

Friends of Penobscot Bay  
*People who care about Maine's biggest bay*

Board of Environmental Protection  
28 Tyson Drive  
Augusta, Maine 04333-0017

September 27, 2020

**Re Chapter 400 Proposed rule changes**

To Board members and staff

My name is Ron Huber. I am executive director of Friends of Penobscot Bay I live in Belfast. Friends of Penobscot Bay is a citizens association dedicated to protecting and conserving the living natural resources of Maine's biggest bay. This of necessity requires keeping an eye on what is happening in Penobscot Bay's watersheds.

Of current concern are those wastes from out of state being layered onto the state-owned waste mound named Juniper Ridge Landfill. (JRL)

The proposed rule change under consideration has the potential to reduce and discontinue the unnecessary stockpiling/mounding at JRL of construction and development debris (CDD) originating in other states.

As we understand it, the rationales for importing this waste are two fold:

(1) It yields a small amount of recyclable materials when first brought over the border, and

(2) the remainder can be used as "daily cover" for open parts of the waste mound that are being actively used to dump Maine CDD.

There was clarifying discussion about these two issues at the September 15 public hearing on the proposed changes to Chapter 400 rules .

**RECYCLABLES** It was noted that, in general practice, demolition debris frequently has its salable waste metals extracted BEFORE being shipped to Maine. Hence it is not surprising that 95% of each truckload is unrecyclable and ends up being dumped onto the JRL mound in Old Town.

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The assertion made at the hearing that construction and demolition companies in other states are too busy to do anything but hasten the waste into Maine unexploited is rather an insult to the recyclers of those other states.

Calling this use “recycling” makes a mockery of the term. In fact, by cheaply stockpiling other states' wastes in Maine, we are only enabling those states to avoid real recycling programs of their own. Why should they bother if they can just “ship it to Maine”

### **OVERSIGHT FINANCIAL COMMITMENTS**

The Juniper Ridge Mound is now visible from space, a permanent chronic waste location within Maine's environment. It is important to factor in the cost of the centuries-long commitment necessary to minimize the waste leakage and erosion out of the Juniper Ridge waste mound as the years pass. The costs will include treating and discharging significant leachates, currently transported from the JRL site to a wastewater treatment plant with outfalls in Penobscot River, or otherwise stemming the flow of wastes from the site.

If Maine stops the addition of out of state wastes to the Juniper Ridge Landfill mound now, let alone to JRL's necessary successors, then the Long Waste Watch over this and similar waste mounds can be shortened, perhaps by centuries. Wouldn't that be fiscally responsible!

**ALTERNATIVES TO CDD** It was noted at the hearing that alternatives exist to using imported waste as “daily cover” for the Juniper Ridge waste landfill mound. In particular, deployable geo-membrane tarps used at many landfills around the nation and the world carry out this important daily cover function quite effectively obviating the need for imported CDD

Some opponents of the rule changes asserted that Maine's climate is not amendable to the use of reusable covers as an alternative. But a review of northern states finds Alaska, for example, using deployable geomembrane tarps for this daily cover purpose, without any apparent disadvantage.

**We urge the Board & DEP** to undertake a comparative survey of the daily cover landfill practices of other northern tier states and northern border provinces, **as well as in northern climes elsewhere around the planet.** This is an ongoing problem from the last millennium that will stretch into the next one. We should take heart in the fact that some of our neighbor states like Massachusetts have barred CDD importation. So can Maine!

Efforts were made to change this via legislation in the last legislative session with LD 401 An Act To Preserve State Landfill Capacity and Promote Recycling, including promoting recycling in those other states.

As noted at the Chapter 400 public hearing, that bill, now Public Law Chapter 619 of the 129th Maine Legislature, originally contained the language in the Chapter 400 petition.

But the bill was then hijacked and stripped of its original intentions – without notifying the bill's original sponsors of the changes until the very day of the bill's public hearing! This was an extraordinary breach of faith and a stain on Maine's legislative honor.

Again, keep in mind that if our neighbor states of the Northeast can bar or strictly limit importation of construction and demolition waste, let alone other wastes, SO CAN MAINE.

Sincerely

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