

THE STATE OF MAINE
BOARD OF ENVIRONMENTAL PROTECTION

Appeal of Department Order S-010735-WD-YB-N

OBJECTION TO MOTION TO DISMISS

Appellant Conservation Law Foundation (“CLF”) respectfully submits this objection to Waste Management Disposal Services of Maine’s (“WMDSM”) Motion to Dismiss CLF’s appeal for lack of standing (“WMDSM Motion”). For the reasons set forth below, CLF has standing to bring this appeal and accordingly, the Board of Environmental Protection, (“Board”), should deny WMDSM’s Motion.

INTRODUCTION

Before the Board is CLF’s appeal of a permit issued by the Department of Environmental Protection (“Department”) to WMDSM. The Department issued a permit authorizing WMDSM to expand landfill operations at its Crossroads Landfill facility in Norridgewock, Maine, on May 11, 2021. The expansion, called “Phase 14,” will see WMDSM construct and operate a 7.75 million cubic yard landfill on 48.6 acres. Order at 6. The expansion is expected to extend the life of the Crossroads Landfill by approximately 17 years. Order at 6.

The leachate from the Crossroads Landfill has historically been transported offsite to two licensed waste-water treatment plants (WWTPs) that discharge effluent into the Kennebec River. Order at 35. The Department’s decision allows WMDSM to continue this practice. Order at 35. Importantly, WWTPs are not required or equipped to remove all types of contaminants from leachate prior to discharging effluent into surface waters.¹ WWTPs are primarily focused on

¹ CLF repeatedly raised the issue of WWTP’s being ineffective vessels to treat the wide array of contaminants found in landfill leachate during the Department’s review of the application. As a result, CLF urged the Department to require on-site pretreatment of leachate to address this fact. *See, e.g.*, CLF Comments to Department on Phase 14 Expansion, p.24 (Oct. 13, 2020), and CLF Comments on Draft License, p.12 (May 4, 2021).

reducing discharges from conventional pollutants. They are not equipped to remove the long list of contaminants in leachate, such as per- and polyfluoroalkyl substances (“PFAS”) and Polybrominated Diphenyl Ethers (“PBDEs”).² Additionally, the Phase 14 Expansion will be located less than one mile from the Kennebec River. Phase 14 Solid Waste Permit Application, Vol. I, Appendix 2B. Despite the increased proximity to the river, the Department approved the construction and operation of the Phase 14 Expansion with only one liner. Order at 59.

This expansion and the extended landfilling operations will directly affect CLF members who live, work, and recreate in the immediate area around the Crossroads Landfill. These members have suffered direct harm as the result of WMDSM’s operation of the Crossroads Landfill for many years and will continue to suffer as a result of the Phase 14 Expansion. Ms. Debby Maguire, Mr. Steven Anderson, Ms. MaryAnn Anderson, Ms. Patricia Burdick, and Mr. Edward Ferreira are all CLF members who are directly affected by the Department’s permitting decision and their signed declarations in support of this opposition are attached to this motion. Declaration of Debby Maguire, attached at Exhibit 1; Declaration of Steven Anderson, attached at Exhibit 2; Declaration of Ms. MaryAnn Anderson, attached at Exhibit 3; Declaration of Edward Ferreira, attached at Exhibit 4; and Declaration of Patricia Burdick, attached at Exhibit 5. As the declarations make clear, the property and personal rights of these members are directly and negatively affected by the Department’s permitting decision and they each have a direct interest in the outcome of this appeal. The direct and significant harm to the interests of its members meets the relevant requirements for standing for CLF to bring this appeal.

² *Id.*

FACTS RELEVANT TO STANDING

I. Conservation Law Foundation is a Non-Profit Environmental Advocacy Organization.

CLF is a non-profit member-supported organization with approximately 5,100 members, including more than 300 members in Maine. CLF is dedicated to the conservation and wise management and development of Maine and New England's natural resources.

As an organization, CLF works to protect Maine and New England's environment for the benefit of all people using law, science, and the market to create solutions that preserve natural resources, build healthy communities, and sustain a vibrant economy. Through its Zero Waste Project, CLF aims to improve waste diversion, recycling, and composting programs and protect communities and the environment from polluting waste management practices like incineration and landfilling.

II. Individual Members of Conservation Law Foundation

Defendant WMDSM challenges CLF's ability to bring this appeal by alleging that we lack the requisite elements to satisfy the jurisdictional threshold of standing. As set forth below, CLF's standing to bring this appeal is based on the harm to the interests of its members, and in particular members Debby Maguire, Steven Anderson, MaryAnn Anderson, Edward Ferreira, and Patricia Burdick. Set forth below are the facts relevant to the particularized and redressable injury suffered by each of those members

A. Debby Maguire

Debby Maguire is a member of Conservation Law Foundation. Maguire Dec. ¶3. Ms. Maguire resides at her home at 6 Jakes Lane, Norridgewock, Maine. Maguire Dec. ¶2. She has resided at this home for 9 years. Maguire Dec. ¶2.

The operation of the Crossroads Landfill negatively impacts Ms. Maguire's use and enjoyment of her property. She "can hear the landfill from her home," including "noises from heavy machinery." Maguire Dec. ¶5. Moreover, she experiences "noise at all hours" from "increasing amounts" of truck traffic coming to and from the landfill. Maguire Dec. ¶5. Additionally, the previous two fires at the Crossroads Landfill affected her and her property. Maguire Dec. ¶6. She "was not notified" of either of the previous two fires. Maguire Dec. ¶6. Instead, she only learned about the fires from "observing smoke." Maguire Dec. ¶6. During this time she had no option but to breathe the air which "smelled very foul" and was "irritating." Maguire Dec. ¶6. She is concerned with the "chemicals and pollutants" in the smoke and gas from these fires and the impacts that breathing them in may have on her health. Maguire Dec. ¶6. She is concerned that if the landfill is permitted to expand that these fires will continue and increase. Maguire Dec. ¶6.

Additionally, Ms. Maguire is "extremely concerned" with the likelihood of the Phase 14 Expansion impacting the groundwater and her drinking water. Maguire Dec. ¶8. Ms. Maguire gets her drinking water from a drilled well on her property. Maguire Dec. ¶8. Given that landfill leachate is known to contain harmful chemicals and classes of chemicals, she is fearful that the Phase 14 expansion will result in things like PFAS and other undesirable pollutants entering the groundwater and impacting drinking water. Maguire Dec. ¶8. She has been concerned over contamination to her groundwater before but is "much more concerned" given that the Phase 14 Expansion will only have a single liner. Maguire Dec. ¶9.

Ms. Maguire is an "avid bird watcher." Maguire Dec. ¶11. She has multiple bird feeders set up on her property. Maguire Dec. ¶11. She is concerned that continued landfill fires and leachate contamination in the groundwater will negatively impact the wildlife she "observe[s]"

daily”. Maguire Dec. ¶11. She has already observed that once-common birds such as Baltimore orioles and goldfinches “are not returning to the area.” Maguire Dec. ¶11 Additionally, she is “active outdoors as much as possible” and observes the local wildlife “everyday”. Maguire Dec. ¶12.

Ms. Maguire frequently recreates in Norridgewock “and on the Kennebec River and in the Kennebec watershed.” Maguire Dec. ¶12. She regularly hikes, runs, and cross-country skis on trails that are adjacent to the landfill. During this recreation, she has “observed a significant increase in odors from the landfill.” Maguire Dec. ¶12. These odors are “offensive”, “frustrating”, and “disturbing” and they greatly detract from the time she spends recreating outdoors. Maguire Dec. ¶12. The odors detract from her time spend outdoors, and if the odors increase, she will no longer continue these recreational activities on her property or the trails surrounding it. Maguire Dec. ¶12.

She also frequently kayaks, swims, and uses her stand-up paddle board on the Kennebec River. Maguire Dec. ¶13. She usually enters the river using the Oosola boat landing in Norridgewock, which is downstream from both the landfill and the two WWTP’s that discharge effluent into the Kennebec River. Maguire Dec. ¶13. She used to fish in this area but no longer does “due to concerns about pollution from the landfill and landfill leachate.” Maguire Dec. ¶13. Given the landfill’s “location near the [Kennebec] river and the upstream discharges”, she has been “apprehensive” over whether it is safe to recreate in this area. Maguire Dec. ¶13. This apprehension has caused her to limit her time on the river. Maguire Dec. ¶13. As the Phase 14 expansion will be closer to the river than any other portion of the landfill, and only have a single liner “she is more concerned than ever.” Maguire Dec. ¶13. Should the expansion be developed, she intends to stop swimming and kayaking in the river. Maguire Dec. ¶13.

Given the impacts she has previously experienced and her concerns with the proposed expansion, Ms. Maguire participated in the Department’s permitting process. Maguire Dec. ¶15. She attended two public meetings regarding the Phase 14 Expansion. Maguire Dec. ¶15. She also attended the Department’s Public Benefit Determination hearing in 2019. Maguire Dec. ¶15. She was unable to participate in Department’s virtual public hearing on October 1, 2020, because she does not have internet at her home. Maguire Dec. ¶15. As the landfill impacts her and her property, as well as the surrounding environment she lives and recreates in, she “do[es] not want to see the landfill further expanded and allowed to continue operating.” Maguire Dec. ¶17. She is concerned that the impacts she has already suffered will continue and become worse should the Phase 14 Expansion be developed. Maguire Dec. ¶16-17.

B. Steven Anderson

Steven Anderson is a member of Conservation Law Foundation. S. Anderson Dec. ¶3. He has lived at 226 Frederick Corner Rd, in Norridgewock Maine for the last 17 years. S. Anderson Dec. ¶2. His home is roughly 1 mile from WMDSM’s Crossroad Landfill. S. Anderson Dec. ¶2. Mr. Anderson enjoys recreating and spending time outdoors near his home. S. Anderson Dec. ¶4. “A healthy environment is incredibly important” to him. S. Anderson Dec. ¶4. He frequently canoes on both the Kennebec River and the Sandy River and enjoys fishing in these rivers as well. S. Anderson Dec. ¶4. Mr. Anderson is “extremely concerned with how the existing landfill and the proposed expansion affect the overall health of these rivers.” S. Anderson Dec. ¶4. He feels “the natural beauty and recreational activities in the Kennebec watershed should be expanded” and fears that this “will not occur if WMDSM is allowed to further develop the landfill.” S. Anderson Dec. ¶7.

Given the proximity of these rivers to the existing Crossroads Landfill and the fact that the proposed expansion will be even closer to the Kennebec River than any existing portion of the landfill, Mr. Anderson fears that it is no longer safe to recreate on them. S. Anderson Dec. ¶4. He is very concerned over contamination from the landfill's leachate contaminating the rivers. S. Anderson Dec. ¶5. He is especially concerned about PFAS contamination from the landfill's leachate contaminating the water. S. Anderson Dec. ¶5. He is "very concerned" over whether he "can continue to eat the fish he catches in these rivers" based on their proximity to the landfill and the likelihood of contamination. S. Anderson Dec. ¶5. He fears eating fish from these rivers would be harmful to his health, therefore, he intends to stop fishing these rivers if the expansion is developed. S. Anderson Dec. ¶5.

Mr. Anderson is also worried about the impacts the proposed expansion will have on his home and property. S. Anderson Dec. ¶8. He gets his drinking water from a drilled well on his property. S. Anderson Dec. ¶9. He fears that leachate may enter the groundwater and contaminate the aquifer that supplies his drinking water. S. Anderson Dec. ¶9. He has been concerned over groundwater contamination from the landfill for quite some time. S. Anderson Dec. ¶9. However, he is "much more concerned" now that the landfill is being developed with only a single liner system." S. Anderson Dec. ¶9.

Mr. Anderson can smell the landfill from his property and frequently experiences "bad" and "unpleasant" odors while at his home. S. Anderson Dec. ¶10. He fears that these odors will continue if the landfill is expanded and allowed to continue operating. S. Anderson Dec. ¶10. He has also seen and smelled smoke from previous landfill fires. S. Anderson Dec. ¶11. He feels that the "fumes and gas" from these fires are "toxic" and worries "about the impact on his health from breathing them in." S. Anderson Dec. ¶11. There have been two landfill fires in the last

several years. S. Anderson Dec. ¶11. Given that the “region has experienced drought over the last few years” as well as the fact that previous fires have occurred, he is concerned that the expansion will only increase the likelihood of future fires. S. Anderson Dec. ¶11.

Given these concerns, Mr. Anderson “does not want to see the landfill future expanded.” S. Anderson Dec. ¶13. He participated in the permitting process by attending two public meetings regarding the expansion. S. Anderson Dec. ¶12. He feels that the expansion “poses a danger to the Kennebec and Sandy River” and will diminish his recreation and enjoyment of them. S. Anderson Dec. ¶13. He also fears that the expansion will continue the injuries he currently experiences such as unpleasant odors. S. Anderson Dec. ¶13.

C. MaryAnn Anderson

MaryAnn Anderson is a member of Conservation Law Foundation. M. Anderson Dec. ¶3. She has resided at her home at 226 Frederick Corner Rd, in Norridgewock, Maine for the last 17 years. M. Anderson Dec. ¶2. Her home is roughly 1 mile from WMDSM’s Crossroad Landfill. M. Anderson Dec. ¶2. Ms. Anderson can “see and hear the landfill from her home.” M. Anderson Dec. ¶ 11. As a result, she “frequently experience[s] noise from the landfill” including “loud machinery like bulldozers, loaders, and sometimes backup alarms.” M. Anderson Dec. ¶11.

In addition to seeing and hearing the landfill, Ms. Anderson has suffered from “the smoke and odor” from previous landfill fires at the Crossroads Landfill. M. Anderson Dec. ¶12. The smoke and odor were “irritating”, and she fears that the expansion will “only increase the risk of fire” thereby further harming her and her property. M. Anderson Dec. ¶12. On top of the irritation, she is worried about the chemicals and pollutants that are in the smoke and gas from these fires and fears “the impact this will have on [her] health.” M. Anderson Dec. ¶12.

On top of the harm from the noise, odor, and fires at the Crossroads Landfill, Ms. Anderson is “particularly concerned with the potential impact on the aquifer that supplies [her] drilled well.” M. Anderson Dec. ¶6. Ms. Anderson gets her drinking water from a drilled well on her property. M. Anderson Dec. ¶6. She fears that the Phase 14 expansion will “result in things like PFAS and other undesirable pollutants entering the groundwater and [her] drinking water.” ¶6. She is especially concerned as the “Phase 14 expansion will only have a single liner.” M. Anderson Dec. ¶6. She notes that this creates a “serious possibility” of contamination of her well that will “negatively affect not only [her own] life, but the lives of the residents of Norridgewock.” M. Anderson Dec. ¶6 Given that “there is water flowing underneath as well as along the edge of the proposed Phase 14 expansion” she is “very concerned that leachate will infiltrate the groundwater. M. Anderson Dec. ¶7.

Ms. Anderson’s concerns over groundwater impacts also extend to her other uses of her property. Ms. Anderson is a “home gardener that grows the majority of [her] vegetables for year-round consumption.” M. Anderson Dec. ¶8. She is concerned that if the leachate were to infiltrate the groundwater and soil, that “it would impact her garden and food.” M. Anderson Dec. ¶8. She is “specifically concerned about PFAS from the landfill impacting the soil and water on her property.” M. Anderson Dec. ¶9. Especially because “these chemicals are very harmful and last forever.” M. Anderson Dec. ¶9. Ms. Anderson fears that “the expansion will only increase the amount of leachate generated” and that this will “increase the risk of her property being contaminated.” M. Anderson Dec. ¶9.

Additionally, Ms. Anderson is concerned over the larger environmental impact the expansion will have on the area surrounding her home. M. Anderson Dec. ¶10. She enjoys “watching and sharing the surrounding forest and fields with the variety of wild geese, ducks,

birds, as well as deer, fox and other wildlife” that inhabit the area around her home. M. Anderson Dec. ¶10. She is concerned that the destruction of freshwater wetlands would harm these animals and their habitat, driving them away from the area. M. Anderson Dec. ¶10.

Given the harm the landfill has already caused her, and her concerns that the proposed expansion will continue these harms, Ms. Anderson participated in the Department’s permitting process. M. Anderson Dec. ¶13. As the landfill impacts her, her husband, and her property, she “do[es] not want to see the landfill further expanded and allowed to continue operating.” M. Anderson Dec. ¶14. Ms. Anderson strongly feels that the impacts she has already experienced “will continue and become worse” if the expansion is allowed to proceed. M. Anderson Dec. ¶14.

D. Edward Ferreira

Edward Ferreira is a member of Conservation Law Foundation. Ferreira Dec. ¶ 23. He joined CLF because he “appreciate[s] and support[s] CLF’s work to address environmental and health challenges facing communities in Maine ... including its advocacy for more sustainable waste management systems.” Ferreira Dec. ¶23.

Mr. Ferreira has lived in New Sharon, Maine, for the last thirteen years. Ferreira Dec. ¶1 Mr. Ferreira is an avid kayaker, and frequently kayaks in the rivers near his home, including the Kennebec River. Ferreira Dec. ¶7. He would frequently kayak a section of the Kennebec River between Madison and Norridgewock, downstream from the Anson-Madison Sanitary District which is licensed to accept up to 56,000 gallons of leachate per day from the Crossroads Landfill. Ferreira Dec. ¶7. Mr. Ferreira has significant concerns over the impact leachate will have on the water quality of the Kennebec River. Ferreira Dec. ¶7. He is specifically concerned about harmful chemicals known to be in landfill leachate, like PFAS. Ferreira Dec. ¶7.

Given the existing process of discharging processed leachate into the Kennebec River, as well as the fact that the Phase 14 Expansion will be closer to the Kennebec River than any other cell, and will only have one liner, Mr. Ferreira opposes the proposal to expand the landfill. Ferreira Dec. ¶7-9. The Phase 14 Expansion would not only continue the discharge of processed leachate into the Kennebec River but would increase the likelihood of leachate entering the river through groundwater. Ferreira Dec. ¶8. He is also aware that the Department has recently studied PFAS levels in fish in the Kennebec River. ¶ Ferreira Dec. ¶10. He understands that “the Department took readings above and below the Anson-Madison Sanitary District” where leachate from the Crossroads Landfill is processed and discharged. Ferreira Dec. ¶10. From his understanding of the report, “concentrations of PFAS were found to be higher downstream” from the Anson-Madison Sanitary District. Ferreira Dec. ¶10. His concern over the landfills impacts on the Kennebec River, and his decision to stop kayaking, stop eating fish from the river, and stop eating food that was prepared with water from the river is “partially based on this report.” Ferreira Dec. ¶10. As a result, the Department’s decision to approve the Phase 14 Expansion will continue to preclude him from kayaking along the Kennebec River. Ferreira Dec. ¶9. This is “unfortunate” because he “greatly enjoyed [his] time on the river” and his ability to “kayak on it freely and safely.” Ferreira Dec. ¶9.

In an effort to voice his concerns, Mr. Ferreira actively participated in the Department’s permitting process for the Phase 14 Expansion. Ferreira Dec. ¶12-19. He attended the public informational meeting held by the application, as well as the virtual public hearing conducted by the Department where he provided oral testimony opposing the permit. Ferreira Dec. ¶12-14. He also provided extensive written comments opposing the project. Ferreira Dec. ¶15-19.

E. Patricia Burdick

Patricia Burdick is a member of Conservation Law Foundation. Burdick Dec. ¶3. She resides at 213 Lake View Drive, in Smithfield Maine. Burdick Dec. ¶2. Her home is approximately 4 miles from the Crossroads Landfill. Burdick Dec. ¶2. She has lived there for 20 years. Burdick Dec. ¶2. Ms. Burdick gets her drinking water from a drilled well on her property. ¶13.

Her property is located on the North Pond, which she feels is a “joy and privilege.” Burdick Dec. ¶4. She and her family “enjoy the area around their home all year round.” Burdick Dec. ¶4. This includes “recreating in or on the water” and “ski[ing] or snowshoe[ing]” on the lake when the water is frozen in the winter. Burdick Dec. ¶4. She has “developed a deep and abiding connection to [her] property and the lake.” Burdick Dec. ¶5.

This connection comes through her landscaping and gardening work as a “Master Gardener” which she received through the University of Maine in 2011. Burdick Dec. ¶5 Ms. Burdick used this knowledge to get her property certified as “LakeSmart” by Maine Lakes.³ Burdick Dec. ¶5. This process took seven years. Burdick Dec. ¶5. She achieved this certification by “developing pollinator and lake friendly gardens” and “working with local landscape and hydrology experts on essential excavation and drainage projects.” Burdick Dec. ¶5. Through both her Master Gardner and LakeSmart certification, Ms. Burdick “learned a great deal” about her property. Burdick Dec. ¶6. Most importantly, she learned that “an astonishing amount of water flows through and under it every year” and this “continual movement of water affects [her drinking water] well.” Burdick Dec. ¶7.

Outside of her own property, she volunteers with the North Pond Association to help maintain lakefront property approximately 5 miles away from the Crossroads Landfill. Burdick

³ Maine Lakes is an environmental non-profit that uses science-based action, education, and advocacy to protect and preserve the values and benefits of Maine’s lakes, ponds, and watersheds for future generations.

Dec. ¶7. Through her stewardship of the North Pond, Ms. Burdick has come to understand “how fragile” the watershed is. Burdick Dec. ¶8. Given this “fragility”, and her “deep connection” to the North Pond and surrounding environment, she is “gravely concerned” that the Phase 14 Expansion will negatively impact the environment and water quality of the North Pond. Burdick Dec. ¶12.

Ms. Burdick fears that the destruction of wetlands and wildlife habitats will cause “long term and possibly irreversible damage” to the surrounding and interconnected environment of the North Pond. Burdick Dec. ¶12. As she has come to understand “the interconnectivity of [her] property,” she fears “the expanded landfill development” and risk of leachate contamination will cause harm to her property, drinking well, and the North Pond. Burdick Dec. ¶13. Given that the landfill will only have a single liner, she is concerned that leachate will leak out from the landfill and will contaminate groundwater. Burdick Dec. ¶14 She believes that the Department failed to “[give] enough consideration” to the groundwater impacts and potential contamination from the landfill leachate. Burdick Dec. ¶14. As a result, she “does not want to see this [landfill expansion] move forward” based on the harm it poses to her property, drinking water, and the North Pond ecosystem. Burdick Dec. ¶16.

ARGUMENT

In Maine, a membership organization has standing to bring an appeal before the Board on behalf of its members when those members personal, property, or pecuniary rights are directly affected by the issue at hand. Here, CLF’s appeal of the Department’s decision to approve the continued operation and expansion of the Crossroads Landfill is brought on behalf of a diverse group of its members, all of whom have “personal, property and pecuniary rights” that have been

– and will continue to be – adversely affected as a result of WMDSM’s operation and proposed expansion of this landfill. As such, CLF has standing to bring this appeal.

I. Legal Standard for Standing

A final decision by the Department may be appealed to the Board by those “who have standing as aggrieved persons.” 06-096-002 ME. CODE R. § 24. An aggrieved person is any person who may suffer a “particularized injury” because of the Department’s permitting decision. 06-096-002 ME. CODE R. § 1(B). To establish a particularized injury, the appellant must show that the Department’s decision adversely affects their “property, personal, or pecuniary rights.” *Anderson v. Swanson*, 534 A.2d 1286, 1288 (Me. 1987).

The injury must be “distinct from the harm experienced by the public at large.” *Ricci v. Superintendent, Bureau of Banking*, 485 A.2d 645, 647 (Me. 1984). The injury must also be “fairly traceable to the challenged action.” *Summers v. Earth Island Inst.*, 555 U.S. 488, 493 (2009) (citing *Friends of the Earth, Inc. v. Laidlaw Env’t. Serv., Inc.*, 528 U.S. 167, 180-181 (2000)). Establishing a particularized injury does not require “a high degree of proof.” *Grand Beach Ass’n, Inc. v. Town of Old Orchard Beach*, 516 A.2d 551, 553 (Me.1986). Maine courts have liberally granted standing to those “who own property in the same neighborhood as the property that is subject to a permit.” See *Nergaard v. Town of Westport Island*, 2009 ME 56, ¶ 18, 973 A.2d 735, 741 (citing *Singal v. City of Bangor*, 440 A.2d 1048, 1050 (Me. 1982)). In fact, courts have held that even “a small probability of injury is sufficient” to demonstrate standing so long as “the relief sought would, if granted, reduce the probability” of that injury occurring. *Massachusetts v. Env’tl. Prot. Agency*, 549 U.S. 497, 525 n.23 (2007) (quoting *Village of Elk Grove Village v. Evans*, 997 F.2d 328, 329 (7th Cir. 1993)).

Finally, with respect to solid waste landfills, courts have specifically held that nearby property owners have standing to challenge the permitting of solid waste landfills when the permitted landfill threatens the use and enjoyment of their property. *Matter of Lappie*, 377 A.2d 441, 443 (Me. 1977). In *Matter of Lappie*, the Maine Law Court held that the risk of increased rodent, litter, and groundwater contamination clearly demonstrated that a nearby property owner was a person aggrieved by the DEP's licensing decision. *Id.*

As an organization, CLF has associational standing to sue on behalf of one or more of its members if (1) the members have standing to sue in their own right, (2) the interests at issue are germane to the organization's purpose, and (3) neither the claim's asserted nor the relief requested requires the participation of individual members in the lawsuit. *See Friends of the Earth, Inc. v. Laidlaw Env't Servs.*, 528 U.S. 167, 180 (2000). Associational standing is not grounded on the association's independent standing. Rather it is derivative of the member's standing. Thus, all that is needed is a showing that at least one member can establish standing as if that member proceeded individually. *See Conservation Law Found., Inc. v. Town of Lincolnville*, No. AP-00-3, 2001 WL 1736584, at *7 (Me. Super. Ct. Feb. 28, 2001).

II. CLF Has Standing to Appeal the Permit on Behalf of its Members

WMDSM does not dispute that CLF has met the second and third elements of associational standing. WMDSM Motion at 3. Therefore, the only question is whether CLF's members have standing to sue in their own right. To meet this standard, CLF must show that the Department's decision adversely affects our members property, personal, or pecuniary rights. As discussed below, CLF's members have suffered injuries that are directly attributable to WMDSM's operation of the Crossroads Landfill, and these injuries will continue as a result of the Departments decision to approve the Phase 14 expansion.

A. Harm to Members Use and Enjoyment of Their Property.

Ms. Maguire, Mr. Anderson, Ms. Anderson, and Ms. Burdick are persons aggrieved of the Department's decision to issue the permit, as their property will be directly affected by that action. These members have suffered and will continue to suffer direct injury from the landfill's operations and will continue to suffer those injuries for at least, another 17 years if the proposed expansion of the landfill proceeds as currently permitted. Order at 6.

All four of these members have submitted detailed declarations that demonstrate how their property has been directly impacted by the landfill, and how the expansion of the landfill and landfill operations under the permit will cause them additional direct injury. The landfill operations have directly impaired their use and enjoyment of their properties. Ms. Maguire, Ms. Anderson, and Mr. Anderson all live approximately one mile from the Landfill. Maguire Dec. ¶2, S. Anderson Dec. ¶2, M. Anderson Dec. ¶2. These members can see and regularly hear the landfill from their properties. Maguire Dec. ¶12, M. Anderson Dec. ¶11. They suffer from the miasma of landfill odors that permeate their properties and reach into their homes. Maguire Dec. ¶12, S. Anderson Dec. ¶10, M. Anderson Dec. ¶12. As such, the landfill directly impairs the use and enjoyment of their properties. Maguire Dec. ¶¶5-11, S. Anderson Dec. ¶¶8-11, M. Anderson Dec. ¶7, 11. The direct nature and immediacy of the injuries to these members is well documented. Expanding the landfill operations will cause immediate and prolonged continuation of the harm suffered by CLF's members.

These three members, as well as Ms. Burdick, are significantly concerned that the expansion will increase the risk of harm to their property and their health. Each of them are extremely concerned that the proposed expansion will only be developed with a single liner system. Maguire Dec. ¶8, S. Anderson Dec. ¶19, M. Anderson Dec. ¶6, Burdick Dec. ¶13. They

fear that that a single liner is not enough to ensure that groundwater is not contaminated. Each of these members get their drinking water from drilled wells on their properties. Maguire Dec. ¶8, S. Anderson Dec. ¶9, M. Anderson Dec. ¶6, Burdick Dec. ¶13. Should any groundwater contamination occur, particularly from the documented contaminants from the PFAS class of chemicals, the damage to CLF's members properties would be devastating and would render their wells unusable as has occurred in other parts of Maine with increasing and alarming frequency.

Additionally, Ms. Maguire, Ms. Anderson, and Mr. Anderson are very concerned over the increased risk of landfill fires, and the impacts these fires will have on their use and enjoyment of their properties. Maguire Dec. ¶6, S. Anderson Dec. ¶12, M. Anderson Dec. ¶11. All three members were impacted by the previous two fires at the landfill. Maguire Dec. ¶6, S. Anderson Dec. ¶12, M. Anderson Dec. ¶11. During the previous fire, Ms. Maguire could smell the smoke and see the fire from her home. Maguire Dec. ¶6. She is very concerned over the impact breathing in the chemicals and pollutants from burning trash will have on her health. Maguire Dec. ¶6. Mr. and Ms. Anderson were also impacted by smoke and odor from the previous fires and are concerned over the potential health impacts the smoke and gas from these fires will have. S. Anderson Dec. ¶12, M. Anderson Dec. ¶11.

Both Ms. Maguire and Ms. Anderson are also affected by the noise from the landfill. Ms. Maguire “can hear the landfill from her home,” including “noises from heavy machinery.” Maguire Dec. ¶5. Moreover, she experiences “noise at all hours” from “increasing amounts” of truck traffic coming to and from the landfill. Maguire Dec. ¶5. Ms. Anderson can “see and hear the landfill from her home” and “frequently experience[s] noise from the landfill” including

“loud machinery like bulldozers, loaders, and sometimes backup alarms.” M. Anderson Dec. ¶11.

Much like the plaintiffs in *Matter of Lappie*, here four of CLF’s members have clearly demonstrated that the proposed expansion will continue to adversely affect them and their property, through the noise and odors, while also increasing the potential for other harms, such as groundwater contamination and increased risk of landfill fires.

B. Harm to Environmental and Recreational Resources.

As set forth in their declarations, several of CLF’s members use the area surrounding the Crossroads Landfill for recreational purposes. These members will be directly affected by the Department’s action to approve the expansion of the landfill, as this expansion will significantly degrade the surrounding environment. Plaintiffs can establish standing based on harm to the environment when they adequately assert that they “use the affected area and are persons ‘for whom the aesthetic and recreational values of the area will be lessened’ by the challenged activity.” *Friends of the Earth v. Laidlaw Env’t. Serv.*, 528 U.S. 167, 183 (quoting *Sierra Club v. Morton*, 405 U.S. 727, 735 (1992)). Here Ms. Maguire, Mr. Anderson, Mr. Ferreira, and Ms. Burdick have all submitted detailed declarations demonstrating how the expansion of the landfill will negatively impact their use and enjoyment of the environment surrounding the landfill which they frequently use for recreation.

Ms. Maguire is active outdoors as much as possible, either recreating or observing local wildlife. Maguire Dec. ¶12. She regularly hikes, runs, and cross-country skis on the trails that are adjacent to the landfill. Maguire Dec. ¶12. Recently, she has observed increased offensive odors that diminish her enjoyment of these trails. Maguire Dec. ¶12. The odors are “offensive,” “frustrating,” and “disturbing.” Maguire Dec. ¶12. She notes that if the odors continue to

increase, she will no longer be able to tolerate the smell and will have to stop recreating on these trails. Maguire Dec. ¶12.

Ms. Maguire also frequently enjoys time on the Kennebec River. Maguire Dec. ¶13. She uses the river for kayaking, swimming, and stand-up paddle boarding. Maguire Dec. ¶13. She predominantly uses a section of the river downstream from both the Crossroads Landfill and the two WWTP's that discharge processed leachate from the Crossroads Landfill. Maguire Dec. ¶13. She was previously apprehensive about the quality of this water and how safe it was to recreate here. In fact, she used to fish in this area but stopped due to concerns about pollution from the landfill and the landfill leachate. Maguire Dec. ¶13. The proposed expansion has only increased her concerns given the fact that the expansion will now be closer to the river than ever before and will only utilize a single liner. Maguire Dec. ¶9. She fears this will degrade the river and if the expansion is developed, she will no longer feel safe recreating here given the likelihood of pollution. Maguire Dec. ¶13.

Mr. Anderson and Mr. Ferreira share her concerns. Mr. Ferreira enjoys kayaking on the rivers and waterways near his home, including the Kennebec River. Ferreira Dec. ¶6. He frequently kayaks the section of the Kennebec between Madison and Norridgewock. Ferreira Dec. ¶6. This section is downstream from the Anson-Madison Sanitary District which is licensed to accept up to 56,000 gallons of leachate per day from the Crossroads Landfill. Ferreira Dec. ¶6. He is reluctant to continue kayaking because he is concerned with the quality of the water. Ferreira Dec. ¶¶6-7. He fears that it likely contains harmful pollutants like PFAS, and that when kayaking he may ingest the water which will harm his health. Ferreira Dec. ¶6. He is also concerned that the expansion will now be less than a mile from the river, while only having a single liner. Ferreira Dec. ¶7. Given that the permit will continue to allow WMDSM to send

landfill leachate to the Anson-Madison Sanitary District, and that the landfill will be closer to the river than ever before while having a less protective liner system than used at other WMDSM facilities, Mr. Ferreira no longer feels safe kayaking on the river and will stop kayaking if the proposed expansion is developed. Ferreira Dec. ¶8.

Mr. Anderson also enjoys spending time on or near the Kennebec River and Sandy River. S. Anderson Dec. ¶4. This includes canoeing and fishing. S. Anderson Dec. ¶4. Given the proximity of the landfill to these rivers, Mr. Anderson is “very concerned” over whether the fish from the river are safe for consumption. S. Anderson Dec. ¶6. Mr. Anderson “feel[s] that the natural beauty and recreation activities in the Kennebec watershed should be expanded” and he is concerned that this will not occur if “WMDSM is allowed to further develop the landfill.” S. Anderson Dec. ¶7. He is concerned that the expansion will detract from his use and enjoyment of the Kennebec by increasing the threat of pollution from groundwater contamination, runoff from the landfill, or the continued discharge of effluent from processed landfill leachate into the rivers. S. Anderson Dec. ¶¶4-7, 12-13.

Ms. Burdick also actively uses and enjoys the environment surrounding her property including the North Pond. She feels living near the North Pond is a “joy and a privilege.” Burdick Dec. ¶4. She and her family use and enjoy the North Pond year-round by recreating on the water and skiing and snowshoeing on the frozen water in the winter. Burdick Dec. ¶4. Through her twenty years living at her home, she has “developed a deep and abiding connection to [her] property and the lake.” Burdick Dec. ¶5. She has pursued efforts to make sure she is living in harmony with her beloved ecosystem by becoming a Master Gardener through the University of Maine and achieving Lake Smart certification for her property. Burdick Dec. ¶¶5-6. Through these efforts, she has learned that “an astonishing amount of water flows through and

under it every year” and that the watershed she loves is “fragile.” Burdick Dec. ¶7. Given this abiding connection to her surrounding environment and her understanding of the “interconnectivity of [her] property” she fears “the expanded landfill development” and risk of leachate contamination will cause harm to her property, drinking well, and the North Pond. Burdick Dec. ¶13

These members clearly articulate facts that demonstrate that they use the affected area and are persons for whom the aesthetic and recreational values of the area will be adversely affected by the challenged activity. Courts have consistently held that harm to the environment constitutes a particularized injury sufficient to establish standing so long as the plaintiffs demonstrated their use and enjoyment of the particular geographical area harmed by the proposed action. *See, e.g., Conservation Law Foundation. v. Jackson*, 964 F. Supp. 2d 152, 161 (D. Mass., 2013) (plaintiffs had standing to challenge a federal regulation that would diminish water quality when members used the waters for recreational, commercial, and aesthetic enjoyment); *Maine People’s All. v. Mallinckrodt, Inc.*, 471 F.3d 277, 284 (1st Cir. 2006) (members have standing where they forego recreation due to a realistic threat of mercury contamination and its attendant health risks); *Clean Wisconsin v. EPA*, 964 F.3d 1145, 1156 (D.C. Circuit 2020) (citing *Nat. Res. Def. Council v. Env’t. Prot. Agency*, 755 F.3d 1010, 1016-17 (D.C. Circuit 2014)) (adverse health effects constitute standing “even if a petitioner merely asserts realistic health concerns instead of providing medical evidence”); *Conservation Law Foundation v. Town of Lincolnville*, 2001 WL 1736584, at *6 (Me. Super. Ct. 2001) (CLF had standing to challenge land use permit when the permitting decision affected the views of members who alleged the area had importance to them); *In Re Int. Paper Co., Androscoggin Mill Expansion*, 363 A.2d 235 (Me. 1976) (nearby residents whose air quality was impacted by a

paper mill expansion had standing to challenge the permit approving the expansion); *Conservation Law Foundation, Inc. v. Am. Recycled Materials, Inc.*, 2017 WL 2622737, at *2 (D. Mass. 2017) (alleged degradation of water quality upstream from where plaintiff regularly kayaked was sufficient to establish standing because it reduced use and enjoyment of the river by its members).

Ms. Maguire, Mr. Ferreira, and Mr. Anderson all frequently use and enjoy the environment surrounding the Crossroads Landfill and have reasonable concerns about the adverse impacts the expansion will have on their use and enjoyment of this area. They fear that the expansion will degrade water quality, impacting their ability to recreate in the Kennebec River freely, safely, and comfortably. As such, they have shown a particularized injury that is the direct result of the Department's decision to approve the Phase 14 expansion, and therefore have standing to challenge this permit.

III. WMDSM's Arguments Against CLF's Standing Are Insufficient

In its motion to dismiss, WMDSM makes three primary arguments. First, that standing cannot be premised on "driving by the facility." MWDSM Motion at 5. Second, that standing cannot be premised on the "water quality impacts to the Kennebec River." WMDSM Motion at 6-8. Third, that the "alleged impacts to the North Pond are speculative" and cannot be the basis of standing. As set forth below, each of these arguments are insufficient to establish that CLF lacks standing to bring this appeal.

A. CLF's Standing is Not Premised on Adverse Effects Associated with Driving by the Facility

CLF agrees with WMDSM that standing cannot be premised on driving by the facility alone. As Mr. Ferreira's declaration makes clear, driving by the facility is one of many impacts he has felt and will continue to feel as a result of the Department's decision. But Mr. Ferreira,

like the other CLF members, is also significantly and primarily concerned about the impacts the proposed expansion will have on the water quality and environment of the Kennebec River. As explained above, he enjoys kayaking the portion of the river near his home and no longer feels comfortable or safe doing so given the increase in the continued discharge of leachate into the river. Courts have repeatedly acknowledged that this is a cognizable injury that can and should satisfy the standing requirement.

B. CLF's Standing Can Be Premised on Water Quality Impacts to the Kennebec River

WMDSM incorrectly argues that CLF's standing cannot be premised on "water quality impacts to the Kennebec River." WMDSM Motion at 6-8. They argue that CLF's members are not within the "zone of interest protected by the law invoked." WMDSM Motion at 6. This argument is premised on a cramped reading of the Department's permitting authority and the role it has in determining leachate management procedures required of a landfill operator.

1. The Harm to the Water Quality of the Kennebec River Falls within the Zone of Interests.

The zone of interest test is a requirement for standing designed to ensure that the plaintiff's grievance is protected or regulated by the laws invoked in the challenged action. *See Bennett v. Spear*, 520 U.S. 154, 162 (1997). The test for whether a plaintiff's grievance falls within the zone of interest of a statute is "not meant to be especially demanding." *Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians v. Patchak*, 567 U.S. 209, 225 (2012) (quoting *Clarke v. Sec. Indus. Ass'n*, 479 U.S. 388, 399 (1987)). The test "forecloses suit only where a plaintiff's 'interests are so marginally related to or inconsistent with the purposes implicit in the statute that it cannot reasonably be assumed that [the legislature] intended to permit the suit.'" *Id.*

In this appeal, the governing laws relied upon are Me. Rev. Stat. Ann. tit. 38 § 1310-N- § 1310-AA (2021), and the Maine Solid Waste Management Rules at 06-096-401 ME. CODE R.

While WMDSM is correct that discharges at the two WWTP's which it sends its leachate to are regulated by the Clean Water Act as implemented by the Department, they fail to recognize that the statutes and rules governing the operation of a solid waste landfill in Maine control the underlying question of what leachate management options are permissible. As part of the required engineering report, all applications for landfill developments or expansions must include a detailed submission of the leachate management system or systems the applicant intends to use. See, 06-096-401 ME. CODE R. § 2(F). The Department is responsible for determining whether the proposed management option is permissible. While the Department may approve the use of WWTP's, and the discharges from those facilities must be licensed by the Department in accordance with the requirements of the Clean Water Act, the Department may instead require different or additional leachate management methods. In fact, the regulations specifically note that on-site pretreatment is one of several leachate management options the Department may require, 06-096-401 ME. CODE R. § 2(F)(5), and one that CLF specifically urged the Department to do just that.⁴ [cite]. Moreover, the Department specifically requires all applicants to submit "an evaluation of expected leachate quality over the active life of the landfill to determine the need for pretreatment." 06-096-401 ME. CODE R. § 2(F)(5)(d). Therefore, it is clear that the Me. Rev. Stat. Ann. tit. 38 § 1310-N- § 1310-AA and the Maine Solid Waste Management Rules control the leachate management options the operator is required to undertake. And as there is no dispute that the leachate from WMDSM's landfill and proposed expansion is in fact discharged to the Kennebec River, the resulting impacts to the water quality of the Kennebec River are well within the zone of interest's protected by these laws.

⁴ CLF repeatedly urged the Department to require on-site pretreatment of leachate prior to transportation and processing at off-site WWTP's. See, e.g., CLF Comments to Department on Phase 14 Expansion, p.24 (Oct. 13, 2020), and CLF Comments on Draft License, p.12 (May 4, 2021).

2. Impacts to the Kennebec River Are Not Based Solely on the WWTP Discharges.

Moreover, our members concern over the impact to the water quality of the Kennebec River is not based entirely on the treatment and discharges of landfill leachate at the two WWTPs. Our members are also concerned about the proximity of the Phase 14 expansion to the Kennebec River, and the fact that it is being developed with only one liner. Maguire Dec. ¶9, 13, S. Anderson Dec. ¶9, M. Anderson Dec. ¶6, Ferreira Dec. ¶¶7-9, Burdick Dec. ¶14. The Phase 14 Expansion is closer to the river than any other portion of the Crossroads Landfill. It also is being developed with a single liner system when almost all other portions of the facility use a dual-liner system.⁵ Our members are concerned that the single liner system is not protective and fails to ensure that leachate from the landfill will not escape and contaminate groundwater before making its way into the river. Maguire Dec. ¶¶8-9, S. Anderson Dec. ¶9, M. Anderson Dec. ¶¶7-8, Ferreira Dec. ¶8, Burdick Dec. ¶14. Therefore, even if WMDSM's argument that the impacts from the leachate discharges from the WWTPs were outside of the zone of interest, CLF members are still injured and harmed by the location of the landfill and the lack of commonplace safeguards like a double-liner system that better protect against leachate leakage.

The Department has ample authority to require a double-liner system. 06-096-401 ME. CODE R. § 2(D)(1) requires that a liner system include *at least* a composite liner consisting of a geomembrane and a barrier soil layer with a minimum thickness of 24 inches. (Emphasis added). This regulation, combined with the Department's previous permitting decisions requiring WMDSM to utilize double liner systems at other sections of the Crossroads Landfill makes clear that the Department could have, and should have, required an additional liner system for the

⁵ CLF repeatedly raised the fact that virtually all other landfill developments at the Crossroads Facility utilize a double liner system. See, e.g., Conservation Law Foundation Comments, p. 23. (October 13, 2021), and Conservation Law Foundation Comments, p. 11. (May 4, 2021).

proposed expansion. Therefore, CLF's members concerns over the potential impacts to groundwater and the Kennebec River from landfill leachate leakage are a proper basis not only to establish standing but also as support for the substance of this appeal.

3. This Appeal Can Provide Redress for the Harm CLF's Members Suffer.

Related to their zone of interest argument, WMDSM incorrectly argues that this appeal cannot provide redress to the harm our members will suffer from a degraded Kennebec River. WMDSM Motion at 7. However, like the zone of interest argument, WMDSM's argument is based on an unnecessary and improper reading of the scope of Me. Rev. Stat. Ann. tit. 38 § 1310-N- § 1310-AA and the Maine Solid Waste Management Rules. The Department has ample authority under these laws to either deny the Phase 14 expansion or require WMDSM to implement more protective measures to better protect the Kennebec River from pollution. By either denying the permit in whole or requiring additional conditions such as a second liner or pretreatment of the landfill leachate, the harm to our members would be significantly redressed.

To that end, the relief sought by CLF in this appeal is to either invalidate the Department's permitting decision because it is unlawful, unsupported by substantial evidence on the whole record, and/or arbitrary, capricious, or an abuse of discretion, and/or that the Board amend the Department's decision in order to meet the requirements of the statute and rules. Specifically, CLF has called for the Board to revise the Department's permitting decision to require the following measures to better protect the water quality of the Kennebec River:

- (1) Require WMDSM to pretreat all leachate given the toxic nature of the waste it handles at the Crossroads Facility, and the likelihood that the leachate contains PFAS.

CLF Appeal at 7;

(2) Require WMDSM to utilize a double liner system for the Phase 14 Expansion. CLF Appeal at 7; and

(3) Require WMDSM to utilize an electrical leak detection system for the entirety of Phase 14's operations. CLF Appeal at 7.

Any of these requests for relief would significantly redress the injuries our members suffer. If the permit were fully invalidated, the leachate from the Crossroads Facility would be significantly reduced and therefore the amount of leachate managed by the two WWTP's would also be reduced. Additionally, the concern over leachate from the Phase 14 Expansion escaping and contaminating the groundwater, and ultimately the Kennebec River would also be eliminated. Alternatively, any of the proposed additional measures in CLF's request for relief would better protect the water quality of the Kennebec River and greatly reduce the harm our members suffer. Requiring a double liner system would greatly reduce the risk of leachate leaking out of the landfill. Requiring pretreatment of leachate to target chemicals such as PFAS would greatly improve the quality of the effluent discharged at the two WWTPs. Requiring an electrical leak detection system for the entirety of Phase 14 operations would reduce the risk of an unnoticed leakage occurring and contaminating the nearby environment.

Therefore, the relief CLF is requesting through this appeal will redress the harm to our members interests.

C. Alleged Impacts to Groundwater and the North Pond Are Sufficient to Demonstrate Standing.

WMDSM's final argument is that groundwater impacts from Phase 14 are too speculative to demonstrate standing. MWDSM Motion at 9-10. For the purposes of a motion to dismiss, the court takes the facts alleged in the Complaint as true and draws all reasonable inferences in favor of the nonmoving party. *See Katz v. Pershing, LLC*, 672 F.3d 64, 70-71 (1st Cir. 2012). A

plaintiff does not need to show with “scientific certainty that the defendant’s actions caused the alleged injury.” *Conservation Law Foundation, Inc. v. Am. Recycled Materials, Inc.*, No. 16-124511-RGS, 2017 U.S. Dist. LEXIS 92803, at *8 (D. Mass. June 16, 2017). Instead, plaintiffs only need to bring forth facts that support the “reasonable inference” that plaintiff’s alleged injury is “fairly traceable” to the defendant’s actions. *Clean Water Action v. Searles Auto Recycling, Corp.*, 268 F. Supp. 3d 276, 281 (D. Mass. 2017) (quoting *Conservation Law Foundation, Inc. v. Am. Recycled Materials, Inc.*, No. 16-124511-RGS, 2017 U.S. Dist. LEXIS 92803, at *8 (D. Mass. 2017)).

Courts have repeatedly held that declarations are sufficient to demonstrate the traceability requirement of standing. In *Conservation Law Foundation, Inc. v. Am. Recycled Materials, Inc.*, the court dismissed an argument that CLF failed to plead a fairly traceable link between the defendant’s alleged illegal discharges and the harm suffered because each member submitted declarations describing the alleged harms and the adverse impacts to their use and enjoyment of a river downstream from the defendant’s operations. *Conservation Law Foundation*, 2017 U.S. Dist. LEXIS 92803, at *8. Moreover, the court specifically noted that the issue of the likelihood of the connection between the harm and the defendant’s action was “best resolved on the merits.” *Id.* Similarly, in *Clean Water Action v. Searles Auto Recycling, Corp.*, the court held that multiple declarations given by the plaintiff’s members describing visual particulate matter leaving the facility at issue and the impact such discharge has on their use and enjoyment of Mill River was sufficient to establish a traceable link between the plaintiff’s harm and the defendant’s actions. 268 F.Supp.3d 276, 281.

Here, all five of CLF’s members have submitted detailed declarations that clearly articulate their concern over the risk of groundwater contamination from the Phase 14

Expansion. Ms. Maguire, Ms. Anderson, and Mr. Anderson all live approximately one mile from the Crossroads Landfill. Maguire Dec. ¶2, S. Anderson Dec. ¶2, M. Anderson Dec. ¶2. These members are concerned over the impact groundwater contamination from the Phase 14 expansion will have on their property and drinking water given the landfill will only have a single liner. Maguire Dec. ¶8, S. Anderson Dec. ¶9, M. Anderson Dec. ¶6. Ms. Burdick lives roughly four miles from the landfill and shares the same concern. Burdick Dec. ¶2, 14. All members are concerned over the impacts to the surrounding environment including the Kennebec River, Sandy River, and North Pond. The declarations of Ms. Maguire, Mr. Anderson, and Mr. Ferreira clearly establish their legitimate fear that the landfill expansion will contaminate the Kennebec River given its proximity to the river and lack of a double liner system. Maguire Dec. ¶13, S. Anderson Dec. ¶¶4-7, Ferreira Dec. ¶¶7-10. Moreover, while scientific evidence is not needed, Mr. Ferreira specifically notes that the Department's recent report showing heightened levels of PFAS in the river downstream from the landfill and the two WWTP's that process and treat the landfill's leachate is partially responsible for his concerns. Ferreira Dec. ¶10 These member declarations support the reasonable inference that harm to their properties and the environment they recreate in is likely to occur and that the occurrence is "fairly traceable" to the development of the Phase 14 expansion.

IV. Conclusion

CLF has offered detailed declarations from five of our members detailing the specific interests that are adversely affected by the Department's decision to permit the proposed landfill expansion. CLF's members have clearly demonstrated how their personal rights have been and will be impaired by the Department's decision, thereby giving CLF standing to sue on their behalf. Their declarations demonstrate the proximity of their properties to the landfill, the

repeated harm they suffer as a result from WMDSM's operation of the Crossroads Landfill, and the continued harm they will suffer if the Department's decision to expand the landfill is allowed to stand as is. The arguments WMDSM brings forth in its Motion to Dismiss are unavailing and CLF respectfully requests that the Board deny WMDSM's Motion to Dismiss and move on to consider the merits of this appeal.

Respectfully submitted,



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August 9, 2021

Date

EXHIBIT LIST

- Exhibit 1: Declaration of Ms. Debby Maguire
- Exhibit 2: Declaration of Mr. Steven Anderson
- Exhibit 3: Declaration of Ms. MaryAnn Anderson
- Exhibit 4: Declaration of Mr. Edward Ferreira
- Exhibit 5: Declaration of Ms. Patricia Burdick

Exhibit 1: Declaration of Ms. Debby Maguire

DECLARATION OF DEBBY MAGUIRE

I, Debby Maguire, do hereby depose and state under oath as follows:

1. I am 66 years old, and I am competent to testify to all facts contained in this declaration.
2. I reside at 6 Jakes Lane, Norridgewock, ME 04957. My property abuts Waste Management's Crossroads facility property. My home is less than 1 mile from Waste Management's Crossroads Landfill. I have lived in Norridgewock for 9 years.
3. I am a Conservation Law Foundation (CLF) member. I joined CLF on June 6, 2021, due to my appreciation for CLF's mission and work, as well as my concerns associated with Waste Management's proposal to expand the Crossroads Landfill (Phase 14 Expansion).
4. I appreciate and support CLF's work to address environmental and health challenges facing communities in Maine and across the northeast, including its advocacy for more sustainable waste management systems.
5. I can hear the landfill from my home. I frequently experience noise of heavy machinery being used for the landfill operations. I also am exposed to noise at all hours from increasing amounts of truck traffic coming and going from the landfill. If the Phase 14 Expansion is permitted this noise will continue for years to come.
6. I am concerned with the increased risk of fires from the landfill if the expansion is approved. Our region is experiencing drought more often and

there have already been two fires at the Crossroads Landfill recently. I am concerned that the expansion will increase the risk of fire which could spread to nearby properties like my home. I am also worried about the chemicals and pollutants in the smoke and gas from these fires and the impact breathing this in will have on my health. I was not notified of either of the last two fires, and only discovered the fires from observing smoke. During this time, I had no option but to breathe in the air which was irritating. The air also smelled very foul while the fires burned.

7. I am concerned that the Phase 14 Expansion will continue to expose me and my property to the harms I have already suffered from the operation of the Crossroads Landfill. This includes noise and odor. I am also concerned that the expansion will have an overall negative impact on the quality of the natural environment, particularly in my hometown and neighborhood of Norridgewock, where I recreate.
8. I am very concerned over the potential impact the expansion will have on the groundwater, and that contamination that may occur. I get my drinking water from a drilled well on my property. I know landfill leachate contains harmful chemicals, like PFAS. These chemicals are known to cause harm to wildlife and have serious public health impacts. They also do not break down easily and can persist forever. I am concerned that the expansion will only increase the amount of leachate generated and that there will be an increased risk of chemicals, like PFAS, leaking out of the landfill and into the surrounding environment.

9. I have been concerned about pollution from the landfill impacting my drinking water from the landfill before but learning that Phase 14 will only have a single liner makes me much more concerned. I fear that this will increase the risk to my property and my drinking water.
10. I am also concerned that the Phase 14 Expansion will harm the environment surrounding my home where I recreate.
11. As an avid bird watcher, I am concerned that if fires continue to occur, and if leachate infiltrates the ground water and soil, that it would negatively impact the wildlife I observe daily. I have multiple feeding stations set up on my property and have observed a decrease in the number and variety of birds coming to the property over the course of the past two years. I have specifically observed that once-common Baltimore orioles and goldfinches are not returning to this area. I am concerned that the proposed phase 14 expansion will increase the risk of air pollution, groundwater and soil contamination on my property.
12. I am particularly concerned about the quality of the natural environment in Norridgewock and the Kennebec River watershed. I am active outdoors as much as possible and every day observe the local wildlife. I frequently participate in outdoor recreation in Norridgewock and on the Kennebec River and in the Kennebec watershed. I regularly hike, run, and cross-county ski on trails that are adjacent to the landfill. I have observed a significant increase in offensive odors from the landfill during the past year. These odors are offensive, frustrating, and disturbing. They greatly take away from the time I

spent hiking, running, and cross-country skiing. If the odors increase, I will no longer be able to continue my outdoor recreation on my property and in the surrounding area.

13. I am aware that the Kennebec River and watershed is at risk of becoming impaired and polluted. I frequently kayak, swim, and paddleboard on the Kennebec River and in the Kennebec watershed. I usually put in my boat at the Oosola boat landing in Norridgewock, downstream from the landfill leachate discharge site. I have been apprehensive about the water quality previously because of the landfill's location near the river and the upstream discharges. I have limited my time on the river as a result. With the expansion now moving closer to the landfill and only having a single liner I am more concerned than ever. If the expansion is approved, I will stop kayaking and paddleboarding in the river, and will stop swimming in the watershed, due to concerns about increased contamination. I used to fish in the area, but no longer do so due to concerns about pollution from the landfill and landfill leachate.

14. I am specifically concerned about PFAS from the landfill leachate impacting the soil and water on my property. These chemicals are very harmful and last forever. I am concerned that the expansion will only increase the amount of leachate generated and that there will be an increased risk of these chemicals leaking out of the landfill and into the surrounding environment. Including my property.

15. Given my concerns with the proposed expansion I participated in the

permitting process. I attended two public meetings regarding the expansion, the Public Benefit Determination hearing in 2019, and the licensing hearing held by the DEP in 2020. The second hearing was difficult to participate in since it was held by Zoom, and I do not have an internet connection at my home.

16. I feel this expansion poses a real and serious danger to nearby property like mine, and the surrounding environment including the Kennebec River.
17. Given these concerns and the impact the landfill has had on me and my property I do not want to see the landfill expand any further. I fear that this expansion will increase the risk to me, my property, and the environment I recreate in. It will bring increased risk of fire, groundwater contamination, and environmental degradation. It will pose a serious threat the health of the Kennebec River and surrounding environment, harming my ability to live and recreate here peacefully and safely.

I swear, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.

Executed on [Date]:

August 5, 2021

A handwritten signature in black ink, appearing to read 'Debby Maguire', is written over a horizontal line. The signature is stylized and somewhat cursive.

Debby Maguire

Exhibit 2: Declaration of Mr. Steven Anderson

DECLARATION OF STEVEN ANDERSON

I, Steven Anderson, do hereby depose and state under oath as follows:

1. I am 68 years old, and I am competent to testify to all facts contained in this declaration.
2. I reside at 266 Frederick Corner Road, Norridgewock, Maine. My home is roughly 1 mile from Waste Management Disposal Services of Maine's (WMDSM) Crossroads Landfill. I have lived in Norridgewock for 17 years.
3. I am a Conservation Law Foundation (CLF) member. I joined CLF on June 6, 2021. I joined CLF due to my concern with the quality of the natural environment, particularly in my hometown and neighborhood of Norridgewock from the proposed Phase 14 Expansion of the Crossroads Landfill. I appreciate and support CLF's work to address environmental and health challenges facing communities in Maine and across the northeast, including its advocacy for more sustainable waste management systems.
4. A healthy environment is incredibly important to me. I enjoy many outdoor activities in the area near my home. I frequently canoe on both the Kennebec River and Sandy River. I also enjoy fishing in both of those rivers as well. I am extremely concerned with how the existing landfill and the proposed expansion affect the overall health of these rivers. I fear that it is no longer safe to recreate on them given their location near the existing Crossroads Landfill and the proposed expansion. The proposed expansion will be closer to the Kennebec River than any other portion of the existing landfill.

5. I am worried about contamination, especially Per- and polyfluoroalkyl substances (PFAS) from the landfill's leachate polluting these rivers either through the continued discharge of leachate into the river through the wastewater treatment plants or through groundwater contamination. The expansion of the landfill will only continue to negatively impact these rivers and decrease my use and enjoyment of them since the potential for pollution will increase significantly because of the expansion will only have a single liner.
6. I am also very concerned about whether I can continue to eat the fish I catch in these rivers. I am concerned that the PFAS contamination from the leachate is harmful to the fish and may be harmful to me if I continue to eat them. If the expansion is developed, I will stop fishing in these rivers based on these health concerns.
7. I feel the natural beauty and recreational activities in the Kennebec watershed should be expanded and I am concerned that this will not occur if WMDSM is allowed to further develop the landfill.
8. I am also concerned about the impacts the proposed expansion will have on my use and enjoyment of my property.
9. As I said before, my property is less than a mile away from the landfill. I get my drinking water from a drilled well on my property. Given the harmful pollutants associated with landfill leachate, I am concerned with leachate entering the groundwater and contaminating the aquifer that supplies my drinking water. I have been concerned about this before but I am much more concerned now that

the landfill is being developed with only a single liner system and not a dual liner system.

10. I am also concerned about increased odor from the landfill. I frequently experience bad odors from the landfill on my property. This odor is very unpleasant. I fear that this odor will only increase as the landfill expands.
11. I am also concerned about the increased risk of fire if the landfill is expanded. Our region has experience drought over the last few years and two fires have already occurred at the Crossroads Landfill in the past. The fumes and gas from these fires are toxic and I worry about the impact from breathing them in. The previous fires were visible from my home. I could smell the smoke from my property. I don't think WMDSM has done enough to ensure that fires will not continue, and I fear that the expansion will increase the likelihood of more fires which threaten my home and my health.
12. Given my concerns with the proposed expansion I participated in the permitting process. I attended two public meetings regarding the expansion.
13. I believe that the expansion of the landfill will only increase the harms I have already experienced, and that it poses a danger to the Kennebec River and Sandy River and those like me who rely on and value them. For these reasons I do not want to see the landfill further expanded. If the expansion is allowed to proceed, I will not longer be able to canoe or fish in these rivers. The expansion will also continue to subject me to these unpleasant odors and increase my concern over groundwater contamination and landfill fires.

I swear, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.

Executed on [Date]: 8/6/21

Signed: _____

Steven Anderson

Exhibit 3: Declaration of Ms. MaryAnn Anderson

DECLARATION OF MARYANN ANDERSON

I, MaryAnn Anderson, do hereby depose and state under oath as follows:

1. I am 61 years old, and I am competent to testify to all facts contained in this declaration.
2. I reside at 266 Frederick Corner Rd, Norridgewock, ME 04957. My home is roughly 1 mile from Waste Management's Crossroads Landfill. I have lived in Norridgewock for 17 years.
3. I am a Conservation Law Foundation (CLF) member. I joined CLF on June 7, 2021, due to my concerns associated with Waste Management's proposal to expand the Crossroads Landfill (Phase 14 expansion).
4. I am concerned that the Phase 14 expansion will have an overall negative impact on the quality of the natural environment, particularly in my hometown and neighborhood of Norridgewock. I fear the potential pollution of the local aquifer, streams and rivers as well as the potential for serious fires resulting in toxic fumes and gases being released in the air from the proposed Phase 14 expansion.
5. I appreciate and support CLF's work to address environmental and health challenges facing communities in Maine and across the northeast, including its advocacy for more sustainable waste management systems.
6. I am particularly concerned with the potential impact on the aquifer that supplies my drilled well. I am extremely concerned that the Phase 14 expansion will result in things like PFAS and other undesirable pollutants entering the groundwater and impacting my drinking water. Given that the Phase 14 expansion will only have a

single liner I fear this is a serious possibility which will negatively affect not only my life, but the lives of the residents of Norridgewock.

7. The fact that there is water flowing underneath as well as along the edge of the proposed Phase 14 expansion and that the assessment of impacts to groundwater was measured only during a time of drought makes me very concerned over leachate infiltrating the groundwater. The degradation of current watersheds, including the watershed which supplies my drinking water has not been adequately addressed. I am afraid that when these watersheds are disrupted my be impacted.
8. As a home gardener that grows the majority of our vegetables for year-round consumption, I am concerned that if the leachate infiltrates the ground water and soil, that it would impact my garden and food. I am concerned that the proposed phase 14 expansion will increase the risk of groundwater and soil contamination on my property.
9. I am specifically concerned about PFAS from the landfill leachate impacting the soil and water on my property. These chemicals are very harmful and last forever. I am concerned that the expansion will only increase the amount of leachate generated and that there will be an increased risk of these chemicals leaking out of the landfill and into the surrounding environment. Including my property.
10. The destruction of freshwater wetlands between the Kennebec and Sandy Rivers would have an adverse effect on wildlife habitat on both land and water through the leaching of toxic chemicals and sludge wastes. We have enjoyed watching and sharing the surrounding forest and fields with a variety of wild geese, ducks,

birds, as well as deer, fox and other wildlife that surround the area near my home. This expansion will harm and destroy this habitat and I fear it will drive these animals away.

11. I can see and hear the landfill from my home. I frequently experience noise from the landfill. I can hear loud machinery like bulldozers, loaders, and sometimes back-up alarms.

12. I am also concerned with the increased risk of fires from the landfill if the expansion is approved. Our region is experiencing drought more often and there have already been two fires at the Crossroads Landfill recently. I am concerned that the expansion will only increase the risk of fire which threatens my home and property. I am worried about the chemicals and pollutants in the smoke and gas from these fires and the impact breathing this in will have on my health. The last fire was particularly irritating with the smoke and odor.

13. Given the harm I have already suffered from the landfill, and my concerns with the proposed expansion I participated in the permitting process. I attended two public meetings regarding the expansion.

14. Because the landfill impacts me, my husband, and my property, as well as the environment and the community I live in, I do not want to see the landfill further expanded and allowed to continue operating. I am concerned that the impacts I have already experience will continue and becomes worse if the expansion is allowed to proceed. I am concerned that the new expansion will significantly increase the risk of harm to my property, specifically my soil and water.

I swear, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.

Executed on [Date]:

8-06-2021



MaryAnn Anderson

Exhibit 4: Declaration of Mr. Edward Ferreira

DECLARATION OF EDWARD FERREIRA

I, Edward Ferreira, do hereby depose and state under oath as follows:

1. I am a resident of New Sharon, Maine. I have been a New Sharon resident since 1984. My property is located approximately 13 miles from the Crossroads Landfill facility.
2. As a resident of New Sharon my waste is sent to the Crossroads Landfill facility. I live, commute, work, and recreate in the general area of the Crossroads Landfill facility.
3. I work at a school in Cornville, Maine. I have worked there for 3 years. The Crossroads Landfill is roughly 8 miles from my place of work. I passed directly by the Landfill facility twice per day on my commute.
4. During my commute I frequently experience odor from the Landfill. The odor is extremely unpleasant. While I am unsure what causes the odor, I am concerned over the types of waste the Crossroads Facility is accepting and the chemicals and toxins in the waste that may be causing the odor. I fear that breathing this air is detrimental to my health. My experience with odors from the Landfill has taken place since approximately February 2018 when I first began working in Cornville and continues to this day.
5. While I am a resident of New Sharon, I frequent businesses in nearby Skowhegan. This includes restaurants that cook with town water. I was alerted that the Skowhegan municipal water is drawn from the Kennebec River, 8 miles downstream from the Anson-Madison Sanitary District which discharges the leachate from the Crossroads Landfill.

6. I have grown increasingly concerned about the health impacts drinking water and eating food that has been cooked and cleaned with water taken downstream from this discharge location. I know that landfill leachate contains harmful chemicals like per- and polyfluoroalkyl substances (PFAS), and fear that this may be in the water used in Skowhegan. I stopped going to restaurants in Skowhegan because I was concerned over the health impacts of eating food or drinking water that likely contains PFAS.
7. I also enjoy kayaking and frequently kayak in the rivers near my home. This includes the Kennebec River. I previously would kayak a section of the Kennebec between Madison and Norridgewock. This section is downstream of the Anson-Madison Sanitary District which I learned is licensed to discharge up to 56,000 gallons of leachate per day from the Crossroads Landfill. I am now reluctant to continue to kayak the Kennebec because I am concerned with the quality of the water in the river. I am concerned that the water contains harmful pollutants like PFAS that will be detrimental to my health. I fear that when kayaking, I will likely ingest the water. I do not feel the leachate has been adequately treated before being discharged into the river and fear the impact this has on the water quality and overall health of the river and my ability to safely kayak on it.
8. I am also concerned that untreated leachate, and the harmful pollutants in it, will leak from the landfill into the Kennebec River. The proposed Phase 14 Expansion is less than a mile from the bank of the river and is closer to the river than any other portion of Crossroads. I am concerned that not enough has been done to ensure that the leachate will not escape the landfill and enter the groundwater and

- river. The expansion will only have a single-liner system and I am worried this is not enough to contain the leachate and prevent contamination of the Kennebec River.
9. Given my concerns over the water quality impacts, and the likelihood that by kayaking on the river I will ingest water, I no longer feel safe kayaking on the Kennebec River. This is unfortunate, because I greatly enjoyed my time on the river and the ability to kayak on it freely and safely.
 10. I am aware that the Department recently published a report regarding PFAS contamination in fish in the Kennebec River. It is my understanding that the Department took readings above and below the Anson-Madison Sanitary District which discharges the leachate from the Crossroads Landfill. It is also my understanding that the report indicated that the concentration of PFAS were found to be higher downstream from the Anson-Madison Sanitary District. My concerns over the water quality in the Kennebec River and my ability to safely kayak in the river, as well as my concerns of eating fish or food that has been prepared with water from the River is partially based on this report.
 11. I also frequently kayak in Mercer Bog which is roughly 2.3 miles from the Phase 14 Expansion. I fear the bog, like the Kennebec River may become contaminated with leachate from the landfill.
 12. I actively participated in the permitting process to learn more about the impacts from the proposed Phase 14 Expansion and express my concerns.
 13. I attended the Public Informational Meeting held by Waste Management on September 19, 2019, in Norridgewock. I attended to learn more about the

- proposed Phase 14 Expansion. I wanted to ask questions to better understand the proposal, but no questions were permitted.
14. I attended the virtual public hearing on the proposed Expansion on October 1, 2020. I testified in opposition to the expansion. I expressed concern over the impacts to the Kennebec River where I kayak.
 15. I emailed Commissioner Loyzim on February 21, 2021, to express my concern with impacts from leachate to both the regions drinking water and the water quality of the Kennebec River. I specifically expressed concerns over the discharge of PFAS and other chemicals into the Kennebec River from Sappi North America and Madison Sanitary District.
 16. I emailed Commissioner Loyzim on March 7, 2021, to request additional information and receive updates on the status of the licensing process. I also expressed concern about the Waste Management's proposal to only utilize a single-liner system and the impacts this may have on containing leachate. I expressed my concern that the leachate would leak out of the landfill and pollute surrounding groundwater and the nearby Kennebec River.
 17. I emailed Commissioner Loyzim again on March 13, 2021, to express concern over the potential for PFAS release from the proposed Phase 14 Expansion.
 18. I emailed Commissioner Loyzim and Deputy Commissioner Eleftheriou on March 17, 2021. In this email, I expressed concern about the types and quantity of out-of-state waste that would be accepted at the proposed Phase 14 Expansion, and the impacts this will have on the environment of the region where I live, work, and recreate.

19. I submitted comments to the Draft License on May 3, 2021. These comments again expressed my concern over the impacts the expansion would have on the Kennebec River and my ability to safely continue to kayak in it.
20. Because of the Landfill's impact on me, my health, and my enjoyment of the Kennebec River, as well as the impacts on the environment and to others in the community, I am very concerned with the expansion. I fear that the expansion will not only continue to impact my ability to recreate and enjoy a healthy clean environment but will make things even worse. Especially since the landfill will only have one liner.
21. I am concerned that by expanding the landfill, more leachate will be produced and discharged into the Kennebec River. This continued discharge will degrade the river. I also am concerned that the landfill will only be expanded with a single liner. I fear this will not contain the leachate and waste and that the pollutants like PFAS chemicals from it will leach into the groundwater impacting the surrounding environment, including the Kennebec River.
22. For these reasons, I do not want the Crossroads Landfill to be allowed to continue operations through this expansion.
23. I am a member of Conservation Law Foundation ("CLF"). I have been a member of CLF since October 29, 2020, before CLF files its appeal of the License with the Board of Environmental Protection. I appreciate and support CLF's work to address environmental and health challenges facing communities in Maine, including its advocacy for more sustainable waste management systems. I became

a member of CLF after connecting with Kirstie Pecci, the Director of the Zero Waste Project following her comments at the October 1, 2020, public hearing.

I swear, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.

Executed on [Date]:

August 5, 2021

Edward Ferreira

Edward Ferreira

Exhibit 5: Declaration of Ms. Patricia Burdick

DECLARATION OF PATRICIA BURDICK

I, Patricia Burdick, do hereby depose and state under oath as follows:

1. I am 64 years old, and I am competent to testify to all facts contained in this declaration.
2. I reside at 213 Lake View Drive, Smithfield in Maine. My home is approximately 4.2 miles from the Crossroads Landfill. I have lived at this address in Smithfield for over 20 years.
3. I am a Conservation Law Foundation (CLF) member. I joined CLF on May 31, 2021, due to my concern about the negative impacts on the natural environment as well as my fear over the negative impacts from the expansion of the Crossroads Landfill facility on my hometown of Smithfield and our North Pond watershed. I appreciate and support CLF's work to address environmental and health challenges facing communities in Maine and across New England, including its advocacy for more sustainable waste management systems.
4. Living on North Pond is a joy and a privilege. My family and I enjoy our area all year round. We recreate in or on the water throughout the warmer seasons and I ski or snowshoe on the frozen lake in winter.
5. Recreation aside, I have developed a deep and abiding connection to my property and the lake through my landscaping and gardening as a Master Gardener. When I completed my Master Gardener course in 2011 through the University of Maine Extension (Somerset County), I had gained the knowledge and skills necessary to live eco-responsibly at North Pond. It took seven years to achieve LakeSmart

certification for my property from Maine Lakes. I only reached this achievement by developing pollinator and lake friendly gardens and working with local landscape and hydrology experts on essential excavation and drainage projects.

6. During that process, I learned a great deal about my property, the most important fact being that an astonishing amount of water flows through and under it, every year. This continual movement of water affects my well, my gardens and, of course, the lake and its watershed. This natural downhill and subterranean flow of water is always on my mind as I design and maintain my gardens.
7. Outside of my property, I also interact with our watershed as a North Pond Association (NPA) volunteer, helping to maintain lakefront property for Fairview Grange #342 here in town. Fairview Grange #342 is within 5 miles of the Crossroads Landfill.
8. Interacting with the lake and its surrounding environment and attending many informational meetings with scientists working with the NPA, I understand how fragile our North Pond watershed is, and I continue to work very hard to contribute to its protection.
9. Last summer, the lake experienced an egregious algal bloom in June. Scientists and volunteers collected a great deal of data, to build upon years of data already collected and to analyze the factors at play. Ultimately, the fact is that North Pond is - and has always been - a fragile lake. It is shallow and susceptible to contaminants in ways deeper lakes are not. The water last June turned opaque,

there was a strong smell of algae at times, and the water quality bordered on toxic levels. An auspicious change in weather conditions (cooler temperatures, increased breezes and some rain events) brought relief from the bloom after several weeks but the water quality remained problematic at times into the fall. And the data shows that there were times last summer when the blooms almost reappeared.

10. Last summer's experience was a wakeup call for the North Pond community although the NPA has been trying to educate property owners for many years. Based on the data presented in several Zoom meetings last summer and fall, it is very possible that our lake will continue to see algal blooms and even possibly toxic water quality unless we can together reduce the load on its ecosystem. It has been a heartbreaking but important lesson to learn about our lake's fragility. But, my family and I - and many of my neighbors - are committed to our watershed and the local environment.
11. At this writing, in early August 2021, the water quality is satisfactory due to advantageous rains and cooler temperatures. But, this equilibrium is delicate and it can change at any time. The main message from our experts remains that we cannot stand down from our collective responsibility to safeguard this watershed through strategic actions based on best practices.
12. Given the fragility of the North Pond and my deep connection to it, I am seriously concerned that the Phase 14 expansion of the Crossroads Landfill will negatively impact the environment and water quality of the lake. The destruction of wetlands and wildlife habitats will cause long term and possibly irreversible damage.

13. The contamination of surface and ground waters will not only have a long-term negative impact on the fragile lake and watershed I care deeply about, but also, will endanger my property and well. I get my drinking water from a drilled well on my property. Understanding the interconnectivity of my property, I fear the destruction or contamination of wetlands from the landfills development and operations will negatively impact groundwater which will cause harm to my property and my well.
14. I also am gravely concerned about the impacts which will occur if the leachate from the landfill enters the groundwater. I do not feel the Department of Environmental Protection gave enough consideration to the groundwater impacts from the development and the potential contamination from landfill leachate. All landfills leak and I am concerned that when leachate escapes, it will enter the groundwater which will harm my property, my well, and North Pond. The proposed expansion only involves the use of a single liner system which I fear is not protective enough to ensure that my drinking water is safe from contamination and that the North Pond and surrounding environment is protected.
15. The North Pond algal bloom of 2020 was a huge event in my neighborhood. As stressful and upsetting as it was, it created an opportunity for community education and discussion, and I credit the NPA for taking a leadership role in bringing us together. I want to help North Pond achieve a level of healthy sustainability, and I continue to commit my time, energy and resources to my property and the lake.

16. Given my deep and meaningful connection with my property and the North Pond, I do not want to see it threatened. Because the proposed expansion of the Crossroads Landfill will impact my property, my drinking water, and North Pond and its watershed, I do not want to see this move forward.

I swear, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.

Executed on [Date]: August 6, 2021

Signed: 

Patricia Burdick