

Then and now — here and there

By Randy Seaver
Editor

Even as city officials in Biddeford and Saco seek ways to get out of a host communities contract with the owners of the Maine Energy Recovery Company, municipal officials in Old Town are now looking at entering into a similar agreement with the same company.

Casella Waste Systems, owners of the controversial MERC trash incinerator in downtown Biddeford, was awarded a contract last year to operate a state-owned landfill in West Old Town. The deal was part of an effort by Gov. John Baldacci two years ago to save jobs at the troubled Georgia Pacific paper mill in Old Town.

The 68-acre landfill was purchased by the state for roughly \$26 million in April 2003 with the caveat that Georgia Pacific would use the sale proceeds to make investments to the mill, which employs 450 people with average wages of \$55,000 per year.

Casella, which operates the Pine Tree Waste landfill in nearby Hampden and several other waste facilities throughout Maine, provided the funding for the sale to proceed by submitting a bid to run the facility.

Thus, if the MERC plant is eventually closed, trash from Biddeford and Saco could soon be on its way to Old Town, another community that is struggling to revitalize its downtown and now supported by a manufacturing base with blue-collar jobs. And Casella will still be the company that manages the trash stream.

While state officials describe the Old Town plan as a “win-win” solution that saved paper mill jobs and expanded solid waste disposal options, not everyone sees it that way.

In fact, the concerns now being raised about the West Old Town plan seem eerily similar to what was being said by opponents of the MERC plant 20 years ago.

Critics talk of “private, back-room” deals that attempted to thwart public scrutiny and approval of the plan – much the same as MERC’s most vocal critics said in the mid-1980s, when the incinerator was sited in downtown Biddeford.

State officials, including Jack Cashman, Baldacci’s commissioner of economic and community development, bristle at those accusations, vehemently denying that there was anything “improper” or back-handed about the deal.

Old Town, perhaps best known for its manufacture of canoes and kayaks, is located roughly 15 miles north of Bangor and is also home to a GP mill that pays roughly a third of the town’s property taxes.

Then and now, Here and there —

Saco City Councilor Eric Cote, who served as the city’s mayor when the MERC plant was first sited in Biddeford, said it was all but impossible for local officials to know what the long-term effects would be of building an incinerator in the downtown area.

“We were looking at something that would allow us to produce renewable energy,” Cote said. “We were assured that there would be no odors and that it [MERC] would essentially be invisible. For us, it seemed like a good way to handle our local trash problems.”

In the early 1980s, both Biddeford and Saco were forced to close their municipal landfills because of increasing pressure from state and federal laws governing solid waste disposal options. Furthermore, downtown Biddeford was left reeling from the combined after-effects of the 1970s recession and the development of suburban shopping malls.

In retrospect, that combination of economic and social problems seemingly provided fertile ground for the development and eventual sale of the incinerator concept, not to mention the state’s new policies for solid waste disposal, which included incineration as a key component.

Given the political, economic and social pressures of the time, only a handful of opponents voiced concern about the plant, but those critics, including people such as Joanne Twomey, Robert Boilard, Plato Truman and Richard Rhames, were dismissed by many as “environmental extremists” who complained about problems without offering solutions.

Today, critics of the MERC plant are much more organized. And the formation of Twin Cities Renaissance five years ago seems to have added a significant measure of political clout to the debate that now centers upon closing the incinerator.

Twin Cities Renaissance (TCR) was started only weeks after Casella Waste Systems purchased MERC’s former parent company, Kuhr Technologies, Inc. in Dec. 1999.

As a grassroots organization that includes area business leaders, TCR pledged to work “cooperatively” in a long-term effort to close the incinerator as a way to spur new economic activity and end health concerns about what was coming out of MERC’s ventilation stack.

TCR representatives began meeting with state and local officials while other members researched incinerator alternatives and planned “viable” strategies for closing the plant. While early MERC opponents, such as Twomey and Rhames, have welcomed TCR to the cause, they also say that a majority of TCR’s current members kept silent in the early days of the battle.

We the people

In Old Town, a grassroots group known as “We the People” has been gaining steady momentum as it works to shed light on a situation that its members say could severely affect Maine’s quality of life.

“We’re well aware that the waste has to go somewhere,” said Charlie Gibbs, an outspoken critic of the Old Town plan and an early member of We The People.

“But we’re getting hit from all sides — the DEP, the governor’s office, the state planning office, Georgia Pacific and Casella’s attorneys.

“We have an obligation to take care of our trash, but we’re setting up a system that will allow more out-of-state trash to come into Maine.”

We The People was formed on Jan. 14, 2004, the coldest day in Maine since historical weather records have been maintained. “It was 28 below outside, and we had approximately 28 people show up for our first meeting. That ought to tell you something,” Gibbs said.

Although they are clearly motivated, members of We The People say they do not all share the same priorities about the landfill. Their common connection, however, seems rooted in how the Old Town deal was struck and its future implications.

Last year, the group filed an appeal with the Board of Environmental Protection over a license amendment for the landfill.

The BEP, a citizens’ oversight board designed to regulate DEP (Department of Environmental Protection) decisions, voted to dismiss the appeal, and We The People are now planning to challenge that decision in Superior Court in Bangor.



A grassroots group opposed to the expansion of the West Old Town Landfill say the state of Maine sold out their community in a feeble attempt to save jobs at the Georgia Pacific paper mill. State officials counter that the deal gives them control of what waste can be accepted at the landfill, even though Casella Waste Systems was the sole bidder on the deal and got a 30-year lease.

(Left to Right) Paul Schroeder, Stan Levitsky, Kim Robichaud, Laura Sanborn, Charlie Gibbs and Ed Spencer. (Seaver photo)

The deal’s details

Beyond his pledge not to raise taxes, a central part of Gov. John Baldacci’s 2002 campaign for the Blaine House included a passionate vow to protect Maine’s manufacturing jobs.

Thus, when Georgia Pacific threatened to close up shop in Old Town in February 2003, the governor’s staff began seeking creative

ways to save jobs and Old Town's lifeblood.

While critics of the deal say it only favors two large out-of-state corporations — Casella and Georgia Pacific — Cashman said the deal saved "good-paying" jobs and allows the state to increase its solid waste capacity without developing another landfill.

"It's important to remember that landfill has been operating for nine years," Cashman said. "Nobody wants a landfill, but that one wasn't going to go away. And because it is now owned by the state, we can limit the amount of out-of-state waste that goes there."

But critics of the plan, including State Rep. Joanne Twomey (D-Biddeford) and members of We The People, say the very definition of "out-of-state waste" does not pass the straight face test.

If out-of-state waste from Massachusetts or Connecticut is incinerated at MERC or elsewhere in Maine, the remaining ash or so-called "bypass" is no longer considered "out-of-state" trash, according to state guidelines.

State Rep. Robert Daigle (R-Arundel) serves with Twomey on the Legislature's Natural Resources Committee and said the state's definition of out-of-state waste may be convoluted but it follows interpretation that was rendered by the U.S. Supreme Court, which ruled that individual states could not regulate interstate commerce and defined waste as a "commodity."

"Despite all the hoopla, there is still a responsibility among some local leaders to know where our trash is going today and 20 years from now," Daigle said. "There was nothing nefarious about this deal. We solved a problem."

The State Planning Office purchased the landfill from Georgia Pacific for \$26 million, awarding the operation contract to Casella Waste Systems, which provided the funding for the purchase from its bid to operate the facility.

In turn, the state required Georgia Pacific to use the sale proceeds to make investments in the aging paper mill, most notably for a new biomass boiler system. Cashman said that caveat would make the mill more competitive by decreasing its operating costs.

But Georgia Pacific, Twomey points out, has never promised that it

would not layoff workers or someday close its plant.

Shortly after buying the landfill, the State Planning Office, acting as the landfill's new owner, then applied to the Maine Department of Environmental Protection for an amended license to increase the landfill's capacity from 3.3 million to 10 million cubic yards and to change the type of waste that would be allowed at the facility.

Almost one year ago today — on Apr. 9, 2004 — the DEP approved the amended license, a decision that We The People challenged. That challenge was rejected by the BEP in October 2004 and is now headed for Superior Court in Bangor.

In 1989, two years after MERC began burning trash to produce electricity in Biddeford, the Legislature placed a prohibition on the developments of future commercial landfills. Thus, the stage was set for a solid waste disaster, one which allows Casella to further cement its market position in Maine.

"I couldn't stop this train," said Twomey, recalling the pressure she felt in June 2003 when the deal was being debated in her committee near the end of the legislative session.

"This was Jack Cashman's baby, and I had to fight so hard to get public hearings," Twomey said. "I took a hissy fit to what I saw as a back-door approach to locating a toxic waste dump."

Both Cashman and Daigle, however, adamantly denied Twomey's claims.

"Nothing was done at midnight," Cashman said. "There were at least four public hearings, not to mention the legislative hearings. There was nothing done behind closed doors."

And Daigle dismissed the concerns raised by We The People, saying elected officials in Old Town overwhelmingly testified in support of the deal during the Natural Resources Committee's hearings on the subject.

"What you have here is a small group of people who are passionately committed to derailing this proposal," Daigle said. "The people who are elected to represent Old Town were not delivering that same message."