

MARCH 2004

2004.03.02: MACDONALD ON FUNDING LOCAL EFFORTS

Responding to questions advanced from Dawn Gallagher via Stearns re: "... the availability of resources for the towns and/or the local advisory group to retain independent expertise to monitor landfill activities," MacDonald replied that the Resolve provided such funds in the form of the non-refundable deposit, of which only one was received totaling \$10,000. "We did expect more than one bid proposal. Expenses to date for SPO for outside counsel exceed \$46 K, so the \$10K that was submitted by Casella (the only proposal received) has already been used by SPO, as well as funds from the Governor's Office (\$20K) and balance (ongoing costs...) from SPO. [new par.] If we wanted to discuss a payment to Old Town and Alton to establish the citizen advisory committee, we can, but what would be the source of funds? Where the Resolve says the funds would be used to 'establish a joint advisory committee', it kind of sounds like it could be just a 'one-time- payment. If the payment were to be on-going, however, that appears to go beyond the term 'establish'. And, as stated above, current statute (38 MRSA Sec. 2171) does not provide for direct funding of a citizen advisory committee. We also need to keep in mind that the Resolve states that the acquisition and operation of the landfill shall be '...under such terms and conditions as are revenue-neutral to the State...'. "

[ellipses in original]

2004.03.04-12: BORALEX NEGOTIATIONS

There is a complex set of e-mails and letters centering on the establishment of a "RPS" from the State. On March 5 Kurt Adams writes, "... if they get the RPS they are not going to do the deal with GP." An RPS is, apparently, a "renewable portfolio standard," which Boralex has already attained with Massachusetts and Connecticut. It seems this would allow sales of electricity from the existing biomass plants in Maine (Boralex owned 5 at the time) at higher rates, allowing them to be profitable, which at that time they were not. Apparently they were putting the GP sale at risk, and the State's position, written by Cashman on 2004.03.05, was "... frankly they need to know that to the extent that they screw up the GP deal they jeopardize any relationship with the State."

Apparently, the relationship they were seeking was an entry into Maine's wind power industry under "the Governor's efforts to develop wind power, and have a relationship with officials at GE Wind that might enable them to assist us in efforts to get GE to locate their East Coast wind turbine manufacturing operation in Maine."

A note from Rick Douglas 2004.03.09 at GP expressed some concern, asking the State to be sure to push for agreement for purchase of the biomass at terms discussed "last Sept... (although not formally signed, etc)" [ellipses in original]; they are ready to pour

concrete, "our air permitting assumes this boiler," and delays would reduce the gain from availability during winter months.

There was apparently a meeting 2004.03.12 between Boralex and the Governor, and all issues seemed to be straightened out, according to a letter of 2004.03.15 from Boralex. Mentioned in the letter are suggestions for "improvement in the public policy climate for biomass generators" in Maine. These include an RPS for existing plants, "improved transmission terms for renewable generators and the federal biomass production tax credit. Efforts to improve Maine's overall business climate, such as eliminating taxation of new business equipments, [sic] are also important to Boralex and other generators."

[NB Again, an operator seems to be withholding an essential piece of a deal, in order to potentially extract concessions of some sort -- I'm not clear what these are, beyond everyday expertise -- from the State.]

2004.03.09: PUBLIC MEETING ON BIOMASS BOILER

2004.03.12: AUGUSTA PRESS CONFERENCE, TWOMEY BILL, HEARING

2004.03.12: CATHCART SUPPORTS 'EXPANSION'

In an e-mail to Jonathan Daniels at EMDC, Cathcart writes:

"Thanks for your reply. [Initial messages not included] I agree it is important for the State to go ahead with the landfill expansion, as promised last year by the Governor and the Legislature. I think Gov. Baldacci and Commissioner Gallagher have come up with an acceptable compromise." [NB This is in reference to the decision to hold the March public meetings as a way to derail Joanne Twomey's bill that would require full public hearings.]

2004.03.12: ORONO LETTER ON TRUCKS

This letter from Conlow to Gallagher repeats Orono's suggestion that until the rules for the Interstate are changed, trucks operating to the dump should be restricted to 80,000 lbs.

2004.03.15: WTP MEETING WITH GALLAGHER

This was preparatory to the 2004.03.29-30 meetings. Intervenor status, schedule, order of questions, speaking under oath, place of written testimony, location were discussed. WtP was told that conditions can be placed on the license and that perhaps best would be to look for areas in which conditions might fruitfully be placed. DEP said that they could not mandate the best technologies. [NB This related to some of the suggestions

forwarded by Kim Lommler, which apparently were the cause for at least one meeting held between DEP and Casella after the March meetings.] Of particular concern is the issue of timeline within which questions that were posed would be answered by representatives of the project.

2004.03.29-30: DEP PUBLIC MEETING "NOT HEARING"

[NB At this meeting, when PCS asked George MacDonald if siting requirements had been trumped by the Resolve, he said "possibly." Also, questions about trucks not answered, and question about who wrote Resolve not answered.]

2004.03.30: PENOBSCOTS SUBMIT COMMENTS ON LICENSE AMENDMENT

2004.03.30: PUBLIC WRITTEN COMMENTS SUBMITTED TO DEP

File contains comments submitted beginning 2003.12.17.

[NB Of particular interest here is that no written comments are in this file until the period for request of public hearing had already lapsed.]

[It was in this group that the file I submitted at the March 30 session is archived. This has been admitted into the record.]

2004.03.30: TRUCK TURNS OVER IN HAMPDEN

This was reported, with photo, in BDN 2004.03.31 issue. The truck was owned by Babiarz Trucking and driven by Michael Natola of Lynn, Mass., and originated "in Holliston, Mass., early on Tuesday." The driver was quoted as saying, "The problem is these trucks don't belong on these little roads. [...] They need to be up on the interstate between Augusta and Bangor. This little road is not designed to handle these trucks." The accident was reported at 6:50 a.m. Don Meaher announced the accident at the beginning of the second day of the March 29-30 public meeting at the Elks Club.