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May 4, 2021

Via E-Mail and U.S. Mail

Victoria Eleftheriou P.E., Deputy Director
Bureau of Remediation and Waste Management
Maine Department of Environmental Protection
17 State House Station
Augusta, ME 04333-0017

Re: WMDSM Comments on the Draft Phase 14 License
#S-010735-WD-YB-N

Dear Victoria:

On behalf of Waste Management Disposal Services of Maine (“WMDSM”), I am providing the comments enclosed as Attachment A on the draft Phase 14 Solid Waste Disposal License (#S-010735)(the “License”). We greatly appreciate the Department’s comprehensive approach to the issuance of this draft License.

Thank you for consideration of the enclosed comments. Please do not hesitate to contact me if you have questions.

Sincerely,



Mathew J. Todaro

Enclosure

cc: David Burns (DEP) (via email)
Jeff McGown (WMDSM) (via email)
Sherwood McKenney (WMDSM) (via email)
Scott Luetlich (Geosyntec Consultants, Inc.) (via email)
Juliet Browne (Verrill Dana LLP) (via email)
Service List (via email)

ATTACHMENT A

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Comment Location	Proposed Modification or Revision	Rationale	Citation
<u>Table 1, p. 5</u>	State Plan: Maine Materials Management Plan: 2019 4 State Waste Management and Recycling Plan Update & 2016 Waste Generation and Disposal Capacity Report, January 2018, prepared by the Maine Department of Environmental Protection.	Clarification To reflect the most current version of the Maine Materials Management Plan issued by Maine DEP and referenced in WMDSM's Ph. 14 Solid Waste Permit Application.	<i>See</i> WMDSM Ph. 14 Solid Waste Permit Application, Vol. I, Sec. 16.b., Footnote 7, October 24, 2019.
<u>Sec. 3. p. 13, ¶1, Third Sentence</u>	The construction is projected to begin in 2021 with Phase 14A and is proposed to begin receiving waste in the fall of 2023 2 .	Clarification	<i>See</i> WMDSM Public Hearing Exhibit titled Ph. 14 Project Overview (Slide #17), October 01, 2020.
<u>Sec. 3. p. 13, ¶3, Third Sentence</u>	Additionally, 0.004 acres of intermittent stream are proposed to be permanently impacted due to the proposed installation of a culvert under the access road. A combined license, #L-18323-TG-K-N and #L-18323-L6-L-N, dated September 25, 2020, was issued by the Department's Bureau of Land Resources approving the impacts and mitigation of these impacts.	Note that as part of the NRPA and ACOE licensing the stream crossing was modified to eliminate any permanent stream impacts.	Current design information filed with Maine DEP and the U.S. Army Corps of Engineers dated July 27, 2020; <i>see also</i> U.S. Department of the Army, File No. NAE-2019-01231, April 06, 2021.
<u>Sec. 5. p. 15, Second Sentence</u>	In a March 14, 2017 letter to WMDSM's attorney, the Department concluded that the parcels of land proposed for development are contiguous <u>to the existing facility</u> and that there is no requirement that	Consistency with statutory provision	<i>See</i> 38 M.R.S. § 1310-X(3)

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	a new landfill disposal unit be physically connected to or touching an existing landfill disposal unit.		
<u>Sec. 9. p. 21, ¶2 (full), Second Sentence</u>	Further, WMDSM will purchase <u>approximately</u> 822 acres of mitigation land, that will serve as mitigation for wetlands impacted as well as provide a high-quality deer wintering area.	Clarification	The precise acreage will be finalized with a survey of the property.
<u>Sec. 10.C., p. 24, ¶1, Second Sentence</u>	The distance from the proposed Phase 14 boundary is approximately 3,000 feet south to U.S. Route 2; 880 feet east to Airport Road; 5,720 feet west to the nearest runway of the Central Maine Regional Airport; and 4,200 <u>feet</u> southwest to Fredricks Corner Road.	Correction of typographical error	N/A
<u>Sec. 10.C., p. 25-26, ¶4/¶1</u>	(3) WMDSM proposes to add visual barriers <u>adjacent to Vantage Point #1 near the site entrance and Vantage Point #2 near the Baker Farm</u> gaps in previously constructed barriers on the facility property along U.S. Route 2 and the entrance to the landfill facility to ensure they provide an adequate visual barrier at the appropriate time they are needed to screen the proposed Phase 14 expansion as it reaches its final stages of filling.	Clarification It is important to note not all gaps along Route 2 would provide visibility of Phase 14 or are conducive to construction of visual barriers (e.g., the existing wetland mitigation area).	<i>See</i> WMDSM Ph. 14 Solid Waste Permit Application, Vol. I, Appendix 7C, Figure 4, October 24, 2019; <i>see also</i> WMDSM Public Hearing Exhibit titled Ph. 14 Development and Visual Assessment (Slide #28), October 01, 2020.
<u>Sec. 10.C., p. 25-26, ¶4/¶1</u>	The Department finds that the design of the proposed Phase 14 expansion takes into account the surroundings and when completed, capped, and vegetated, the expansion will not have an unreasonable adverse effect on the scenic character of the surrounding area as required pursuant to 38 M.R.S. § 1310-N(2-F)(C), Siting Standards,	Clarification	<i>See</i> WMDSM Ph. 14 Solid Waste Permit Application, Vol. I, Appendix 7C, Figure 4, October 24, 2019; <i>see also</i> WMDSM Public Hearing

	<p>and 06-096 C.M.R. ch. 400, § 4(F)(1), provided that WMDSM adds visual barriers <u>adjacent to Vantage Point #1 near the site entrance and Vantage Point #2 near the Baker Farm</u> gaps in previously constructed barriers on the facility property along U.S. Route 2 and the entrance to the landfill facility at the appropriate time to ensure they provide an adequate visual barrier at the time they are needed to screen the proposed Phase 14 expansion as it reaches its final stages of filling.</p>		<p>Exhibit titled Ph. 14 Development and Visual Assessment (Slide #28), October 01, 2020.</p>
<p><u>Sec. 10.D., p. 27, ¶1, Second Sentence</u></p>	<p>Additionally, monitoring indicated that all but two hourly sound levels were above<u>below</u> 60 dBA and that these were due to 1-minute sound level spikes in both cases.</p>	<p>Correction of typographical error</p>	<p><i>See</i> WMDSM Ph. 14 Solid Waste Permit Application, Vol. I, p. 17., October 24, 2019.</p>
<p><u>Sec. 10.D., p. 27, ¶3, Last Sentence</u></p>	<p>Current hours of operation are typically 7:15 am to 5:30 pm Monday through Friday. <u>However, as reflected in the 2019 Host Community Agreement with the Town of Norridgewock, WMDSM operations may also occur between 6:30am and 6:30pm.</u></p>	<p>Clarification. To reflect the flexibility provided by the Town of Norridgewock’s 2019 Host Community Agreement, WMDSM requests the proposed sentence be added to the end of the paragraph referenced here.</p>	<p><i>See</i> WMDSM Ph. 14 Solid Waste Permit Application, Vol. I, Appendix 18A, Sec. 3.6, p. 6., October 24, 2019.</p>

<p><u>Sec. 10.D., p. 28, ¶3</u></p>	<p>(1) construction of sound attenuation berms with select waste material along the eastern portion of the proposed Phase 14 expansion, <u>specifically, Phase 14(A)</u> using a single CAT D6T bulldozer limiting the duration of its operation in any given hour to 70% operating time, within 415 feet of the closest residential <u>protected</u> location <u>(i.e., the property line east of Phase 14(A))</u> with a procedure to ensure compliance with this operational limitation, or using a bulldozer having a 2 dBA lower sound rating than the CAT D6T without restriction; and (2) a plan to conduct periodic sound level monitoring until operations occur at least <u>750 feet to</u> 900 feet <u>from the closest protected location depending on the equipment being used.</u> or more from the closest protected location at approximately a waste grade elevation of 390 feet above mean sea level.</p>	<p>Clarification</p> <p>These edits are consistent with the sound report and the definition of protected location, which includes the entirety of the parcel on which a residence is located. Reference to elevation 390 is not needed since it was a redundant criterion that was calculated using the lateral distances already cited and was intended only for survey layout of the interim waste configuration.</p>	<p><i>See</i> WMDSM Response to MEDEP Comments (Round 2), Ph. 14 Solid Waste Permit Application, Vol. I, Sec. 7., Attachment RTC2#7-1, Sound Assessment Report, May 29, 2020.</p>
<p><u>Sec. 11.C., p. 31</u></p>	<p>WMDSM uses <u>proposes</u> <u>administrative and engineering controls</u> to conduct inspections <u>minimize</u> for potential odor on a regular basis (i.e., during normal operations) in the areas of active waste disposal in the proposed Phase 14 expansion. This <u>Odor monitoring controls</u> will be conducted <u>used</u> to ensure the effectiveness of the gas collection and control system and to ensure operational odor controls are effective. Provisions <u>Controls</u> for odor control include: installation</p>	<p>Clarification</p>	<p><i>See</i> WMDSM Ph. 14 Solid Waste Permit Application, Public Hearing Transcript, p. 108, October 01, 2020.</p>

	<p>of daily and intermediate cover to minimize exposed waste surfaces; installation and operation of an active landfill gas management system in waste areas; regular monitoring, maintenance, and adjustments to the gas management system to ensure it is functioning as designed; and the use of water misting and/or odor neutralizing agents, if necessary (Volume IV of the application, Appendix IV(g), page 12).</p>		
<p><u>Sec. 11.C., p. 32, ¶3 and ¶4</u></p>	<p>Landfill personnel routinely monitor for odors <u>as they travel local roads to the facility and while on site.</u> on a daily basis during operations. WMDSM noted at the public hearing that they <u>personnel meet daily (during normal operations), and that</u> conduct daily <u>odor is a standing discussion item and</u> surveys within the community and have daily discussions regarding odor concerns, if any, <u>are discussed and then investigated.</u> (Public Hearing Transcript, pages 108 and 109). However, these surveys <u>This practice</u> and a subsequent odor complaint response procedure have not <u>yet</u> been formalized in the Site Operations Manual. If odors are detected, the gas collection and control system is inspected and monitored to ensure its effective operation. WMDSM utilizes a LANDTEC GEM™5000 to measure the percent by volume of methane, carbon dioxide, hydrogen sulfide, and oxygen at approved locations including within collection manholes and soil gas probes surrounding the landfill units. A defined calibration and maintenance schedule are followed to ensure the accuracy of the data. Permanent on-site structures utilized for work-related activities (i.e., Commercial Transfer Station/ Material Recovery Facility) are also monitored by continuously read combustible gas monitors. Leachate pump vaults are equipped with dedicated combustible gas and hydrogen sulfide meters.</p>	<p>Clarification</p> <p>To ensure the procedures set forth here within the Phase 14 license align with the procedures discussed within the public hearing, WMDSM proposes the modifications provided here.</p> <p>WMDSM does not conduct daily surveys within the community. Odors and the procedures for responding to potential complaints are also the subject of the local permit</p>	<p><i>See</i> WMDSM Ph. 14 Solid Waste Permit Application Public Hearing Transcript, p. 108-109, October 01, 2020.</p>

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	<p>The Department finds that WMDSM has proposed odor control mechanisms adequate to control nuisance odors from the proposed Phase 14 expansion as required by State law and the Rules provided that the Site Operations Manual is revised and submitted to the Department prior to waste placement in the proposed Phase 14 expansion to include provisions for conducting daily odor surveys <u>inspection</u> within the community <u>upon receipt of community complaint or identification of facility odor within the community by WMDSM personnel, regular</u> discussions regarding odor concerns, if any, and an odor complaint response procedure.</p>	<p>by the Town of Norridgewock.</p>	
<p><u>Sec. 13, p. 36, ¶3</u></p>	<p>Further, WMDSM will purchase <u>approximately</u> 822 acres of mitigation land, that will serve as mitigation for wetlands impacted as well as provide a high-quality deer wintering area.</p>	<p>Clarification</p>	<p>The precise acreage will be finalized with a survey of the property.</p>
<p><u>Sec. 15, p. 38, ¶3</u></p>	<p>Golder Associates notes that “[t]here is no hydraulic connection between groundwater in the Phase 14 area and the significant sand and gravel aquifers because groundwater flow in all hydrostratigraphic units in the Phase 14 area is primarily to the south-southwest,²² and not towards the aquifers.”</p>	<p>Correction of typographical error (extra quotation mark)</p>	<p>N/A</p>
<p><u>Sec. 18, p. 44</u></p>	<p>The Department further finds that WMDSM’s purpose and practices of the proposed Phase 14 expansion are consistent with the applicable State laws and Rules relating to the solid waste management hierarchy provided that WMDSM submits with each facility Annual Report, <u>beginning after commencement of operations in Phase 14</u>, a summary of the steps taken in the reporting year to continue to meet the solid waste management hierarchy, a description of ongoing efforts to increase the effectiveness of these programs/efforts, and any additional pertinent information relating to meeting the solid waste management hierarchy.</p>	<p>Clarification and consistency with Public Benefit Determination</p> <p>The proposed language aligns reporting requirement with implementation of</p>	<p><i>See</i> WMDSM Ph. 14 Public Benefit Determination, Condition 3(C), p. 23 December 21, 2018.</p>

		the Hierarchy-related programs.	
<u>Sec. 20, p. 47</u>	(4) For all municipalities and infrastructure and services to communities utilizing landfilling at <u>the</u> Crossroads Landfill as their primary means-option of disposal for MSW, <u>continue to provide the infrastructure and services necessary to</u> be provided to reduce the waste landfilled to the maximum extent practicable;	Clarification and consistency with the Public Benefit Determination	<i>See</i> WMDSM Ph. 14 Public Benefit Determination, Condition 3(D), p. 23 December 21, 2018.
<u>Sec. 24, p. 50, ¶2, First Sentence</u>	<u>WMDSM concluded that the requirement of the Restrictive Siting Criteria of 06-096 C.M.R. ch. 401 § 1(C)(3)(b), which requires that in-situ soils have an undisturbed hydraulic conductivity less than or equal to 1×10^{-5} cm/sec., is met in all locations of the Phase 14 landfill. However, pursuant to subsequent conversations with MEDEP, WMDSM requested a variance from the Restrictive Siting Criteria of 06-096 C.M.R. ch. 401 § 1(C)(3)(b) for limited portions of the Phase 14 footprint.</u>	Clarification and consistency with variance request	<i>See</i> Supplement to Ph. 14 Solid Waste Permit Application, Variance Request, including Attachment B - Technical Memorandum, Sept. 23, 2020.
<u>Sec. 25.A., p. 51, Last Sentence</u>	There are two silt and clay units described separately as stiff upper clay and soft lower clay, <u>ranging in</u> with a combined thickness of <u>from 23 to 348 feet in the northwest portion to 18 feet along the southwest and southeast perimeter</u> within the footprint of the proposed Phase 14 expansion area <u>footprint</u> .	Clarification The proposed language is more precise as reflected in Supplemental Information referenced here.	<i>See</i> Supplemental Information in Support of WMDSM Phase 14 Solid Waste Permit Application (Page 2 of Attachment B), September 23, 2020.
<u>Sec. 25.A., p. 52, Last Paragraph</u>	Water levels were measured on multiple occasions in various soil units and at several stream locations between 2017 and 2019 with the data presented in Volume III of the application, Tables 2, 3a and 3b. Measurements indicate that the silty fine sand is only seasonally	Clarification The proposed language is more	<i>See</i> WMDSM Phase 14 Solid Waste Permit Application, Vol. IV, p. 22, and Vol. III, p.

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	<p>saturated in some areas. <u>The silty fine sand will be removed from the base portion of the</u> Any areas of saturated, seasonally saturated, and/or perched ground water beneath the proposed Phase 14 expansion footprint will be removed as part of construction. A continuous phreatic surface is present in the Presumpscot clay layer with the approximate seasonal high phreatic surface within the proposed Phase 14 expansion footprint ranging from an elevation of 290 feet above mean sea level in the north to approximately 275 feet above mean sea level along the south side of Phase 14. <u>The contractor will be required to control groundwater locally near the excavation for establishing the liner subgrade.</u> The direction of ground water flow in the glacial till in the area of the proposed Phase 14 expansion ranges from the northeast to the southwest and from the northwest to the southeast. The overall direction of ground water flow in bedrock is from the north to the south.</p>	<p>precise and in accordance with WMDSM’s Solid Waste Permit Application.</p>	<p>17 and Vol. IV, p.22. October 24, 2019.</p>
<p><u>Sec. 25.D., p. 55, ¶2, Last Sentence</u></p>	<p>Golder Associates provided supplemental time-of-travel calculations, <u>which used the 95% upper confidence limit (“UCL”) of utilizing the highest hydraulic conductivity values as stated</u> observed in their Supplemental Geologic and Hydrogeologic Report.</p>	<p>Clarification</p>	<p><i>See</i> WMDSM Supplemental Geologic and Hydrogeologic Report, Section 4.3.2., July 31, 2020.</p>
<p><u>Sec. 26.B., p. 59, ¶1, Second to Last Sentence</u></p>	<p>Eolian silty sand will be removed <u>from the base portion of the Phase 14 footprint</u> prior to placement of the liner system.</p>	<p>Clarification</p>	<p><i>See</i> Supplemental Information in Support of WMDSM Phase 14 Solid Waste Permit Application (p. 3 and 4 of Attachment B), September 23, 2020.</p>
<p><u>Sec. 26.B., p. 59, ¶1, Last Sentence</u></p>	<p>The silty sand will be replaced with compacted silty clay material having a hydraulic conductivity of less than or equal to 1×10^{-5}</p>	<p>Clarification</p>	<p><i>See</i> Supplemental Information in Support of WMDSM Phase 14 Solid</p>

	cm/sec., <u>where needed</u> , to achieve the required subgrade elevations (Volume IV of the application, page 4).	Since achieving base grades in all portions of Ph. 14 does not require over-excavation of the silty sand, we suggest the addition of “where needed” here.	Waste Permit Application (p. 3 and 4 of Attachment B), September 23, 2020.
<u>Sec. 26.B., p. 60, First Full Paragraph, First Sentence</u>	WMDSM proposes to excavate the surface to the depth of the liner system subgrade in areas <u>of the base of the landfill</u> where there is no soft lower clay and where excavation to the liner system subgrade elevation will terminate within the stiff upper clay.	Clarification	<i>See</i> Supplemental Information in Support of WMDSM Phase 14 Solid Waste Permit Application (p. 3 and 4 of Attachment B), September 23, 2020.
<u>Sec. 26.B., p. 60, Second Full Paragraph, First Sentence</u>	Where there is no soft lower clay and where over-excavation is needed to remove the Eolian silty fine sand <u>within the base of the landfill</u> down to the surface of the stiff upper clay, the surface of the stiff upper clay will be scarified prior to placement and compaction of silt-clay layer up to the liner system subgrade elevation.	Clarification	<i>See</i> Supplemental Information in Support of WMDSM Phase 14 Solid Waste Permit Application (p. 3 and 4 of Attachment B), September 23, 2020.
<u>Sec. 26.B., p. 60, Second Full Paragraph, Last Sentence</u>	A similar approach will be followed for the <u>In</u> areas under the liner system sideslopes where there is no soft lower clay and where the liner system subgrade will terminate in the in-situ Eolian silty fine sand slope excavation and/or where the sideslopes will be created by the inner structural fill slope of the MSE berm, <u>WMDSM will remove an extra 1-foot of the sand and replace it with a 1-foot thick compacted silt-clay layer and/or on the excavated portion of the</u>	Clarification to reflect construction techniques in these areas.	<i>See</i> WMDSM Supplemental Information in Support of the Phase 14 Solid Waste Permit Application (p. 3 and 4 Attachment B). September 23, 2020.

	<u>sideslope will leave the inner fill sideslope of the MSE berm 1-foot low and will place an extra 1-foot thick compacted silt-clay layer on that portion of the sideslope</u> (September 23, 2020 Applicant Response to Department Comments, Attachment B, page 4).		
<u>Sec. 26.C.(1), p. 62, First Full Paragraph, First Sentence</u>	The leachate collection sump pipes will accommodate a primary submersible sump pump or <u>and</u> an auxiliary submersible pump.	Clarification	<i>See</i> WMDSM Ph. 14 Solid Waste Permit Application, Vol. IV, Appendix IV(a) – Permit Drawings, Sheet 28, Detail 5 and Note 7.
<u>Sec. 26.C.(3), p. 63, First Paragraph</u>	The proposed Phase 14 expansion will be designed such that the <u>Phase 14 landfill gas loop</u> header pipe will be sloped at approximately greater than five percent <u>in the landfill areas</u> to allow condensate to drain into the wells or cleanouts as applicable by gravity and subsequently flow into the leachate collection system.	Clarification	<i>See</i> WMDSM Ph. 14 Solid Waste Permit Application, Vol. IV, Appendix IV(g) - Landfill Gas Collection and Control System Design Report, October 24, 2019.
<u>Sec. 27.C., p. 68, Second Sentence</u>	Settlement of the foundation clay was calculated at 18 locations (<u>a minimum of 3 locations in each phase, specifically, 3 locations in Phase 14A, 3 locations in Phase 14B, and 4 locations in each of Phases 14C, 14D, and 14E</u> of the Phases A through E) to be between 0.1 to 0.7 feet.	Clarification	<i>See</i> WMDSM Phase 14 Solid Waste Permit Application, Vol. IV, Appendix 4(d), October 24, 2019.
<u>Sec. 27.I., p. 73, First Full Paragraph</u>	Further, the Department finds that an application for final closure must still be made at least one year prior to the anticipated final closure of the landfill in accordance with 06-096 C.M.R. ch. 401, § <u>5.B.(3)</u> (F) .	Consistency with applicable regulatory provision	06-096 C.M.R. ch. 401, § 5.B.(3)
<u>Sec. 31., p. 78, ¶2</u>	The Department finds that WMDSM provided the construction contract bid documents for the proposed Phase 14 expansion in accordance with the Rules. Prior to the construction of individual cells (Phases 14A through 14E), detailed construction contract bid	The change is requested to allow certain preliminary	N/A

	documents, including drawings, technical specifications, and the contract administrative documents, shall be submitted to the Department for review and approval four months prior to commencing construction activities at each phase. <u>Initial site preparation including land clearing, soil stockpile relocation, and construction of visual berms may occur following written notice to the Department and prior to approval of the detailed construction contract bid documents.</u>	activities to occur this summer.	
<u>Sec. 32., p. 78, ¶1, Second Sentence</u>	WMDSM has a current Department- approved Water Quality Monitoring Plan, Revision 6.44, dated <u>October 31, December 2019</u> 6 (Section X of its Site Operations Manual).	Clarification	<i>See</i> WMDSM Phase 14 Solid Waste Permit Application, Vol. V, Sec. X, October 24, 2019; <i>see also</i> The WQMP submitted to MEDEP on October 31, 2019 and approved on November 14, 2019.
<u>Sec. 32, p. 80, ¶2, First Sentence</u>	In accordance with the provisions of 38 M.R.S. § 1310-N(10), upon written request to the Department from the owner of any property abutting a commercial solid waste disposal facility that accepts special waste for landfilling <u>and that meets the criteria set forth in Section 1310-N(10)</u> , the Department shall require WMDSM to have conducted biannual sampling and analysis of a private water supply well used by the requestor for drinking water. WMDSM shall provide owners of property abutting the landfill facility with written notice of their rights under this subsection on a form prepared by the Department.	Consistency with applicable regulatory provision This change is consistent with the statutory provision, which applies to abutters only if they owned and resided and the private water well existed on the property prior to the time the	38 M.R.S. § 1310-N(10)

		property became an abutting property.	
<u>Sec. 32., p. 80, Last Paragraph, First Sentence</u>	The Department finds that WMDSM has proposed an adequate water quality monitoring program consistent with 06-096 C.M.R. ch. 401 5 , § 2(KA)(1)(b) provided that WMDSM submits for Department review, a water quality report that both characterizes the existing site and proposes revisions to its Site Water Quality Monitoring Program to (1) include two downgradient bedrock wells and one downgradient till well positioned to intercept groundwater coming from the proposed Phase 14 expansion and located 50 to 100 feet away from the landfill from which at least six rounds of data will be collected, after which time the bedrock wells would not need to be sampled, unless the till wells indicate a possible release; (2) provide for two years of three sampling rounds each; and (3) submit an Annual Water Quality Report evaluating WMDSM's water quality and an assessment of ground water flow directions as the proposed Phase 14 expansion is developed as part of the facility's Annual Report.	WMDSM considers the revised citation to be more appropriate.	06-096 C.M.R. ch. 401, § 2(K)
<u>Sec. 34. C., p. 82, Last Sentence in Paragraph</u>	Liner systems <u>components consisting of the clay barrier, GCL and 60-mil. HDPE layers of the liner system</u> may be installed only between April 15 and November 1, and only when the ambient temperature exceeds 32 degrees Fahrenheit, unless a specific cold weather installation plan is submitted to the Department for review and approval. <u>Layers above the 60-mil. HDPE liner (geo-composites and sand layers) may be placed outside of these dates.</u>	Clarification Other components of the liner system such as placing the geocomposite drainage layer or spreading leachate collection sand may be safely performed during other times of the year.	<i>See</i> WMDSM Ph. 14 Solid Waste Permit Application, Vol. IV, Appendix IV(a) – Permit Drawings, Sheet 19, Detail 1.

<p><u>Sec. 35.B., p. 83</u></p>	<p>At least two key personnel must be trained in the operation of, and regulatory requirements for, the landfill and be certified as required by the Rules.</p>	<p>Consistency with applicable regulatory provision</p> <p>Pursuant to 06-096 C.M.R. ch. 401, § 4(B), certification is a means for demonstrating training, but not a standalone obligation.</p>	<p>06-096 C.M.R. ch. 401, § 4(B)</p>
<p><u>Sec. 35.C., p. 84, Requirement (1)</u></p>	<p>The policy and procedures utilized by WMDSM to meet the operating requirements in the Rules are addressed in the facility’s Site Operations Manual. These operating requirements include but are not limited to: (1) updating <u>review of</u> the operations manual on an annual basis and updating as necessary;</p>	<p>Consistency with Applicable Regulatory Provision</p>	<p>06-096 C.M.R. ch. 401, § 4(A)(4)</p>
<p><u>CONCLUSION 3, p. 85</u></p>	<p><u>The Phase 14 project is contiguous to the existing facility and meets the requirements of 38 M.R.S. § 1310-X(3).</u></p>	<p>WMDSM requests the following conclusion be added after the existing Conclusion 3. This conclusion tracks the findings in Section 5.</p>	<p>38 M.R.S. § 1310-X(3)</p>
<p><u>CONCLUSION 9.B., p. 86, ¶1</u></p>	<p>WMDSM <u>proposes to</u> add visual barriers <u>adjacent to Vantage Point #1 near the site entrance and</u></p>	<p>Clarification</p>	<p>See WMDSM Ph. 14 Solid Waste Permit Application,</p>

	<p><u>Vantage Point #2 near the Baker Farm</u> gaps in previously constructed barriers on the facility property along U.S. Route 2 and the entrance to the landfill facility at the appropriate time to ensure they provide an adequate visual barrier at the time they are needed to screen the proposed Phase 14 expansion as it reaches its final stages of filling;</p>		<p>Vol. I, Appendix 7C, Figure 4; <i>see also</i> WMDSM Public Hearing Exhibit titled Phase 14 Development and Visual Assessment (Slide #28), October 01, 2020.</p>
<p><u>CONCLUSION 9.A., p. 86, ¶2, Provision (1)</u></p>	<p>(1) construction of sound attenuation berms with select waste material along the eastern portion of the proposed Phase 14 expansion, <u>specifically, Phase 14(A)</u> using a single CAT D6T bulldozer limiting the duration of its operation in any given hour to 70% operating time, within 415 feet of the closest residential-protected location <u>(i.e., the property line east of Phase 14(A))</u> with a procedure to ensure compliance with this operational limitation, or using a bulldozer having a 2 dBA lower sound rating than the CAT D6T without restriction; and (2) a plan to conduct periodic sound level monitoring until operations occur at least <u>750 feet to 900 feet depending on the equipment being used.</u> or more from the closest protected location at approximately a waste grade elevation of 390 feet above mean sea level.</p>	<p>Clarification</p>	<p><i>See</i> Supplement to Ph. 14 Solid Waste Permit Application Section 7. Existing Uses and Scenic Character – Chapter 400.4F(1)(d) Sound Level Analysis.</p>
<p><u>CONCLUSION 10, p. 86</u></p>	<p>WMDSM has an air emissions license from the Department’s Bureau of Air Quality and has adequately demonstrated that the proposed Phase 14 expansion will not unreasonably adversely affect air quality pursuant to 38 M.R.S. § 1310-N(2-F)(C) and 06-096 C.M.R. ch. 400, § 4(G)(1) provided that the Site Operations Manual is revised to include provisions for conducting daily odor <u>inspections</u> within the community <u>upon receipt of complaint or identification of facility odor within the community by WMDSM personnel,</u> daily <u>regular</u> discussion regarding odor concerns if any, and an odor complaint response procedure at least 60 days prior to waste</p>	<p>Clarification</p> <p>To ensure the procedures set forth here within the Phase 14 license align with the procedures discussed within the public hearing,</p>	<p><i>See</i> WMDSM Ph. 14 Solid Waste Permit Application Public Hearing Transcript, p. 108-109, October 01, 2020.</p>

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	placement operations in the first cell of the proposed Phase 14 expansion and submitted for Department review.	WMDSM proposes the following modifications. WMDSM does not conduct daily surveys within the community. Odors and the procedures for responding to potential complaints are the subject of the local permit by the Town of Norridgewock.	
<u>CONCLUSION 12, p. 87</u>	WMDSM has been issued a NRPA license from the Department’s Bureau of Land Resources and WMDSM has provided evidence that an application for a Federal Wetlands Permit to the ACOE was submitted.	Clarification Please note the ACOE issued its permit on April 06, 2021.	U.S. Department of the Army, File No. NAE-2019-01231, April 06, 2021.
<u>CONCLUSION 19.B., p. 88</u>	Not dispose of marketable recyclables in the Phase 14 expansion. <u>For the purposes of this Phase 14 Solid Waste License, “marketable recyclables” are defined as set forth in the December 21, 2019 Phase 14 Public Benefit Determination.</u>	Clarification	<i>See</i> Maine DEP WMDSM Ph. 14 Public Benefit Determination, p. 23. December 21, 2019.
<u>CONCLUSION 22, p. 89</u>	WMDSM has clearly and convincingly demonstrated <u>that (i) conditions present in the Phase 14 expansion area and specialized construction techniques are distinctive, and (ii) the intent of State</u>	Clarification to align with applicable regulatory provision.	<i>See</i> Supplement to Ph. 14 Solid Waste Permit Application, Variance

	laws and the purpose and intent of the Rules will be met with the addition of a silt-clay base layer with a hydraulic conductivity of 1×10^{-5} cm/sec within a limited extent of the proposed Phase 14 expansion area, <u>as more specifically described in Section 24 and 26.B above.</u>		Request, including Attachment B - Technical Memorandum, Sept. 23, 2020.
<u>CONCLUSION 25, p. 89</u>	WMDSM has proposed an expansion design meeting the requirements of the Rules, provided that, an engineering report, construction contract bid documents, including drawings, technical specifications, and contract administrative documents, a quality assurance plan and erosion and sedimentation control and stormwater management plans are submitted to the Department for review and approval at least four months prior to the commencement of construction activities within each phase cell (Phases 14A through 14E) of the proposed expansion; ongoing performance monitoring data to assess the effectiveness of leachate recirculation is provided with each facility annual report; and WMDSM maintains a valid leachate disposal contract(s) with licensed wastewater treatment facility(ies) for the treatment and disposal of leachate from the proposed expansion. <u>Initial site preparation including land clearing, soil stockpile relocation, and construction of visual berms may occur following written notice to the Department and prior to approval of the detailed construction contract bid documents.</u>	The change is requested to allow certain preliminary activities to occur this summer.	N/A
<u>CONCLUSION 27, p. 90, First Sentence</u>	WMDSM has an adequate site-wide water quality monitoring program consistent with 06-096 C.M.R. ch. 401 5 , § 2(KA)(1)(b) provided that WMDSM submits for Department review, a water quality report that both characterizes the existing site and proposes revisions to its Site Water Quality Monitoring Program to:	WMDSM considers the revised citation to be more appropriate.	096 C.M.R. ch. 401, § 2(K)

<p><u>CONDITION 4.B., p. 91</u></p>	<p>Add visual barriers <u>adjacent to Vantage Point #1 near the site entrance and Vantage Point #2 near Baker Farm</u> to gaps in previously constructed barriers on the facility property along U.S. Route 2 and the entrance to the landfill facility at the appropriate time to ensure they provide an adequate visual barrier at the time they are needed to screen the proposed Phase 14 expansion as it reaches its final stages of filling;</p>	<p>Clarification</p>	<p><i>See</i> WMDSM Ph. 14 Solid Waste Permit Application, Vol. I, Appendix 7C, Figure 4; <i>see also</i> WMDSM Pubic Hearing Exhibit titled Phase 14 Development and Visual Assessment (Slide #28), October 01, 2020.</p>
<p><u>CONDITION 4.C.(1), p. 91, First Sentence</u></p>	<p>Construction of sound attenuation berms with select waste material using a single CAT D6T bulldozer limiting the duration of its operation in any given hour to 70% operating time, within 415 feet of the closest residential <u>protected</u> location <u>(i.e., the property line east of Phase 14(A))</u> with a procedure to ensure compliance with this operational limitation, or substitution of a bulldozer having a 2 dBA lower sound rating than the CAT D6T without restriction.</p>	<p>Clarification</p>	<p><i>See</i> Supplement to WMDSM Ph. 14 Solid Waste Permit Application, Sec. 7., Existing Uses and Scenic Character – Chapter 400.4F(1)(d) Sound Level Analysis.</p>
<p><u>CONDITION 4.C.(2), p. 92</u></p>	<p>A plan to conduct periodic sound level monitoring until operations occur at least <u>750 feet to 900 feet</u> <u>depending on the equipment being used</u> or more from the closest protected location at approximately a waste grade elevation of 390 feet above mean sea level;</p>	<p>Clarification</p>	<p><i>See</i> Supplement to WMDSM Ph. 14 Solid Waste Permit Application, Sec. 7., Existing Uses and Scenic Character – Chapter 400.4F(1)(d) Sound Level Analysis.</p>
<p><u>CONDITION 6.A., p. 93</u></p>	<p>In accordance with Condition 3(E) of Department License #S-010735-W5-XY-N, collect and report data on the amount of waste received, the sources of the wastes, and the estimated recycling rates associated with waste received from each of the nine-member communities that utilize WMDSM’s Airport Road Transfer Station;</p>	<p>Clarification</p> <p>The volume of material recycled from the nine communities is tracked in the</p>	<p>Please note the same topic is discussed in Sections 19 and 20 and Conclusion 18.C of the draft Ph. 14 Solid Waste License.</p>

		<p>aggregate and not by individual community. WMDSM provides rough estimates for each of the individual communities based on the proportionate number of visits by members from each community. It is not possible to provide an estimate based on the actual volume of material recycled by each community.</p>	
<p><u>CONDITION 7.D., p. 93</u></p>	<p>Not dispose of marketable recyclables in the Phase 14 expansion. <u>For the purposes of this Phase 14 Solid Waste License, “marketable recyclables” are defined as set forth in the December 21, 2019 Phase 14 Public Benefit Determination.</u></p>	<p>Clarification</p>	<p><i>See</i> Maine DEP WMDSM Ph. 14 Public Benefit Determination, p. 23. December 21, 2019.</p>
<p><u>CONDITION 8, p. 93</u></p>	<p>WMDSM shall submit to the Department for review and approval at least four months prior to the commencement of construction activities within each phase (Phases 14A through 14E) of the proposed Phase 14 expansion, an engineering report, construction contract bid documents, including drawings, technical specifications, and contract administrative documents, a quality assurance plan and erosion and sedimentation control and stormwater management plans. <u>Initial site preparation including land clearing, soil stockpile relocation, and</u></p>	<p>The change is requested to allow certain preliminary activities to occur this summer.</p>	<p>N/A</p>

	<p><u>construction of visual berms may occur following written notice to the Department and prior to approval of the detailed construction contract bid documents.</u></p>		
<p><u>CONDITION 9, p. 93</u></p>	<p>WMDSM shall, consistent with 06-096 C.M.R. ch. 4015, § 2(KA)(1)(b), submit to the Department for review a water quality report that both characterizes the existing site and proposes revisions to its Site Water Quality Monitoring Program to:</p>	<p>WMDSM considers the revised citation to be more appropriate.</p>	<p>06-096 C.M.R. ch. 401, § 2(K)</p>