

November 2017 Planning Board: Conditions and Findings of Fact

At the last Old Town Planning Board meeting on Oct. 10th, Chair Shina asked me if would care to propose some conditions on the permit for expansion of the State-owned Juniper Ridge Landfill (JRL). The Chair has discretionary power to offer this privilege to a Major Opponent of the permit, and I appreciate the opportunity to submit written ideas for the consideration of the Board as they develop Findings of Fact.

The Board has three choices regarding a Permit for Expansion of JRL: they can approve, approve with conditions, or deny. Individual members may vote for, against, or abstain from voting. As a major opponent, obviously I am in favor of denying the permit. I will at first go through the Chapter 24 criteria one at a time and propose Additional Conditions for the Permit should the Board vote to Approve with Conditions. In addition, I will compose a Findings of Fact for Denial of the Permit, should the Board wish to vote that up or down.

General Thoughts on Deliberative Discussions of Oct. 10th

As the Board reviewed Ch. 24 criteria A through P and proposed Amendments, some patterns emerged that should concern citizens who wish to be free from negative effects to our health, environment, welfare, and Nuisance resulting from JRL Expansion.

1. "The State approved it, so we should do likewise." This attitude basically surrenders the right of Local Control, and also ignores the fact that the State has its own concerns and perspectives which treat Old Town residents' rights as secondary to State conveniences. At the Information Session Casella and BGS gave to our Juniper Ridge Advisory Committee (JRLAC) in the fall of 2015, Peter Dufour and Ralph Leonard pressed BGS's Mike Barden to disclose the State's other choices for similar landfill sites; Mr. Barden stated that "Old Town is the Only Choice". It appears that Old Town is the State's Sacrifice Zone. Therefore, any decisions by the State should be considered in that light. The State as regulator will not hold the State as owner responsible for Casella's behaviors. This should be of great concern to Old Town residents, instead of providing an excuse to follow suit.
2. "It doesn't smell much at my place, I don't see much litter from the trucks; therefore they are doing a good job." The purpose of the Planning Board is to protect all citizens of Old Town against harmful effects of this landfill, regardless of their subjective experience at their exact location. The Board members living east of the interstate may rarely experience landfill odors or noises; however, they still share the liability of negative landfill effects in the future. If there should be leachate spill at the mill, citizens in that area will notice the smell.
3. The rules clearly state that the Burden of Proof is on the Applicant that they will not *"...constitute a hazard to the environment, health or welfare of Old Town or create a nuisance..."* (Chapter 24-1.A). However, the Board seems inclined to make the Public prove that the Applicant is currently causing undue harm, which is very difficult to do when the Regulator does not perform its functions transparently and accountably, and opponents are given very little time to present their concerns.

Chapter 24-12. Criteria for Approving a Solid Waste Facility Permit or Permit Amendment

“The Planning Board shall issue a Solid Waste Facility Permit or Permit Amendment in accordance with this Chapter if the Planning Board determines that the Solid Waste Facility and Expansion meets each of the standards of this Section...”

“The Applicant shall demonstrate that the Solid Waste Facility will not threaten public health, human safety or the environment or create a nuisance by demonstrating compliance with the standards of this Section. The Planning Board shall deny a Solid Waste Facility Permit if the Planning Board determines that the Applicant does not demonstrate compliance with each of the standards of this section.”

These quotes are from Chapter 24-12 and clearly require the Applicant to be in compliance with each and every standard, listed A through P. I will offer suggestions for conditions that would improve the chances of an expanded JRL fulfilling its mandates, and offer criticisms if I feel they are not in compliance with Ch. 24. If I skip over a section, this does not mean that there is no problem or future threat. Should you decide to adopt my suggestions, we will leave it up to the lawyers and Board members to develop the appropriate language.

Standard A: Financial and Technical Capacity

The applicant’s proof of financial capacity is included in a letter, written on Bank of America stationary, which says that B of A oversees a “credit facility” which provides Casella with financial capacity. Whoever comprises this “credit facility” is not disclosed. Certainly this runs afoul of Ch. 24-8.0.1, Compliance Record, which requires *“The full name, business address, home address, date of birth, and/or Federal Employer Identification Number of the Applicant and a summary of the Maine DEP Application pertaining to the civil or criminal records of the Applicant (Owner and Operator) or any person having a legal interest in the Application for the Facility and Expansion, as required by 12 Criminal or Civil Records of Chapter 400 of the Code of Maine Rules. All such information shall be supplemented as necessary for the information to be current.”*

Casella has given you what they gave the DEP, which is incomplete. They insist that the Applicant is NEWSME, not Casella, and therefore need not fully disclose their financial backers. NEWSME is Casella, period. Do our curbside garbage containers say NEWSME? No, it is Casella. Who signs their DEP permits? A Casella officer. Let us re-read the last sentence again: *“All such information shall be supplemented as necessary for the information to be current.”* The letter from B of A is at least two years old. The intent of this sentence is clear. Given the length of time it has taken to get us to this point of the Expansion process, it would be prudent to require an updated statement of financial capacity, this time including the information required about this “credit facility”, who certainly must have a “legal interest” in any expansion that they have given financial backing to. No responsible bank would loan money based on the Applicant’s financial disclosure to date. Citizens of Old Town should remember that Maine DEP gave approval of financial capacity to Red Shield when they took over the Old Town Mill, and within two years they were bankrupt and \$16 million in debt, much of that to local businesses.

It would also be helpful to know what financial backing Casella has received in Maine from FAME or municipal partnerships, and what is the status of those debt obligations. The original Request for Proposals (RFP) in 2003 by the State looking for an Operator of the new State landfill included the requirement that the applicants post a \$50 million performance Bond. After Casella, the only bidder, was awarded the contract they refused to post the bond in that amount. Additionally, FAME backed a

loan to Casella of \$25 million as part of the ownership transfer from the Old Town Mill. We have heard that Casella has still paid only a fraction of that obligation.

Proposed Condition: Demand that Casella fully comply with Chapter 24-8.0.1

Standard A: Technical Capacity

Casella's Mike Booth has made some statements to our Planning Board that differ from what he said to DEP last fall. He told you that there have been multiple 100 year precipitation events since the state has owned JRL. Could the JRL expansion withstand such an event without disturbing the surrounding wetlands? Doubtful, and they admitted to DEP that extreme rain events would likely overflow their stormwater detention systems.

There was disagreement between Sevee and Mahar and CES, who represented the City of Old Town, about the location of a groundwater divide. I asked Mr. St. Peter if that had been resolved when I sat next to him at your last meeting, and he was unsure. This is important because it pertains to wells along Rt. 43. As Casella's environmental engineers, Sevee and Mahar failed to prevent the major erosion event at JRL which took place shortly after the State took ownership in 2004.

When the Juniper Ridge Landfill Advisory Committee met on Indian Island, Sevee and Mahar said that they spoke for DEP, which is not true. At that meeting they were pressed to explain how Sedimentation Pond #5 became polluted with landfill materials, and needed a multi-million dollar fix. They ended up saying that they thought that there was leftover pollution from when the Mill owned the landfill. The problem with that explanation is that Sevee and Mahar were the engineers for the Mill also. Speaking of which, the mill experienced a major landslide at their landfill.

Casella's people insist that there will be no special difficulty posed by building 12 acres of landfill below the groundwater table. Silt-bags will prevent any off-site sediments. These silt-bags would have to be enormous to contain runoff from twelve acres underwater, and where would all the water go that it would not disturb surrounding Critical Atlantic Salmon habitat? Given the spotty record of environmental engineering by Casella's people at JRL and the Mill's landfill, it is hard to have confidence that there will be no problems of a technical nature should JRL be expanded.

Proposed Condition: Demand verification of the multiple 100-year precipitation events since 2004. Ask what would happen to their stormwater control infrastructure during such an event: would the floodwaters be contained or sent into the surrounding wetlands? Delay the approval of building 12 acres of the expansion below groundwater level until the Army Corps of Engineers grants their approval, and also require Casella to show where this has been done previously and has not been problematic.

Standard B: Traffic

Ch. 24-12.B.6. *"The Applicant has developed a plan to minimize litter and nuisance odor from trucks and vehicles used to transport solid waste to, or leachate from, the Facility and expansion, and has agreed to implement that plan."*

Ch. 24-14-K. *"...and that Solid Waste shall be transported to, and Leachate waste transported from, the Facility and Expansion in completely enclosed containers or vehicles to prevent litter or spillage on City streets and the release of nuisance odors during transport."* Casella does not fully comply with these requirements and thus is in violation of this Standard. Each day there are trucks going into JRL

uncovered, and if you follow trash trucks bound for JRL up the interstate, even though they may be “covered” there is litter flying out of them. Hundreds of truckloads of septic waste come into JRL each year, many of them smelling strongly.

Proposed Condition: Since Chapter 24 rules are now in effect, we should immediately enforce the ban on any uncovered rolloff containers (such as the Casella container located behind the City Hall parking lot) or uncovered or insufficiently covered loads going to JRL. Notify police departments of these restrictions.

Standard D: Fugitive Dust and Nuisance Odors

During deliberations on Oct. 10th, a Board member criticized a person who had testified that they would not allow Casella employees on her property. That Board member said that showed “that she failed to work with the Operator.” This sounds very much like blaming the victim. Perhaps that Board member would like to “work with the operator” of a noisy student party on his block. Would he go confront those involved and volunteer to help them? Of course not, he would call our police and they would come enforce municipal ordinances against such behavior. This is analogous to what we are requesting: municipal rules in effect so that the odor source or noisemaker is not the arbiter of whether or not their behavior constitutes a Nuisance.

The Southbridge, Massachusetts Landfill is owned by the municipality and operated by Casella. They have a third-party independent odor assessor. When a citizen calls the odor hotline, open 24/7, the operator, Board of Health, Mass. DEP and an engineering firm are notified. The independent engineers send someone with a “trained nose” to investigate and file a report. We could adopt a system similar to theirs. In addition, we could ask the Old Town Police and the Penobscot County’s Sherriff to simply make a note on their computer when they notice a landfill smell. They could perhaps be trained. I am not opposed in general to using a Nasal Ranger or objective odor-measuring device, but citizens deserve to have someone other than Casella as an arbiter of what a nuisance odor is. Would you want students to fill out their own report card?

From the Southbridge Sanitary Landfill Operator’s Permit:

3. During each odor complaint inspection, the third-party odor monitor shall, at a minimum, perform the following actions: upon arrival at the Facility, walk the area of the complaint back and forth at least once, for a minimum time of 10 minutes; monitor the residential drop-off area, closest point of Landfill perimeter, and Landfill working face for odors; record weather conditions (temperature and wind direction, at a minimum); and, upon leaving the Facility, walk the area that is the subject of the complaint back and forth at least once, for a minimum time of 10 minutes;

4. The odor monitor shall submit copies directly to MassDEP, the complainant, the Southbridge Board of Health, and the Board of Health of the municipality where the complainant resides and without prior review by Southbridge Recycling & Disposal Park, Inc. or any outside party, reports detailing the results of each odor complaint inspection (with copies to Southbridge Recycling & Disposal Park, Inc.) within 6 (six) hours of the inspection. Such reports may be submitted via electronic mail, where applicable, and shall include, without limitation, the following information: the date and time of the complaint and the inspection; the name of the inspector; a statement as to whether odors attributable to the Landfill were or were not present during the inspection at any locations outside the Landfill property, and specifically at the location of the complainant; and a certification statement, certifying that the odor monitoring inspection and report was completed in an independent fashion, outside the control or influence and without the prior review of Southbridge Recycling & Disposal Park, Inc.;

This is a key requirement: *“a certification statement, certifying that the odor monitoring inspection and report was completed in an independent fashion, outside the control or influence or without the prior review of Southbridge Recycling & Disposal Park, Inc.”*

Proposed Condition: Require the use of an independent third-party odor monitor for Juniper Ridge, such as that used at the Southbridge Landfill.

Standard E: Litter Control

See the above discussion and Proposed Conditions in Standard B.

Standard G: Waste Characteristics

How did hazardous waste get deposited in JRL, as Chuck Leithiser mentioned at your Public Hearing? How many loads have been rejected? Where is this documented? There do not appear to be enough landfill workers to actually observe each load being unloaded and absolutely ascertain that there is no Hazardous Waste offloaded. Remember: Casella says that a high percentage of loads into JRL are “beyond our control”.

Proposed Conditions: Require third-party observers at JRL periodically in order to make sure that banned substances are truly excluded.

Using the City’s authority under Chapter 24, require a Waste Hauler’s License for truckers entering the facility. This may also be a good way to better ensure that each load is in full compliance with Maine’s Waste Hierarchy statutes. The Operator, Casella, likes to claim that “...there will be no out of state waste at JRL”. We could have each driver sign a statement to that effect, and that there is no hazardous or other banned wastes in the load. Given that the BGS, as owner, dedicates no personnel to monitor the landfill on site, it is prudent that Old Town provide more stringent regulation. Old Town has the right to observe JRL operations at any time. Reserve the right to place a full time surveillance video at the scale house.

Standard I: Air Quality

There is incomplete monitoring of methane emissions at JRL due to the fact that they only do the infrared testing over the covered portions of the landfill. This would show if there is a leak in the cover, but the exposed operating section of the landfill is off-gasing constantly. As you know, methane is one of the most powerful greenhouse gases. There are other harmful landfill gases (LFGs) besides methane and hydrogen sulfide. By better measuring these gases we can also assess the full range of LFGs.

The landfill gases are collected and sent to a scrubbing facility to remove about a ton of sulfur per day. The remainder are flared (burnt) off. This requires constant electricity to function. There is a backup flare setup, but apparently it takes some time to activate. When the main flare goes out, all of the LFGs are vented into the atmosphere. Especially on a day with low clouds or a thermal inversion, the gases can build up to a harmful level. There should be a mechanism in place to immediately notify the respective agencies and officials, as well as concerned citizens and neighbors.

Hydrogen sulfide gases are very odiferous and are harmful even at very low levels over a prolonged period of time. At higher concentrations, H₂S cannot be detected by nose and is deadly. Police and fire personnel should have H₂S monitors when visiting the landfill. There are four H₂S monitors around JRL at the points of the compass, but Casella should also make public the hydrogen sulfide measurements taken on site daily at JRL.

Proposed Conditions: Check methane emissions over open operating parts of landfill and include results in reports. Develop a system to notify neighbors and interested parties when the flare goes out (such as e-mails and automatic text messaging). Include all on site hydrogen sulfide data in reports and make available to the public.

Standard K: Existing Uses and Scenic Character

Let us not kid ourselves that an expanded JRL “fits harmoniously into the surrounding local hills”. At 390 feet above sea level, JRL is over 200 feet higher than any other spot in Old Town. It is visible to the naked eye for many miles, and if this expansion takes place, it will become three times the size of Casella’s Hampden landfill visible from the interstate. It will also become the largest landfill in Maine and one of the biggest in New England.

Proposed Conditions: Casella should pay for fencing or landscape trees for anyone who considers the sight of JRL to be a Nuisance.

Standard L: Water Quality

1310-N(1). Licenses. *The Department shall issue a license for a waste facility whenever it finds that: Facility will not pollute any water of the State...*

We are concerned primarily with threats to groundwater and surface waters in the vicinity of JRL. Area residential wells should be monitored regularly at the expense of the Operator. Casella furnishes bottled drinking water to many neighboring citizens. Tests are conducted periodically at test wells located around JRL. In the JRL annual reports very often changes to water quality are explained away as being “due to construction activity” at the landfill. Since landfills are constantly under construction, this is a troubling explanation.

However, under Maine DEP’s Solid Waste management Rules, Chapter 401 at 1(C)

C. Performance Standards and Siting Criteria

(e) At facilities where ground water monitoring is anticipated or is being conducted, the disturbance of soil material must not affect the ability to monitor water quality at the facility site.

Any changes to test results should be of great concern. However, the standard appears to have gone from “any change may indicate a problem” to “oh that’s construction” to “organics detected might be bad” to “it has to have a leachate signature to indicate a leak”. Declining degrees of accountability and responsibility on the part of the DEP means that we in Old Town need to ensure our water supplies are protected with an outside arbiter, who could share their work with the others. During last year’s BEP public hearing process, Dick Behr, a DEP hydrogeologist, told us that he was the last person in DEP in that position and he was having a very hard time keeping up with monitoring requirements.

Another threat to water quality is that posed by disposing of JRL’s leachate at the former Old Town mill’s wastewater treatment plant (wwtp). The licensing standard is that the “*Facility will not pollute any water of the State*”. Huge amounts of effort and money are spent trying to keep landfill liquids from entering the soils and surrounding wetlands. Then the leachate is trucked to the wastewater treatment plant (wwtp) at the former Old Town mill. The only other materials entering that facility are waste oils from LaBree’s Bakery and some local stormwater runoff around the mill site.

At the mill wwtp, the leachate is put into a lagoon and there is an aeration process which attempts to reduce Biological Oxygen Demand (BOD). Then the materials are released into the Penobscot River. There are weekly tests for BODs, Total Suspended Solids (TSS), PH, and amount released in million gallons/day. We met with Gary Brooks at Bangor DEP on 10/20/17 and he explained the process and gave us some test results from the last year.

Unfortunately, although the current mill owners have had a wastewater discharge license for just over a year, there has been no test done of the outflow from the facility as yet. Results are expected by the end of the this year. There have been statements from Casella people that the mill wwtp has a capacity of over 20 million gallons per day, but their actual license is for 2 million gallons per day (gpd). Total leachate from JRL is about 10 million gallons per year. There was one day (07/17/17 where the outflow was over 3 million gallons, but the normal numbers are far less and under their limit.

The annual outflow test includes seven substances: ammonia, zinc, terpineol, benzoic acid, cresol, phenol, and mercury. The leachate is tested 3 or 4 times yearly for over 100 substances, including some that we know to be very harmful to life and present in large quantities at JRL. Why is there no testing done for arsenic, chromium, lead, zinc or copper? There are huge amounts of potassium and sodium (salts into a freshwater River). There is an average of about 70 pounds per day of total suspended solids leaving the wwtp. Where do all the Suspended Solids end up? The choices seem to be either in the bottom of the lagoon or else in the River. The former can be dredged and landfilled, if they are tested for hazardous materials. Putting tons of solids into the Penobscot River, much of it salts and some of it heavy metals, should definitely constitute pollution of a great natural resource.

What can be done to minimize this pollution? The simplest would be to send the leachate to its secondary disposal site, which is the Brewer wastewater treatment facility. That facility includes tertiary treatments, including collecting sludge from the wastes involved. There is also a lot more dilution at the

Brewer facility, which would diminish the concentrations of harmful substances. If Casella is truly serious about being an environmentally sensitive waste disposal company, shouldn't the choice be Brewer? They have chosen the cheapest option, which despoils the Penobscot River system. At the very least, the Old Town mill wwtp outflow should be tested for a much more comprehensive range of substances, and those more reflective of a landfill's effluent than a paper mill's outputs.

Proposed Conditions: Hire a third-party scientist to regularly review all test well results and analyze the trends for dangerous increases over time. Ask DEP to test the mill's wastewater outflow for more of the harmful substances commonly found in leachate. Mandate that the leachate be sent to Brewer.

Standard M: Compliance Record

"The Applicant has demonstrated compliance with the requirements of the Maine Solid Waste Management Rules, 12 Criminal or Civil Records, by receipt of an MDEP license for the Facility and compliance with any conditions imposed by the MDEP."

The Applicants may have satisfied MDEP, but our Ch. 24-8.0.2 requires *"The full name and business address of any company which collects, transports, treats, stores, or disposes of solid waste or hazardous waste in which the Applicant holds an equity interest of 5% or more."* The Applicant once again insists that they are NEWSME, not Casella, so that they do not have to fully disclose their ownership in other waste companies or Casella LLCs. In order to protect the citizens of Old Town and our neighbors, we need to understand who they really are.

Additionally, in the very next subsection, Ch. 24-8.0.3, requires *"A listing and explanation of administrative consent agreements or consent decrees entered into by the applicant, including the Operator, for violations of environmental laws administered by MDEP, the State of Maine, other New England states, the State of New York, or the United States or another country in the five years immediately preceding the filing of the Application."* It is clear that the writers of Ch. 24 knew that Casella operates all over the northeastern United States from Pennsylvania through Maine, otherwise why would they include this list? It is Casella who signs the DEP permits, and allowing the Applicant to avoid disclosure of environmental violations puts our citizens at risk. For example, in 2011 Casella paid a \$1 million fine to the state of Vermont for anticompetitive activities. Please google that for yourselves if you doubt me. Without disclosing Casella's ownership or violations history, we are at risk. One would think that our attorneys would understand this, and also that Casella should be proud of their business and share their information, instead of hiding.

Proposed Condition: Mandate that the Applicants fully comply with 24-8.0.2 and 24-8.0.3.

Standard N: Environmental Monitoring Program

See above Proposed Conditions.

Standard P: Applicable Ordinances

There are some one simple way that Casella could reduce both the amounts of landfill gas emissions and leachate generated at JRL. This would be to shrink the size of its daily operating area by 50% or more. This would expose less landfill to the atmosphere and precipitation. Tarps could also be of great help. One reason we think that Casella likes to have a very large area open is so they can put more Daily Cover on the landfill. Think more icing and less cake involved with a larger area or baking sheet. The daily cover material is not subject to tip fees for Old Town and Alton.

Proposed Condition: Only allow enough working landfill area to provide for safe operation, and encourage investment in a tarp system.

Waivers Requested

My position on granting waivers is that before Old Town gives permission, the State should do so. I am especially concerned with changing the protocol for odor assessment without notifying DEP. It sounds like when one child goes to its mother and says "Can I go stay at my friend's house tonight? Dad says it's okay." Getting permission from one parent, the clever child goes to her father and asks "Can I go stay at my friend's house? Mom says it's okay."

Proposed Condition: Delay approval of waivers until receiving permission from DEP.

FINDINGS OF FACT FOR DENIAL OF PERMIT FOR EXPANSION

There is ample justification for denying a Permit for landfill expansion. The very first sentence in Chapter 24 includes this: *"...so that they may operate in a manner that does not constitute a hazard to the environment, health or welfare of the citizens of Old Town or create a nuisance."* Threats to the environment have been discussed in the above discussion of proposed conditions for a permit. This landfill is a huge pile of mixed wastes containing fecal matter, heavy metals, toxic compounds, Volatile Organic Compounds (VOCs) and other materials that are classified as Hazardous if they are present in a concentrated condition. These millions of tons are separated from a delicate wetlands area and complex groundwater system by a membrane thinner in terms of waste to thickness of liner than that of a bag of dog waste. If our health and environment have been such a concern all along, why is it that only in an expanded JRL would there be a double liner? The landfill is comprised primarily of Construction and Demolition Debris (CDD), about half of which was disposed of beyond Maine's borders. There are thousands of pounds of lead contained in that CDD which pose a threat to any living being and will be for hundreds of years.

Threats to health include the poisoning of local residential wells with landfill leachate, pollution of Old Town's water source, threats of low-level long term exposure to hydrogen sulfide gas or other LFGs, over 20,000 truckloads of waste being driven from all points of the compass on our limited highway infrastructure (and about 10,000 loads coming all the way from the Maine border), biomedical waste being allowed which could enter our community via bird, animal or water, and the list goes on.

Harm to welfare includes the fact that property values are always diminished in proximity to landfills, and those residents not being compensated by Casella are paying taxes on properties that would have real trouble selling for their assessed value. The State may have some convoluted and well-hidden system for pursuing compensation for diminished value, but this would likely involve years of negotiation. There is another threat to the welfare of Old Town citizens: the stigma of being a garbage town, not a mill town or University town. Ask ourselves: Did any of the promises made during the State's

acquisition of JRL prove to be true? Have there been any major investors in Old Town since 2004? The real costs will only be revealed decades from now, long after this decision has taken effect.

There is no doubt whatsoever that expansion of JRL would “create a nuisance”. The dictionary definition of Nuisance is: “1. Harm.Injury.2. One that is annoying, unpleasant, or obnoxious.” Casella may claim that noise or odors from JRL are only a nuisance if it exceeds a decibel level or Casella employees say it is, but that sets a far different standard than that for any other residential or business property. Does an annoying, unpleasant and obnoxious crowd at a party in your neighborhood have to exceed a decibel level for the police to take action against the parties and the landlord? No. Old Town recently passed a Recreational Marijuana Prohibition Ordinance. The justification (on which I am neutral) is that “...to protect the health, safety, and welfare of the people of Old Town as these activities constitute a nuisance.” A nuisance need not be defined by a garbage company lawyer, and our factual and common sense definitions should certainly conclude that a larger landfill in Old Town is a nuisance.

Just before listing the standards in Chapter 24-12, on page 22 it says: “The Planning Board shall deny a Solid Waste Facility Permit if the Planning Board determines that the Applicant does not demonstrate compliance with each of the standards of this section.” It does not say the Applicant needs to comply with half or some of the Standards, it says they must comply with “each of the standards of this section.” Clearly, in its present form the Applicant has failed to satisfy all Chapter 24 requirements. Therefore, due to threats to public health, human safety and the environment and because expansion of JRL would be a major Nuisance, rejection of this Permit is justified.

Closing Thoughts

I have made an honest attempt to suggest conditions for approval of an expansion permit for the state-owned Juniper Ridge Landfill, and once again I appreciate the invitation to do so. One general recommendation is that the Planning Board facilitate a letter from Old Town to the State.

Proposed Condition: That Old Town write a letter to the State saying that a permit is granted in part on the condition that the State agree in writing to select a different site to landfill wastes than Old Town by the time the Juniper Ridge Landfill runs out of capacity.

We can anticipate opposition to expanded 3rd party oversight of JRL, partially because of additional costs. In Southbridge Mass., the operator (a Casella company) pays for the independent odor assessment. For a number of reasons discussed above, and including as a source for addition revenue:

Proposed Condition: Develop a Waste-Hauler’s License for drivers operating at JRL and dedicate the revenues to 3rd party oversight.

I would be remiss if I did not mention concerns about the participation of Old Town’s attorney during this Planning Board consideration of granting a 9.35 million cubic yard expansion to the State-owned and Casella-operated Juniper Ridge Landfill. Without delving into the specific details, we have heard misleading or false statements, had criteria of great concern to the Public arbitrarily declared irrelevant before the Public Hearing, and an apparent bias to approve expansion, without offering Conditions for Denial. Whether or not the revenue from tip fees keep flowing to Old Town should not be a factor, or if it is a factor, it should be discussed openly, which has not been the case. We taxpayers are paying dearly for legal services and expect our interests to be the primary focus of those efforts. Especially egregious

was offering a letter in Appendix C-3 as proof that Casella's Doyle was authorized to speak on behalf of the State BGS. It does nothing of the kind.

It appears that at some point by year's end a decision will be made that could commit Old Town to being the host for wastes for which there is no single regulator or governmental entity that will take full responsibility. There have been no DEP personnel attending Old Town's Planning Board meetings on expansion of JRL. Since the State took ownership of JRL, definitions of Maine Waste have changed, the Operating Services Agreement was amended without disclosure to anyone effected, and there has not been a single enforcement action versus the landfill operator. Our City Council is prohibited from voting against Expansion under penalty of tip fees being withheld, which is a violation of the Rule of Law and makes Old Town unique in Maine. Piling garbage on one part of town will never lead to lasting prosperity in the remainder of the municipality. Your votes have great consequences now and forevermore.

Respectfully submitted,

Ed Spencer

Major Opponent