

September 28, 2020

Chairman Draper and Members of the Board,

I am writing to support the Citizen's Petition regarding proposed changes to Chapter 400 rules.

At the BEP hearing on 9/17/2020, Mr. Charles Eaton of Maine Logistics Systems said that if this rule change were to be enacted, it would negatively impact Maine's recycling rate. In reality, the State of Maine should not rely on "recycling" out-of-state waste to meet its own goals. Furthermore, anything that ends up in a landfill is not truly recycled – it is simply landfilled. If ReEnergy must rely on out-of-state waste, the percentage of their true Maine inputs should equal the percentage of outputs allowed in the state-owned Juniper Ridge Landfill. This landfill was promoted as accepting no out-of-state waste in order to preserve capacity for Maine's own waste.

Alternatives to "fines for daily cover" at Juniper Ridge do exist. The Crossroads Landfill in Norridgewock, Maine has used tarps for daily cover successfully; a quick web search for "tarps for cover at landfills" turns up an impressively large number of options. Tarp covers may also trap more landfill gasses than fines do, which is beneficial to our environment.

LD 401 was also mentioned at the hearing, but in fact the language of LD 401 does not reflect the goals of Maine's Solid Waste Hierarchy.

Brian Rayback of Pierce-Atwood says that public notice is given for changes at Juniper Ridge, with plenty of opportunity for public input. I would remind Mr. Rayback of two "secret amendments" made to the Juniper Ridge Landfill Operating Services Agreement in November of 2006, when Pierce-Atwood seemed to be the only entity other than Casella who knew what was happening. The Department of Environmental Protection hadn't been notified of the amendments, nor had the Board of Environmental Protection, not the Juniper Ridge Landfill Advisory Committee (of which I am a current member), nor the host communities of Old Town and Alton. In fact, these amendments did not come to light until almost two years after the fact. Where was the public notice of these Operating Services Agreement amendments?

As for Environmental Justice, I, as a longtime resident of Old Town, had no chance to vote on the matter of Juniper Ridge and no say in what would occur there. If so, I would not have been in favor of the then West Old Town Landfill becoming the dump for out-of-state materials (many of which cannot be landfilled in their state of origin by law!). I would have argued that the landfill leachate needs to be subject to much more extensive testing before being discharged locally into the Penobscot River.

I believe that the BEP has the authority to refine definitions in Maine rules; that is part of the reason that a citizens petition for rule change is allowed by Chapter 2 regulations. The better we can make Maine statutes, the better we can protect Maine.

Respectfully submitted,

Charles Leithiser

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