



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Janet T. Mills  
GOVERNOR

Melanie Loyzim  
ACTING 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	)	FOURTH PROCEDURAL ORDER

This Fourth Procedural Order (Order) sets forth the Presiding Officer’s decision regarding the Motion to Reopen the Record submitted by Waste Management Disposal Services of Maine (Waste Management) on October 21, 2020.

**POST HEARING COMMENTS AND MOTION TO REOPEN RECORD**

1. At the Close of the Virtual Public Hearing on October 1, 2020, the Presiding Officer stated that the record would remain open for public comments until Tuesday October 13, 2020.
2. On Tuesday October 13, 2020 at 4:03 p.m., an e-mail was sent with attached comments to Ms. Linda Butler at the Department from the Conservation Law Foundation (CLF) pertaining to Waste Management’s landfill expansion application. These same comments were later sent by Department staff to the service list on October 14, 2020 at 11:10 a.m. to ensure parties and interested persons would receive them.
3. On October 21, 2020 at 3:43 p.m., CLF sent a document entitled “Correction to Comments” to the Service List, which was a revised document based on the original October 13, 2020 submission.
4. On October 21, 2020 at 4:21 p.m. Waste Management sent to the service list a Motion to Reopen the Record for the limited purpose of responding to CLF’s Post-Hearing Comments. The Motion argued that while CLF had been following and to some extent involved in the process of the public hearing since August (by requesting additional time to evaluate whether it wished to file a motion to intervene and by testifying at the hearing), CLF submitted substantive comments at the close of the comment period, which unfairly prevented Waste Management from clarifying information that may have been misleading or factually incorrect in those comments.

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5. Later that same day, at 5:20 p.m., CLF submitted another e-mail to the Department stating that it had no objection to reopening the record so that Waste Management could respond to its comments.

### **HEARING OFFICER DECISION AND DUE DATES**

6. The Presiding Officer finds that although there was ample time for CLF to submit its comments on the application, CLF's comments were submitted at the close of the comment period. Therefore, to further assist the Department in its review of the application, the record will be reopened to allow the parties to respond to CLF's comments and clarify information that may be important to Department staff in their evaluation of the application. Because this information may assist Department staff, the Motion to Reopen the Record is granted.
7. The Record will be reopened for 10 calendar days to parties and the public for the sole purpose of responding to the comments submitted by CLF on October 13, 2020. Comments will only be entered into the record if they are in response to the CLF comments received on October 13, 2020; if they are broader in scope they will not be accepted.
8. In addition to any comments that Waste Management plans to submit to the Department in response to the CLF comments, the Department would like Waste Management to specifically address the following items as they relate to the CLF comments:
  - Information regarding how the proposed landfill will impact views from Mount Tom.
  - Clarification of a statement made by Mr. Jeffrey McGown of Waste Management concerning the reporting of out-of-state waste to the Department. Mr. McGown stated during the October 1, 2020 hearing that the reporting requirement for out-of-state waste was based on a percentage of total landfill capacity; however, Condition #4 of License #S-010735-W5-XY-N specifies reporting based on the annual total of solid waste disposed and that the Department may require adjustments to ensure it continues to provide a substantial public benefit for the disposal of Maine-generated waste.
  - With respect to 06-096 C.M.R. ch. 401, § 2(D)(1)(b), what percentage of the proposed Phase 14 footprint does not have 5 feet of in-situ soils with an undisturbed hydraulic conductivity less than or equal to  $1 \times 10^{-5}$  cm/sec?
9. Comments will be due to Linda Butler by 5:00 pm on Thursday November 5, 2020.

Fourth Procedural Order

Public Hearing on Crossroads Landfill Expansion, Solid Waste Permit, Application # S-010735-  
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10. It should be noted that the CLF submission on October 21, 2020 entitled "Correction to Comments" has not been admitted into the record as it was submitted after the record closed and was therefore not timely.

Dated: October 26, 2020



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Susanne Miller, Presiding Officer