No More MSW to JRL: #S-020700-WD-BC-A

Dear Kathy Tarbuck,

I am writing in response to the effort by the State as owner (BGS) and NEWSME (or Casella), as operator, to extend deliveries of Municipal Solid Waste (MSW, or curbside garbage) to the Juniper Ridge Landfill (JRL) beyond the current March 31, 2018 deadline. This proposed amendment of the DEP amendment allowing the current MSW deliveries to JRL from southern Maine communities would do great harm to our State Waste Hierarchy, which requires that all wastes be subjected to Reduction, Reuse, Recycle, Compost, Waste to Energy (WTE, or incineration) and only Landfilled as a last resort.

I request that the Department of Environmental Protection hold a Public Hearing on this matter. One could make a strong case that a Public Hearing be held by the Board of Environmental Protection (BEP) since this is a matter of statewide importance, and I am not opposed to a BEP Hearing. I would prefer that DEP preside, since they are the paid professionals who should enforce our Waste Regulations, and the BEP would rely on DEP for much of their information. Also, when the DEP first took up the issue of direct deliveries of MSW to the state-owned JRL, I was one of a group of Citizen Intervenors at the DEP Public Hearing. After the DEP decided to allow some MSW from southern Maine into JRL, there were two appeals of that decision. One was my appeal, in favor of rejecting MSW from JRL. The other appellant was BGS/Casella, who wanted to bring more MSW and for a longer period of time. The Board rejected the Owner/Operator’s appeal for more volume per year, but granted them an extra year of MSW deliveries that were not even asked for. This is how the 03/31/18 date was set. Even though I had done everything strictly by the book in my appeal, the Board never voted my appeal up or down. Therefore, I request that the DEP hold the Public Hearing.

I looked over the BGS/Casella amendment application and their arguments seem contrived. Part of the reason why DEP granted them special exception to bring MSW to JRL was that Casella had closed their incinerator in Biddeford, which was a positive move for all concerned, including payments to Casella. Casella wanted to bring MSW to JRL, and at that time our State Waste Hierarchy was a guiding principle, not a binding Statute. Now, however, the Hierarchy is statutory law and should be followed, especially at a State-owned landfill. It is shameful that BGS approves of this request in violation of the Hierarchy and of promises made when the State took ownership of JRL that there would be No MSW Allowed.

The Department needs to be aware of Casella’s operations throughout New England to fully understand the possible ramifications of this decision. Casella operates a problem landfill in Southbridge, Massachusetts, which is owned by that community and will close at the end of 2018. Casella’s Bethlehem, New Hampshire landfill is also running out of space. Simply put, Casella has contracted to pick up municipal waste which is has limited ability to dispose of since they closed their Biddeford WTE and lack landfill space in New England. However, Casella has ample landfill space in western New York. Can anyone really believe that Casella will only bring MSW to JRL until the current licensed capacity at JRL is filled? It is a guarantee that Casella, with the complicit approval of BGS, will be back with a request for another extension, just like they did a few years ago and they are doing right now.

There is a pattern with Casella and MSW. After gaining Partial Approval of Public Benefit Determination (PBD) in 2012, within a very short time period they revealed their plan to bring MSW to JRL, which they had not mentioned in their PBD application. This aroused the ire of DEP Commissioner Aho in late 2012. On November 14th of 2017, BGS/Casella received a permit for JRL expansion from the Old Town Planning Board, and within a week unveiled this current initiative, which, if approved, will certainly be followed by a request to bring more MSW to an Expanded JRL. In addition to reviewing the above-mentioned documents (especially the Aho letter), DEP should examine all contracts between the municipalities involved and Casella. There may be clauses that guarantee Casella will dispose of MSW at their other facilities in the event of changes. Is disposal of MSW at JRL a part of any Casella/municipality contract? You will probably need to have a Hearing where people are put under oath to answer these questions.

BGS/Casella have lined up support for this amendment from the municipalities effected in southern Maine, and are looking for sympathy to allow MSW to be brought to JRL. What would perhaps help these communities the most is if they could amend or terminate their contracts with Casella, as there is an incinerator in Haverhill, Massachusetts that is very close to their locations. If their MSW flows north, they pass ecoMaine’s WTE in S. Portland, the MMWAC facility in Auburn, and the PERC incinerator in Orrington. The Municipal Review Committee (MRC) has a new Fiberight facility which is scheduled to be operational on the same date in question which may also accept additional MSW.

If this amendment is granted, it will in effect penalize all the communities in Maine that are contracted to take their MSW to the above facilities. Here in Old Town, we have single stream recycling and have contracted to stay with PERC. Before making that decision, there were serious discussions about joining ecoMaine or sending our MSW to Haverhill. The cheapest option is always landfilling, but only if we look at the near future. Landfilling puts a burden of poison on our next generations as they begin to leak into groundwater and ruin aquifers; Casella’s Southbridge and Hampden landfill operations (plus Bethlehem) are major groundwater polluters, and Juniper Ridge will almost certainly join that shameful heritage as the decades pass.

Casella wants to argue that somehow landfilling waste is less polluting than incineration, but the reliable science is that waste to energy plants produce 10 times the energy for half the pollution of a landfill that generates power from burning landfill gases (LFGs). Also, current practice at JRL is that gases are flared off without any power production. Casella wants DEP to believe that somehow MSW is vital as a building material for the transition from already permitted capacity to the JRL Expansion, currently under appeal. This is a nonsensical claim, and Casella agreed to manage JRL without MSW from the beginning of state ownership in 2004. MSW smells, spreads litter along our highways, produces greenhouse gases from decay, fugitive landfill emissions, and the huge amounts of fuel combusted to transport MSW from southern Maine to Exit 199 on Interstate 95, 200 miles from Kittery.

I don’t have the time at present to furnish DEP with the tawdry history of Casella’s deceptions of DEP over the years, but if we have a Public Hearing I will be glad to provide that information. It is time for Maine to decide which way we want to go for handling our wastes in the future: responsibly complying with the Maine Waste Hierarchy or allowing Casella to have special dispensation to fill our landfill with their contracted garbage. The fact that our own State would support Casella’s efforts to violate State laws is despicable and puts our State motto (Dirigo) to shame.

Lastly, when I received notice as an Interested Party of the DEP’s acceptance of this amendment application, the notice was dated at 4:59 on Friday, December 15th, 2017. This is clearly not coincidental and designed to make it as difficult as possible for Maine citizens to engage on this topic. There are countless examples of unheeded Public advice resulting in major expense and damage to society over time. Sadly, DEP has a long history of this practice which transcends gubernatorial administrations. This is just the opposite of accountable action by those who are supposed to protect our vital resources and health, and defies the very spirit of the Holiday Season. Hold a Hearing!

Respectfully submitted,

Edward S. Spencer