

Kat Taylor Comments  
DEP Public Hearing on Waste Management's proposed 53+ acre Expansion  
Crossroads Landfill, Norridgewock

Attn: Ms. Linda J. Butler  
Project Manager  
Maine Department of Environmental Protection

Dear Ms. Butler,

My name is Kat Taylor and I am a resident and landowner in Argyle Township, Maine. I am writing to oppose the recent application for expansion of Crossroads Landfill in Norridgewock, Maine.

I've been reading through the comments and find it no surprise that most of the comments are from municipalities and for-profit waste enterprises supporting the expansion. The municipalities are looking for a cheap way to dispose of their Municipal Solid Waste (MSW) and Construction Demolition Debris (CDD) and the for-profit industries make money off these two products and need somewhere to dump their bypass or residue.

The few that oppose expansion are people who have to live near the landfill, the Penobscot Energy Recovery Company (PERC) which claims misinformation in the application and the town of Norridgewock itself. As someone who lives within sight of Juniper Ridge Landfill (JRL) in Alton, I understand their plight. We in Argyle have been against JRL from the beginning and fought off attempts by the Municipal Review Committee (MRC) to put a landfill in Argyle, in the Alton Bog, a pristine pure water supply that empties directly into the Penobscot River through Argyle.

Surprisingly proponents for the expansion include *The Sportsman Alliance* and the *Inland Fisheries and Wildlife (IFW)* who benefit from Crossroads taking in illegally dumped trash for free and sponsoring various outreach programs. **I don't think IFW is considering that imported unprocessed waste constitutes the same problems as unprocessed firewood does.**

And while these altruistic efforts on behalf of Crossroads are beneficial, they hardly outweigh the damage done by acres of unprocessed MSW/CDD.

**For me the answer is simple: ban all out of state MSW and CDD.**

My comments for **Chapter 400 Rule Making** public hearing (<https://www.maine.gov/dep/rules/index.html>) bring up this solution as an overall fix for many of the reasons landfills and dump sites keep requesting expansion and licensing. If Maine took care of only its own trash then we would not have the capacity problems we see in various landfills.

There are a couple of legislative efforts you may be aware of besides the **Chapter 400 Waste Management** rule making.

One is the ban by **IFW on out of state firewood**. IFW claims that untreated firewood is bringing

in invasive species that are destroying our forests and contaminate our wildlife, waterways and private land. I've attached a copy of the IFW's FAQ's on the firewood ban with highlights. But you can find the original here:

[https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwiblfvrrHsAhUk2FkKHV8GCj4QFjAAegQIAhAC&url=https%3A%2F%2Fwww.maine.gov%2Fdacf%2Fmfs%2Fforest\\_health%2Fdownloads%2Ffirewood\\_out\\_of\\_state\\_ban\\_faqs.pdf&usg=AOvVaw0LyqGLHmwv3TuNuUSPxK30](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwiblfvrrHsAhUk2FkKHV8GCj4QFjAAegQIAhAC&url=https%3A%2F%2Fwww.maine.gov%2Fdacf%2Fmfs%2Fforest_health%2Fdownloads%2Ffirewood_out_of_state_ban_faqs.pdf&usg=AOvVaw0LyqGLHmwv3TuNuUSPxK30)

Inland Fisheries & Wildlife (IFW) Rule Making should define Municipal Solid Waste (MSW)/Construction Demolition Debris (CDD) as firewood destined for biomass boilers and should be burned within 24 hours of import.

In addition, **all MSW/CDD should be tested and processed prior to import** to make sure it is uncontaminated and it **should never be used as daily cover for landfills without being processed first.**

By putting unprocessed MSW/CDD directly into our landfills we are simply taking product that may be infested with insects, larvae and eggs, or deer carcasses from out of state hunting or plant material tossed into the trashcans of out of state municipalities and throwing it onto a landfill which is a perfect breeding ground for disease and infestation.

**Following IFW's own rules regarding firewood from out of state, no unprocessed MSW/CDD, whether through heat, grinding or incineration should be allowed as daily cover in landfills as it poses a risk of spreading Deer Chronic Wasting Disease (CWD), and Invasive Species of Plants and Insects which amounts to the same thing.**

The other is the bill introduced last year but died on the floor with the early closing of the legislature:

**H.P. 1041 - L.D. 1431 - Resolve, To Support Municipal Recycling Programs**  
[https://legislature.maine.gov/legis/bills/bills\\_129th/chapters/RESOLVE42.asp](https://legislature.maine.gov/legis/bills/bills_129th/chapters/RESOLVE42.asp)

This bill offers solutions and funding for municipalities to control recycling and waste management locally, thereby eliminating the for-profit industries using loopholes in the regulation of MSW/CDD to make money, filling up capacity in commercial and state owned landfills like Juniper Ridge.

**H.P. 1041 makes the recycling of excessive packaging used by product manufacturers their responsibility. We should contact our local legislators to re-introduce this bill or one much like it, to make single use and excessively packaged products' recycling the manufacturers' responsibility by implementing a levy.**

Until we curb our excessive consumption of products that can't be repaired, reused or recycled then we cannot achieve the standards set by Maine's Waste Management Hierarchy.  
(<https://legislature.maine.gov/statutes/38/title38sec2101.html> )

By allowing out of state trash to come into Maine we are enabling other states to continue in their destructive behavior at the expense and health of Mainers and our environment and agriculture not to mention tourism. Who is going to want to vacation in Maine if they see landfills lined up along I95 like the pyramids of Egypt? Who is going to want to boat in waters polluted by leachate? Who will want to eat the fish from polluted waters? Who will want to hunt in Maine

when our deer and moose are decimated by Chronic Wasting Disease?

If the IFW is concerned about the minimal importation of firewood for campers, shouldn't they be also concerned of the thousands of tons of out of state trash that can harbor many times the amount of disease and pests? Shouldn't the Forest Products industry be concerned that CDD dumped untreated on landfills in the middle of forested areas that screen from view the activities of the managers? Shouldn't the tourism industry be concerned about the optics of a chain of landfills which can be seen from as far away as Burlington as the JRL is?

Proponents of landfill expansion and opponents of regulation often site the Interstate Commerce Clause (ICC) as the reason imported MSW/CDD is allowed. However, I spoke with Paula Clark of the Department of Environmental Protection (DEP) recently and asked her when it became legal to allow out of state trash into the state of Maine.

Apparently bringing in out of state trash and debris falls under the category of "That's the way we've always done it." Everyone seems to take it for granted that the ICC is a blanket license to allow harmful products into Maine carte blanche.

However, there is precedent that this is not so.

According to the IFW Firewood Ban FAQ's on page 5 it states:

*"Isn't this a violation of the Federal Interstate Commerce Clause affecting trade and business between States?"*

*No. This question **has previously been addressed in the courts for other products** and the question has been investigated in regards those judgments as they apply to firewood. **These state regulations do not violate Federal ICC law.***

I'm currently looking into what those "other products" are. But one I know of one for sure, *Maine V. Taylor*, and included it in my **Chapter 400 Rule Making** comments. *Maine V. Taylor* is a US Supreme Court Ruling on the case the IFW took against my father, Robert J. Taylor, founder of *Taylor's Bait*, on the illegal importation of bait fish.

I've attached an edited version of my testimony from the public hearing on **Chapter 400 Rule Making** session and the file on *Maine V. Taylor*. But the crux of the SCOTUS decision is this:

*"Moreover, we agree with the District Court that **Maine has a legitimate interest in guarding against imperfectly understood environmental risks, despite the possibility that they may ultimately prove to be negligible.***

*"[T]he constitutional principles underlying **the commerce clause cannot be read as requiring the State of Maine to sit idly by and wait until potentially irreversible environmental damage has occurred** or until the scientific community agrees on what disease organisms are or are[is or is] not dangerous **before it acts to avoid such consequences.**"*

*"The [Interstate] Commerce Clause significantly limits the ability of States and localities to regulate or otherwise burden the flow of interstate commerce, **but it does not elevate free trade above all other values.**"*

According to the decision of the US Supreme Court in *Maine v. Taylor*, Maine has the right to

inspect importation of (baitfish/MSW/CDD) to determine if it could *potentially* harm our wildlife and ecosystems.

*“Maine could inspect every truck that brings in [MSW/CDD] to the state of Maine but no methods currently exist to practically do so and Maine is under no obligation to develop such methods.”*

**“A State must make reasonable efforts to avoid restraining the free flow of commerce across its borders, but it is not required to develop new and unproven means of protection at an uncertain cost.”**

Waste management businesses are welcome to develop their own methods of inspection that the state may adopt if they prove effective.

Therefore, a total ban on a product, MSW/CDD, can be enforced without violating the Interstate Commerce Clause since **we have no way of knowing that such importation will not harm our fragile ecosystem and be detrimental to our citizens and wildlife.**

I ask that the DEP delay any decision on any expansion or licensing of MSW/CDD facilities until the Inland Fisheries and Wildlife and the Board of Environmental Protection decide on their rule making that will define what constitutes Out of State Firewood and Out of State Waste and whether or not to add clauses for Environmental and Social Justice as these decisions may impact any need for licensing and/or expansion of waste management facilities all over the state of Maine.

The sad fact of the matter is that there is a lot of money in waste management. Until we finally reach a point where Maine is no longer the dumping ground of New England waste facilities will lobby for expansion and argue the Interstate Commerce Clause gives them the right to do so.

But if we give them their licenses and expansions before all the legislation is settled, then they will feel the need to fill up that extra space and continue to bend the rules simply to make a profit. If they have no place to put imported waste, then they will be forced to modify their business models to find a more appropriate solution.

If Maine, through cooperation of various agencies like the DEP, IFW, ACF and the forest products industry, the hunting and fishing industries, the tourism industries, can unite to finally put an end to the seemingly limitless volume of waste coming into our state by just saying “no more”, then we can finally put to rest this issue of waste management excesses which do so much harm to our beautiful state and its people.

I encourage anyone who reads this to contact their local legislators to support rule changes I’ve suggested and legislative efforts like **H.P. 1041** which tackles our waste problem at its source: the manufacturers.

Thank you for your time and consideration.

Respectfully,  
Kat Taylor  
Argyle Twp.  
Maine