

November 2021 OBW Comments #S-020700-WD-CM-M

Dear Susan Parmelee and Maine Department of Environmental Protection,

Please consider these comments on the Draft License that would allow massive additional importation of toxic debris categorized as OBW into Maine's only functional state-owned landfill. This document may contain some harsh criticism of DEP decisions, and please understand that any such language is directed at the Department and State of Maine as a whole and not any individual employee.

This license as proposed amounts to a sweeping acceptance of waste industry efforts to maximize their profits based on non-scientific logic, excuses and circular reasoning. This comes at the expense of Maine citizens who not only lose landfill capacity supposedly reserved for the benefit of Maine citizens, but may suffer degradation of their quality of life and environment. We often hear of problems in other states or countries resulting from "The fox guarding the henhouse"; now we see it in our own state and counties.

This license should greatly concern any citizens who care about meeting the challenges associated with Climate Change, to which this administration has given much lip service. To have even a bare whisper of a chance of reversing impending disasters caused by greenhouse gases (GHGs), there need to be real limits and these limits need to be reduced substantially and indefinitely. Instead, the DEP wants to allow ever-increasing amounts of wastes into Maine, with their associated deleterious effects and emissions.

The flawed logic and progression seems to be as follows:

1. Despite warnings of dire consequences from scientists and farmers, Maine DEP accepted waste industry efforts to spread sewage sludge on Maine fields. This results in massive damage due to PFAS contamination.
2. Maine DEP decided that these sludges should be landfilled. Instead of mandating that the weight and volume of sludges be reduced by drying, DEP accepted waste industry practice of solving problems with what they like to do most: Bringing in more waste.
3. Regulators accepted Casella's arguments on how to stabilize this quasi-liquid material with either MSW, CDD, or OBW (a subset of CDD). This is despite Casella offering zero proof of these "stabilizing" materials' actual efficacy.

Why is stability important? Juniper Ridge Landfill (JRL) is currently permitted to cover in excess of 100 acres of former woodlands and wetlands with a pile of toxic debris over 200 feet tall, which greatly exceeds the height of Maine's tallest buildings. This pile of debris contains a system of piping to extract and control dangerous gases produced by decay, as well as a system to collect the liquid that percolates to the bottom. If this material is unstable, it would tend to follow the path of least resistance, which is outward and downward. We can picture an avalanche of material similar to a deluge-induced mudslide. These landfill landslides happen periodically and can result in massive damage, such as what occurred in Norridgewock some decades ago. More recently, before the state took ownership of JRL, a section of its predecessor paper mill landfill slid into a stormwater collection pond and caused millions of dollars in damage. There are also workers involved who may be at risk, which could include DEP officials or even state legislators or town officials.

Compounding problems at JRL is the fact that there is no regulatory accounting of materials entering JRL. We must accept the waste company's word and classification of materials. We have a situation where we are asked to trust, but never verify ("Trust-But Verify" is a Russian saying adapted by the Reagan administration during arms control negotiations). Do we know just how many tons of OBW have entered JRL this calendar year? Have they reached their 65,000 ton limit yet? Could any of that material be classified as CDD instead of OBW, which is a subset of CDD? The Department may not have a clue, yet we expect these restrictions to be honored. If you do a document search of "Casella" you will find many examples of their malfeasance and apparent untrustworthiness. To Casella, there is no such thing as a real "limit"; they always want more and more. It is time to reverse this trend.

For anyone unfamiliar with JRL's History left out of its license sections, here are some brief facts.

1. 1989 waste legislation mandated that any future new landfills in Maine must be publicly owned. This was in response to fears that Maine was becoming New England's dumping ground.
2. In 2003 Casella and Georgia-Pacific cooperated (some would say "colluded" or "conspired") to turn GP's permitted landfill into Casella's landfill capacity. The State and other officials thought they were "saving the Mill" by taking ownership.
3. There was only a belated effort to put the Operation of JRL out to bid. Casella, who likely had a hand in writing the RFP, was the only bidder. They then failed to meet the conditions of the RFP but were selected as Operator despite refusing to fully comply.
4. After the OSA was signed in 2004, the OSA was amended in secret. A new Fuel Supply Agreement was signed in 2006 which allowed any residuals from processing Any out of state CDD for ANY Maine boiler would be permitted into JRL. Residuals were previously restricted to fuel for the Old Town Mill exclusively.

A Regulator tasked with protecting citizens' health and environment has to be objective. Thus when this license says (Page 5) "Resource...will likely shut down if they are required to transport OBW tonnage to alternative landfill sites due to increased cost of transport and disposal.", it seems that the DEP has turned from being Regulator and Protector of the People into a facilitator of filling our only state landfill. So I ask DEP and Casella to offer proof that "...the loss of the recovery facility will be detrimental to the State-owned landfill and the greater State of Maine." I can think of many contrary arguments, and I don't doubt that it could hurt some Casella and Resource profits. Resource and Casella provide some of the least desirable jobs in Maine, produce huge amounts of GHGs, and contaminate the air and water.

#### More Concerns

1. (Page 6) Since JRL has been taking in so much MSW and Casella says that MSW is a desirable stabilizer of sludge, why do they need more OBW this year?
2. IF it is true, as Casella states, that CDD is a good stabilizer of OBW but it has a problem with "rapid production of hydrogen sulfide", then why do they use that same CDD material as Daily Cover and leave huge areas of it exposed to precipitation? It is the same material.
3. On Page 7 the Draft discusses how new equipment at Resource will increase the facility's ability to recover materials. Yet on the same page it quotes former Commissioner Aho as saying "...it appears much of the CDD imported into Maine contains insufficient woods to justify efforts to process into CDD

fuel.” This is especially true of OBW. We have seen how the rationale for CDD imports has evolved over time from being an essential source of cheap fuel for boilers (proven to be untrue) into an essential stabilizer of sludges (also not true).

4. Page 10 reveals another hole in Casella’s argument for a higher OBW limit. When this limit was established in the 2012 PBD, and discussed in further regulatory proceedings, the 65,000 ton limit was to include 10,000 tons/year from the PERC incinerator in Orrington. Since then, PERC has actually refined its processing and produces very little OBW or FEPR. Would the DEP please include the latest official tallies for these numbers from the PERC 2020 annual report? So why do Resource and Casella get to profit from the efforts of PERC? The baseline for OBW should be equal to 65,000 tons/year minus 10,000 tons reserved for PERC, or 55,000 tons. Whatever amount PERC actually sent to JRL can be added to that total. The assumption that waste amounts should always increase exposes Casella as a green-washing dump-first outfit (in some peoples’ opinions). The apparent fact that the DEP is willing to go along with ever-increasing and never diminished amounts of waste is a cause for great concern.

5. Page 11 PFAS are common not only in stain-resistant and water-resistant fabrics, but also anything treated with flame-retardant substances and many coated papers and the byproducts associated with coating papers, which has been a common practice in Maine.

6. (Page 11) “...leachate being transported to the ND OTM LLC (ND PAPER) wastewater treatment plant or the City of Brewer’s Pollution Abatement facility for proper treatment.” This is untrue. There is no “proper treatment” for PFAS at these WWTPs, or is there adequate treatment for many of the other chemicals in leachate. The OTM’s WWTP outfall is only tested once per year and is extremely limited in scope with less than 10 substances tested for. It takes extremely high temperatures to alter PFAS into less harmful components. PFAS can be filtered, and the State of Vermont is requiring Casella to develop PFAS reduction processes before disposal of leachate at Vermont WWTPs.

7. Page 11 also contains unfounded statements pertaining to OBW and Stability. There is no science-based engineer-approved study shown to back up the applicants’ claims that OBW is good for Bulking and therefore Stability. It also bears repeating that CDD IS okay for bulking sludge, and the idea that this is in any way negative because of hydrogen sulfide production is a bogus argument. JRL is covered with the same CDD every day over acres of open landfill area where it is rained or snowed upon. Whether or not it has OBW mixed with it is irrelevant as far as a threat of H2S.

8. Page 12 begins with information on the very large amounts of MSW coming to JRL this year. If this material (MSW) is such a desirable and prevalent material for bulking sludge with, then why do we need to bring more OBW into JRL this year to achieve the same goal? The discussion about a desirable ratio as a “management practice” avoids the reality that the applicant has offered only anecdotal or observational bases for accepting their premise for stabilizing sludge waste.

Pages 12 and 13 contain a false and unfounded statement: “Further, the Department finds that OBW is a viable and consistently reliable bulking material for sludge that results in improved stabilization and lower hydrogen sulfide gas production than CDD.” At this point an objective observer has to wonder if a Casella employee has written some of this Draft. This is a horrible precedent.

(Page 13) It is disheartening to see that our Regulatory agency is acceding to the wishes of our largest waste handler in Maine and accepting their suggestions for methodology that will guide practices at JRL for the next half a decade or longer.

#### Suggestions

1. Test any wastes, primarily sludge, that enter Maine for PFAS. Maine has enough problems with sludge and other wastes of our own without compounding our problems with those from other states.
2. Require Casella to filter or otherwise reduce PFAS in leachate as is the case in Vermont (see 6 above).
3. Reconsider the model that yields ever-increasing amounts of OBW into JRL. Consider a method that would steadily reduce amounts in keeping with the crises facing us with waste disposal, State Waste Hierarchy, and climate change. If you must have a formula, develop one that begins with an amount that removes an annual 10,000tons/year credit for OBW from PERC that they do not need.
4. Reject the idea that current leachate handling is “proper treatment” because it has not been proven to reduce the toxicity or prevalence of dangerous chemical compounds before being released into the Penobscot River.
5. Do not certify that increased OBW imports “will not pollute any waters of the state, contaminate the ambient air, constitute a hazard to health or welfare or create a nuisance...”. More OBW equals more PFAS present, which is a risk above and below the landfill liners. Additional PFAS means more toxic leachate and more pollution into the Penobscot River. Relying on OBW for stability of the largest man-made structure in Maine is dangerous, especially considering that JRL is only built to withstand a 25-year precipitation event. Storm events may lead to stability failure that threatens high-value wetlands and humans living in the area. Disturbance of landfill gas extraction causes nuisance odors and potential chemical exposure to residents at dangerous levels. More truckloads equals more GHGs.
6. Be certain that there is language in this license (if approved) that removes any obligations on the part of the state should the Legislature grant the DEP and other entities the power to limit imports of wastes into Maine.

#### Summary

There is nothing “minor” about the decisions being made by the Department in this document. You lack the factual basis for many of your arguments in support of the Applicants, one of which is the State as Owner. Carefully consider the comprehensive arguments of Jaclyn Eliot in this matter, which I fully endorse and support. Precedents set in this draft will burden Maine and prevent achievement of potential.

Deny this application and let us begin the path toward lessening wastes in Maine together.

Respectfully submitted,

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