

PERC Holdings, LLC

James Parker W. Parker, Chairman
Maine Board of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017

June 10, 2018

Dear Chairman Parker:

I am writing in support of and in agreement with NEWSME Landfill Operations (NEWSME) and Bureau of General Services (BGS) appeal of the Juniper Ridge Landfill (JRL) Partial Approval with Conditions (License #S-020700-WS-BL-A). I am also writing against and in disagreement with pending appeal of this Order.

PERC was a supporter of the NEWSME/BGS application when it was being reviewed by the Department staff. We submitted letters of support for the application, answered questions posed by the DEP staff, and testified in favor of the application at the public meeting.

PERC has a direct interest in the outcome of this appeal now more than ever. The recent decision of the Municipal Review Committee ("MRC") to move away from the Maine solid waste hierarchy and to contract with Waste Management to have to its member's unprocessed msw landfilled has greatly reduced potential fuel feedstock for PERC.

Our existing Agreement for Disposal Services with NEWSME is essential to the continued viability of our municipal solid waste (MSW) incinerator. Through this Agreement, NEWSME will deliver the majority of MSW PERC is receiving and has committed to an increased winter delivery schedule to allow PERC to fully operate during this low msw generation period. Just as important, NEWSME/JRL is the designated facility to accept for disposal any and all residuals generated by PERC. As such, this Agreement demonstrates NEWSME compliance with, commitment to, and support of Maine's waste management hierarchy. With its role in composting, recycling, and support of incineration by PERC, no other entity in Maine does more to support the hierarchy than Casella, the parent company of NEWSME.

The term of disposal of PERC residues at JRL is only through March 2018 unless extended through December 2023. This extension opportunity for PERC is contingent upon the continued approval for JRL to accept non-bypassed MSW. Very simply, PERC needs the very limited short-term approval granted by the Commissioner for disposal of non-bypassed MSW at JRL extended by the Board through 2023 to coincide with our Agreement with NEWSME. Failure to do so is directly at odds with Maine's hierarchy because it puts our facility at risk.

PERC is a strong supporter of Maine's hierarchy and we are proud to have been a key sponsor of the legislation that incorporated the hierarchy as a licensing standard for solid waste facilities. We are very concerned that the Department interpreted and applied its own hierarchy compliance criteria in the license being appealed without regard to the impacts on the Maine solid waste processing infrastructure as a whole.

As we have seen recently, the hierarchy is not a prohibition on landfills. It is not a prohibition on disposal of MSW in a landfill and certainly not a prohibition of disposal of MSW at JRL. Indeed, many other Maine landfills accept MSW for disposal without any tonnage or duration limitation in their DEP license. The DEP Order appears to be applying this conclusion solely to the Juniper Ridge Landfill. In doing so, they have ignored the plain meaning of the threshold requirements for compliance with the hierarchy contained in their current rules.

Landfills are an essential element in Maine's solid waste management infrastructure. Without landfills, none of the other solid waste management methods, including incineration/waste to energy, could function. We feel very strongly that the stability and reliability of solid waste management in Maine, and the continued viability of PERC, hinges on the outcome of this appeal.

Maine's solid waste infrastructure, including disposal of non-bypass Maine MSW at JRL, is currently working as intended. Failure to approve the NEWSME/BGS requested changes to this license would result in significant disruption to the msw processing efforts early in 2019.

I strongly urge you to approve the changes to the Order requested by NEWSME and BGS, and to reject the pending appeal.

Thank you.

Sincerely,



Kevin Nordby

President

PERC Holdings, LLC for PERC LP