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December 20, 2017

Kathy Tarbuck, Project Manager
Maine Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017

Re: Juniper Ridge Landfill Amendment Application to Allow Disposal of Unprocessed MSW at Juniper Ridge Landfill beyond March 31, 2018

Dear Ms. Tarbuck:

The Municipal Review Committee, Inc. (the MRC), as an interested party, is pleased to submit these comments in support of the Juniper Ridge Landfill Amendment Application to Allow Disposal of Unprocessed MSW at Juniper Ridge Landfill (the Amendment Application) beyond March 31, 2018. These comments provide an overview of the MRC in light of pending changes in its membership of Maine municipalities as related to the MSW processing in the eastern and central Maine region after March 31, 2018.

Overview of the MRC

The MRC is a non-profit membership organization currently comprised of 133 Maine municipalities and public entities that, taken together, represent 187 Maine municipalities that deliver municipal solid waste (MSW) to the PERC waste-to-energy facility (the PERC Facility) in Orrington, Maine, pursuant to waste disposal agreements (the PERC Agreements) that are all scheduled to terminate on March 31, 2018.

Since 1991, the MRC has had a mission of ensuring affordable, long term and environmentally sound disposal of MSW on behalf of its member communities. In furtherance of its mission, the MRC is supporting the development of a new solid waste processing facility in Hampden, Maine (the Hampden Processing Facility), that would begin to accept and process MSW as of April 1, 2018, following termination of the PERC Agreements. The Hampden Processing Facility provides the opportunity for all generators of MSW within eastern and central Maine communities to achieve a new level of diversion of MSW for recovery of materials and products, and away from conventional landfill disposal, in compliance with applicable law and policy related to the State's solid waste management hierarchy. The roles of the MRC in the development process have included, among other things, acquisition of the real property on

which the Hampden Processing Facility is being constructed; entering into agreements with Coastal Resources of Maine, LLC (formed by Fibrigh, LLC) (CRM) to lease the site and provide MSW for the Hampden Processing Facility from its member municipalities; submitting applications to the Maine DEP for Solid Waste, Minor Source Air Emissions, Stormwater Management, and Natural Resources Protection Act Licenses/Permits for the Hampden Processing Facility (which permits were issued by the Maine DEP on July 14, 2016 and the issuance of which was upheld by the Maine Superior Court); and commencement of construction (through investment of about \$5.0 million by MRC member municipalities) of an access road and related infrastructure to the property.

In addition, the MRC has entered into Joinder Agreements with 84 Maine municipal and other public entities representing 115 Maine municipalities that would begin delivering MSW to the Hampden Processing Facility as of April 1, 2018. Those entities/municipalities (at a minimum) would constitute the MRC's membership as of and after that date.

The MRC is committed to the success of the Hampden Processing Facility in order to achieve the MRC's goal of serving the MSW needs of its membership on an affordable, long-term and environmentally sound basis in full compliance with the solid waste management hierarchy. The MRC's comments on the Amendment Application are provided in part to inform the Maine DEP of potential impacts of any final approval of the Amendment Application on the development of the sustainable, successful operation of the Hampden Processing Facility over the long term. Our goal is to ensure that provisions and conditions of the pending Amendment Application relevant to the Hampden Processing Facility are crafted in ways that maximize the prospects for success in achieving operation over the long term in conformance with the solid waste hierarchy.

In order to achieve the above-described goal, MRC has taken the initiative to engage with Casella subsidiary Pine Tree Waste and CRM to advocate for an agreement on business arrangements between them after March 31, 2018 that support sustainable, successful operation of the Hampden Processing Facility over the long term. In order to support this Amendment Application, it was important to MRC to confirm independently that the obligations of Pine Tree and CRM pursuant to any agreement between them for waste supply (the Pine Tree-CRM Agreement) would support and maximize the prospects for success in achieving operation of the Hampden Processing Facility over the long term in conformance with the solid waste hierarchy.

The MRC notes that public reports have disclosed the existence of an MSW delivery agreement executed between Pine Tree and Maine Waste Processing Solutions ("MWP"), that contemplates delivery of MSW to PERC beginning April 1, 2018. In order to support this Amendment Application, it was important to MRC to confirm independently that the obligations of Pine Tree under the MWP Agreement do not conflict with the delivery obligations to the Hampden Processing Facility under the Pine Tree-CRM Agreement. MRC's counsel has reviewed the Pine Tree-CRM and MWP Agreements for this purpose and has confirmed that the delivery obligations

of PTW undertaken pursuant to the Pine Tree-CRM Agreement do not conflict with the obligations of PTW under the MWP Agreement.

This prior application amendment, which became effective in 2013, allowed MSW from Maine, primarily from municipalities that had previously sent MSW to the Maine Energy Recovery Facility in Biddeford, to be delivered either (a) to the PERC Facility for processing; or (b) to Juniper Ridge Landfill for disposal within existing licensed airspace at the Juniper Ridge Landfill that is not part of the recently licensed horizontal expansion. However, that approval, and the related agreements for delivery of MSW to the PERC Facility, expire on March 31, 2018. The current Amendment Application would extend the approval for delivery of MSW to existing licensed airspace at the Juniper Ridge Landfill under the current JRL license (#S-020700-WD-N-A) until the remaining disposal capacity has been utilized.

The Municipal Review Committee participated actively as a supporting intervenor during the review process for the prior Amendment. The MRC supports the current amendment application as well, in part because the contract arrangement between PERC and Casella to deliver MSW on terms that support operation of the PERC facility through March 31, 2018 has worked very well.

Under the Pine Tree-CRM Agreement, Casella's subsidiary, Pine Tree Waste, would deliver at least 40,000 tons per year of commercial municipal solid waste generated in Maine to the Hampden Processing Facility. In addition, a significant number of MRC member communities direct that waste collected within their borders be delivered to the Hampden Processing Facility. As of April 1, 2018, or as soon thereafter as CRM provides notice that it is able to accept waste, Pine Tree Waste is committed to deliver waste collected within those communities to that facility. In sum, the Pine Tree-CRM agreement clarifies how MSW will be directed and reduces uncertainties for the MRC and its membership in a way that will provide significant positive benefits for the CRM Hampden project, our member municipalities, and for advancing Maine's waste management hierarchy.

Note that the Pine Tree-CRM Agreement is subject to and conditioned upon approval of BGS/NEWSME's amendment application to continue to accept up to 81,800 tons of Maine-generated municipal solid waste per year at the Juniper Ridge Landfill within the existing remaining licensed airspace that is not part of the recently licensed horizontal expansion. Therefore, given the importance to the CRM project and to the MRC member communities, the MRC Board of Directors supports, and urges the Maine DEP to approve, the Amendment Application.

Thank you for your consideration of MRC's comments in support of the Amendment Application.

Sincerely,

A handwritten signature in black ink, appearing to read 'Greg Louder', written over a horizontal line.

Greg Louder
Executive Director

Copies: MRC Board of Directors

- Chip Reeves, Bar Harbor;
- Jim Guerra, Mid-Coast Solid Waste Corp
- Sophie Wilson, Orono
- Cathy Conlow, Bangor
- Ken Fletcher, Winslow
- Karen Fussell, Brewer
- Susan Lessard, Bucksport
- Mike Roy, Waterville
- Tony Smith, Mount Desert