

December 17, 2015 )  
 APPLICATION OF THE STATE OF MAINE AND NEWSME LANDFILL OPERATIONS, LLC )  
 JUNIPER RIDGE LANDFILL-PROPOSED EXPANSION ) Edward S. Spencer  
 OLD TOWN, PENOBSCOT COUNTY, STATE OF MAINE ) Petition to  
 PERMITS: DEP #S-020700-WD-BI-N AND #L-024251-TG-C-N ) Intervene

Dear Chairman Parker,

I am petitioning for leave to intervene in the above named proposals in front of the Board of Environmental Protection as a full party at the Public Hearing. The grounds for this Petition are as follows:

I am directly impacted and am “or may be substantially affected by the proceeding” due to our proximity to the landfill. We are able to hear the noise created by landfill operations at our home, which is less than 2 miles from the JRL. We detect odors created by the landfill on our property. We may suffer a decrease in our property value as a result of an expansion of landfill operations. I am unable to implement forest harvesting plans on our property without potentially increasing both noise and visual impacts caused by the landfill, and an expansion will enlarge that threat. I am compelled to take this action on my own behalf as we are unable to rely on our City government to sufficiently represent the risks we face, due to constraints imposed on the City by its Host Community Benefit Agreement with Casella, the landfill operator. I was granted leave to intervene in the Department Public Hearing in April 2013 which considered expanding deliveries of unprocessed, unsorted Municipal Solid Waste (MSW) from southern Maine to JRL. In addition, I have been granted “standing” to appeal before the Board in that matter and multiple other BEP proceedings.

My specific contentions:

1. Central to the Operating Services Agreement between NEWSME LLC (a Casella subsidiary) and the State of Maine is the mandate that “The State shall control the Landfill.” The State, represented by the State Planning Office (SPO) and later the Bureau of General Services (BGS) as owners of JRL have failed to exert any control at multiple points in JRL’s existence. In addition, the Department of Environmental Protection (DEP), which is the Regulator of JRL, has failed to fully perform its function of protecting the environment and health of JRL’s neighbors, including its mandate to prevent deposits of Hazardous Waste and enforcement of the Maine State Waste Hierarchy. Expansion of the landfill will only compound the shortcomings of the State both as Owner and Regulator. The State, as represented by Mike Barden of the BGS, admitted at the last Juniper Ridge Advisory Committee (JRLAC) that they are making no efforts to secure disposal capacity other than to expand JRL.

2. The State has failed to honestly, accurately and independently account for the amounts, true sources, and types of wastes entering JRL since 2004. Chapter 400 rules, specifically Section 3(d)(2)(b) mandates reduction at the source, which does not happen because much of the waste stream into JRL originates beyond our borders. Since all statistics related to wastes delivered to JRL are collected and verified by Casella employees, we are unable to ascertain just how much of the past, present and future waste piled in Old Town truly became waste within Maine's borders. State waste policy since 1989 is for all landfills to be publicly owned which should allow the State to exclude certain wastes without running afoul of the United States Commerce Clause. I hope to clarify trends in types and categorizations of wastes into JRL in regard to fees paid to Old Town, Alton, and the State despite lack of third-party verification of Casella's numbers.

3. The existing landfill and an expanded Juniper Ridge Landfill pose a "threat to the welfare" of its neighbors and probably the entire City of Old Town. Property values near dumps are known to suffer when compared with more distant but similar real estate. This is why Casella compensates abutters and other nearby residents by paying their property taxes. We need expert witnesses from both the real estate and banking professions to describe the true negative effects of an expanded landfill to our communities.

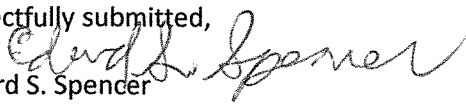
4. An expanded JRL poses threats to our air, water and living beings. Employees of Casella have stated that all landfills eventually leak, and that certain pipelines inside JRL will be crushed during construction and filling of an expanded JRL. There needs to be analysis of hydrogeological threats to groundwater and the possible negative safety effects should the extreme weight and constant compaction of the landfill cause subsidence of the earth beneath it.

5. Central to the Natural Resource Protection Act (NRPA) application is an "Alternatives Analysis". The analysis included in NEWSME's documents represents Casella's version of possibilities for waste disposals. I will propose other potential paths within DEP powers to divert enough waste from JRL to avoid expansion at this time. In Commissioner Aho's Public Benefit Determination (PBD) for JRL expansion she said "There likely exists sufficient long-term capacity...". The future operations, or lack thereof, at the PERC plant in Orrington and Municipal Review Committee's (MRC) plans to build an alternative MSW processing facility may substantially reduce waste deposits into JRL.

Relevant statutes involving this planned expansion, as well as the NRPA permit application, are found in DEP Chapters 2, 3, 13, 20, 100, 134, 140, 310, 400, 401, and 418 which are relevant to the license proceedings and under the jurisdiction of the Department and Board. There are also many other state and federal statutes referenced in the applications which should be considered during technical review and the Public Hearing procedures.

There are multiple other negative effects posed by JRL Expansion, many of which will be revealed only after DEP staff completes its technical review of the application many months from now. Therefore, I reserve the right to expand my list of contentions. Additionally, should my individual intervention be combined with any other interveners, I insist on having the right to serve as my own spokesman during the Hearing unless I willingly surrender that right. A signed copy will follow by US mail.

Respectfully submitted,

  
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