

# Dirty deeds, done dirt cheap: The Old Town Landfill

By Randy Seaver  
Editor

In many ways, Old Town is a lot like Biddeford. Both cities are supported by a manufacturing base and perched along a river bank. Biddeford has the University of New England, and Old Town is just a short drive away from the University of Maine's Orono campus.

But while Biddeford considers the possibility of getting out of a host communities contract with Casella Waste Systems, city officials in Old Town are now preparing to enter into a similar agreement with the same company.

And in the end, if the controversial MERC plant is closed in Biddeford, the trash that is now incinerated on the banks of the Saco River could soon be on its way north, to where the Penobscot and Stillwater rivers merge.

The convergence of the two cities started a little more than two years ago, when Georgia Pacific (headquartered in Atlanta) announced in February 2003 that it would soon close the doors at its Old Town tissue-paper mill.

Gov. John Baldacci's office immediately scrambled, setting up a deal to save 450 jobs that pay an average of \$55,000 per year by purchasing the paper mill's 68-acre landfill in nearby West Old Town.

The deal allowed Georgia Pacific to use the money to become more efficient and save energy costs by developing a biomass boiler. That, state officials hoped, would make the mill more efficient and prevent the jobs from being transferred out of state.

That deal, however, set the stage for controversy, creating noticeable tension in the community of 8,500 people where Georgia Pacific pays \$3.3 million in property taxes, roughly one-third of the city's tax roll.

The deal was formally struck in February 2004, allowing the state to buy the landfill from Georgia Pacific for \$26 million. But since Maine didn't have the cash to buy the landfill, it sought help from Casella, offering the Vermont-based company a 30-year lease to operate the existing landfill.

By state law, the development of commercial landfills has been banned since 1989. Since Casella needed a way to increase its market share, the company agreed to pay \$26 million for the operation rights, giving them a firm market hold in Maine, where they also own a number of related facilities, including the MERC plant in Biddeford and the former Pine Tree landfill in Hampden, a short drive south of Old Town.

Although the deal seems to have many advantages — including increased disposal capacity, saving endangered jobs and providing a glimmer of hope for closing MERC — critics say the bad outweighs the good and accuse state officials of merely allowing two large, out-of-state companies to get into bed together at the expense of a small community's environmental well-being.

## The battle begins

Matt Dunlap was serving as Old Town's state representative when Georgia Pacific announced two years ago that it would be closing its plant.

Today, Dunlap serves as Maine's Secretary of State, and he described the landfill deal as "one of the hardest things I have ever dealt with."

Dunlap said the deal pitted neighbor against neighbor in Old Town. "I lost some very good friends because of this situation," he said during a telephone interview Friday. "I remember coming out of one public hearing in Old Town, and somebody had written the word 'traitor' on the back of my truck."

Dunlap quickly concedes that the deal was moved along quickly, but insisted that no one did anything to hide the truth or to purposefully cloud the issue, as critics of the deal contend.

"We did debate this at 11:30 at night," Dunlap said, referring to the legislative session that ended in June 2003, when state lawmakers were asked to approve the landfill's transfer of ownership at the last possible minute — just before the session was scheduled to end. "Everyone was scrambling to do whatever we could."

Like other state officials, Dunlap points out that the West Old Town Landfill was already in existence when the state offered to buy it. The landfill, he said, was previously owned by the James River paper mill and was used for that company's sludge disposal. When Georgia Pa-

cific bought the James River mill the landfill was part of the package.

"One way or another that landfill was going to be sold," Dunlap said. "I thought it was better to have the state buy it so that we could have more control over it."

If Georgia Pacific had closed its doors in Old Town it would be an economic catastrophe for the city, Dunlap said.

"The worst news you can get when you're a legislator is that one of your largest employers is shutting down," Dunlap said. "We had to move at a fast pace."

Despite critics' assertions that the deal was kept under wraps, Dunlap said many people in Old Town didn't pay much attention to the deal until it was finalized. "There were front-page stories in the Penobscot Times (an area weekly newspaper) and the Bangor Daily News, but people apparently didn't pay much attention. It was such a complicated issue."

But State Rep. Joanne Twomey (D-Biddeford) said the deal was never clearly explained to residents, pointing out that the public notice of the legislative hearing, which was published in the Bangor Daily News, never included mention that the landfill would now be allowed to accept "special waste."

"All they said was that the landfill's ownership was being transferred," Twomey said. "If they had told people what was really going on, more people would have come to the hearing."

Regardless, critics of the deal say it sets up a dangerous precedent, one which allows the state to be both the applicant and the grantor for expansion permits at the landfill, which is nestled in a marshy area on the westerly side of I-95, near the border of the neighboring town of Alton and the Pushaw Creek, a tributary of the Stillwater River.

## Dirty deeds, done dirt cheap?

On the one-year anniversary of when the DEP signed the landfill's new license (April 9, 2004), a group of the deal's most vocal critics gathered at the home of Laura and Harry Sanborn in Alton.

The Sanborn property sits almost directly across the road from the main entrance of the West Old Town Landfill. For six generations, the family has owned the property that now features a modern, ranch-style home with a landscaped yard.

Soon, an increasing number of trash trucks will be rumbling down the road in front of the Sanborn property, which abuts Rte. 16.

"We don't have a problem with taking care of our trash," said Harry Sanborn, a management consultant. "We're not a bunch of NIMBY (Not-In-My-Back-Yard) types. We know that we have a responsibility to take care of our trash, but this deal stinks."

Laura Sanborn said she gave up her seat in the Maine House of Representatives so that she could focus on issues surrounding the landfill. When asked if she could be re-elected after publicly opposing a deal that was designed to save jobs, she took a deep breath and said, "I'm not sure, but I know that I'm doing the right thing."

The Sanborns are members of a group known as We The People, a grass-roots coalition of highly motivated people who share only one common denominator: opposition to expanding the West Old Town Landfill.

The group has filed an appeal in Penobscot County Superior Court, arguing that the landfill should not have received a permit to expand.

According to the Maine State Planning Office, the 68-acre landfill will now be able to take in 10 million cubic yards of waste, stretching 180-feet above ground level.

George McDonald, manager of waste recycling at the SPO, said the West Old Town Landfill would likely be able to operate for 30 years, despite the need for another expansion in three years that is already in the works.

We The People members, however, wonder why the state didn't consider the Carpenter Ridge landfill in Lincoln for their new deal. Carpenter Ridge sits on 37 acres, but McDonald said expanding it would be cost prohibitive (estimated at \$35 million) and points out DEP concerns about its geologic stability. "It's still something we may have to look at down the road," he said.

But the Old Town plan seems to work better (or worse, depending on the perspective) for a deal, which essentially allows Georgia Pacific to escape any future liability concerns connected to the West Old Town landfill, where critics have already raised environmental concerns.

Members of We The People say the deal does nothing for Maine's

future, only allowing Georgia Pacific and Casella to make millions of dollars while the state was held hostage for politically-valuable paper mill jobs.

“Ultimately, this is all about money,” said Stan Levitsky, a graphic designer and member of We The People. “Just look at the corporate connections. Georgia Pacific’s attorney (John Delahanty of Pierce Atwood) is a registered lobbyist for Casella.”

#### The money trail

While the West Old Town Landfill deal allows Casella to operate a commercial landfill that is really not a commercial landfill because it is owned by the state, Georgia Pacific also got a lot more than a \$26 million biomass boiler out of the deal.

And while the governor’s office said the deal would save jobs, there is no written guarantee of that fact, especially in an economy that is becoming increasingly competitive as global markets continue to merge.

Thus, We The People contends that the state got left with the short-end of the stick and their community will soon become host to an increasing amount of trash from all over Maine and beyond.

As part of the deal, Casella will be allowed to take in roughly 540,000 tons per year of trash into the landfill. Furthermore, Casella has offered to sell some of that trash (construction and demolition debris) to Georgia Pacific as fuel for its new boiler. That “fuel” cost will be capped at \$4 per ton, which is roughly half the current market rate, allowing Casella to have more capacity at the landfill and Georgia Pacific to enjoy subsidized energy costs, netting Casella roughly another \$400,000 in annual revenue.

#### Political connections

Paul Schroeder, another member of We The People, said some of his biggest concerns about the deal focus on how it was orchestrated, saying pressure from the governor’s office was put on the DEP to ensure that the deal would go through.

“Maine is going to become the final resting ground for everything that no one else wants, and it was all done under the guise of saving jobs,” Schroeder says. “The similarities between Old Town and Biddeford shouldn’t come as a surprise. That’s how these deals are done.”

And Levitsky says the people of Old Town were never asked wheth-

er they wanted to approve the deal, crediting Twomey with at least pushing for public hearings about the proposal. “Originally, people like Matt Dunlap were saying we didn’t need public hearings because this was all about saving jobs,” Levitsky said. “No one did their homework until it was too late.”

Schroeder has constructed a detailed timeline of the events leading up to the deal’s approval, pointing out that the original proposal came out of the Legislative Revisor’s office on May 30, 2003. On June 2, 2003, the following Monday, a public notice about the hearing was published in the Bangor Daily News. On June 3, the hearing was held and only seven people showed up to testify, all union representatives who were concerned about the possible loss of Georgia-Pacific jobs.

“We never knew about it,” Schroeder said. “It was signed, sealed and delivered before anyone could balk.”

#### What to do now?

Gary Sirois is the chair of the Old Town City Council. Now serving his second term on the council, Sirois said he’s trying to “look at the whole picture” as his council considers a long-term, host communities contract with Casella.

“We’re concerned, but we have to go on the assurances that we’re getting from the state,” Sirois said. “It’s a difficult and complicated issue, but we’re told that the management of that landfill is going to be done right.”

Sirois said his council will likely spend the next few months in negotiations with Casella, and declined to discuss specifics of the proposed contract, citing their confidentiality during executive session meetings. “We’re just trying to do the best we can with what we’ve got,” he said.

Others in Old Town, especially those who say the deal will benefit their city, were hesitant to speak on the record about the deal, citing concerns about increasing tensions in the city.

Peggy Daigle, the newly appointed city manager, did not return the Courier’s repeated phone calls for an interview.

Meanwhile, Joanne Twomey, one of MERC’s earliest and most vocal critics, sighed when she was told about Sirois’ statements. “It’s happening all over again,” she said, referring to her own unsuccessful battle to keep MERC out of Biddeford some 20 years ago. “It just keeps coming, and it makes you feel like just giving up.”



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)