

Bill Lippincott
Hampden

Senator Brenner, Representative Tucker, Members of the Committee,

I'm Bill Lippincott; I'm writing to express my strong support for L.D. 1639: An Act To Protect the Health and Welfare of Maine Communities and Reduce Harmful Solid Waste. I'm the Chair of Don't Waste ME but I'm submitting this testimony as a citizen of Hampden

Landfills are a precious resource, I was told by Evan Richert, head of the State Planning Office, during a 1999 State Solid Waste Task Force I participated in: extremely difficult to locate because of political and environmental factors, expensive to build, with long term environmental consequences while the landfill is in operation and long after it is closed. I speak with the experience of living a mile downstream from the now closed Pine Tree Landfill, with groundwater contamination that will need to be treated for unknown years into the future.

The purpose having the state own a landfill is 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 state policy.

The state has only limited alternative options to its Juniper Ridge Landfill (JRL). At a presentation to the ENR in January 3, 2018, Michael Barden, who was managing the state's landfills for the State of Maine, reviewed the status of the state's two other state owned landfill sites: Carpenter Ridge and the Dolby Landfill. ****1a**** Both are further away than JRL, so trucking costs would be considerably higher over time. Both are much smaller in size than Juniper Ridge. Mr Barden quoted a figure of \$760,00 an acre to develop a landfill, and a 1995 estimate of 15 million dollars to develop the 35 acre disposal footprint of Carpenter Ridge. (He confirmed those estimates were still in the ballpark when I wrote to him this year and that "It would not be economical to develop that small of a footprint today." ****2**** He also mentioned Carpenter Ridge is surrounded by wetlands at the 2018 ENR meeting.

Regarding the Dolby landfill, the original landfill is unlined; there were 9 acres that need to be capped and the state, in 2018 was pumping 60 million gallons of contaminated leachate from the site at a cost to the state of \$500,00 a year. If the available 75 acre footprint of Dolby III were to be developed, it would have only 400,000 cubic yards of capacity, equivalent to just 5 years for the waste Casella is currently bringing into Juniper Ridge. And he noted that "landfills require perpetual care" despite a requirement of only 30 years after closure. ****1b**** It's questionable whether remediation at the Pine Tree Landfill will be finished 30 years from closure; after 10 years of remediation so far, contamination is still increasing in some areas of the landfill. ****3****

Mike Barden wrote: "It would be unlikely for Dolby to be licensed/redeveloped as an active state-owned landfill. There is opportunity to license more capacity at Dolby after it is fully closed, but development costs would be significant and would need to be compared with costs to develop the Carpenter Ridge site, if additional state-owned landfill capacity were needed in the future." ****4****

Given the limitations in size and cost to develop those two other sites, and adding the great difficulty of locating a new site because of political and environmental factors, it's essential that we don't fill Juniper Ridge with waste that should never have ended up there. The state does not have a viable long term alternative.

That state capacity at Juniper Ridge is jeopardized by current practices.

There are several industry players that import large volumes of wastes from out of state that find their way to Maine. My experience is with Casella Waste Systems and its handling of the Pine Tree Landfill in Hampden, where I live, and the Juniper Ridge Landfill, where I have followed Casella's operations. There is a pattern with Casella, to fill its landfills as fast as they can, with as much waste as they can possibly attract and to bend the rules to do so. A look at Casella's operations at the Pine Tree Landfill in Hampden is revealing:

In 1998, Casella estimated in its application that it would dispose approximately 143,000 tons

a year in its expansion phases, at the Sawyer Landfill, since called the Pine Tree Landfill, (PTL), providing capacity for approximately 23 years. Which meant that the Hampden landfill's capacity from that expansion would have lasted until 2021, this year. Casella stated that "in response to a variety of factors" it took in approximately 567,000 tons in 2003 and 568,000 tons in 2004. So by their 2004 annual report, Casella estimated the Pine Tree Landfill would reach capacity by February of 2007, less than 10 years! (Casella was pushing for another major expansion – it actually stopped taking waste in 2010) Casella attributed part of this increase to "new" customers, as if it had no control over how much waste PTL took in. The "new" customers and wastes it cited were Maine Energy Recovery Company (MERC), a waste to energy incinerator in Biddeford, and its Front End Process Residue (FEPR), incinerator ash, generators of wastewater treatment plant sludge and Bypass MSW from Maine's waste-to-energy incinerators. Maine Energy was owned by Casella, and MERC FEPR was by volume one of the largest components of special waste PTL took in each month. The principal generator of wastewater treatment plant sludge to PTL was New England Organics, also owned by Casella, and this sludge was also by volume one of the main components of PTL special waste (much of it from out of state). Bypass MSW was almost entirely from Casella's MERC facility; very little came from PERC. The vague explanation was that the increase in waste was due to "a number of factors." Casella is fully aware of what caused those "number of factors" - Casella's own activities.

Casella stated that over half the increase in the waste disposal rate at PTL had been related to wastes generated within Maine, "including all of the increase in FEPR volumes, all of the ash-related waste volumes, and significant portions of the construction and demolition debris and MSW bypass waste volumes." But much of the waste that MERC processed was from out of state, so that much of the FEPR that was pulled out from garbage as unsuitable for incineration was from waste coming from out of state, as was the raw garbage - MWS bypass -that stopped at the MERC plant before going on to Hampden. "all of the ash-related waste" again does not take into account that waste incinerators import large quantities of out of state waste to keep their facilities going.

At the time I made a request of the State Planning Office for out of state waste records at PTL. George MacDonald, head of the SPO replied: "In 2003, Pine Tree reported to us that they received 218,087 tons of municipal solid waste and construction debris that was generated out of state. In 2001, that number was 19,313 tons." So after PTL was allowed to take in MSW Bypass in 2002, we know that it took over 10 times as much out of state waste in 2003 as it had in 2001.

DEP wrote in an August 24, 2005 letter to PTL: "waste volumes reported in annual reports since [2002] indicate that the current operation of the facility has resulted in the landfill capacity being used far faster than the timeframe anticipated in 2002 when the department reconfirmed the facility's 1997 public benefit determination....Since 2002, the quantity of wastes annually disposed in the Secure III Landfill expansion has greatly increased." DEP cited the practice of MERC, "to routinely accept more MSW for incineration than they could handle - including from out of state sources-and then to dispose of the excess at PTL."
5

Casella's wildly inaccurate estimates in 1998 of their yearly disposal rates undermined the basis for DEP's public benefit evaluation for PTL to serve the capacity needs of the state. On March 31, 2006, Casella withdrew its Public Benefit application for expansion of the Pine Tree Landfill, in the face of certain DEP denial, a central reason being the profligate manner in which PTL had squandered its own precious capacity. Juniper Ridge is a state-owned landfill, supposedly restricted to Maine waste, so should be held to at least the same public benefit standard as a commercial landfill. Casella failed to meet the Public Benefit test at its commercial landfill; they had the opportunity and responsibility to change their behavior when they were granted the right to operate Juniper Ridge. But while Eco-Maine has managed to mine its landfill in southern Maine and limit its growth, Juniper Ridge is still growing by leaps and bounds. We still have the same behavior from Casella at our state owned landfill as we did at its commercial landfill in Hampden.

In 2004, the year that JRL opened, it took in approximately 54,000 tons of waste, followed by about 260,000 tons in 2005 "to help stabilize" the waste heap. Perhaps we should accept the second year figure as more representative of operations after the initial opening. That went up to 290,435 tons in 2006 .**6**

That has increased, according to JRL annual reports for 2018-2020, to 735,942 tons in 2017, to 818,457 tons in 2018 to 835,320 tons in 2019 (each yearly report contains waste disposal data from the year before).**7**

And about 200,000 tons a year of that waste is demo debris coming from out of state after minimal processing by ReEnergy

And so I repeat: There is a pattern with Casella, to fill its landfills as fast as they can, with as much waste as they can possibly attract and to bend the rules to do so, commercial or state-owned. The state has limited options as far as restricting a commercial solid waste landfill. But this should not be so at a landfill the state owns, that it wants to preserve for its Maine businesses and Maine residents. We need to enact laws that truly support Maine's solid waste hierarchy.

We need to enact LD 1639, to ensure that waste imported from out of state does not wind up in our state owned landfills, to ensure that industry players are not gaming the system, to ensure that the long term capacity of Juniper Ridge is not jeopardized by practices that run counter to our statutory state waste hierarchy.

I urge you to vote in favor of LD 1639

Thank you for your time and consideration,

Bill Lippincott
Hampden

Footnotes

I'm having trouble submitting some of the footnotes, so will submit those footnotes to Sabrina Carey

****3****After 10 years of remediation, only 5 monitoring wells reflect a downward trend, 12 show no improvement, and 4 show increased contamination over the last five years.

After 10 years of remediation “only one well has reached the closure criteria and most of the wells remain significantly above the criteria.”

****5****Most of the data from this testimony is from a letter, with references and footnotes, from December 21, 2005 to Cynthia Darling, Department of Environmental Protection: Additional Comments on the Public Benefit Determination for the Pine Tree Landfill (PTL), in response to their November 18, 2005 application. Juniper Ridge was then called the West Old Town Landfill (WOTL).

****6****The 2004 and 2005 figures are from this article in the Bangor Daily News. I recommend reading the entire article; the issues around JRL that we're discussing now are not much different than the issues covered in this article:
<https://bangordailynews.com/2010/06/25/news/bangor/trash-talk-a-growing-landfill-splits-state-government>

The 2006 figures are from:

Solid waste generation and disposal capacity report for the calendar year 2007 prepared by the Maine state planning office for the joint standing committee and natural resources of the 124th legislature:

Oversized Bulky Wastes (OBW) increased dramatically at Juniper Ridge, from 9,649 tons in 2007 to 96,520 and 98,888 tons in 2010 and 2011! Former DEP Commissioner Aho expressed concerns about this drastic increase, as well as the large amounts of CDD and CDD residues coming into JRL (including OBW) through Casella's KTI processing facility (now ReEnergy's) in Lewiston.

The mystery is why the combined categories of CDD wastes into the state owned Juniper Ridge Landfill increased so drastically after the commercial Pine Tree Landfill, which had no restrictions on out-of-state waste, closed; if the increased volumes of CDD categories of wastes into JRL post-PTL were truly restricted to Maine wastes, what explains the dramatic increases since PTL closed?