

Senator Brenner, Representative Gramlich, Members of the Committee,

I'm Bill Lippincott; I'm speaking neither for nor against LD 2135, as written. I'm the former Chair of Don't Waste ME; I live Hampden, the site of the closed, still leaking Casella managed Pine Tree Landfill.

The resolve directs the state to investigate and make recommendations to the ENR on solid waste management, with a report due on April 1<sup>st</sup> of this year. There was also to be a Bureau of General Services public hearing tomorrow seeking to extend their Operating Service Agreement with Casella for the Juniper Ridge Landfill, which now terminates in 2034, for another six years, to 2040. We just found out that the BGS has rescheduled that hearing to February 25, with written comments due February 26. Even so, the hearing for the BGS to extend Casella's contract **is premature**, given that the conclusions of this bill's report will not be known for another month.

I think the legislature should amend this Resolve, and I will share with you why.

This is presented as an emergency bill, as the state owned Juniper Ridge Landfill (JRL) is predicted to run out of space by 2028. The resolve states that capacity has been impacted by the failure of the Fiberright plant in Hampden, the closure of the PERC plant in Orrington, and the landfilling of sludge at JRL. But there is another major factor that must be addressed: **the mismanagement of JRL by Casella Waste Systems**. Since Casella became the operator of JRL, they have made it a practice, with the recent exception of sludge, to take in as much waste as they possibly can, as fast as they possibly can\*

This follows the pattern of their management of the Pine Tree Landfill (PTL): Casella estimated a capacity of approximately 23 years when they took over that landfill and applied for an expansion in 1998. **Which meant that the landfill's capacity would have lasted until 2021.** But only 6 years later, in 2004, after Casella had almost **quadrupled the amount of waste that they were bringing to PTL, they warned of running out of space by early 2007, less than 10 years** from the time of their original estimate, and applied for another major expansion.

They did not get that next expansion for a number of reasons: they had a **major fire that required four towns and the Air National Guard to contain**. The Fire report stated that fire officials believed the **fire had been burning internally for up to six months**. They had **leaks in the liner system which led to major groundwater contamination around the landfill by toxic heavy metals and VOCs**, before [and after] closure. [and now we discover, **PFAS leachate levels at PTL significantly higher than the much larger, still growing JRL**]. But the primary reason Casella didn't get that expansion was that DEP made clear they were going to deny it, the central reason being **the profligate manner in which Casella had squandered PTL's landfill capacity**. I'm including my 2021 testimony before this committee which details the myriad ways Casella gamed and lobbied the state to bring in waste to PTL contrary to the clear purpose of state laws and the solid waste hierarchy.

The West Old Town landfill was bought in haste by the state from Georgia Pacific in reaction to threats that GP would close the Old Town mill. (which GP did anyway after they had dumped their biggest liability, the landfill, onto the state).

\*The exception – ~~the~~ reason Casella placed a limit on sludge - was in the hope that the legislature would repeal LD 1911 so that their Hawkrigde facility could resume spreading sludge on Maine land

The stated purpose for having a state owned landfill was the ability to preserve the state's landfill capacity for Maine generated waste; the state has the legal right to be able to exclude waste, such as out of state waste and MSW, that does not fit in with the state solid waste hierarchy. And with PTL, a commercial waste landfill, approaching capacity, that was a worthy goal. However, the JRL contract for an operator – the Operating Service Agreement (OSA) was heavily weighted towards Casella's interests. No other company bid on the contract. **That OSA, amended only once, and then without DEP's knowledge or participation, is still in effect today.**

Any report that the legislature undertakes must examine and recommend changes to the Operating Service Agreement and conduct a thorough examination of Casella's performance as operator of JRL. **There should be no extension of the current flawed OSA with Casella,** which the BGS is proposing to do, before the results of this study are known.

Casella's operation of the state owned JRL – which was supposed to follow the state hierarchy and the interests of the public to conserve landfill capacity – has been much the same as its operation of its commercial special waste landfill, PTL, which had no restrictions on out of state waste.

I'm including a page from our group, Don't Waste ME, detailing some of the reasons we feel Casella has mismanaged JRL against the interests of the public and the goals of the state hierarchy.

The one that stands out is Casella taking 200,000+ tons of demo debris from Massachusetts yearly that magically turned into Maine waste after minimal processing.

**At least 30% of the waste going to the state-owned Juniper Ridge Landfill was coming from out-of-state,** until our bill, LD 1639, put the brakes on that practice. *In 2019, that amounted to 235,396 tons, or the equivalent of sixteen forty-ton tractor trailer trucks dumping waste into JRL every single day of the year.* If you think about capacity, 30% of waste over twenty years of operation, if preserved for Maine waste according to state *intentions*, would have given JRL almost another seven years of capacity before another expansion would have been needed.

More recently, Casella tried to undo our bill, declaring they needed refrigerators and sofas from Massachusetts to stabilize sludge. When it was established that they only needed 25,000 tons, not 200,000 for that purpose, they still insisted they must have that bulky waste from Massachusetts; they couldn't find suitable bulky waste in Maine. Come on. I look at the demo debris pile in Hampden when I go to the transfer station, which goes to Juniper Ridge. There's mountains of demo debris from our one town, every other week. They don't need to import out-of-state waste. They make more money doing so.

So I'll circle back to this Resolve. Let's have a study. But it needs to include how Casella has operated our state owned landfill and whether its practices have contributed to the crisis we're in right now. It needs to look at the Operating Service Agreement and determine if changes are needed so that Casella is not calling all the shots. And it needs to have the participation of impacted citizens and members of the Penobscot Nation, the people most affected when we put waste facilities by their homes.

Thank You  
Bill Lippincott  
Hampden

### **1. Casella mismanages Juniper Ridge Landfill.**

There have been numerous instances of landfill mismanagement over the years. In May of 2023, a fire broke out at Juniper Ridge Landfill which burned for four hours. Casella nor the DEP still have not identified the cause of the fire. During an uncontrolled burn, dioxins are produced and introduced into the environment when waste is burned, and can settle on vegetation and bio-accumulate within the food chain. Exposure to dioxins has been linked to suppression of the immune system, disruption of hormonal systems, liver damage, skin rashes, reproductive and developmental disorders, as well as certain kinds of cancer.

In February 2023, Casella refused to accept sludge at Juniper Ridge, creating a sludge crisis and putting Waste Water Treatment plants in a tough position. Casella claimed increased amounts of sludge caused landfill instability. However, Casella reported no increase in sludge disposal at Juniper Ridge Landfill since LD 1911 became law in 2022. Casella's own data undermined their attempt to scapegoat a law that has helped protect Mainers from serious health consequences of spreading PFAS contaminated sludge on farm lands. There has been no report or accountability for the incident, claiming this manufactured emergency as a reason to continue importing out-of-state waste to manage instability.

In their two decades of operation, Casella has been unable to manage odors from their operations at Juniper Ridge landfill. They have admitted that they are unable to control odors from operations, and stated they are afraid to introduce more air into the system to mitigate odors fearing it would cause another landfill fire.

### **2. Casella has been a bad actor in Maine, with a track record of regulatory and environmental infractions across the region.**

For years, Casella exploited a loophole in Maine law to use up precious state-landfill capacity to profit off of the importation of out of state waste. Additionally, Casella dumps minimally treated leachate into the sacred Penobscot River, harming the Penobscot Indian Nation.

In the past five years, Casella has violated environmental laws at their facilities in Bethlehem, NH; Southbridge, MA; and Seneca, NY. Casella's violations across the region demonstrate its lack of competence to operate any facilities, let alone extend their contract in Maine.

### **3. Casella impedes Maine's waste management hierarchy goals and recycling goals.**

Our waste hierarchy statute states landfilling is a last resort, and yet Casella charges exorbitant recycling fees that work against our recycling goals. Furthermore, Juniper Ridge is a publicly-owned landfill obligated by statute to provide disposal for waste generated in Maine. However, Casella, a company that profits over a billion dollars annually, makes money off of disposal of waste at Juniper Ridge. Waste becomes a commodity that grows share-holder profits and provides little incentive to create less waste.