

July 12, 2018

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

Re: 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).

Dear Chairman Parker:

The Municipal Review Committee, Inc. (the "MRC") hereby submits these comments with regards to the above captioned appeal of the Juniper Ridge Landfill (JRL) Partial Approval with Conditions (License #S-020700-WS-BL-A).

The MRC is a non-profit corporation formed in 1991 with a mission of ensuring affordable, long term and environmentally sound disposal of MSW for its member communities, which include 115 Maine municipalities and public sector entities that manage municipal solid waste (MSW) on behalf of their residents. At a public meeting organized by the MDEP to receive public input on the JRL License Amendment, MRC and representatives of a number of its member communities testified in support of the JRL application to allow disposal of MSW at their facility beyond March 31 of this year.

We provide these comments in part to restate and reaffirm our support for the JRL license amendment to receive unprocessed MSW after March 31, 2018. As of February 28, 2018, MRC testified that the application was consistent with its core beliefs, being that (1) MSW should only be landfilled at JRL in cases where it serves to support the processing of MSW over the long term; (2) the landfilling of MSW should follow the state hierarchy and that a key function of JRL is to serve as a safety net for MSW that cannot be processed for any reason, including a transition period during implementation of a processing facility. MRC further explained that its 115-member towns were at a critical point with regard to a once-in-a-generation transition from one processing facility to another (April 1, 2018 was the cutover date from the PERC processing facility to the Fiberright/Coastal processing facility under construction in Hampden).

In the last days preceding the April 1, 2018 cutover date, MRC, Fiberright/Coastal, Waste Management and Casella entered into a "waste swap" agreement that allowed MSW to be managed and directed to the closest disposal facility for the interim transition period between April 1, 2018 and the point when the Fiberright/Coastal facility is ready to accept and process some or all our MSW deliveries. Were it not for this agreement, there would have been insufficient infrastructure in place to efficiently transfer waste, particularly MSW collected in packer trucks from the greater Bangor area, resulting in hardship to numerous communities. Under the swap agreement, for each MRC member ton delivered to JRL instead of to the Waste Management landfill in Norridgewock (the Crossroads Landfill), Casella affiliated companies or contractors deliver a ton of MSW to the Crossroads Landfill from southern Maine that would otherwise

have been delivered to JRL. Thus, the swap agreement does not cause any net increase in MSW deliveries to JRL. Rather, it reduces the overall amount of truck transportation involved in delivery of MSW to JRL and the Crossroads Landfill.

What is evident by the waste swap agreement administration over the past three months is that private industry worked cooperatively with the public sector to make available existing public and private disposal infrastructure in a manner that benefitted the community by avoiding the environmental and economic cost of inefficient transport of MSW over long distances. This agreement is providing an invaluable service. It is critical that this option and its associated flexibilities remain available as enabled by the approved license amendment at least until the Hampden facility is in operation and as an option thereafter as needed to be prepared for contingencies that may require its use.

Disposal services for annual in-state MSW deliveries displaced by the closure of Maine Energy from the initial license amendment in 2013 were generally served over 5 years under the 81,800-ton annual MSW delivery cap. However, other changes beginning April 1, 2018 may cause new stress on the annual limit. For example, several towns in the Mid-Coast area that had delivered about 16,000 tons of MSW per year to the PERC Facility are now delivering their MSW to the ecomaine facility under long term agreements. Those towns had been MRC members since 1991. As a result, MSW collected by commercial haulers in southern Maine that had been delivered to the ecomaine facility has likely been pushed back out into the marketplace and may need to be delivered for disposal at JRL. Given that we are in such a wholesale transition period, other changes could arise as well.

A key lesson learned during this transition period is the need for flexibility, with the consent of all involved parties, involving the use of two secure landfills serving as our region's interim safety net. Therefore, the MRC supports the maximum level of reasoned, principled flexibility that can be afforded to JRL during this interim period that represents a once-in-a-generation transition.

Thank you for your consideration of MRC's comments.

Sincerely,

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

Gregory A. Louder
Executive Director

Copies: MRC Board of Directors

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