

Oct 18, 2016 Testimony Re: Proposed Juniper Ridge Landfill Expansion

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The whole point of having a state owned landfill is to be able to preserve the state's landfill capacity for Maine generated waste and to be able to limit out of state waste coming to Maine. Allowing Juniper Ridge this increase in capacity runs counter to state waste management policy goals and runs counter to the needs of Maine citizens. The JRL application does not meet the long-term capacity needs of the State. The proposed expansion of the JRL facility is not consistent with the state waste management plan, with landfilling at the bottom of the heirarchy.

As Ed Spencer has so graphically pointed out in his written testimony regarding this expansion: Oversized Bulky Wastes (OBW) have increased dramatically at Juniper Ridge, from **9,649 tons** in 2007 to 21,405 tons in 2008, to 51,438 tons in 2009 to 96,520 and **98,888 tons** in 2010 and 2011. DEP Commissioner Aho expressed concerns about this drastic increase, as well as the large amounts of CDD and CDD residues coming into JRL (including OBW) through Casella's KTI processing facility in Lewiston.

The mystery is why the combined categories of CDD wastes into JRL increased so drastically after PTL closed; If the wastes going into PTL pre-closure were primarily Maine wastes, why weren't they already going to JRL? And if the increased volumes of CDD categories of wastes into JRL post-PTLF are truly Maine wastes only, what explains the increases at that time?

This is all part of a pattern with Casella, to fill its landfills as fast as they can, with as much waste as they can possibly attract. A look at Casella's operations at the Pine Tree Landfill in Hampden is revealing:

**In 1998**, Casella estimated in its application that it would dispose approximately **143,000 tons** a year in its expansion phases, at the Sawyer Landfill, since called the Pine Tree Landfill, **providing capacity for approximately 23 years. Which meant that the Hamden landfill's capacity from that expansion would have lasted until 2021.**

**In 2002**, when PTL's public benefit determination was being reevaluated to accept MSW bypass, PTL estimated its capacity would last only until the **end of 2012.**

PTL stated that "in response to a variety of factors" it took in approximate **567,000 tons in 2003** and **568,000 tons in 2004.** PTL's wildly inaccurate estimates in 1998 of their yearly disposal rates undermined the basis for DEP's public benefit evaluation for PTL to serve the capacity needs of the state.

**In their 2004 annual report**, PTL estimated the Pine Tree landfill would reach capacity by **February of 2007.**

PTL attributed part of this increase to new customers, as if it had no control over how much waste PTL took in. The new customers it cited were Maine Energy FEPR, incinerator ash, generators of wastewater treatment plant sludge and Bypass MSW from Maine's waste-to-energy incinerators.

Maine Energy (MERC) was owned by Casella, and MERC FEPR was by volume one of the largest components of special waste PTL took in each month. The principal generator of wastewater treatment plant sludge to PTL was New England Organics, also owned by Casella, and this sludge was also by volume one of the main components of PTL special waste (much of it from out of state). The game changer was DEP allowing PTL to take MSW Bypass, approved in 2002. MSW Bypass was almost entirely from Casella's MERC facility; very little came from PERC.

The vague explanation was that the increase in waste was due to "a number of factors." Casella is fully aware of "a number of factors: its own companies' activities.

PTL stated that over half the increase in the waste disposal rate had been related to wastes generated within Maine, "including all of the increase in FEPR volumes, all of the ash-related waste volumes, and significant portions of the construction and demolition debris and MSW bypass waste volumes." But much of the waste that MERC processed was from out of state, so that much of the FEPR that was pulled out from garbage as unsuitable for incineration was from waste coming from out of state, as was the raw garbage - MWS bypass -that stopped at the MERC plant before going on to Hampden. "all of the ash-related waste" again does not take into account that waste incinerators import large quantities of out of state waste to keep their facilities going.

At the time I made a request of the State planning office for out of state waste records at PTL. George MacDonald, head of the SPO replied: "In 2003, Pine Tree reported to us that they received 218,087 tons of municipal solid waste and construction debris that was generated out of state. In 2001, that number was 19,313 tons. " (PTL was not required and did not submit documented records for waste generated out of state for 2002, or 2004) **So after PTL was allowed to take in MSW Bypass in 2002, we know that it took over 10 times as much out of state waste in 2003 as it had in 2001.**

DEP wrote in an August 24, 2005 letter to PTL: "waste volumes reported in annual reports since [2002] indicate that the current operation of the facility has resulted in the landfill capacity being used far faster than the timeframe anticipated in 2002 when the department reconfirmed the facility's 1997 public benefit determination....Since 2002, the quantity of wastes annually disposed in the Secure III Landfill expansion has greatly increased." DEP cited the practice of MERC, "to routinely accept more MSW for incineration than they could handle-including from out of state sources-and then to dispose of the excess at PTL."

On March 31, 2006, Casella withdrew its Public Benefit application for expansion of the Pine Tree Landfill, in the face of certain DEP denial, a central reason being the profligate manner in which PTL had squandered its own precious capacity. Now it's one thing to fail to meet the Public Benefit test at a commercial landfill in Hampden, but Juniper Ridge is a state-owned landfill, supposedly restricted to Maine waste. Casella had the opportunity and responsibility to change their behavior when they were granted the right to operate Juniper Ridge. But while Norridgewock has extended the life of its current capacity, and Eco-Maine has managed to mine and reduce its landfill volume, Juniper Ridge is still growing by leaps and bounds. We still have the same behavior from Casella at our state owned landfill as we did at its commercial landfill in Hampden. They are not complying with the solid waste hierarchy, which is now a state statute: Waste Reduction at the Source, landfilling as a last option; they are bringing in out of state waste & using up the state's capacity; For these reasons, this expansion should be denied.

Most of the data from this testimony is from a letter, fully referenced, from December 21, 2005 to Cynthia Darling, Department of Environmental Protection: Additional Comments on the Public Benefit Determination for the Pine Tree Landfill (PTL), in response to their November 18, 2005 application.