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December 18, 2018

Via E-Mail and U.S. Mail

Linda J. Butler
Licensing and Compliance Specialist, Div. of Technical Services
Maine Department of Environmental Protection
17 State House Station
Augusta, ME 04333-0017

Re: Application for Public Benefit Determination for the Proposed Expansion of the
Crossroads Landfill in Norridgewock, Maine

Dear Linda:

On behalf of Waste Management Disposal Services of Maine (WMDSM), I am providing the following comments on the draft Phase 14 Public Benefit Determination (PBD). We greatly appreciate the work that the Department has done on the PBD and its comprehensive analysis of issues associated with solid waste management in Maine. We have a few minor corrections that are self-explanatory and are simply noted in the bullets in Section A. below. We also have some additional more substantive comments with an accompanying explanation for the requested change in Section B. below.

A. Corrections/Typographical Errors

- The third line of Section 1.B.(3) on page 2: change “on” to “in” after the word “began” and before the word “April”.
- The second to last sentence of Section 1.C. on page 3: change “to be commenced” to “to commence”.
- The second sentence of the second paragraph of Section 4.C.(5) on page 10: insert “WMI” after “New England and” and before “is”.

B. Additional Comments and Explanations

WMDSM requests that the reference to waste oil in the proposed expansion of the Airport Road Transfer station discussed in Section 5.D. on page 14 be removed. After further consultation and evaluation, WMDSM believes that waste oil is better managed by authorized collection centers or vendors focused on management and recycling of waste oil. Vendors that conduct the household hazardous waste collection days at various municipal and private solid waste operations have indicated that they will not accept used waste oils. The collection outlets

for used oil are typically readily available and WMDSM will instead direct residents to seek authorized outlets for management of used oil.

WMDSM requests that the following language be added to the end of the first sentence in each of Section 5.G.(3) on page 18, Conclusion 3.C. on page 21, and Condition 3.B. on page 23: “without prior Department approval”. This would allow the Department to approve disposal of marketable recyclables in extenuating circumstances. For example, there might be a weather or other event that rendered material that otherwise met the definition of marketable recyclables no longer suitable for recycling. This could include saturated cardboard bales after extended exposure in heavy rains or a fire at a town drop off center that impacts the quality of the materials collected for recycling. Likewise, there might be a short term market event that prevented the material from being recycled. In such circumstance the Department should retain the flexibility to allow disposal of such material if it deems appropriate.

WMDSM requests that the following language be deleted from Section 5.G(4) on page 18: “and estimated recycling rate associated with waste received, as applicable.” WMDSM serves a number of municipal and commercial customers and often has no information on the applicable recycling rates, particularly if WMDSM does not provide recycling services for the customer. WMDSM will continue to report recycling numbers from its facility, including the Airport Road Transfer Station, but that data is aggregated and not broken down by customer. For communities that utilize the Crossroads Landfill but contract with other vendors for recycling services there is no simple way for WMDSM to obtain information on the customer’s recycling rate. WMDSM believes this information is better collected by the State and understands there is already a mechanism and process in place to collect that information. Similar language appears in Conclusion 3.D. on page 21 and Condition 3.E. on page 23 and should be removed there as well.

Finally, WMDSM does not object to reporting on out-of-state waste or the out-of-state waste notification thresholds set forth in Section 6.B. on pages 19-20, Section 6.C. on page 20, Conclusion 5.A. and B. on page 22, and Condition 4.A. and B. on page 23. We note, however, that consistent with constitutional restrictions, the Department may not limit the acceptance of out-of-state waste and nothing herein should be deemed a waiver of WMDSM’s right to object to any effort by the Department to do so. *E.g., City of Philadelphia v. New Jersey*, 437 U.S. 617, 622-23 (1978).

Linda J. Butler
December 18, 2018
Page 3

Thank you for consideration of these comments, and if you have any questions, please don't hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Juliet B". The signature is written in a cursive style with a long horizontal flourish at the end.

Juliet T. Browne

cc: David Burns (DEP) (via email)
Jeff McGown (WMDSM) (via email)
Sherwood McKenney (WMDSM) (via email)
Steve Poggi (Waste Management, Inc.) (via email)
Scott Luettich (Geosyntec Consultants, Inc.) (via email)
Mat Todaro (Verrill Dana LLP) (via email)