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**Testimony to the Maine Board of Environmental Protection
in Support of the Citizen Petition to Modify the Department of Environmental Protection,
Chapter 400 Maine Solid Waste Management Rules
September 17th, 2020**

Good morning Chairman Draper and members of the Board. My name is Bill Lippincott; I'm here to speak in support of this petition, seeking a rule change in the definition of Maine waste. This rule change is needed, because the current inaccurate description of Maine waste has allowed the operator of the Juniper Ridge Landfill, Casella Waste Systems, and ReEnergy Lewiston, to exploit a loophole in the definition resulting in a massive increase in out-of-state waste.

I live in Hampden so I've had the opportunity to observe Casella's landfill practices since Casella purchased the Sawyer Landfill, and in 1998 pushed for a major expansion.

I've observed a pattern with Casella, to fill its landfills as fast as they can, with as much waste as they can possibly attract, while pushing DEP rules beyond a reasonable interpretation of their intent. A look at Casella's operations at the Pine Tree Landfill in Hampden is revealing:

In 1998, Casella estimated in its application that it would dispose approximately **143,000 tons a year** in its expansion phases, at the Sawyer Landfill, since called the Pine Tree Landfill, **providing capacity for approximately 23 years. Which meant that the Hampden landfill's capacity from that expansion would have lasted until 2021.**

But by **2004**, PTL stated that "in response to a variety of factors" it took in approximately **568,000 tons** of waste. And in their annual report that year, PTL estimated the landfill would reach capacity by **February of 2007, filling up what they had estimated as 23 years of capacity in less than 10 years**

A major factor in the increase was the large volume of waste coming to PTL from the MERC incinerator in Biddeford, also owned by Casella. Much of the waste that MERC processed was from out-of-state. After DEP accepted a rule change in 2002 that allowed PTL to accept Bypass from the MERC plant, the volume of out-of-state waste coming to PTL increased dramatically; waste trucks from Massachusetts would stop at the MERC plant and routinely deliver far more waste than the plant could handle, which would then get landfilled at PTL.

In **2001**, Pine Tree reported the State Planning Office that they received **19,313 tons** of municipal solid waste and construction debris that was **generated out-of-state.**

In **2003, after the rule change allowing Casella's MERC Bypass**, the amount generated out of state increased to **218,087 tons.**

So after PTL was allowed to take in MERC Bypass in 2002, we know that it took over 10 times as much out of state waste in 2003 as it had in 2001.

DEP wrote in an August 24, 2005 letter to PTL: "waste volumes reported in annual reports since [2002] indicate that the current operation of the facility has resulted in the landfill capacity being used far faster than the timeframe anticipated in 2002Since 2002, the quantity of wastes annually disposed in the Secure III Landfill expansion has greatly increased." **DEP cited the practice of MERC "to routinely accept more MSW for incineration than they could handle-including from out of state sources-and then to dispose of the excess at PTL."**

On March 31, 2006, Casella withdrew its Public Benefit application for another expansion of the Pine Tree Landfill, in the face of certain DEP denial, a central reason **being the profligate manner in which PTL had squandered its own precious capacity at PTL.**

And now Casella is running through the capacity of our state owned landfill, Juniper Ridge.

The mystery is why CDD (Construction and Demo Debris) wastes into the State-owned Juniper Ridge increased so drastically after the commercial Pine Tree Landfill, which had no restrictions on out-of-state waste, closed; if the increased volumes of CDD into Juniper Ridge after PTL's closing were truly restricted to Maine wastes, what explains the dramatic increases since PTL closed?

Oversized Bulky Wastes (OBW) increased dramatically at Juniper Ridge, from **9,649 tons** in **2007** to **98,888 tons** in **2011**. Former DEP Commissioner Aho expressed concerns about this drastic increase, as well as the large amounts of CDD and CDD residues coming into JRL (including OBW) through Casella's KTI processing facility in Lewiston, (sold to and now run by ReEnergy).

Just as Casella had been gaming the system at the commercial PTL with MERC Bypass, it's now doing the same thing with ReEnergy CDD at our state owned Juniper Ridge:

from ReEnergy's 2017 report Other years show similar results!***

in 2017 ReEnergy Lewiston took in **212,343 tons of waste**

90% was from out of state

of that, 144,239 tons were used for daily cover at the Juniper Ridge Landfill (JRL)

and another 61,933 tons were landfilled at JRL

So:

206,172 tons out of 212,343 tons of waste that ReEnergy received in 2017 went to JRL

which means **97% of what ReEnergy "processed" went to Juniper Ridge**

This is not recycling by any reasonable definition of the term.

ReEnergy has argued that their Lewiston plant may not survive if this rule change goes through, and would cause the loss of 45 jobs.* Our group, Don't Waste ME, is all in favor of productive jobs that help grow our state's economy. But we are not in favor of using our state resources to protect a sham industry, that relies on importing out-of-state CDD, which contains lead (from paint), arsenic (from pressure-treated wood), asbestos and a host of other toxins to fill up our State landfill,

**The state's capacity at Juniper Ridge is jeopardized by current practices.
Why should we care? Because we don't have a viable long term alternative.**

The state acquired Juniper Ridge in 2004 in order to be able to preserve the state's landfill capacity for Maine generated waste and to be able to exclude out-of-state waste from using up that capacity. The state has no such control over commercial landfills and was witness to the rapid influx of out-of-state waste into the commercial Pine Tree Landfill in Hampden and depletion of that capacity at the time JRL was purchased by the state.

Landfilling is the least environmentally sound method for handling waste. We need to ensure that the long term capacity of the state owned Juniper Ridge is not jeopardized by practices that run counter to our statutory state waste hierarchy.

**Given the limitations in size of the other State-owned alternatives
And the immense cost to develop those sites or any new sites
Adding the extreme difficulty of locating a new site because of political and environmental factors**

It's essential that we don't fill Juniper Ridge with waste that should never have ended up there.
As Kevin Roche, the CEO of ecomaine, said yesterday at a E-2 Tech Talks Trash Webinar "We need to preserve our state landfill spaces so that they are there for a very long time."
The state does not have a viable long term alternative.

The state has only limited alternative options to Juniper Ridge. At a presentation to the ENR in January 3, 2018, Michael Barden, who manages state-owned landfills for the State of Maine, reviewed the status of the state's two other state owned landfill sites: Carpenter Ridge and the Dolby landfill. Both are further away than JRL, so trucking costs would be considerably higher over time. Both are much smaller in size than Juniper Ridge. Mr Barden quoted a figure of **\$760,00 an acre** to develop a landfill, and a **1995** estimate of **15 million dollars** to develop the 35 acre Carpenter Ridge, which he also mentioned is surrounded by wetlands. Regarding the Dolby landfill, the original landfill is unlined; there are 9 acres that need to be capped and the state was pumping 60 million gallons of leachate from the site at a cost to the state of \$500,00 a year in 2018. If the available 75 acre footprint of Dolby III were to be developed, it would have only 400,000 cubic yards of capacity, equivalent to just 5 years for the MSW Casella is currently bringing into Juniper Ridge. And he noted that **"landfills require perpetual care" despite a requirement of only 30 years after closure.**

It's questionable whether remediation at the Pine Tree Landfill will be finished 30 years from closure; after 8 years of remediation, **contamination is still increasing** in some areas of the landfill.**
We need to support this rule change to ensure that waste imported from out of state does not wind up in state owned landfills, to ensure that industry players are not gaming the system, to ensure that the long term capacity of Juniper Ridge is not jeopardized by practices that run counter to our statutory state waste hierarchy.

Notes

Figures cited are from landfill expansion applications, and annual reports of PTL, JRL, ReEnergy, the State Planning Office (no longer in existence), DEP correspondence, records, etc.

*Waste industry jobs are the 5th most dangerous jobs in the United States, according to David Bidderman, CEO of the Solid Waste Association of America. Furthermore, my understanding is that many of these jobs are low paying, without benefits.

August 21, 2019 Drumlin Environmental Review of Water Quality at the Pine Tree Landfill. **After 8 years* of remediation covered in the report, out of 28 monitoring wells, only 4 reflect a downward trend, 15 show no improvement, and 9 show increased contamination over the last five years. (In 2010, Casella completed the closure of the Pine Tree Landfill and began remediation actions - the start of a 30 year post closure period for PTL to come into compliance with water quality standards. This is a review of monitoring data and corrective actions from 2018 and early 2019, covering 8 years of the 30 years allowed for remediation).

