



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM
COMMISSIONER

IN THE MATTER OF

STATE OF MAINE, DEPARTMENT OF	) APPLICATION FOR JUNIPER RIDGE
ADMINISTRATIVE AND FINANCIAL	) LANDFILL EXPANSION LICENSE
SERVICES,	) MAINE HAZARDOUS WASTE, SEPTAGE
ALTON, OLD TOWN, PENOBSCOT	) AND SOLID WASTE MANAGEMENT ACT
COUNTY	) PUBLIC HEARING
# HQH-D4D1-RJBBR	) SECOND PROCEDURAL ORDER

This Second Procedural Order (“Order”) sets forth the Presiding Officer’s decision regarding NEWSME Landfill Operations, LLC’s (“NEWSME”) objections, request for clarification, the application of intervenors, and the scheduling of a pre-hearing conference.

1. On December 9, 2025, the Maine Department of Environmental Protection (“Department”) accepted as complete for processing an application by the State of Maine, Department of Administrative and Financial Services, Bureau of General Services (“BGS”) for a solid waste license for a proposed expansion of the Juniper Ridge Landfill. The application shall be referenced as #HQH-D4D1-RJBBR. The project will take place in Alton and Old Town, in Penobscot County, Maine.

2. Pursuant to *Public and Local Participation*, 38 M.R.S. § 1310-S(2), *Maine Administrative Procedure Act*, 5 M.R.S. §§ 9051-A to 9052 and Department rules, including *Rules Governing the Conduct of Licensing Hearings*, 06-096 C.M.R. ch. 3 (“Chapter 3”), the Commissioner will hold a public hearing on the license application. The Commissioner designated Ronald Mongeon, an

employee of the Department, as the Presiding Officer for the purpose of carrying out the hearing on the application.

3. The Department received five (5) petitions to intervene including:
 - a. Daisy Goodman
 - i. 14 Howard St, Old Town, ME 04468
 - ii. daisyjgoodman@gmail.com
 - b. Edward S. Spencer
 - i. P.O. Box 12, Stillwater, ME 04489
 - ii. cjkspencer@gmail.com
 - c. Penobscot Bay Waterkeeper
 - i. Peter Nichols, Representative
 - ii. P.O. Box 113, Belfast, ME 04915
 - iii. pete@penbaywaterkeeper.org
 - d. The Penobscot Nation
 - i. Chief Kirk E. Francis, Nora Bosworth, Esq., Conservation Law Foundation
 - ii. 53 Exchange Street, Suite 200, Portland, ME 04101
 - iii. nbosworth@clf.org
 - e. Maine Rivers
 - i. Charles Owen Verrill, Jr., President
 - ii. P.O. Box 782, Yarmouth, ME 04096

- iii. charlesverrill@gmail.com
- 4. The City of Old Town received automatic intervenor status on September 15, 2026.
 - i. Joseph C. Siviski, Esq.
 - ii. P. O. Box 426, Portland, ME 04112
 - iii. jsiviski@perkinsthompson.com
- 5. The applicant, BGS, and their agent, NEWSME, contact information is:
 - a. State of Maine, Department of Administrative and Financial Services,
Bureau of General Services
 - i. Lane Gould, Landfill Manager
Department of Administrative and Financial Services
 - ii. 77 State House Station, Augusta ME 04333
 - iii. Lane.gould@maine.gov
 - b. NEWSME Landfill Operations, LLC
 - i. Brian M. Rayback, Esq.
 - ii. One City Center, Suite 11100, Portland ME 04101
 - iii. Brian.rayback@dentons.com
- 6. On June 18, 2026, NEWSME filed an opposition to the Petitions for Leave to Intervene filed by Maine Rivers and Penobscot Bay Waterkeeper, arguing that neither organization met the standard to intervene, and separately filed a Motion

to Clarify to request clarification and amendment to the First Procedural Order that NEWSME is a “co-applicant” along with the BGS in this proceeding.

7. On June 24 and June 25, 2026, Penobscot Bay Waterkeepers and Maine Rivers, respectively, filed responses to NEWSME’s opposition.

NEWSME’S REQUEST FOR CLARIFICATION

8. In its June 18, 2026, Motion to Clarify, NEWSME requested that the Presiding Officer “clarify or amend the First Procedural Order” to include NEWSME as a “co-applicant” with BGS, and “therefore a party” in this proceeding. In support of its motion, NEWSME stated that it is the operator of Juniper Ridge Landfill and contended that it was “readily apparent from the application as a whole that NEWSME is an applicant,” and it was “the intention of BGS and NEWSME that both entities are applicants.” NEWSME also stated that it was only due to “space limitations” that it was not included as an applicant on the application form. NEWSME suggests that it “may cause inadvertent confusion, delay, or prejudice in subsequent steps . . . and could deny or impair NEWSME’s right to participate fully as a party” if it was not considered a co-applicant.

THE PRESIDING OFFICER’S FINDINGS AND DECISION ON NEWSME’S

MOTION TO CLARIFY

9. The Presiding Officer finds that:

- a. The State of Maine, through the State Planning Office, was transferred the license for the Juniper Ridge Landfill from Fort James Operating Company on October 21, 2003.
- b. Pursuant to PL 2011, Chapter 655, Section GG-69, on July 1, 2012, BGS, within the Department of Administrative and Financial Services, became the state agency acting as the owner and licensee of the Juniper Ridge Landfill. The State Planning Office was abolished on July 1, 2012.
- c. The application form for the proposed Phase II expansion specifies that BGS is the applicant, and NEWSME is the agent or consultant.
- d. The State of Maine, through the BGS (or previously, the State Planning Office) has not requested that the Department add NEWSME as a co-licensee for the Juniper Ridge Landfill in any prior application for minor revisions or amendments.
- e. NEWSME Landfill Operations, LLC, a wholly-owned indirect subsidiary of Casella, operates the landfill for the State of Maine, acting through BGS pursuant to an operating services agreement.
- f. In a cover letter for BGS's Application for Public Benefit Determination for Proposed Expansion of Juniper Ridge Landfill in Old Town, dated June 7, 2024, Lane Gould of BGS requested authorization for NEWSME to serve as the agent for BGS in regard to the Application being submitted.

- g. NEWSME is not currently a co-licensee and no request for modification of the Juniper Ridge Landfill license has been approved by the Department to add NEWSME as a co-licensee.
 - h. Therefore, NEWSME is not a “co-applicant” for the Juniper Ridge Landfill Expansion License as the terms are defined and accepted in a licensing proceeding, in which NEWSME would ultimately become a co-licensee of the expansion license should it be issued.
 - i. Pursuant to 5 M.R.S. § 8002(7) a party is defined as “[t]he specific person whose legal rights, duties or privileges are being determined in the proceeding.” 06-096 C.M.R. ch. 3, § 2(N)(1) defines a party similarly.
 - j. The legal rights, duties or privileges that would follow the issuance of an order on the expansion application would be binding and effective against BGS as the licensee. Any legal rights, duties or privileges related to NEWSME would be borne from the operating services agreement between BGS and NEWSME.
 - k. Neither support nor objection to NEWSME’s filing of June 18, 2026, has been submitted by BGS.
10. It is the Presiding Officer’s determination that NEWSME is not a co-applicant or party to this proceeding but is acting as an agent for BGS in these proceedings. NEWSME will be included as a contact in the service list of all filings and orders, and will be allowed to participate in pre-hearing conferences and public hearings up to and including the extent to which BGS authorizes.

NEWSME's OBJECTION TO INTERVENOR PETITIONS

11. In NEWSME's June 18, 2026, filing, NEWSME objected to Maine Rivers and Penobscot Bay Waterkeeper's Petitions for Leave to Intervene.
12. NEWSME objected to Maine Rivers being an intervenor on the basis that "Maine Rivers is not substantially and directly affected and does not identify specific and relevant contentions."
13. NEWSME objected to Penobscot Bay Waterkeeper being an intervenor on the basis that "Penobscot Bay Waterkeeper is not substantially and directly affected."
14. Maine Rivers responded that "it is entitled to intervene because one of its members and officers, Dan Kusnierz, will be directly affected and potentially adversely by the outcome of this proceeding", that "Mr. Kusnierz will be directly affected by the proceeding because he is the program manager of the Penobscot Indian Nation and responsible for achievement of the Penobscot Nation's program..." and that "Mr. Kusnierz's responsibility is to implement the Tribe's objectives regarding the river's water quality and aquatic resources and his ability to achieve this mission will be unnaturally constrained absent intervention. This provides the requisite adverse effect on an officer and member of Maine Rivers to justify associational standing."
15. In addition, Maine Rivers reiterated in its response that its particular concerns are that "approximately 36 acres of the new landfill footprint lie below the water

table...” and the “known presence ‘of forever chemicals PFAS’” clearly ‘have a potential impact on ecology of the river and the quality of drinking water.’”

16. The Penobscot Bay Waterkeeper responded to NEWSME’s objection by stating that “Identified Waterkeeper members Foster Bartovics, Zebediah Campbell, Michael Kersula, and David Black all work in the Penobscot Bay, which the leachate currently discharged by the JRL impacts. The increased leachate discharged from the proposed JRL expansion poses a direct and substantial risk to their livelihoods and personal health.”

**THE PRESIDING OFFICER’S DECISION ON PETITIONS FOR LEAVE TO
INTERVENE**

17. Without objection, the Department accepts Daisy Goodman as an Intervenor in this proceeding.
18. Without objection, the Department accepts Edward S. Spencer as an Intervenor in this proceeding.
19. Without objection, the Department accepts the Penobscot Nation as an Intervenor in this proceeding.
20. As ordered in the First Procedural Order, the City of Old Town is an Intervenor in this proceeding.
21. While Maine Rivers responded that its sole affected member is substantially and directed affected, it also admits that said member’s concerns and connection to

this proceeding are in line with the concerns and impact that is on another intervenor, the Penobscot Nation. As the Penobscot Nation would be most qualified to provide evidence and testify to how this project may impact the Penobscot Nation and its projects or goals, Maine Rivers has failed to show a substantial and direct adverse impact to the Maine Rivers organization that differs from that of the Penobscot Nation and therefore does not meet the requirements for intervenor status.

22. As such, Maine Rivers' sole member affected by this proceeding would have similar if not the same concerns as the Penobscot Nation, who is an intervenor in this proceeding. Despite the limited nature in which Maine Rivers is affected by this proceeding and NEWSME's objections, the Presiding Officer hereby utilizes its discretionary authority under 5 M.R.S. § 9054(2) to accept Maine Rivers as an Intervenor in this proceeding.
23. While Penobscot Bay Waterkeeper does not state that it has any members in the vicinity of the proposed project and despite the objections of NEWSME, the Presiding Officer utilizes its discretionary authority under 5 M.R.S. § 9054(2) to accept Penobscot Bay Waterkeeper as an Intervenor in this proceeding.
24. If it is determined by the Presiding Officer, in his sole discretion, that intervenor arguments and issues raised substantially overlap, the Presiding Officer, where appropriate, may require consolidation of presentations of evidence and arguments by intervenors, pursuant to 5 M.R.S. § 9054(4).

25. BGS, NEWSME and the intervenors are considered parties to this proceeding.

All parties must have a representative in attendance at all conferences. All parties are expected to comply with deadlines and filing requirements established by the Presiding Officer. Failure to comply may result in appropriate sanctions, including the rejection of argument, evidence or testimony the party seeks to offer.

PRE-HEARING CONFERENCE

26. A pre-hearing conference will be held on August 14, 2026, at 1:00 p.m. using an electronic platform such as Microsoft Teams or Zoom (details will follow by electronic mail as the date gets closer). All parties must have a representative in attendance at the conference. Any party that is not present waives its right to object to matters discussed and resolved by way of procedural order following the conference. Members of the public may attend the conference but may not otherwise participate.

27. During the pre-hearing conference the Presiding Officer will discuss the licensing criteria relevant to this proceeding, discuss administrative matters and summarize the roles and responsibilities of the parties, which are as follows:

- a. Presiding Officer: The Presiding Officer will rule upon evidentiary issues, regulate the course of the public hearing, rule on procedural issues, establish time deadlines, administer oaths, and take such other action that

is necessary for the efficient and orderly conduct of the public hearing, consistent with applicable statutes and regulations.

- b. Applicant: The Applicant has the burden of proof in this licensing matter as set forth in 06-096 C.M.R. ch. 2, § 10(F) of the Department's rules, which states "An applicant for a license has the burden of proof to affirmatively demonstrate to the Department that all applicable licensing criteria in statute or rule have been met. For those matters relating to licensing criteria that are disputed by evidence the Department determines is credible, the applicant has the burden of proving by a preponderance of the evidence that the licensing criteria are satisfied. Unless otherwise provided by law, all license applications are subject to the substantive laws and rules in effect on the date the application is accepted by the Department as complete for processing." The Applicant has the right to present witnesses in support of its application and to cross-examine the witnesses of other parties.
- c. Intervenors: The Intervenors have the right to present evidence at the hearing regarding the licensing criteria which are relevant to the proposed project and to cross-examine the witnesses of the other parties. An Intervenor may choose not to present witnesses, but simply to cross-examine the witnesses of the Applicant and the other party. If an Intervenor for any reason no longer desires to participate at the level of an intervenor, they may send an email or letter to the Department's Project

Manager, Vera Maheu, withdrawing as an intervenor and may then simply participate as a member of the public.

- d. Department Staff: The role of Department staff is essentially the same as it is with respect to any other license application, to gather facts and assess evidence on behalf of the Commissioner. In a public hearing that fact-gathering and evaluation of evidence may include staff asking questions of witnesses or requesting further information. After the public hearing is concluded, Department staff will analyze the record. The public hearing is one part of the record, but not the entire record, with respect to the application. Ultimately, the Commissioner will make a determination on the license application.
 - e. Interested Persons: Interested persons are members of the public who have asked to be placed on a list to receive certain information regarding the public hearing, including procedural orders and notices. Interested persons may submit written comments to the Department until the closing of the record or may testify in person at the hearing during the evening portion which will be set aside for testimony from the general public.
28. As a reminder, all testimony including public testimony will be under oath and witnesses are subject to cross-examination by the parties, and questions from the Presiding Officer, Department staff, and Counsel for the Department.
29. Pre-filed testimony will be required for this public hearing, which will include pre-filed exhibits.

30. All parties are expected to comply with deadlines and filing requirements established by the Presiding Officer. Failure to comply may result in appropriate sanctions, including the rejection of argument, evidence or testimony the party seeks to offer. The representatives of the parties are expected to conduct themselves appropriately in their dealings with the Department, with each other, and with the general public throughout the proceedings.

Dated: July 27, 2026

Ronald Mongeon

/s/ Ronald Mongeon