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Waste Management in Maine:

The West Old Town Landfill

by

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The Maine Wasteland; The Way Life Should Not Be

Here in Maine, a stagnant economy, high unemployment, depleted forest resource and a shrinking manufacturing sector belie the motto “Maine, the way life should be”. Governor Baldacci, some legislators and a couple of giant corporations, however, have a sure-fire solution; develop a new growth industry for Maine from imported TRASH. They have determined that Maine can compete regionally by importing out-of-state waste, which nobody else wants, and landfilling it in large commercial dumps throughout the state. Here is the sad but true story of this despicable endeavor, which has been disguised and hidden from public view. After all, nobody wants a waste dump in their community—nobody that is except the waste disposal corporations who profit from each ton of waste landfilled in Maine from whatever source, as does our own Department of Environmental Protection (DEP) from per ton fees collected from landfilled waste..

On June 23, 2003, the Maine legislature, in a late night session, approved a resolution granting permission for the State Planning Office (SPO) to purchase Georgia-Pacific’s (G-P) sludge dump, the West Old Town Landfill (WOTL), with two conditions; the purchase had to be revenue neutral for the State, and the landfill could not accept out-of-state waste. Prior to this, the SPO had already issued a request for proposals to manage the WOTL.

Casella Waste Systems, Inc., the only bidder on the project, won the “competitive bid”. Casella agreed to convert G-P’s small special waste landfill into a large commercial landfill and to heavily subsidize G-P with millions of dollars in greatly reduced tipping fees and below-market prices on fuel for G-P’s new biomass boiler. The project entailed

a huge expansion of the dump from the originally licensed 3.5 million cubic yard capacity to 20 million cubic yards and a major expansion of the waste stream from paper mill sludge to an all-purpose repository for commercial, municipal and industrial and other special waste. The SPO quickly applied to the Department of Environmental Protection (DEP) for a transfer of the license and later applied for an amendment for the first expansion to 10 million cubic yards.

This bizarre arrangement of a state-owned landfill run by a private corporation for commercial profit circumvents the intent of Maine's 1989 ban (Title 38, Chapter 13, Subchapter 1310-X) on the creation of commercial landfills beyond the two already in existence; Pine Tree Landfill (formerly Sawyer Mountain) in Hampden and Crossroads in Norridgewock.

All this was done behind closed doors with the unfounded justification that the West Old Town landfill (WOTL) would benefit Maine with much-needed landfill capacity for Maine-“generated” waste and jobs for Georgia-Pacific mill workers—not new jobs, just existing jobs. But job preservation was only a verbal promise from G-P; in fact, nowhere in any of the documents pertaining to this project is there any guarantee or even a mention of jobs. The public need for landfill capacity for Maine waste is equally fallacious, as will be explained below. The public was told to “trust us” on both of these matters by the SPO and the DEP as well by the corporate beneficiaries of the project.

On February 5, 2004, the State Planning Office purchased the WOTL from G-P with the condition that the purchase be financed by the Casella corporation's lease/operating agreement offer of \$26 million for the property. The WOTL project was to be “revenue neutral” (no cost) to the State. The State of Maine became the proud owner of the WOTL and proceeded to grant itself an amended license to triple the

capacity of the landfill and dump in the landfill special waste from the G-P mill and, in fact, MSW and CDD waste from anywhere within the state and from out-of-state. The DEP officially granted its approval for the amended license expansion of the WOTL on April 9, 2004. Approval had never been in doubt, since the State was both the applicant and license grantor.

All that remains for this disreputable deal to be complete is the final closure of the Casella Operating Agreement with the State Planning Office, and for a second expansion of the WOTL for an additional 10 million cubic yards in the near future to again be approved by the “independent” Department of Environmental Protection.

Even the SPO’s confused and misleading information does not support the State’s contention that there is (1) a need for this facility, (2) that it benefits the public or (3) that out-of-state waste will be prohibited at the WOTL. These assertions are based largely upon the SPO’s own data and reporting as summarized in Tables 1 and 2 below, as well as in the Appendix to this paper. Table 2 reveals that Maine’s population has grown by 3.9 percent and the state’s Gross Domestic Product increased by 17.3 percent between 1997 and 2003. Maine’s MSW landfilled increased by 124.5 percent over the same period, while the landfill capacity in the state increased by 274.1 percent.

How single-digit growth rates in population and economic activity can generate double-digit and triple-digit increases in waste and landfills can only be explained by the fact that this waste is not actually generated in Maine but comes in from other states. This is, indeed, the case. Table 2 reveals that out-of-state imports have increased by 124 percent between 1997 and 2003. Therefore, not only is the State filling existing landfills with imported out-of-state waste far in excess of that truly generated by Maine businesses and households it is also committed, in the WOTL project, to add an additional 10

million cubic yards to the already 10 million cubic yard capacity to import yet more out-of-state waste. Casella's requirement for a minimum of 550,000 tons of waste delivered to the WOTL each year—though there is no upper annual limit—for the project to be economically viable is the only “need” for this facility. In 2003, the entire State only landfilled 937,483 tons of waste in its existing facilities, both commercial and municipal. Maine simply does not generate sufficient waste volume to feed this new facility and, in fact, already has abundant landfill capacity for its own needs. The only way that the WOTL can be profitable for Casella, therefore, is by increasing the importation of out-of-state waste, which ostensibly Casella is contractually prohibited from depositing in the WOTL.

SPO and DEP denials notwithstanding, the WOTL can only be explained, but not publicly justified, by the “need” to landfill out-of-state waste. What we have here is a massive increase in commercial landfill capacity, predominately via the WOTL, generating an increased importation of out-of-state waste which, in turn, is landfilled in Maine for the private profits of a few corporations, especially Casella, but including Georgia-Pacific as well. Maine has no “public need” for the WOTL or for the importation of out-of-state waste.

Casella stands to benefit to the tune of over \$1 billion in revenues from tipping fees alone, while G-P will obtain at least \$60 million over the next 30 years in reduced tipping fees and fuel subsidies. These subsidies, plus the \$26 million for the sale of their landfill property, makes a grand total of \$86 million for Georgia-Pacific.

By threatening to cut jobs at the Old Town mill if the WOTL deal is not approved, Georgia-Pacific engaged in corporate blackmail; i.e., “do this or we will hurt you.” G-P

is currently engaged in round two of corporate blackmail by again threatening job cuts at the mill unless its new biomass boiler (incinerator) is permitted to burn imported construction and demolition debris at the facility.

“Win-win” for the private corporations involved is lose-lose for the people of Maine. While there’s “gold in them thar hills” for the corporations, there’s only mountains of trash for the people of Maine. When the second 10 million cubic yard expansion is approved, the WOTL, situated only 200 feet from an emerging wetland habitat, will cover 170 acres and reach 390 feet high (at least seven times the size of Casella’s Pine Tree Landfill in Hampden). Special/industrial waste will be mixed with municipal waste and with waste imported from out of state in one massive dump to be managed and monitored by Casella and our state’s environmental guardians; the Department of Environmental Protection and the State Planning Office.

The WOTL is an environmental and ecological disaster waiting to happen and a precedent preparing the way for additional commercial landfills in paper mill towns throughout the State. Nearly every paper mill has an unprofitable special waste landfill waiting to be transformed into a profitable WOTL-type commercial landfill. If the people of Maine are not outraged by the corporate shenanigans and government complicity embodied in this deal, or by the trend it is setting for Maine’s future, they haven’t been paying attention. We encourage our fellow citizens to seriously study the more detailed information in Tables 1 and 2 and the following Appendix to this paper so that they be better informed on this subject, which adversely affects us all, before it is too late. Only an informed public can make a right decision and it should be done in a democratic process not by a few corporate CEO’s and a complicit state bureaucracy.

WORKSHEET DATA SUMMARY

Table 1: Maine Municipal Solid Waste (MSW) Types, Disposal and Landfill Capacity

Tons	1997	1999	2001	2003
State MSW (incl. CDD)	1,635,136	1,696,006	1,844,059	2,019,998
CDD	158,735	199,477	323,221	307,962
State MSW (EPA definition (excl. CDD	1,476,401	1,496,529	1,522,121	1,712,036
Out-of-state Imports less Exports	(0)	77,435	141,177	289,964
Imports only	138,000	168,709	218,942	446,958
Total waste Landfilled*: sum 1 & 2	417,557	632,528	772,567	937,483
1) In commercial landfills (tons) **	323,137	497,047	632,169	790,866
2) In municipal landfills (tons)	94,420	135,481	140,398	146,617
3) From incinerators (ash & FEPR)	300,000	300,000	332,935	354,593
Total State Landfill Capacity in cubic yards: sum 3 & 4	4,759,000	5,550,700	11,104,043	17,203,677
3) Commercial (cubic yards) **	3,000,000	4,000,000	7,340,603	***15,694,898
4) Municipal (cubic yards)	1,759,000	1,550,700	3,763,440	2,108,779

Sources: Various, including the biennial SPO Solid Waste Management Reports to the Maine State Legislature for the years 1997, 1999, 2001 and 2003 as well as other sources listed below.

*email communications (4/17/04, 3/17/04, 12/13/04 from George McDonald at the SPO and his testimony at the public information meeting in Old Town, Maine on 3/29/04 and 3/30/04.

**One ton equals .60 to .75 cubic yards.

***Includes the 10 million cubic yard expansion at the WOTL in 2004.

Table 2: Percentage Increases

	1997-1999	1999-2001	2001-2003	1997-2003
Maine Population	1.0	1.4	1.4	3.9
Maine Gross State Product	8.0	4.0	4.0	17.3
Maine MSW (including CDD)	3.7	8.7	9.5	23.5
Maine MSW (excluding CDD) (EPA definition)	1.4	1.7	12.5	15.9
Construction & Demo Debris (CDD)	25.7	62.0	-4.7	94.0
Out-of-state Imports	22.3	29.8	104.2	223.9
MSW Landfilled	51.5	22.1	21.3	124.5
MSW Landfill Capacity	15.7	83.5	113.8	274.1

Sources: Same as Table 1 above

APPENDIX

Discrepancies in Data and Definitions

Waste management in the State of Maine is almost impossible to comprehend because of the many definitions used, some of which are not in the dictionary, and the numerous inaccuracies, errors and inconsistencies in the information reported by the State Planning Office, the Department of Environmental Protection – by omission and by commission. As a consequence, the legislature and the citizens of the State are not informed about the actual waste management and, indeed, are misinformed, intentionally and perhaps unintentionally by the SPO. It is, however, our opinion, based upon our investigation and analysis, that the confusing information provided by the SPO is predominantly intentional and is by commission.

It is impossible to describe in detail all the many SPO definitional and data problems, inconsistencies and inaccuracies in this brief report. Below is merely a summary of the more blatant examples of the waste management misinformation campaign.

Definitions

SPO's definition of municipal solid waste (MSW) includes construction and demolition debris (CDD), which is not recommended by federal EPA guidelines and which is not included in MSW by other states. The purpose for this is to give the illusion that Maine's MSW is "generated" by the people of Maine, when, in fact, much of the CDD is imported out-of-state waste, which is landfilled in the State. The large and

increasing MSW figures are then used to justify the public “need” for additional commercial landfills such as the WOTL and their many expansions.

In order to disguise these huge expansions of commercial landfills, the expansions are called “amendments” and new commercial landfills like the WOTL are called “State landfills” in order to circumvent the State’s prohibition of new commercial landfills and to avoid DEP regulations. Out-of-state waste, which first goes to incinerators, much of which is by-passed to commercial landfills, is called Maine generated waste. Likewise the SPO uses various definitions for other waste, which is incinerated, landfilled and recycled. In short, the readers of Maine’s waste reports issued by the SPO, be they legislators or Maine citizens, never know which definition is being used with respect to the various statistics reported.

Statistical Data

In addition to the multiple definitions of these waste variables, many of which are not found in the dictionary, the SPO in its reports provides different estimates for waste data and statistics, which makes it impossible to know which is the accurate figure. Thus it is impossible to obtain a coherent overall picture of the management of waste in the State for any given year, let alone over time. Nor is it possible to cross check these figures with an original database since the SPO makes no such database available to the public. Again, there are so many of these different statistical estimates reported for the same waste variable that it is impossible to consider all of them in this brief analysis. Only the most blatant examples will be considered here.

Despite the fact that the commercial landfills in the State are the largest and the fastest growing, the SPO omits from its reporting any measurement of the amounts of

waste or the types of waste deposited in these landfills, which comprise approximately 90 percent of all the landfill capacity in the State of Maine. The SPO also does not regularly report to the legislature or to the public on the management of “special” waste, which in the year 1997, approximately equaled the municipal solid waste in tonnage. More than half of this commercial “special” waste, mostly from the paper mills, was landfilled in that year. One explanation for this omission is that the large commercial waste facilities in Maine are increasingly mixing MSW and special waste in the same landfills. Or, as in the case of the WOTL, a small special waste landfill is vastly expanded and licensed for MSW. This mixing of MSW, CDD and special waste in one mammoth landfill does not constitute an environmentally sound or wise practice.

Yet another incomprehensible SPO omission is its failure to make available to the public or the legislature information from the Broker’s survey data used to compile recycling statistics, claiming that this information, provided by a private contractor, is “confidential”. Consequently, not only are there various estimates in the SPO reports on the amounts and percentages of MSW (1) recycled and (2) landfilled, there is no way to confirm or refute many of these figures or to decipher which of the estimates are accurate.

Tables A-1, A-2 and A-3 below show just a few of the many confusing state MSW numbers reported for the year 2001.

Table A-1: Municipal Solid Waste 2001

	Tons	Source
Total MSW	1,844,059	2001 SPO report
MSW less CDD	1,522,121	2001 SPO report
“Estimated” MSW	1,327,164	BioCycle magazine, “State of Garbage in America”*

*January 2004.

Which of these three figures is the true Maine MSW aggregate? The highest tonnage figure, Total MSW, is used by the SPO to support its case for the “public need” for additional commercial landfills and/or expansions, as in the case of the WOTL. The smaller tonnage figure, MSW less CDD, is used by the SPO to calculate a higher recycling rate closer to the State’s goal of 50 percent MSW recycled. The smallest “estimated” MSW tonnage figure is used for national comparison with other states in the U.S., enabling the SPO to claim that Maine ranks among the top ten percent of the states in its recycling performance.

Table A-2: Maine Solid Waste landfilled 2001

Total Tons	% MSW *	Source
431,509	23.4%	2001 SPO report
772,576	41.9%	SPO email 4/7/04
* 228,759	17.2%	BioCycle magazine

*“Estimated” MSW, excluding CDD and imports. Source: “State of Garbage in America”, BioCycle magazine, January 2004.

How much of Maine’s MSW is landfilled? Here again, the highest tonnage figure reported in SPO’s 4/7/04 email and at public information meetings on the licensing of the WOTL, is used to justify the state’s “need” for new commercial landfills and expansions. The smaller tonnage figure in the 2001 SPO report, is used to show that it is making

management efforts and progress in achieving the goal of disposing of MSW other than by landfilling, which is the lowest State priority for waste disposal. Again, the smallest MSW landfilled tonnage figure, BioCycle “estimated”, is used for national comparisons with other states to claim that Maine is among the top few state performers who landfill a very small percentage of their MSW.

Table A-3: Municipal Solid Waste Incinerated 2001

	Tons	% MSW	Source
Delivered to Incinerators	832,935	45.1 %	2001 SPO report
Actually combusted	500,000	27.1%	2001 SPO report
* Estimated MSW combusted	448,368	33.8%	BioCycle

*Estimated MSW, excluding CDD and imports. Source: “State of Garbage in America,” BioCycle magazine.

How much of Maine’s MSW is incinerated at “waste-to-energy” facilities? Once again, the highest tonnage figure, “delivered to incinerators”, is used by the SPO when it wants to give the illusion that nearly half of MSW is disposed of in this way to generate electricity. In fact, only about 60 percent of this tonnage is actually “combusted” and the remaining tons are landfilled. The BioCycle “estimated MSW” combusted tonnage of 448,368 tons is less than the 2001 SPO report figure because it excludes CDD and imports – or so the SPO claims.

In conclusion, the examples above are just a few of the many SPO definitional and statistical discrepancies of Maine’s waste disposal. There are many others of a similar nature, which, when combined with the few documented above, make it virtually impossible to understand Maine’s waste management. We suspect that the same

ambiguity and misleading information exists in the SPO's reporting of out-of-state waste and MSW recycled, although we cannot demonstrate or document as much since the SPO neither defines these waste streams nor provides any information on them other than what it chooses to report without documentation. One fails to see how either the legislature or the citizens of the State can be enlightened by such reports, without transparency, with multiple definitions as well as with different estimates for ostensibly the same waste variable. The only explanation one can draw from all of this is that the SPO is deliberately engaging in such reporting activity so as to misinform, confuse and mislead the public as to the true and accurate situation of waste management in the State. One can only conclude that waste is mismanaged in Maine by the SPO to misinform the public in order that the hidden agenda of the SPO and DEP and others can be furthered. This hidden agenda is to privatize waste management in Maine via the creation and expansion of commercial landfill facilities to attract increasing tonnages of out-of-state waste for the private profit of a few corporations at the expense of the people of this State.