



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Janet T. Mills
GOVERNOR

Gerald D. Reid
COMMISSIONER

IN THE MATTER OF

WASTE MANAGEMENT)	APPLICATION FOR CROSSROADS
DISPOSAL SERVICES OF MAINE)	LANDFILL EXPANSION PERMIT
NORRIDGEWOCK, SOMERSET)	MAINE HAZARDOUS WASTE, SEPTAGE
)	AND SOLID WASTE MANAGEMENT ACT
)	PUBLIC HEARING
# S-010735-WD-YB-N)	THIRD PROCEDURAL ORDER

This Third Procedural Order (Order) sets forth the Presiding Officer’s decisions with respect to matters discussed at the second pre-hearing conference held virtually using Microsoft Teams on August 21, 2020 at 2:00 pm. The purpose of the conference was to discuss the logistics of holding a virtual public hearing and to clarify other deadlines.

ATTENDEES OF THE SECOND PRE-HEARING CONFERENCE

1. The following parties and interested persons attended the virtual pre-hearing conference on August 21, 2020:

- a. Presiding Officer:
 - Susanne Miller, Presiding Officer

- b. Applicant: Waste Management Disposal Services of Maine (Waste Management):
 - Juliet Browne, Verrill

- c. Intervenor: Town of Norridgewock:
 - Richard LaBelle, Town Manager

- d. Department of Environmental Protection (Department) staff:
 - David Burns, Director, Bureau of Remediation and Waste Management
 - Victoria Eleftheriou, Deputy Director, Bureau of Remediation and Waste Management
 - Molly King, Director, Division of Technical Services
 - Linda Butler, Project Manager
 - Gail Lipfert, Environmental Hydrogeology Specialist
 - Kathy Tarbuck, Senior Environmental Engineer

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e. Counsel to the Department:

- Katherine Tierney, Assistant Attorney General
- Peggy Bensinger, Assistant Attorney General

f. Interested Persons:

- None

DISCUSSIONS ABOUT HOLDING A VIRTUAL ADJUDICATORY HEARING

2. Due to the concerns about COVID-19, the Presiding Officer indicated that Department staff and Counsel would feel more comfortable holding a virtual public hearing using a platform like Zoom rather than having an in-person hearing on October 1, 2020. Waste Management indicated that they too would prefer a virtual hearing as several of their witnesses are from out of state, and if they had to appear in person would have to meet state quarantine requirements before they could attend the hearing. This could pose some logistical challenges. Furthermore, the Town of Norridgewock agreed that they would prefer a virtual hearing as they did not want to use the public school as a hearing space and put school staff/children at additional risk. Generally, all participants in the meeting agreed that they thought Zoom would be the best platform for the hearing.
3. Parties and Department staff also discussed how to make a virtual hearing accessible to the public and allow for public participation. All agreed that the public could attend the hearing via Zoom or by calling into the Zoom meeting by phone to listen in. During the public portion of the hearing in the early evening, when members of the public have an opportunity to testify for the record, the public will be able to do so using Zoom. The Presiding Officer will need to see the person testifying in order to swear them in so they will need to be able to use the video function. If a member of the public does not have access to technology to use video on Zoom, the Town of Norridgewock has agreed to provide a space to use in the Town Office with the video capability. Use of this space will require that persons wishing to testify from the Town Office coordinate with the Town Office in advance to set up an appointment. Appointments will be set up in 15-minute increments.
4. In order to efficiently manage the virtual part of the public hearing, the Department will designate a staff person to manage the Zoom platform throughout the hearing. In addition, the Department will also explore how to properly transcribe a Zoom hearing in coordination with the transcription company.

DATE OF THE HEARING AND OTHER DUE DATES

5. The hearing will be held October 1, 2020 starting at 1:00 pm. It is anticipated that the hearing will last about 3-4 hours. After the parties have presented their witnesses, testimony, and exhibits, everyone will take a break for dinner, and then start the public portion of the public hearing at 6:00 pm.
6. Waste Management requested that the due date for objections to exhibits be moved a week earlier because the current due date may not allow for enough time to revise exhibits to reflect rulings on objections.. The Town of Norridgewock and Department staff all agreed with this approach. Therefore, the due date for filing exhibits will still be September 14, 2020, but the due date for objections to exhibits will now be September 21, 2020. The time for all deadlines is 5:00 pm on each due date.

The Presiding Officer mentioned that public notice required per the Department's *Rules Concerning the Conduct of Hearings*, 06-096 C.M.R. ch. 3, § 12(B) must be published and sent out by September 1, 2020. Because the Town of Norridgewock indicated it would offer the opportunity for members of the public without Zoom video access to use a space in the Town Office, the Presiding Officer will need to put information to that effect in the notice. As a result, the Presiding Officer offered to allow both the Town of Norridgewock and Waste Management the opportunity to review the notice prior to its publication sometime during the week of August 24.

SITE VISIT

7. During the meeting Waste Management asked if the Presiding Officer and Counsel still anticipated needing to have a site visit due to concerns regarding COVID-19. The Presiding Officer and parties indicated that a site visit is no longer necessary given the circumstances. Instead the Presiding Officer indicated that all parties will appreciate Waste Management providing an overview using their exhibits at the start of the hearing so that everyone has an opportunity to become familiarized with the site and proposed expansion project.

Dated: August 24, 2020



Susanne Miller, Presiding Officer