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**RE: Maine Board of Environmental Protection
Public Hearing
September 17, 2020**

**Comments In Support Of Citizens' Petition To Rules Change For Chapter 400 To Clarify
Definition Of Maine Generated Waste For Disposal At State Owned Landfills With
Inclusion Of Environmental Justice And Public Benefit For Host Communities**

Thank you for the opportunity to submit comments in support of the Citizens' Petition asking for a rules change to more accurately identify and define waste generated in the State of Maine destined for disposal at the Juniper Ridge Landfill owned by the State of Maine and operated by Casella Waste Management, a private, for profit waste disposal corporation.

I have been involved with waste management issues for many years as an environmental health advocate and activist in New Hampshire. There I was engaged protecting my community from the pollution and toxic impacts of a Wheelabrator (then owned by Waste Management) waste-to-energy incinerator and ash landfill; and a neighboring Casella waste facility importing tons of trash for processing and disposal. The public record for the operations of these waste giants is notoriously checkered with environmental infractions and polluted relations with host communities.

Maine citizens are asking you to respond to their concerns that their state and communities are being adversely impacted by the importation of mega tons of waste. This imported waste is conspicuously mis-classified as Maine generated waste because of a loophole in current regulatory law. The recorded history and current abuse of citizens' rights from this policy is well documented.

Casella and Waste Management, and their various incarnations (e.g. ReEnergy), are the dominating entities who particularly influence and control waste operations in Maine, New Hampshire and the region. Many formerly local waste operations are now owned by these often competing behemoths. The familiar company names are many times maintained to obscure that more and more waste operations are controlled by major national and international corporate entities.

Please see:

Waste Management; The Center for Media and Democracy Source Watch.
https://www.sourcewatch.org/index.php/Waste_Management

Casella Coming to a Community Near You?
<https://toxicsaction.org/wp-content/uploads/casella-1.pdf>

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Neighbor claims landfill is unsafe; Mack, Sharon; Bangor Daily News, February 24, 1995.
<https://archive.bangordailynews.com/1995/02/24/neighbor-claims-norridgewock-landfill-is-unsafe/>

In New Hampshire (where I was born and lived most of my life before retiring to Maine in 2010) my efforts included working at the local and state level with citizens, regulators and legislators. Important lessons were gleaned from that experience:

1.) Waste issues are regional and the policies of neighboring states around waste management affect the places we all call home.

2.) Those communities and citizens most impacted by the operations of these facilities are likely to be marginalized populations because of race, ethnicity, or they are indigenous. These communities generally lack wealth and overall are unrepresented or underrepresented and therefore lack political power.

3.) The historical record is replete with evidence of how the rights of these citizens and the places where they live have not been acknowledged and included in any meaningful process involved in siting these facilities and regulating their operations.

For an historical perspective of Maine landfill siting and the public's rights, see:

Love of Landfill: Trashing the Maine Constitution to Solve a Garbage Problem; Kreis, Donald Maurice, Maine Law Review, Volume 5, Number 1, Article 5' June 1993
<https://digitalcommons.minelaw.maine.edu/cgi/viewcontent.cgi?article=1650&context=mlr>

It is important that we all communicate honestly and clearly within the context of justice as we grapple with solutions to our waste management problems. There is verification on many fronts that we have not done the job well as we struggle to find places to bury or burn what we no longer deem has value. On the justice issue for neighbors, the record of how the current situation came to be at Juniper Ridge fails at so many levels. The lack of process alone set the path for the untenable outcome. Put indelicately in abutter activist terms, a review of the characters and dealings that culminated in the current state of affairs could imply incestuous relationships. Additionally, there is the obvious conflict that has been set in place with the State owning the landfill as well as being the regulating agency.

Our air, lands and waters have become hazardously polluted. The quality of our lives and environment has been degraded. Human health and wildlife health is threatened with disease and debilitation. The data show the danger and damage is especially acute for our unborn and developing children. Some of the injury done is transmitted to succeeding generations.

What we now consider solutions to this dilemma are not the things that any of us want in our backyards. Practices we once may have considered appropriate have over time and with added knowledge proved to be dangerous and unsustainable. What decision makers and the

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waste industry have done to date to manage our discards has literally wasted valuable and precious resources – natural and economic - and leaves a toxic legacy for our children and grandchildren who will pay with their health, dollars and quality of life. Those trusted with the power to make the choices have failed to step up to the task and envision what can be done and to do the hard work to get us to a better place for now and the future.

Mainers are solid, sensible people. Mainers know when their rights and quality of life are being abused and they have a reasonable expectation they will be heard and heeded by those vested with the power to make the decisions that affect their lives in such important ways. That is why they are asking The Board to take action on the changes to Chapter 400 for which they have petitioned.

During testimony it was offered that what was being asked from citizens would promote ambiguity in regulation. I think in the interest of integrity, we can be agreed that citizens are able to tell when they are being snookered. What citizens are asking for in the rules change is to in fact deal with the uncertainty around the definition of what constitutes waste generated in Maine. Obviously, the current definition is large enough through which it is possible to drive thousands of trucks loaded with out of state waste to be dumped in the Casella operated and very lucrative (for Casella) JRL landfill. As for the charge that the definition of environmental justice is nebulous and leaves room for interpretation, just ask any abutter of a waste facility what it means.

You have already been well apprised by others giving testimony of the requested rule changes and why they are prudent and required. They need not be repeated. I will add my strong support for these changes. They are necessary to protect all of Maine's citizens, as well as those critically and directly impacted by such facilities and operations.

I have noted that some of the discussion around this issue has appeared to be shaking out in a needless binary choice of either “bury or burn.” I can personally attest to the reality that neither is a positive choice. The toxic and ruinous outcomes from either method are indefensible. Of major concern is the fact that the predominance of Maine identified – actually out of state generated waste - is construction and demolition debris is extremely problematic. Construction and demolition waste is known to contain extremely hazardous components. It matters little if it is rendered into toxic smoke or daily landfill cover. What is needed is recognition that we must develop policies and practices that reduce residuals and remove toxic components on the front end, conserve resources, and reuse what can be repurposed. Manufacturers have to be made responsible for what they put into their products and what comes out end of pipe.

Making these rules changes is an important first step at protecting Maine from out of state and private interests that would use our state as a “solution” for their irresponsibility. By closing escapes that allow private interests to profit at the expense of Mainers' health and quality of life gives us the opportunity to map a future for handling discards in a sustainable way. Assuring that citizens have a meaningful place at the decision-making table where their rights

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care protected is just and right. These changes help get us there. As was revealed during the hearing testimony, there is legislative work to be done in conjunction.

So what should the future of waste management look like?

...[I]n 2014 and 2015 the Mitchell Center for Sustainability Solutions at the University of Maine (Mitchell Center) led a stakeholder process to explore Maine's solid waste challenges and strategies for achieving Maine's waste reduction and recycling goals....This initiative highlighted the importance of focusing on generating less waste and less toxic wastes, and recovering materials to be processed into commodities as critical for Maine to achieve its goals of decreasing the amount of waste disposed(38 M.R.S. § 2132).

Please see:

Maine Department of Environmental Protection Reports:
<https://www.maine.gov/dep/publications/reports/index.html>

We can view this as an exciting challenge knowing that we can be a regional leader in doing things better and at the same time making Maine – The Way Life Should Be – in a truer sense.