



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Janet T. Mills
GOVERNOR

Gerald D. Reid
COMMISSIONER

IN THE MATTER OF

WASTE MANAGEMENT) APPLICATION FOR CROSSROADS
DISPOSAL SERVICES OF MAINE) LANDFILL EXPANSION PERMIT
NORRIDGEWOCK, SOMERSET) MAINE HAZARDOUS WASTE, SEPTAGE
) AND SOLID WASTE MANAGEMENT ACT
) PUBLIC HEARING
S-010735-WD-YB-N) FIRST PROCEDURAL ORDER

This First Procedural Order (Order) sets forth the Presiding Officer's decisions with respect to Intervenor and the Administrative Record and sets a date for the pre-hearing conference in this matter.

1. On November 18, 2019, the Maine Department of Environmental Protection (Department) accepted as complete for processing an application submitted by Waste Management Disposal Services of Maine (Waste Management or Applicant) for a Landfill Expansion permit pursuant to the provisions of the Maine Hazardous Waste, Septage and Solid Waste Management Act, 38 M.R.S. §§ 1301-1319-Y and the Solid Waste Management Rules: General Provisions, 06-096 C.M.R. ch. 400; Landfill Siting, Design and Operation, 06-096 C.M.R. ch. 401; and Water Quality Monitoring, Leachate Monitoring, and Waste Characterization, 06-096 C.M.R. ch. 405. The permit application is for the Phase 14 expansion of the Crossroads Landfill.

2. Pursuant to 38 M.R.S. § 1310-S and the Department's Rule Concerning the Processing of Applications and other Administrative Matters (Chapter 2), 06-096 C.M.R. ch. 2, § (7)(B), the Commissioner will hold a public hearing on the permit application. The Commissioner designated Susanne Miller, an employee of the Department, as the Presiding Officer for the purpose of carrying out the hearing on the application.

PETITIONS FOR LEAVE TO INTERVENE

3. On March 2, 2020, the Presiding Officer issued a Notice setting March 16, 2020 as the deadline to submit Petitions for Leave to Intervene in this licensing matter.

4. The Department did not receive any Petitions for Leave to Intervene as a result of the issued notice specified above in item #3. However, pursuant to 38 M.R.S. § 1310-S (3), the Town of Norridgewock requested intervenor status on August 21, 2019, and thus automatically

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received intervenor status in this matter prior to the Department's determination to hold a public hearing. Intervenor status granted under 38 M.R.S. § 1310-S (3) applies in any proceeding for a license under 38 M.R.S. §§ 1310-N-1310-AA, including the public hearing.

5. The Applicant and the Intervenor are considered parties to this proceeding. All parties must have a representative in attendance at all conferences. All parties are expected to comply with deadlines and filing requirements established by the Presiding Officer. Failure to comply may result in appropriate sanctions, including the rejection of argument, evidence or testimony the party seeks to offer.

ADMINISTRATIVE RECORD (if applicable)

6. The Administrative Record will be maintained at the Department's Augusta Office and available for public review so long as appropriate measures are taken to comply with the State of Maine's response to COVID-19. An electronic copy of the application can be found on the Department's website at <https://www.maine.gov/dep/waste/crossroadslandfill/index.html>. Requests to examine the licensing file may be directed to Linda Butler, Project Manager, at Linda.J.Butler@maine.gov, at 207-592-5329 or at 207-287-7885.

PRE-HEARING CONFERENCE

7. A pre-hearing conference will be held on May 28, 2020 at 1:00 p.m. using an electronic platform such as Microsoft Teams or Zoom (details will follow by electronic mail as the date gets closer). All parties must have a representative in attendance at the conference. Any party that is not present waives its right to object to matters discussed and resolved by way of procedural order following the conference. Members of the public may attend the conference but may not otherwise participate.

EX PARTE COMMUNICATIONS

8. Parties and their representatives may not communicate directly or indirectly with the Presiding Officer or the Commissioner about any issue of fact, law or procedure in this matter, except with notice to all parties and the opportunity for all parties to participate. Parties and their representatives may direct any questions they may have to Linda Butler, Project Manager, or to

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WD-YB-N

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Assistant Attorney General Katherine Tierney, (207) 626-8897, Katherine.tierney@maine.gov
counsel to the DEP in this matter.

Dated: April 24, 2020

A handwritten signature in blue ink, appearing to read 'SM', with a long horizontal line extending to the right.

Susanne Miller, Presiding Officer