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Don Meagher

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Siting new disposal facilities in Maine in the 1990s

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The seeming paralysis in siting waste disposal facilities and other new facilities in Maine and other states underscores the difficulty of designing and implementing processes that will safeguard the environment and human health while sustaining economic development. Sherry Huber, director of the Maine Waste Management Agency, highlights issues that have surfaced during the initial efforts of MWMA to site a special waste landfill. Don Meagher of the Eastern Maine Development Corporation describes the lessons learned from his involvement in an effort to site a demolition debris facility. Bob Dunning, a Bridgton facility siting activist, offers some suggestions to government and industry officials on how to communicate better with facility siting opponents. Finally, Michael Cannata, chief engineer of the New Hampshire Public Utilities Commission, details the steps taken by New Hampshire's leaders to ensure a responsive facility siting process for new energy projects.

A local view of facility siting

by Don Meagher, Vice President for Planning, Eastern Maine Development Corporation

Like Sherry Huber, I am working to site a landfill, in this case a demolition debris facility. While I draw some hope from her optimistic view of her task, sometimes I really wonder if it is possible to site a landfill in Maine today. As much as I try to avoid it, I keep coming back to the question why would anyone want to bother with or to endure the problems involved in siting a new landfill.

I work with a group of communities in the Greater Bangor area that are trying to site a construction and demolition debris landfill. This waste does not glow in the dark. It is wood, drywall, bricks, mortar, rubble, stumps, brush - essentially inert waste that does not decompose, does not rot, does not produce leachate, and is not a source of contamination. The circumstances under which we started that process were somewhat similar to those faced by Sherry Huber and the Maine Waste Management Agency (MWMA). There was an effort to site an ash landfill in Township 30 back in 1987-1988. The DEP denied that application after some very contentious and adversarial public hearings. The developer incurred a cost of about \$2 million.

Initially, the communities I work with sought intervenor status to get that landfill approved because they were using the incinerator that would utilize it. We did not realize that the failure of that process would have another effect. Because there was very little remaining capacity for disposing ash, the facility being used at that time, with very short notice, told all other generators of waste that they had to find another home. That included construction and demolition debris. The communities were given about 60 days to find another location. There was some short-term capacity in the local municipal landfills. We had about a year and a half to develop a site, and we thought, naively, that there would be no problem to develop a landfill for this waste, as benign as it is.

Site development process

We went through a site-selection process very similar to that used by the MWMA. That involved: Designating a search area; applying a set of exclusionary screens to rule out those unsuitable areas; applying a set of preference criteria to rank order those sites that were identified as potentially suitable; and getting on the site to do some hydrogeological investigations. We submitted a pre-application to the DEP in August of 1990. We were about a year and a half into the process, and our progress had been pretty good. But beyond that point it ground to a halt, and we have made very little progress since.

There are really two reasons that I could identify for this. First, DEP standards drive sites toward tight soils (e.g., clay) on the belief that, if all of the engineered systems fail, the tight soils would provide an additional backup against groundwater contamination. Unfortunately, in a humid, temperate climate like Maine, that means wetlands and federal law prohibits the dredging or filling of wetlands. So we were caught between two mutually contradictory regulatory standards, and we have still not resolved that conflict. Second, our process was affected by the MWMA's siting effort. The agency used virtually the same process that we did, and it was not surprising that they identified our site as one of the potentially suitable candidates. I would have been somewhat alarmed if they had not because that would have called into question our site selection process. Initially, we were one of the twenty-five sites in the central Maine area. That cast something of a cloud over our ability to move forward. We were about to make the decision to commit hundreds of thousands of dollars for investigating that site. The communities were understandably reluctant to go forward when the agency's siting process might ultimately preempt that site.

The second impact of the agency's effort was to mobilize a great deal of citizen opposition. Until the site was identified by the agency, we had a willing-to-neutral host community. We had no citizen opposition, despite the fact that we were very public with the process. It is hard to say where we are now, but I am very concerned that the attitude of the public is that a dump is a dump and that they will fight any attempt to establish any landfill of any sort for any category of waste. It seems immaterial, at least to the coalition that has been established, whether we are dealing with special waste or stumps and bricks. It is all the same, and they do not want it I cannot foresee the conclusion, but it seems to be a serious obstacle.

Lesson from the process

We have been at the process for 3 1/2 years. What we thought at the beginning would be something of a cake-walk has been a real education. There are some conclusions I can draw from the process. Certainly, we must resolve this inherent conflict in the regulatory criteria. I am not suggesting that we relax the environmental standards. But in Maine, with our hydrogeology, we cannot both maximize protection of groundwater and avoid impacting wetlands at the same time. A choice has to be made. We must decide which priority is more important. I tend to believe that it is reasonable to sacrifice some Class Three wetlands to provide that additional back-up, a final barrier to groundwater contamination. But those tight soils will be on a wetland. If you avoid wetlands, soils will be more permeable, and groundwater will be more exposed to contamination. We must make the choice.

Second, we must find some way to get the public to take more responsibility for the wastes that they produce. In the Township 30 hearings, the sentiment heard most often was that the public was outraged that a sparsely populated area was selected for that site. In their minds, that was exactly the wrong reason for a landfill to be there. They felt, and I think there is some justification for this, that the waste ought to be handled where it was generated. They basically told the people from the Central Maine area to go back to where they came from and find a landfill site there. In the MWMA's hearings in Hampden and Hermon, where our site is located, the public's outrage was over the failure to consider the human factor. In fact, there was a bill in the legislature to reverse the priority of where a new landfill should be, from areas close to the source of generation to areas that are sparsely populated. That largely trades one group of irate citizens for another. There may be fewer of them and they may be able to mobilize less of a political effort, but there will still be people who do not want it in their backyard. Every site is somebody's backyard.

To promote a sense of responsibility on the part of the public, the state should deal finally and firmly with the issue of grandfathered, unlicensed town dumps. We have, on the one hand, a set of very restrictive site selection standards and very sophisticated design standards for new landfills. Yet we continue to let improperly located, unlined, very poorly designed town dumps to operate. This double standard has to be resolved. As long as somebody can go to a public hearing to oppose a well-located, high-tech facility and then go home to use their town landfill that is on the edge of a marsh or river and has no liner whatsoever, why should they take responsibility for the difficult choices?

Finally, I would urge that the legislature allow the process that they established in 1989 to have a chance to work. As I indicated, there were some attempts in this legislative session, as there have been in past sessions, to tinker with the process, to change the standards, and to change the priorities of where a landfill should be located. I think the process that was developed in 1989 was a very good one. It was the result of much compromise and consensus and, as Sherry Huber stated, we have to let the experiment run its course before we decide whether it is workable or needs fixing.

I am concerned about proposals to reverse the fundamental policy decision to shift the responsibility to develop new landfill capacity to state government. We removed the private sector from this arena. I believe in that approach, and that belief is not in any way a criticism of the private sector. But I think it is a good approach for two reasons. First, as long as we have the private sector that may or may not develop a new facility, we lose the urgency that needs to be placed on the public sector to get the job done. The only way to keep up that pressure is to keep the private sector out of it. Incidentally, I really question whether, after the experience of Township 30, anybody in the private sector is going to step up to put \$2 million (or whatever it takes) at risk simply to be told that they cannot do it. Second, the public sector has a degree of permanence and a financial capacity to deal with issues of postclosure and remediation, should an accident occur, which the private sector cannot match.

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