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GOVERNOR

STATE OF MAINE  
BOARD OF ENVIRONMENTAL PROTECTION

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June 5, 2018

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RE: Juniper Ridge Landfill Solid Waste License Amendment #S-020700-WD-BL-A  
Appeals by Edward Spencer and Bureau of General Services/NEWSME  
Deadline for Comment on Admissibility of Additional Proposed Supplemental Evidence

Dear Participants:

By letter dated May 2, 2018, Board staff identified the proposed supplemental evidence submitted by appellant Mr. Spencer and the proposed supplemental evidence submitted by appellant/licensee BGS/NEWSME. The deadline for comment on the admissibility of the proposed supplemental evidence was Friday, June 1, 2018 at 5:00 pm. The Board also requested comment on the admissibility of two Department licenses referred to in the BGS/NEWSME appeal, Municipal Review Committee, Inc. and Fiberight #S-022458-WK-A-N and City of Bath #S-004991-WD-J-A.

Mr. Spencer did not comment on the admissibility of the proposed supplemental evidence.

In a letter dated June 1, 2018, BGS/NEWSME commented on the admissibility of Mr. Spencer's proposed supplemental evidence and the admissibility of Department licenses #S-022458-WK-A-N and #S-004991-WD-J-N. BGS/NEWSME objected to the admission on Mr. Spencer's Exhibit #1 (truck delivery reports at JRL) and Exhibit #4 (2003 MRC letter from Mr. Louder). In the event the Board Chair admits Mr. Spencer's Exhibit #1, BGS/NEWSME requested that the Chair admit a May 25, 2018 letter from Gorrill Palmer on Coastal Resources Swap Agreement – Truck Impact. The May 25, 2018 Gorrill Palmer letter constitutes additional proposed supplemental evidence.

Under provisions of Chapter 2, § 24(C)(2)(b) of the Department's *Rule Concerning the Processing of Applications and Other Administrative Matters*, if a respondent offers any supplemental evidence, the appellant may submit written comment on the admissibility of the proposed supplemental evidence

within 15 days of the Board's written determination as to which of the respondent's exhibits constitute proposed supplemental evidence.

In this instance, Mr. Spencer may comment on the admissibility of the May 25, 2018 Gorrill Palmer letter. Comment is limited to whether the following criteria set forth in Chapter 2 § 24(D)(2) are met:

The Board may allow the record to be supplemented on appeal when it finds that the evidence offered is relevant and material and that:

- (a) the person seeking to supplement the record has shown due diligence in bringing the evidence to the attention of the Department at the earliest possible time; or
- (b) the evidence is newly discovered and could not, by the exercise of reasonable diligence, have been discovered in time to be presented earlier in the licensing process.

The deadline for Mr. Spencer to comment on the admissibility of the Gorrill Palmer letter is Wednesday, June 20, 2018 at 5:00 pm. No additional supplemental evidence may be offered at this point in the proceeding. The Board Chair will then rule on the admissibility of all the proposed supplemental evidence and set a deadline for responses to the merits of the appeals.

If you have any questions, you may contact me at (207) 287-2452 or Katherine Tierney, Assistant Attorney General, at (207) 626-8897.

Sincerely,



Cynthia S. Bertocci, Executive Analyst  
Board of Environmental Protection

cc: Service List