmental Justice] provision is just one small section of a much larger public benefit determination statute, which itself is one small piece of a much larger main solid waste management act. All of which is within the DEP's expertise.**”* Brian Rayback, attorney for Casella arguments before Penobscot Superior Court Pursuant to M.R. Civ. P. 80C Civil Action No. PENS-APP-2024-00014, July 23, 2026 (emphasis added)

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### Environmental Justice in the Neighborhood

It can be argued that **Environmental Justice is not a small section of the PBD for the people living the consequences<sup>10</sup> of permit decisions!** The **PBD is not just jots and tittles.** It is choices and preferences determining outcomes that establish how people get to experience the quality of their lives. The correct perspective is: **We all matter. We all have rights** to clean air, clean water, and safe places to live and raise our families.

**Pollution is trespass of those rights.** It is especially egregious when a culturally relevant aspect of people's lives is threatened or even destroyed. In the instance of the Penobscot Nation, they cannot engage in their cultural practice of sustenance fishing without hazarding their health. Foraging for traditional foods is a troubled exercise. The People of **Penobscot Nation are assaulted, and disrespected by the ongoing contamination** of their relative, the

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<sup>10</sup> September 10, 2022, Marina Schaffler, *Compound Injustice; PFAS may concentrate over time in landfill near the Penobscot Indian Reservation*: <https://themaine-monitor.org/compound-injustice-pfas-may-concentrate-over-time-in-landfills-near-the-penobscot-indian-reservation/> .

Penobscot River and threats to the watershed. Moreover, Juniper Ridge emits toxic air pollution into the environment that is dispersed and deposited. Those emissions impact the safety of the air that is breathed and is especially harmful for children, the elderly and health-compromised people.

Landfill air emissions expose nearby communities to volatile organic compounds (VOCs), hydrogen sulfide, and particulate matter, and can instigate headaches, nausea, respiratory distress, and worsen chronic conditions like asthma. Studies show long-term exposure to toxics is linked to elevated cancer and developmental risks.<sup>11</sup> Studies of PFAS in air emissions from landfills indicates from 32% -76% are fluorine - PFAS compounds. That is comparable to, or greater than PFAS leaving the landfill through the leachate pathway.<sup>12</sup> Toxic air emissions will emanate from the landfill for decades – even following closure. **No small matter. It could be argued that Penobscot Nation and Juniper Ridge’s immediate neighbors constitute a sacrifice zone. That is an observable not-so-small fact.**

Juniper Ridge neighbors file complaints about noxious odors. Even if the contention is that odors and emissions from the landfill merely comprise a nuisance, there is growing opinion that nuisances<sup>13</sup> are in fact, threats to public health and the environment. Violating people’s rights to clean air and clean water under common law, might minimally qualify as a nuisance. Juniper Ridge’s on-going air pollution coupled with menaces to surface and groundwater, the impacts of fires adding to airborne pollution, and contributing to potential instability of the landfill, exacerbated by increased frequency of extreme weather events – all of which have potential to intensify with expansion – can be expected to move beyond the nuisance category and **necessitate a response and a plan from MEDEP to protect the environment, public health and by extension people’s rights. If MEDEP’s position, is they have no authority to do this, that rejoinder gets to the very crux of the matter – that authority and the rules to properly implement those actions must be put in place.**

Perversely, it might be contended that the landfill already exists (along with its pollution and accumulated impacts, in addition to those that will continue into the future); and that it was permitted and constructed within the existing regulatory requirements; and there has been

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<sup>11</sup> *Landfill Gas Primer - An Overview for Environmental Health Professionals:*  
<https://www.atsdr.cdc.gov/hac/landfill/html/ch3.html> .

<sup>12</sup> 2025, Florentino B. De la Cruz, \* Ivan A. Titaley, Yixuan Wang, Jennifer A. Field, and Morton A. Barlaz, Nationwide Estimate of Volatile Per- and Polyfluoroalkyl Substance (PFAS) Emissions from U.S. Landfills via Landfill Gas:  
<https://pubmed.ncbi.nlm.nih.gov/41247065/> .

<sup>13</sup> Donald G. Gifford, Public Nuisance as a Mass Products Liability Tort, 71 U. Cin. L. Rev. 2055, 741, 774 (2003),  
[https://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=1424&context=fac\\_pubs](https://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=1424&context=fac_pubs) .  
<https://www.law.cornell.edu/wex/nuisance> .

significant investment that would be costly to abandon; so therefore, expanding the landfill and keeping the pollution in the same area would be justified – in a manner – “grandfathered” in.

*“There is no such thing as an inherent or vested right to imperil the health or impair the safety of the community. It would be a sad commentary on the law, if municipalities were powerless to compel the adoption of the best methods for protecting life in such cases simply because the confessedly faulty method in use was the method provided by law at the time of its construction.*

*“And there is no merit in the contention that the respondent had any inherent or vested right because he had complied with the law existing at the time he built. There is no such thing as an inherent or vested right to imperil the health or impair the safety of the community. But to be protected against such impairment or imperilment is the universally recognized right of the community in all civilized governments—a protection which the government not only has a right to vouchsafe to the citizens, but which it is its duty to extend in the exercise of its police power.”*

MISSION SPRINGS INC v. CITY OF SPOKANE (1998), Supreme Court of Washington, En Banc., No. 63836-5., Decided: April 23, 1998, Frank Conklin, Spokane, for Appellants. James C. Sloane, City Attorney, Gregory G. Staeheli, Kain Snow & Staeheli, Meriwether D. Williams, Winston & Cashatt, Patrick J. Dalton, Assistant City Attorney, Milton G. Rowland, Spokane, for Respondents:  
<https://caselaw.findlaw.com/court/wa-supreme-court/1007104.html>

## PFAS in Air Emissions Matters – A Lesson from Next Door

New Hampshire has been living the nightmare of wide-spread PFAS contamination of water supplies sourced to air emissions from operations of Saint-Gobain Performance Plastics in Merrimack, New Hampshire:

*“Jeff Martz, administrator of the Hazardous Waste Remediation Bureau at the New Hampshire Department of Environmental Services, told the House study commission that airborne emissions from the Saint-Gobain manufacturing facility in Merrimack drove **widespread deposition of PFOA and other PFAS and are a key pathway for the contamination now found in groundwater across a large area.***

*Martz summarized the site history and transport pathways and said **the “main pathway that we’re concerned about... is the air emissions pathway,”** adding that PFOA and other PFAS “were essentially driven off the fabric and emitted through a series of smokestacks” and later **deposited to soil where they could leach to groundwater.**”<sup>14</sup> (emphasis added)*

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<sup>14</sup> <https://citizenportal.ai/articles/6239333/new-hampshire/executive/state-government-agencies/environmental-service-department/DES-scientist-outlines-how-Saint-Gobain-emissions-drove-local-PFAS-deposition-and-groundwater-contamination> .  
[https://www.4cleanair.org/wp-content/uploads/Documents/Fall\\_2018\\_Beahm.pdf](https://www.4cleanair.org/wp-content/uploads/Documents/Fall_2018_Beahm.pdf) .

## Toxic Exposures are Not One-Offs

*"The court was clear. The department [MEDEP] must evaluate the cumulative environmental burdens borne by the Penobscot Nation, including other landfills in the nation's intimate relationship with the Penobscot River, and determine whether in light of these factors, the project satisfies environmental justice."* Alexandra Enriquez St Pierre, CLF arguments before Penobscot Superior Court Pursuant to M.R. Civ. P. 80C Civil Action No. PENS-APP-2024-00014, July 23, 2026 (emphasis added)

The issue of **cumulative and synergistic impacts to the population and region in proximity to the landfill, have never been established or factored into the decisions regulating Juniper Ridge** or other industrial operations impacting the area. **The people living in that environment can bear testimony to those impacts regardless of the ability to demonstrate a direct causal link.** We know enough to know that there is a threat of harm and the ethical and moral response is to calculate that into decisions going forward. A premise of presumptive and associated harm, precaution, and prevention is justified and should be the standard. It can be argued that is at least implied with the current law and perhaps indicates we provide more specific language for the details and process going forward. **However, MEDEP and Casella are without excuse to presume that this Public Benefit Determination in an honest assessment that addresses the grievance of those thus harmed or provides for any future protection from, mitigation of, or redress for those harms. A decision that would allow expansion of the Juniper Ridge Landfill in view of reasonably identifiable facts is unjust.**

### Maine law states:

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*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.* [PL 2021, c. 626, §5 (NEW).] [PL 2021, c. 626, §§3-5 (AMD).]

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*Legislative mandate directs DEP to prevent, abate and control the pollution of the air, water and land. The charge is to preserve, improve and prevent diminution of the natural environment of the State. The Department is also directed to protect and enhance the public's right to use and enjoy the State's natural resources. The Department administers programs, educates and makes regulatory decisions that contribute to the achievement of this mission.*

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**MEDEP does not need to invent the Environmental Justice definition. Sit down with those impacted and HEAR what they say are the impacts that must be considered.** Other states are building definitions and formulating guidelines. Environmental Justice is about toxic trespass of air, water, the broader environment, and bodies and of the rights of those subjected to that trespass to live lives of quality and dignity. Exposures and impacts that violate that justice are cumulative – and synergistic, and present public health and environmental threats to an already burdened population. In the instance of Juniper Ridge Landfill, **we do not have an assessment of the baseline for impacts already accrued. What will expansion of the landfill contribute to those existing impacts?** Determining public benefit and meeting obligations about Environmental Justice in decisions establishes the way people get to experience their lives. **We must have regulation and policy that includes the voices of those most impacted and respects the rights of everyone to live in safe communities with clean water, clean air, and an environment that does not endanger welfare.** In the framework of Presumptive<sup>15</sup> Association of harm from known toxics, it can be assumed harmful impacts will increase – with or without expansion. But decidedly more with expansion of the landfill. **How will continuing to contribute to and increasing the injustice of what is already borne by a population be considered to meet the clear intent of Environmental Justice considerations?**

*“ Environmental burdens,” any destruction, damage or impairment of natural resources that is not insignificant, resulting from intentional or reasonably foreseeable causes, including but not limited to, climate change, air pollution, water pollution, improper sewage disposal, dumping of solid wastes and other noxious substances, excessive noise, activities that limit access to natural resources and constructed outdoor recreational facilities and venues, inadequate remediation of pollution, reduction of ground water levels, impairment of water quality, increased flooding or storm water flows, and damage to inland waterways and waterbodies, wetlands, marine shores and waters, forests, open spaces, and playgrounds from private industrial, commercial or government operations or other activity that contaminates or alters the quality of the environment and poses a risk to public health.*  
<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleIII/Chapter30/Section62>

## Some Instructive Background

### MEDEP Mission:

*Legislative mandate directs DEP to prevent, abate and control the pollution of the air, water and land. The charge is to preserve, improve and prevent diminution of the natural environment of the State.*

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<sup>15</sup> December 12, 2025, Mihir Vohra, Stephen Lester, *Need for a New Federal Approach for Responding to Community-Wide contamination*: <https://pubmed.ncbi.nlm.nih.gov/41385394/>.

The history of environmental and public health regulation demonstrates a lack of transparency of information<sup>16</sup> applied to choices made. Regulation is based on **the State attributing no adverse effects to the environment and public health until the harms become blatantly apparent**. Methods for study and evaluation of health outcomes from low-level,<sup>17</sup> or on-going exposures to mixtures<sup>18</sup> of toxic chemicals are not well developed and are infrequently employed despite the **growing knowledge that small exposures can have devastating results and damage can be passed to future** <sup>19</sup> generations.

The value of **human life is the proper basis for environmental and public health regulation** and there is **no acceptable preventable harm or death**. Exposures to toxic pollution are associated with morbidity and mortality. The viability of present and future generations should **move us to a hazard-based methodology** for regulatory decisions that evaluates threats to public health and the environment **within a framework of Presumptive Association**<sup>20</sup> **rather than Risk Assessment**. The **goal should be to reduce exposures** without relying solely on scientific certainty or proof<sup>21</sup> before acting. The **starting point for regulation** should **acknowledge the known harms of toxic chemicals in conjunction with recognition there is much we do not yet understand**. We must **proceed with an assumption of harm until proven otherwise**. This approach would have **potential to further outcomes more protective of the environment and public health and provide increased justice and equity**.

The **process must include weight-of-evidence** that **appraises health consequences coupled with scientific judgement and a precautionary methodology**. **Community and traditional knowledge must be considered in decisions along with scientific and academic knowledge**. The voices of **impacted communities must have an influential role in decisions** affecting their environment and health. **Bottom line: policy and regulation are about the**

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<sup>16</sup> October 3, 2020, Lauren Ritcher, Alissa Cordner, Phil Brown, *Producing Ignorance Through Regulatory Structure: The Case of Per- and Polyfluoroalkyl Substances (PFAS)*: <https://journals.sagepub.com/doi/10.1177/0731121420964827?icid=int.sj-abstract.citing-articles.2> .

<sup>17</sup> March 14, 2012, Linda S. Birnbaum, *Environmental Chemicals: Assessing Low-Dose Effects*: <https://pubmed.ncbi.nlm.nih.gov/32833669/> .

<sup>18</sup> August 24, 2020, William H. Goodson, Leroy Lowe, Michael Gilbertson, David O. Carpenter, *Testing the low dose mixtures hypothesis from the Halifax protect*: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3339483/> .

<sup>19</sup> <https://littlethingsmatter.ca/> ; January 30, 2023, Haotian Wu, Christina M. Eckhardt, Andrea A. Baccarelli, *Molecular mechanisms of environmental exposures and human disease*: <https://www.nature.com/articles/s41576-022-00569-3> .

<sup>20</sup> 2025, Mihir Vohra\* and Stephen Lester, *Need for a New Federal Approach for Responding to Chemical Exposure Caused by Community-Wide Contamination*: <https://doi.org/10.1021/acs.est.5c04498> .

<sup>21</sup> Linda S. Birnbaum, *Environmental Chemicals: Evaluating Low-Dose Effects*: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3339483/> .

quality-of-life people get to live today and whether there is a sustainable and healthy future to pass on to succeeding generations.

These decisions are a matter of morals and ethics that affect the function of justice. Traditionally, **fenceline communities have lacked decision-making power and authority throughout the process. That must change.** Evidence suggests that **development of regulatory standards reflects outsized dependence on and influence<sup>22</sup> from polluters.** Regulations can **reflect deception.** Maine is not alone experiencing the nightmare of the impacts from PFAS chemicals whose hazards have been known<sup>23</sup> to their producers for decades. Regulators have permitted and licensed actions that are now revealing **the true costs of those choices with contaminated bodies, polluted water, a degraded environment, and losses of livelihoods.** We are beginning to **understand we must turn off the tap of these toxics before they enter our environment.**

### **Juniper Ridge is Not Just a Neighborhood Issue**

It must be noted, that though Juniper Ridge's operations radically impact the landfill's immediate neighbors, **the landfill is an all-state issue** and it is set aside by statute to manage waste generated by Maine residents. As the for-profit operator of the landfill, Casella has influenced legislation and regulation around the management of the landfill. That regulation has allowed hundreds of thousands of tons of waste generated from outside<sup>24</sup> Maine's borders to find its final resting place at Juniper Ridge squandering Maine's disposal capacity asset. Efforts to close the loophole<sup>25</sup> that allows out-of-state waste to be buried at the landfill have been resisted and weakened over the years by Casella's aggressive lobbying joined with ReSource<sup>26</sup> Waste Services of Lewiston. ReSource was previously owned by Casella interests. KTI Bio-Fuels, a wholly owned subsidiary of Casella Waste Systems, headquartered in Vermont, originally owned the Lewiston facility, integral to supplying fuel for the mill boiler that was part of the

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<sup>22</sup> July 7, 2024, Sruthi Gopalakrishnan, *Records reveal industry feedback shaped New Hampshire's Solid Waste Rules*, [https://www.concordmonitor.com/NH-DES-Rules-shaped-by-Waste-Industry-55639139?utm\\_source=Sailthru&utm\\_medium=email&utm\\_campaign=Issue:%202024-07-08%20Waste%20Dive%20Newsletter%20%5Bissue:63679%5D&utm\\_term=Waste%20Dive](https://www.concordmonitor.com/NH-DES-Rules-shaped-by-Waste-Industry-55639139?utm_source=Sailthru&utm_medium=email&utm_campaign=Issue:%202024-07-08%20Waste%20Dive%20Newsletter%20%5Bissue:63679%5D&utm_term=Waste%20Dive) .

<sup>23</sup> May 31, 2023, Susan Lamontagne, *Makers of PFAS 'Forever Chemicals' Covered up the Dangers*: <https://www.ucsf.edu/news/2023/05/425451/makers-pfas-forever-chemicals-covered-dangers> .

<sup>24</sup> April 19, 2022, Evan Popp, *Mills signs Juniper ridge in culmination of campaign to close out-of-state waste loophole*: <https://mainebeacon.com/mills-signs-juniper-ridge-bill-in-culmination-of-campaign-to-close-out-of-state-waste-loophole/> .

<sup>25</sup> March 18, 2022, Charlie Eichacker, *Maine's landfill is meant for in-state waste. Here's how Massachusetts and NH are filling it up*: <https://www.mainepublic.org/environment-and-outdoors/2022-03-18/maines-landfill-is-meant-for-in-state-waste-heres-how-massachusetts-and-nh-are-filling-it-up> .

<sup>26</sup> December 9, 2021, Steve Collins, *Fate of Lewiston recycling firm may rest on how legislators deal with a controversial bill*: <https://www.sunjournal.com/2021/12/08/fate-of-a-lewiston-firm-may-rest-on-how-legislators-deal-with-a-controversial-bill/> .

establishment of Juniper Ridge. ReEnergy Holdings bought the facility in August 2013 and in 2020 ReEnergy maintained co-ownership of the facility and rebranded<sup>27</sup> it as ReSource Waste Services. ReSource has a significant presence in the New England region.

**Particularly flagrant is that apparent influence has reclassified imported waste as Maine waste when it is processed at a Maine facility and can be accounted as recycling if the waste is utilized as daily landfill cover, employed in road and other landfill construction, or shaping for the landfill.** Construction and Demolition Debris make up 30% of Maine's waste<sup>28</sup> stream. In 2022, ReSource processed 164, 677 tons of construction and demolition debris, with 94,270 tons originating in Massachusetts, and 58,675 tons coming from New Hampshire. Landfill was the repository for 91% of what was processed at ReSource. Casella's vertically integrated operations across Vermont, New Hampshire, New York, Massachusetts, Connecticut, Maine, and Pennsylvania, has outsized consolidation of waste collection, transportation, processing, and disposal. Maine,<sup>29</sup> and in this instance, Juniper Ridge, is heavily impacted by this business model. Casella's revenues for 2025 were \$1.837 billion compared to \$279.6 million in 2024, up 18%.<sup>30</sup>

**Disposal of sewage sludge<sup>31</sup> laden with toxic PFAS, drives decisions around Juniper Ridge.** It accepts more waste than all other landfills in Maine combined, including nearly 90% of the sludge produced by the State's wastewater treatment plants. PFAS seeps into the "garbage juice" known as leachate that is formed when precipitation percolates through the landfill. Millions of gallons have been discharged as effluent into the Penobscot River after being minimally treated at the Nine Dragons Old Town waste water treatment facility. When the Court remanded the initial PBD, it emphasized **MEDEP's "obligation to assess all the statutory criteria thoroughly," and produce detailed findings on the necessity and practicability of requiring sludge-drying.** Of particular note, **the first revised PBD<sup>32</sup> issued by MEDEP states: "Casella's**

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<sup>27</sup> <https://www.wastetodaymagazine.com/news/reenergy-recycling-operations-rebrands-to-resource-waste-services/> .

<sup>28</sup> January 2, 2024 *Maine Materials Management Plan: 2024 State Waste Management and Recycling Plan Update and 2022 Waste Generation and Disposal Capacity Report*:  
[https://www3.maine.gov/dep/publications/documents/archive/legislative%20reports/2024/2024-MMMP%20FINAL%20\(1\).pdf](https://www3.maine.gov/dep/publications/documents/archive/legislative%20reports/2024/2024-MMMP%20FINAL%20(1).pdf) .

<sup>29</sup> March 9, 2023, Senator Rick Bennett, *Commentary: Maine should demand accountability for from its solid waste monopolist*: <https://www.pressherald.com/2023/03/09/commentary-maine-should-demand-accountability-from-its-solid-waste-monopolist/> .

<sup>30</sup> [https://en.wikipedia.org/wiki/Casella\\_Waste\\_Systems](https://en.wikipedia.org/wiki/Casella_Waste_Systems) .

<sup>31</sup> February 26, 2024, Brown and Caldwell, Technical Memorandum Project # 169895, *Assessment of Landfill Capacity for Biosolids and Initial Evaluation of Leachate Treatment Approaches in Maine*:  
<https://www.maine.gov/dep/publications/documents/archive/legislative%20reports/2024/Maine-Task%201%20-%20Landfill%20Capacity%20Assessment%20TM%20-%20Final%202024%2002%2026.pdf> .

<sup>32</sup> March 23, 2026, STATE OF MAINE 40 PUBLIC BENEFIT DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL DETERMINATION SERVICES, BUREAU OF GENERAL SERVICES OLD TOWN, PENOBSCOT COUNTY, MAINE JUNIPER

current management of WWTP sludge does not prioritize the maximization of landfill capacity and is therefore inconsistent with both the State Plan and solid waste management hierarchy.”

#### MEDEP Now Asserts No Necessity to Dry Sludge – Which Is It?

*“[T]he department made an absolutely clear and supported finding that there's no necessity for sludge drying at JRL because the Crossroads facility is going online and will be capable of handling around 80% of Maine's sludge . . . it didn't make sense to impose a condition that they also created duplicate sludge dryer at JRL. But also recognizing the importance of this issue, the department imposed a new condition that any license for the expansion, if it is licensed, will set a limit on how much sludge, how much construction and demolition debris, including oversized bulky wastes can be accepted going forward with a goal of lowering that amount . . . details to be worked out in the licensing process.”* Assistant AG Jacke DeFoe for MEDEP arguments before Penobscot Superior Court Pursuant to M.R. Civ. P. 80C Civil Action No. PENS-APP-2024-00014, July 23, 2026

**This is nonsensical and smacks of coercion – a limit on sludge will only be put in place if there is expansion of the landfill?** Why would you not want to mandate sludge drying and institute a limit on the volume of sludge, tons of construction and demolition debris, and oversized bulky waste disposal regardless of expansion to conserve disposal capacity and reduce leachate quantity? Especially in view of the fact that construction debris and bulky waste originate primarily from out-of-state sources?

#### “Magic Tech” to the Rescue?

*“This is outside the record, but there are many other efforts ongoing. [T]here's a project in Southern Maine to look at different ways . . . [T]here's a potential Portland project, different ways of reducing the volume of sludge . . . I suppose some of that will likely come out in the licensing process.”* Assistant AG Jack DeFoe for MEDEP arguments before Penobscot Superior Court Pursuant to M.R. Civ. P. 80C Civil Action No. PENS-APP-2024-00014, July 23, 2026 (emphasis added)

It must be noted that in many instances, MEDEP appears to indicate considerable reliance on a proposed sludge processing facility in Sanford, Maine coming on line and offering a “solution” to the sludge management problem. The Aries Clean Technologies pitch involves serious obstacles, not the least of which is sustained community<sup>33</sup> resistance, permitting and

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RIDGE LANDFILL EXPANSION S-020700-W5-CV-N (APPROVAL WITH CONDITIONS):

[https://www.maine.gov/dep/ftp/Juniper-Ridge/PBD2024/JRL%20PBD%20S-020700-W5-CV-N\\_FINAL%20signed.pdf](https://www.maine.gov/dep/ftp/Juniper-Ridge/PBD2024/JRL%20PBD%20S-020700-W5-CV-N_FINAL%20signed.pdf).

<sup>33</sup> April, 10, 2026, Lee Burnett, *Residents Fire Questions at Aries Developers*:

licensing. Currently, there are no viable to-scale operations of the type being promoted and the company has an idle plant in Linden, New Jersey, that ceased<sup>34</sup> operations in late 2025 due to technology failures and financial constraints. Of some concern is the fact that if the proposed sludge facility for Sanford does go online, the MEDEP license will allow sludge from Massachusetts and New Hampshire to be processed there. Dale Raczynski, principal of Epsilon Associates, representing the company stated at an initial public forum,<sup>35</sup> that Aries will need imported sludge to make the enterprise profitable. In permit application documents<sup>36</sup> filed with MEDEP, Casella is designated as the entity who will dispose of waste and residue from Aries' operations. Failures of technology would result in considerable sludge that must be managed and disposed. Will Juniper Ridge be the repository for that sludge and those wastes? Unacceptable.

*[B]ased on the PBD's analysis, it's apparent that DEP prioritized the expansion to address Maine's rapidly [waning] landfill capacity over ensuring environmental justice for the Penobscot Nation. In essence, weighting one of the PBD criteria more heavily than another. And this legal error colored DEP's reasoning, resulting in an incomplete and logically deficient environmental justice analysis that fails . . . to consider critical record evidence of existing vulnerabilities and JRL's compounding factors . . . and a [w]illingness to sacrifice the cultural way of life of the Penobscot Nation . . . the [environmental justice] criterion means nothing if this expansion is approved.* Alexandra Enriquez St Pierre, CLF arguments before Penobscot Superior Court Pursuant to M.R. Civ. P. 80C Civil Action No. PENSC-APP-2024-00014, July 23, 2026 (emphasis added)

## Maine's Waste Hierarchy Law

### Title 38 Chapter 24 Subchapter 1 §2101. Solid waste management hierarchy

1. *Priorities. It is the policy of the State to plan for and implement an integrated approach to solid waste management for solid waste generated in this State and solid waste imported into this State, which must be based on the following order of priority:*

A. *Reduction of waste generated at the source, including both amount and toxicity of the waste; [PL 1989, c. 585, Pt. A, §7 (NEW).]*

B. *Reuse of waste; [PL 1989, c. 585, Pt. A, §7 (NEW).]*

<https://sanfordspringvalenews.com/residents-fire-questions-at-aries-developers/>.

<sup>34</sup> May 21, 2026, Jacob Wallace, *Aries Clean Technologies looks for a fresh start with funding infusion*: <https://www.wastedive.com/news/aries-clean-technologies-facility-update-line-new-jersey-sanford-maine/820871/>.

<sup>35</sup> February 25, 2026, Penelope Overton, Abigail Driscoll, *Residents pack Sanford forum on biosolids plant, asking questions and voicing concerns* <https://www.pressherald.com/2026/02/25/sludge-plant-developer-tries-to-woo-sanford-2/>.

<sup>36</sup> <https://www.maine.gov/dep/projects/aries/index.html>.

C. Recycling of waste; [PL 1989, c. 585, Pt. A, §7 (NEW).] D. Composting of biodegradable waste; [PL 1989, c. 585, Pt. A, §7 (NEW).] E. Waste processing that reduces the volume of waste needing land disposal, including incineration; and [PL 2007, c. 583, §7 (AMD).] F. Land disposal of waste. [PL 1989, c. 585, Pt. A, §7 (NEW).]

*It is the policy of the State to use the order of priority in this subsection as a guiding principle in making decisions related to solid waste management. [PL 2007, c. 583, §7 (AMD).]*

*2. Waste reduction and diversion. It is the policy of the State to actively promote and encourage waste reduction measures from all sources and maximize waste diversion efforts by encouraging new and expanded uses of solid waste generated in this State as a resource.*

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Expansion would not incentivize or prioritize reduction of the volume of waste generated, or promote economic development, nor spur build-out of reuse, refill or composting infrastructure. **Expansion would steal resources from and work against legitimate recycling and composting goals ordered by Maine's Solid Waste Hierarchy.**<sup>37</sup> Juniper Ridge's expansion would perpetuate injustice, compound threats to neighboring communities, and add environmental stress to the Penobscot River and watershed. **Build disposal capacity for a private, for-profit model and waste will come. At issue: waste is a choice – a verb before it is a noun.**

*"We need to shift the whole focus to valuing what we have, perhaps more importantly, valuing what is possible. Waste is nothing but the loss and abandonment of what we value."* John Tuthill, advocate and activist

It can be argued that the State as Owner of the Juniper Ridge Landfill has been negligent in its role. As an example, contracting with a dominant, private, for-profit entity for operations who could be considered as having monopolistic control of waste collection, transportation, processing and disposal across Maine and the region, hardly delivers a model that would conserve the disposal capacity asset that the landfill is statutorily mandated to provide for Maine residents. Questions about Casella's substantial vertically integrated role in the waste sector have been there from the outset.<sup>38</sup> The arrangement of the State as Owner and Casella as Contracted Operator raises the specter of conflict – the State owns the landfill and regulates the landfill in the context that it must support a relationship with Casella to provide disposal. It

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<sup>37</sup> <https://legislature.maine.gov/legis/statutes/38/title38sec2101.html> .

<sup>38</sup> December 31, 2001, Ralph E. Townsend, Professor of Economics UMaine, Orono; Francis Ackerman, Maine Asst. Attorney General, *An Analysis of Competition in Collection and Disposal of Solid Waste in Maine*: [https://digitalmaine.com/ag\\_docs/10/](https://digitalmaine.com/ag_docs/10/) .

would be appropriate to note that the State is actually the people and derives its authority from the consent of the governed.<sup>39</sup>

The Interstate Commerce Clause is often invoked as an obstacle for the State to act as a proper steward of Juniper Ridge's disposal capacity asset for Maine residents.

*"Courts have recognized an important exception to the general rule preventing states from banning out-of-state waste from their landfills. When states act "as market participants" rather than regulators, states may restrict the type of waste they accept without running afoul of the Commerce clause . . . the State may limit the waste it accepts for disposal at the facility based on type, volume, place of origin or other characteristic in the same way that any private commercial operator of a landfill is entitled to make such business decisions."*<sup>40</sup> May 13, 2010 memo from Jerry Reid, AAG Chief Natural Resources Division, Joint Standing Committee on Natural Resources

The memo indicates that the State of Maine has more authority than it has exercised to control the waste being disposed at Juniper Ridge. Casella's operation of the landfill on behalf of the State of Maine does not diminish the **State's role as A Market Participant** as it is the **ownership, not the operation** that is **core of the issue. Acting as Market Participant, the requirements of the Commerce Clause are not initiated.** The **State's ownership establishes its position as a market participant**, allowing the State to institute requirements for disposal at the landfill, such as banning out-of-state waste. **The State** is not regulating the activities of a private industry, but rather **directly participating in the market and has latitude to act in its own interests** and could ban out-of-state waste at state-owned landfills to protect the landfill it owns in the waste management market.

As an example, Vermont requires municipal waste deposited in a Vermont landfill to have originated from a municipality with a Solid Waste Implementation Plan (SWIP) approved by the Vermont Agency of Natural Resources. Each SWIP must comply with the goals and requirements of Vermont's waste management laws and be certified annually, that it continues to comply with the laws. Vermont's waste management laws and goals are specific, and set a high bar for disposal. Out-of-state municipalities are reluctant to meet the requirements. Maine

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<sup>39</sup> Article 1 Section 2: Section 2. All power is inherent in the people; all free governments are founded in their authority and instituted for their benefit; they have therefore an unalienable and indefeasible right to institute government, and to alter, reform, or totally change the same, when their safety and happiness require it. <https://legislature.maine.gov/doc/9050> .

<sup>40</sup> May 13, 2010, Jerry Reid, AAG Chief Natural Resources Division, Joint Standing Committee on Natural Resources, Memorandum Commerce Clause Limitations on State Regulation of solid Waste; Legal Restrictions on Unlined Landfills: <https://img1.wsimg.com/blobby/go/3a99e672-2796-498c-8250-9aae47365deb/downloads/Commerce%20Clause%20Limitations%20on%20State%20Regulatio.pdf?ver=1777412134303> .

could structure its regulations and rules to establish appropriate goals to maximize reduction and diversion outcomes for the waste stream and minimize disposal needs. Every entity depositing waste at Juniper Ridge would have to meet those requirements. That would directly impact a for-profit model that prospers with increased tonnage disposed. (With appreciation to Attorney Peter Blair, Just Zero <https://just-zero.org/> )

## Leachate PFAS Treatment Hinges on Expansion License

Casella told the Court they will only provide PFAS treatment for leachate if granted a license for expansion – here in the public seats, that feels like extortion. Attorney Brian Rayback, representing Casella, offered that PFAS in the leachate constitutes the primary impact from expansion and is why MEDEP added a treatment condition to the revised PBD. Why is the public being held hostage to expansion? Unacceptable.

***“PFAS treatment will be required before the expansion operates for the entire landfill. We expect that PFAS discharges to the river will go down over the current condition. Right now, there is no obligation. There's no law requiring PFAS treatment . . . it's an uncertain, difficult process. We haven't even finished de[signing] what we'll propose to the DEP yet . . . [W]e do know that PFAS discharges to the river will be less with the [expansion] than without . . . there's no PFAS treatment at Nine Dragons . . . That, will happen if we get a license for the expansion, Your Honor.*** Brian Rayback, attorney for NEWSME/Casella arguments before Penobscot Superior Court Pursuant to M.R. Civ. P. 80C Civil Action No. PENS-APP-2024-00014, July 23, 2026 (emphasis added)

## Casella Touts a Stella Operations Record

***“We know that the landfill operates in compliance. The record is clear on that point. There's never been a notice of operation. This is the only fully lined landfill. It's highly engineered. The river and the ambient air are in compliance.”*** Brian Rayback, attorney for Casella arguments before Penobscot Superior Court Pursuant to M.R. Civ. P. 80C Civil Action No. PENS-APP-2024-00014, July 23, 2026 (emphasis added)

It has been an area of puzzlement to Maine people, that Casella has a substantial record<sup>41</sup> of infractions with their operations across the region. Yet, in Maine, we hear less about that. There are records of odor complaints from Juniper Ridge's near neighbors, but we are

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<sup>41</sup> January 3, 2024 Letter from Atty. Amy Manzelli, BCM Environmental & Land Law, PLLC to Michael Wimsatt, Director Waste management Division, New Hampshire Department of Environmental Services: [https://drive.google.com/file/d/1OK9kZnX3ojz5tG45R1YmPnKRY0HVc57M/view?usp=drive\\_link](https://drive.google.com/file/d/1OK9kZnX3ojz5tG45R1YmPnKRY0HVc57M/view?usp=drive_link)

continually assured by Casella all is well and do not hear a counter to that from MEDEP. Recently Casella paid \$1.9 million in penalties for operations at its Bethlehem, New Hampshire landfill.<sup>42</sup>

*“Yes, **this is a large landfill, but it's a state-of-the-art, very well-maintained landfill that has very little impact outside its immediate borders** because it's the **only double-lined landfill**. It's well controlled. So yes, on the site of it, **there's a huge impact**. And yes, it is large and yes, it will be expanded, but it is a well-maintained landfill . . . going forward in terms of how much more of an impact there'll be. . . **our best sense is there will not be a great increase in leachate** . . . when a cell hasn't been used for a certain amount of time, it has to be capped and **kind of contained** . . . the **department determined** . . . **supported by the record, that there is not an issue with leachate getting into the groundwater or leaching out of the landfill on the site** . . . ”Assistant AG Jack DeFoe for MEDEP arguments before Penobscot Superior Court Pursuant to M.R. Civ. P. 80C Civil Action No. PENS-APP-2024-00014, July 23, 2026 (emphasis added)*

#### Excerpts from the Juniper Ridge Landfill 2025 Annual Report<sup>43</sup>

- On 06-01-24 just before 4:00 PM, smoke was noticed coming from the Stage 2 final closure area located on the southwestern side of the landfill. A **burnt/smoldering mattress** was found with the cause of the fire starting unknown. JRL staff used a bulldozer/excavator to spread sand over the area to extinguish it. The area impacted was approximately 900 ft<sup>2</sup>. The fire was reported to the MEDEP project manager.
- On 04-23-24 just before 2:00 AM a surface fire was noticed coming from the Stage 2 final closure area located on the southwestern side of the landfill. JRL staff used heavy equipment to **spread sand over the area to extinguish it**. Roughly 10,000 gallons of water were placed over the area afterwards. The **fire department showed up at 4:13 AM** but left shortly after around 4:30 AM, when they realized it was under control. By 5:00 AM the fire was out. The **cause is unknown but a battery is suspected**. The area impacted was approximately 625 ft<sup>2</sup>. The fire was reported to the MEDEP project manager.

The questions come to mind: How thoroughly are causes of fires investigated?<sup>44</sup> How is damage to the landfill assessed? Most importantly – why are landfill neighbors not alerted to

<sup>42</sup> January 13, 2026, Molly Rains, *Casella subsidiary to pay \$1.9 million in penalties for alleged Bethlehem violations*: <https://newhampshirebulletin.com/2026/01/13/casella-subsiary-to-pay-1-9-million-in-penalties-for-alleged-bethlehem-violations/#:~:text=%E2%80%9COver%20the%20last,our%20management%20team.%E2%80%9D> .

<sup>43</sup> April 2026, 2025 ANNUAL REPORT JUNIPER RIDGE LANDFILL OLD TOWN, MAINE, MEDEP LIC. #S-020700-7A-A-N, Amendment #S-020700-WD-N-A, and MEDEP LIC. #S-020700-WD-BI-N:

<https://www.maine.gov/dafs/bgs/sites/maine.gov.dafs.bgs/files/inline-files/2024%20Annual%20Report.pdf>

<sup>44</sup> May 17, 2023, Valerie Royzman, *Cause of Juniper Ridge Landfill fire may never be known, Maine DEP says*: <https://sunlightmediacollective.org/juniper-ridge-landfills-neighbors-want-action-following-landfill-fire-monday-night/> .

the fires when they are occurring? Such fires can pose significant hazard<sup>45</sup> with increased particle air pollution as well as deposition of toxics on water and land surfaces. There was a sizable nighttime fire May 15, 2023 that spewed debris on neighboring properties and filled the air with toxic fumes. Residents were never alerted to the fire which was reported first by Sunlight Media Collective.<sup>46</sup> That fire would likely have spewed dioxins and other dangerous toxic pollution aerosolized and inhaled into lungs and deposited on lands and waters. But none of that was ever tested, nor were those exposed to the real threat warned by Casella or MEDEP officials. How can this qualify as stellar management by Casella or appropriate oversight and regulation by MEDEP? How does this provide for Environmental Justice? It is already a matter of study and record that Penobscot Nation experiences substantial disparities<sup>47</sup> in cancer rates.

## Conclusion

***“[T]he record compels a conclusion that no conditions could ensure that this expansion is consistent with environmental justice. [T]he existing vulnerabilities of the Penobscot Nation, the sheer size of the expansion, the existing landfill burden on the river and the nation, the lack of evaluation of sustenance fishing rates, the overreliance on PFAS treatment while disregarding other toxics and exposure pathways.*** Alexandra Enriquez St Pierre, CLF arguments before Penobscot Superior Court Pursuant to M.R. Civ. P. 80C Civil Action No. PENSC-APP-2024-00014, July 23, 2026 (emphasis added)

Juniper Ridge is not going anywhere. It is a mountain of forever threat with its entombed toxic contents. It will continue to operate until it reaches capacity. We would want to be wise to make it the most secure operation possible and best contained closure attainable. In the meantime, we must commit to better waste management options that align more with the waste hierarchy objectives reducing disposal needs and the toxicity of what is disposed.

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<sup>45</sup> March 23, 2023, Dominika Dabrowska, Wojciech Rykala, Vahid Nourani, Causes, Types and Consequences of Municipal Waste Landfill Fires—Literature Review: <https://www.mdpi.com/2071-1050/15/7/5713> .

<sup>46</sup> May 18, 2023, Juniper Ridge Landfill’s Neighbors Want Action Following Monday’s Night Fire: <https://sunlightmediacollective.org/juniper-ridge-landfills-neighbors-want-action-following-landfill-fire-monday-night/> .

<sup>47</sup> May 19, 2021, Health Consultation Review of Anadromous Fish: Penobscot River Penobscot Indian Nation, Indian Island, Maine: [https://www.atsdr.cdc.gov/hac/pha/PenobscotRiver/Penobscot\\_Indian\\_Nation\\_HC-508.pdf?utm\\_source=copilot.com](https://www.atsdr.cdc.gov/hac/pha/PenobscotRiver/Penobscot_Indian_Nation_HC-508.pdf?utm_source=copilot.com) .

*My thinking is that the department is good at science, at chemistry, at hydrology, at wind patterns, at biochemistry. [B]ut it is not expert in the way that people live together in societies and form all of the bonds and connections and practices that go under the umbrella term "culture." [T]hat seems to be different. And that is what I'm suggesting is not within your [purview] because how could it be? How can you be expert at everything, including how the rivers work, how does wind work, how do chemicals work in rivers? [W]hat happens to birds when you put this chemical here? What happens to animals when you put that chemical there? How could you be expert in all those things and also in these complexities of human societal relationships?*

Justice Bruce Mallonee Penobscot Superior Court Pursuant to M.R. Civ. P. 80C Civil Action No. PENS-APP-2024-00014, July 23, 2026

### **RETHINKING Another Way:**

The State of Maine as owner of Juniper Ridge should take the necessary steps to more effectively operate Juniper Ridge as a Market Participant to conserve and maximize Maine's remaining disposal capacity asset. In that role, the State should develop a road map and model to establish a focus that builds an intersectional learning center to study ecology, economics, sociology, political science, environmental law, and engineering for materials management and attendant issues. The University of Maine and the Senator George J. Mitchell Center for Sustainability Solutions systems are there and waiting. That undertaking could include real-time archeological studies to **create a laboratory that examines and addresses the psychological and philosophical impasses that currently impede building a durable and planet-sustaining civilization.**

**RETHINK** the front-end of materials management to **minimize disposal needs. Juniper Ridge Landfill should be established as a zero-waste hub and toxics reduction center** that implements a **plan for maximum conservation of capacity with the goal of planned closure.** The plan would develop adequate funding resources for surveillance and maintenance of the closed landfill site to protect public health and the environment. As part of that plan, the State should consolidate long-term storage of toxic materials that merges with bans on unnecessary toxic chemicals found in consumer, industrial, and agricultural products. To accomplish these goals, the **State must increase its efforts to secure financial compensation for the costs of collection, processing, and containment from the producers of toxic products.**

### **Specific Steps to Preserve Disposal Capacity:**

- **MEDEP should not issue a license for expansion** at Juniper Ridge. Operations should be **structured and regulated to preserve existing disposal capacity for**

Maine-generated waste and that protect all Maine people's rights to clean water, clean air, and healthy communities.

- Organics must be removed from the waste stream. Safe composting infrastructure and operations that return amendments to depleted soils and are regional to Maine's needs, should be established.
- There must be development for sludge-drying infrastructure, for Maine's needs, to maximize landfill capacity and utilize Maine-generated CDD/OBW for the best use.
- Establish Zero Waste Goals<sup>48</sup>

#### The Reality:

*But the expansion is just staggering. It, it's staggering. I don't remember who did, but somebody quantified it in terms of . . . empire state buildings. So, we have 61 acres, which is however many empire state buildings . . . additional waste disposal. And it's hard to avoid the feeling that we are looking at a forest through a jeweler's loop . . . and not seeing the entire operation.* Justice Bruce Mallonee Penobscot Superior Court Pursuant to M.R. Civ. P. 80C Civil Action No. PENS-APP-2024-00014, July 23, 2026 (emphasis added)

Thank you for considering my comments for the public record.<sup>49</sup>

Respectfully,

Jacquelyn Elliott  
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<sup>48</sup> EPA, *Managing and Transforming Waste Streams – A Tool for Communities*: <https://www.epa.gov/transforming-waste-tool/how-communities-have-defined-zero-waste>.

<sup>49</sup> With appreciation to Sunlight Media Collective for providing transcripts of Penobscot Superior Court Pursuant to M.R. Civ. P. 80C Civil Action No. PENS-APP-2024-00014, July 23, 2026