

**STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**IN RE: Application #HQH-D4D1-RJBBR
Juniper Ridge Landfill Expansion
(Alton and Old Town, Penobscot County)**

**PETITION TO INTERVENE OF
THE PENOBSCOT NATION**

Pursuant to 5 M.R.S. § 9054(1) and 06-096 C.M.R. Ch. 3, § 11(A)(1), the Penobscot Nation (“Petitioner” or “the Nation”) petitions to intervene as a party in the Juniper Ridge Landfill (“JRL”) expansion license proceeding before the Maine Department of Environmental Protection (“DEP” or “the Department”). DEP must grant intervention to any petitioner who “is or may be . . . substantially and directly affected by the proceeding.” 5 M.R.S. § 9054(1); 06-096 C.M.R. Ch. 3, § 11(A)(1). The Petitioner demonstrates below that it is or may be substantially and directly affected by the proposed expansion of the Juniper Ridge Landfill.

This proceeding concerns an application by the State of Maine, Department of Administrative and Financial Services for a solid waste license to expand JRL by approximately 61 acres. JRL is a large, state-owned landfill located in Alton and Old Town, Maine, within the Penobscot River watershed and in close proximity to residential communities and the Penobscot Nation. Petitioner seeks to intervene as a full party with the right to offer evidence, cross-examine witnesses, and participate fully in this adjudicatory hearing. The outcome of this proceeding will directly affect Petitioner’s health, environmental, cultural, and legally protected interests.

I. THE PETITIONER

A. The Penobscot Nation

The Penobscot Nation is a federally recognized Tribal Nation that has inhabited its ancestral homeland within the Penobscot River Watershed since time immemorial and today consists of over 2,000 citizens. The Nation's lands, including its reservation on Indian Island and other trust lands, are located approximately 1.5 to 10 miles from JRL. The Penobscot Nation has a longstanding cultural, spiritual, and sustenance relationship with the Penobscot River and surrounding lands, which are central to its identity and sovereignty. In recognition of the Penobscot Nation's impact from JRL, a citizen of the Penobscot Nation has been on the JRL Advisory Committee for decades. Penobscot Nation Decl. ¶ 22.

II. EFFECTS OF THE PROPOSED ACTIVITY ON PETITIONER

A. The Penobscot Nation Is Substantially and Directly Affected

The Penobscot Nation's citizens, lands, and governmental facilities are located in close proximity to JRL. The Nation's reservation includes islands as close as approximately 1.5 miles from the landfill, and key community institutions—including housing, education, health, and elder care facilities—are located approximately 6.4 miles away. *Id.* ¶ 4.

JRL is situated within the Penobscot River Watershed, and its leachate is ultimately discharged into the Penobscot River, which is sacred to the Penobscot Nation and central to its identity, health, cultural practices and exercise of its sustenance rights. *Id.* ¶¶ 13–14. Impacts from the proposed expansion—including air emissions, landfill gas, and contaminated leachate—will directly affect the Nation and its citizens.

B. Impacts on the Penobscot Nation's Health, Environment, and Natural Resources

The Penobscot Nation's citizens already experience concrete environmental and public health harms from JRL's existing operations, which would be exacerbated by the proposed

expansion. The Nation is concerned that expansion of the landfill will increase air pollution, including landfill gas emissions, odors, and hazardous air pollutants that affect respiratory health and overall wellbeing. Citizens report exposure to odors and reasonably fear that those emissions contain harmful toxics. *Id.* ¶ 19.

The Nation is also deeply concerned about water quality impacts, particularly the discharge of PFAS-contaminated leachate into the Penobscot River, a primary source of sustenance, recreation, and cultural identity for the Nation. The proposed expansion would increase the volume of waste and therefore increase the production of contaminated leachate, further threatening the river and surrounding ecosystems. *Id.* ¶¶ 13–15.

In addition, events such as landfill fires have already caused ash and smoke to affect the surrounding area, raising serious concerns about acute and chronic exposure risks. *Id.* ¶¶ 8, 18. These impacts demonstrate that the Nation’s environmental and health interests are directly at stake in this proceeding.

C. Impacts on Sustenance Rights

The Penobscot Nation’s interests in this proceeding extend beyond generalized environmental concerns and include protected rights. The Nation’s citizens continue to engage in traditional sustenance practices, including fishing, hunting, and gathering, which are central to their cultural identity and legally protected as part of their tribal rights. The Nation is concerned that increased pollution from the landfill will further impair the safety of traditional food sources and interfere with the exercise of these rights. *Id.* ¶¶ 8–13.

The Penobscot River and surrounding lands are not only economic and ecological resources but are also integral to the Nation’s cultural and spiritual practices. The Nation conducts ceremonies tied to clean and life-sustaining waters and views the river, fish, wildlife, and plants as relatives. Pollution of these resources therefore directly harms the Nation’s cultural integrity and

ability to maintain its traditions. *Id.* ¶¶ 9–14, 16. Because these interests are unique to the Penobscot Nation, they are distinct, particularized, and directly affected by the proposed expansion.

D. Existing and Disproportionate Environmental Burdens

The Penobscot Nation is already disproportionately burdened by pollution associated with JRL and other waste management activities in the region. *Id.* ¶¶ 20. The Nation’s citizens experience elevated health risks, including higher rates of serious illness, which the Nation believes are linked to long-term exposure to environmental contaminants. *Id.* The expansion of JRL would exacerbate these cumulative burdens by increasing the scale and duration of environmental impacts affecting the Nation. *Id.* ¶¶ 8, 18, 20. These cumulative and disproportionate harms further establish that the Nation is substantially and directly affected.

E. Procedural and Participation Interests

Participation as a full intervenor is necessary to ensure that the Nation can adequately protect its interests, present evidence, and participate in the development of the record in this proceeding.

F. Conclusion on Standing

For all of these reasons—its close proximity to the project, direct exposure to environmental and health impacts, impairment of sustenance and cultural rights, and disproportionate burden from pollution—the Penobscot Nation is “substantially and directly affected” by the proposed expansion of JRL within the meaning of 5 M.R.S. § 9054 and 06-096 C.M.R. ch. 3, § 11(A), and is entitled to intervene as a party in this proceeding.

III. SUBJECT MATTER OF THE HEARING AND CONTENTIONS

Petitioner intends to submit evidence and argument concerning some or all of the subjects and statutory/regulatory criteria below. Petitioner reserves the right to address additional issues if

warranted based on the results of their ongoing investigation and the analyses of any experts they retain.

- A. Whether the proposed expansion satisfies applicable solid waste licensing criteria under 06-096 C.M.R. ch. 400 effective February 9, 2021, ch. 401 effective April 12, 2015, and ch. 405 effective April 12, 2015.
- B. Whether the project adequately addresses air emissions, odors, and health and welfare impacts to the Penobscot Nation and surrounding communities. 38 M.R.S. § 1310-N(1-A).
- C. Whether PFAS contamination and leachate impacts are properly evaluated and mitigated such that they will not pose an unreasonable risk to water quality and air. 06-096 C.M.R. ch. 400, § 4(G)-(H).
- D. Whether the PFAS treatment system chosen at the licensing stage will be adequately protective of surface water, groundwater, air and human health. *Id.*; 38 M.R.S. § 1310-N(1-A).¹
- E. Whether the application conforms with the waste management priorities outlined in the Solid Waste Management Hierarchy—including, but not limited to, whether the annual limits on wastewater treatment plant sludge and construction and demolition debris that are to be imposed in the licensing stage are sufficient to conform the application with the Solid Waste Management Hierarchy. 06-096 C.M.R. ch. 400, § 4(N) and 38 M.R.S. § 2101.
- F. Whether the application contains all information necessary for Department review.

Petitioner reserves the right to refine or supplement these contentions as additional information becomes available.

¹ See Revised Public Benefit Determination for the Juniper Ridge Landfill Expansion (Mar. 23, 2026) (“Revised PBD”) at 34, currently under appeal in Penobscot Superior Court.

IV. PETITIONER'S SPOKESPERSONS

The Penobscot Nation will designate a spokesperson once the hearing has been scheduled.

V. PETITIONER'S ABILITY TO PARTICIPATE

Petitioner is prepared to participate fully in this proceeding, including attending pre-hearing conferences, submitting testimony and evidence, presenting witnesses, cross-examining other parties' witnesses, and filing briefs.

VI. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that the Department grant this petition and allow the Penobscot Nation to intervene as a full party in this proceeding.

Dated: 5/21/2026

Respectfully submitted,

THE PENOBSCOT NATION



Chief Kirk Francis



Nora Bosworth, Esq.
ME Bar No. 010838
CONSERVATION LAW FOUNDATION
53 Exchange Street, Suite 200
Portland, ME 04101
nbosworth@clf.org
Counsel for the Penobscot Nation