



Kathy Tarbuck, P.E.
Bureau of Remediation and Waste Management
Maine Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017

March 16, 2018

Dear Ms. Tarbuck:

I'm writing to offer additional comments regarding NRCM's opposition to the Maine Bureau of General Services (BGS) and NEWSME Landfill Operations, LLC (NEWSME) Amendment Application for License #S-020700-WD-BC-A Continued Acceptance of 81,800 tons of in-State Municipal Solid Waste (MSW) at Juniper Ridge Landfill (JRL).

On March 15, 2018, the Natural Resources Council of Maine (NRCM) attended a solid waste briefing at the Legislature's Environment and Natural Resources Committee, which included presentations from two private waste haulers: Troiano and Oceanside Rubbish. Information emerged that other municipal solid waste collectors in southern Maine haul as much, or more, waste as Casella and its affiliates. These private businesses are exposed to the same disposal capacity issues as Casella, yet would be excluded from access to the Juniper Ridge Landfill under terms of the permit amendment now being considered.

In addition to NRCM's participating in the public meeting, recently hosted by the Department in Bangor, NRCM has reviewed the comments submitted by all parties regarding the application, and finds the record deficient on several key points that the Department should consider.

1. NRCM agrees with other commenters that southern Maine waste formerly going to Maine Energy is not stranded. It is waste that is now merely on the spot market. To the extent that disposal capacity in the state has been reduced by the closing of Maine Energy and operational changes at other facilities, these limitations affect all haulers equally, not just Casella.
2. The amendment application being considered by the Department would allow Casella continued exclusive access to up to 81,800 tons of disposal capacity that is not available to other private haulers.
3. The State contemplated the dangers of monopolistic control of state-owned landfill capacity when it entered into the Operating Services Agreement (OSA) with Casella. Section 2.3.2 specifically addressed the issue:

"Casella agrees to operate the Landfill gate and scale house in such a manner, and on such terms so as to provide no price or entry discrimination (consistent with Section 2.11) in favor of its affiliated haulers or otherwise as to disadvantage haulers that are not Affiliates or who do not have business relations with Casella or its Affiliates."

The amendment seeks to accomplish in permit what Casella is not allowed to accomplish in the OSA – entry discrimination that disadvantages haulers who are not Affiliates or who do not have business relations with Casella or its Affiliates.

NRCM does not advocate the opening of JRL to all MSW haulers, either by contract or on the spot market. NRCM agrees with the Department and State policy that long-term MSW disposal at JRL undermines Maine’s solid waste hierarchy. NRCM believes that the State should return JRL to its original purpose as a special waste landfill, intended to receive residue from mills and processing facilities, as described in the OSA and the original JRL permit.

In making its final determination on the amendment application, it is imperative that the Department receive all necessary information with regard to prices and tipping fees, both at JRL and at other facilities where agreements are purported to have been made. The Department must fully understand how this and other permitting decisions affect the marketplace, and how comparatively cheap disposal of raw MSW at JRL can create unfair competitive advantage, as well as undermine the state solid waste hierarchy.

Thank you for your consideration of NRCM’s comments.

Sincerely,



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