

Bill as Introduced

HB 177 - AS AMENDED BY THE HOUSE

9Apr2021... 0353h

2021 SESSION

21-0258
08/05

HOUSE BILL **177**

AN ACT prohibiting the siting of a landfill near a state park.

SPONSORS: Rep. Tucker, Coos 5; Rep. Egan, Graf. 2; Rep. Hatch, Coos 6; Rep. Thompson, Coos 1; Rep. Laflamme, Coos 3; Sen. Hennessey, Dist 1

COMMITTEE: Environment and Agriculture

ANALYSIS

This bill prohibits the siting of new landfills, excluding expansions of existing landfills, near state parks. This bill also defines state parks for the purposes of prohibiting the siting of new landfills.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 177 - AS AMENDED BY THE HOUSE

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT prohibiting the siting of a landfill near a state park.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Paragraph; Permit Prohibited Near Certain Parks and Forest Lands. Amend RSA 149-
2 M:9 by inserting after paragraph XIV the following new paragraph:

3 XV. No permit shall be issued by the department for the siting of a new landfill if any part of
4 the actual solid waste disposal area is proposed to be located within 2 miles of the boundary of any
5 state park. For purposes of this paragraph, "state park" means any state park managed by the state
6 director of the division of parks and recreation pursuant to RSA 216-A:2. "State park" shall not
7 include the state historic sites and recreational rail trails. Nothing in this paragraph shall be
8 construed to prohibit the expansion of any existing landfills.

9 2 Effective Date. This act shall take effect upon its passage.

Committee Minutes

SENATE CALENDAR NOTICE

Energy and Natural Resources

Sen Kevin Avard, Chair
Sen Bob Giuda, Vice Chair
Sen James Gray, Member
Sen David Watters, Member
Sen Rebecca Perkins Kwoka, Member

Date: May 3, 2021

HEARINGS

Monday	05/10/2021	
(Day)	(Date)	
Energy and Natural Resources	REMOTE 000	1:00 p.m.
(Name of Committee)	(Place)	(Time)
1:00 p.m.	HB 177	prohibiting the siting of a landfill near a state park.

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. Link to Zoom Webinar: <https://www.zoom.us/j/99850340323>
2. To listen via telephone: Dial (for higher quality, dial a number based on your current location): 1-301-715-8592, or 1-312-626-6799 or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833
3. Or iPhone one-tap: US: +19292056099,,99850340323# or +13017158592,,99850340323#
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6. To sign in to speak, register your position on a bill and/or submit testimony, use this link:
<http://gencourt.state.nh.us/remotecommittee/senate.aspx>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: remotesenate@leg.state.nh.us or call (603-271-6931).

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 177

Rep. Tucker
Rep. Laflamme

Rep. Egan
Sen. Hennessey

Rep. Hatch

Rep. Thompson

Griffin Roberge 271-3042

Kevin A. Avard
Chairman

Senate Energy and Natural Resources Committee
Griffin Roberge 271-3042

HB 177, prohibiting the siting of a landfill near a state park.

Hearing Date: May 10, 2021.

Time Opened: 1:10 p.m.

Time Closed: 4:37 p.m.

Members of the Committee Present: Senators Avard, Gray, Watters and Perkins Kwoka.

Members of the Committee Absent: Senator Giuda.

Bill Analysis: This bill prohibits the siting of new landfills, excluding expansions of existing landfills, near state parks. This bill also defines state parks for the purposes of prohibiting the siting of new landfills.

Sponsors:

Rep. Tucker

Rep. Egan

Rep. Hatch

Rep. Thompson

Rep. Laflamme

Sen. Hennessey

Who supports the bill: Bruce Ahern; Janis Ahern; Jean Akers; Laurene Allen; Fred Anderson, Bethlehem, NH; Larra Anderson; Questa Anderson, Whitefield, NH; Susan Antoscia; Luis Aranzabal; Sarah Armstrong; Susan Arnold, Appalachian Mountain Club; Laura Aronson; John Atherton; Nicole Baet; Jeremy Baldauf; Kirstin Baldauf; Veronica Baldauf; Heidi Ballentine; Vicky Ballentine; Thomas Banit; Nina Banwell; Connie Barnes; Cynthia Barrett; Tim Barretto; Representative Christy Bartlett, Merrimack - District 19; David Bates; Robert Baum; Cheryl Baxter; Scott Baytosh; Representative Jane Beaulieu, Hillsborough - District 45; Claire Beckler; Patricia Beffa-Negrini; Michael Beier; Phyllis Bellavance; Katherine Bennett; Kristen Bennett; Rebecca Beno; Leslie Bergevin; Representative Peter Bixby, Strafford - District 17; Peter Blair, Conservation Law Foundation - NH; Sandra Blanchard; Bruce Blaney; Joanne Blaney; Lori Bluhm; Bonnie Boswell; Laurie Boswell; Representative Andrew Bouldin, Hillsborough - District 12; David J. Boyle; Stephen Boyle; Nancy Brennan, Weare, NH; Ron Briggs; Caleb Brooks; Danuta Brooks; Howard Brown; James Brown; Morgan Brown; Susan Brown; William Brown; Anna Bruce; Malcolm Bruce; Mary Bruce; Susan Bruce; Tom Bruce; Troy Burdick; Catherine Bushueff, Sunapee, NH; Honorable Ed Butler, Hart's Location, NH; Sam Butterfield; Leonard Cadwallader; Miriam Caldwell; Representative Tony Caplan, Merrimack - District 6; Jean Caputo; Lucas Carroll; Alison & Tom Caruso; Joanne Casino; Margaret Caudill Slosberg; Cliff Cayer; Richard Cayer; Susan Cayer; Tim Cayer; Karin Cevasco; Representative Wendy Chase, Strafford - District 18; Donna Ciechon; Denise Clark; Emma Clippinger; Sandra Cohen-Holmes; Mike Colbeth; Alex Colebourn; Chris Colebourn; Craig Colebourn; Donald Colebourn; Jenn Colebourn; Laura Colebourn; Marylou Colebourn; Matthew Colebourn; Kelsie Collins; Margaret Connors; Amy Conway; Glen Conway; Kaitlyn Conway; Michael Conway; Kate Coon; Catherine Corkery, NH Sierra Club; Cici Coughlan; Amy Cozens; Andrea Craxton; Ann Craxton; David Craxton; Edward Craxton; Gregg Crowell; Kevin Crowell; Michael Crowell; Phyllis Crowell; Renee Crowell; Dorothy Currier; Catherine Cutshall; Larry Daloz; Janet Damiano; Paul Damiano; Anthony Danos; John Danos; Michelle Davis, NH Lakes; Peggy Davis; Marilyse de

Boissezon; Amy Delventhal; Jeffrey DeRosa; Jon DeRosa; Mae DesTroismaisons; Donna Devlin; Gary Devore; Karen Dewey; Nancy Dickowski; Angelina Donahue; Tom Donahue; Anne Dontonville, Enfield, NH; Representative Roger Dontonville, Grafton - District 10; Jim Doucette; Peter Doucette; Roger Doucette; Sarah Doucette; Leslie Dreier; Beth Jo Dudley; Jay Duguay; Susan Dunker; Juliana Duran; Denise Durkee; Jeremiah Eames; Yvonne Eames; Derek Edry; Representative Timothy Egan, Grafton - District 2; Mary Eisner; Maureen Ellermann; Kristina Ennis; Donna Kaye Erwin; Peter Essi; Anne Evans; Makayla Evans; Harlan Fair; Stephen Farrell; Lily Featherston; Phyllis Fenander; Elizabeth Lukaitis-Fenner; James Fieseher; Adam Finkel; Andrea Folsom; Honorable Sue Ford, Easton, NH; Anastasia French; Elaine French; Rob French; Gina Frey; Kevin Frey; Jean Furbush; Margaret Gale; Judi Garfinkel; Ashley Garrison; Jennifer Gaudette; Representative Betty Gay, Rockingham - District 8; Leon Geil; Melanie Gentile; RJ Gentile; Gary Ghioto; Elizabeth Gibbs; Robert Giroux; Michael Glazner; Linda Godfrey; Celeste Goodhue; Martha Goodnow; Laurie Gordon; Margaret Gordon; Representative Suzanne Gottling, Sullivan - District 2; David Govatski; Kathleen Govatski; Forrest Govoni; John Gramatikas, Manchester, NH; Representative Chuck Grassie, Strafford - District 11; Nancy Greenwood; Ann Griffin; Johann Griffin; Peter Griffin; Bob Grosholz; Bruce Grover; Nicholas Guider; Kent Hackmann; Joan Hackmann; Representative Joan Hamblet, Rockingham - District 31; Gary Hamer; Geoff Hamer; Heidi Hamer; Ernie Hannford; Barbara Hanson; Nicole Hanson; Susan Hanson; Elizabeth Hanson; Cynthia Harris; Adrienne Harrison; Roslynn Hatch; Phil Hatcher; Randy Hayes; Ellen Hays; Holly Hayward; Shirley Heath; Senator Erin Hennessey, NH Senate District 1; Mad Hesler; Janet Hill; Mel Hinebauch; Melissa Hinebauch; Robert Hinkel; Tina Hodge; Anthony Holtz; Gabriella Horvath; Karla Houston; Carl Howes; Deb Howes; Samantha Hubbard; Connie Huggett; Corry Hughes; Judith Hull; Janet Hurd; Jim Hykle; Joe Hykle; Stephanie Hyland; Caroleann Impemba; Geno Impemba; Claudis Istel; Nancy Jachim; Deborah Jakubowski; Dennis Jakubowski; Margaret Jernstedt; Honorable John Tuthill, Acworth, NH; David Johnson; Erik Johnson; Katie Johnson; Kevin Johnson; Peter Johnson; Andrew Jones; Kayley Jones; Jacki Katzman, Bethlehem, NH; Robert Keene; Martin Kessel; Jane King; Walter King; Hanna Kinne; Dave Koerner; Lorraine Koerner; Susan Kraabel; Lowe, Kris; Ann Laflamme; Katherine LaJoie, Charlestown, NH; Irene Lambert; Ovide Lamontagne, Bernstein-Shur; Barbara Langworthy; Matt Leahy, Society for the Protection of NH Forests; Kathleen Letellier; Lyn Lindpaintner; Judith Lindsey; William Livengood, III; Linda Lloyd; Al Lombardi; Eryka Lowe; Janet Lucas; Debbeey Lukaszewicz; Brian Lund; Claire Lupton; Elmer Lupton; Annie Lynch-Ambrose; Dennis Mackay; Jane Mackay; Jonna Mackin; Alicia Maclellan; Linda Maclellan; Marty Maclellan; Tyler MacLeod; David Madden; Jeanne Madden; Amy Manzelli, North Country Alliance for Balanced Change; Elizabeth Marietta; James Martin; Victoria Martin; Burton Mary; Shelley McCollum; Martha McLeod; Philip McMahan; John McNulty; John Meisse; Joyce Menard; Mary Menzies; Amber Merkens; Jennifer Merredew; Representative David Meuse, Rockingham - District 29; Frank Miles; Nancy Miles; Elaine Millen; Stanley Millen; Brown Milton; Nancy Mittleman; Marilyn Monsein; Birdie Mooney; John Moore; Michael Moore; Natalie Moore; Rick Moore; Sandy Moore; Susan Moore; Nancy Morrison, Mont Vernon, NH; Wayne Morrison, Mont Vernon, NH; Robin Mower; Megan Muldoon; Toni Muldoon; Patricia Mullin; Bob Murray; Representative Megan Murray, Hillsborough - District 22; Woodroffe Natalie; Faith Northrop; Mary Northrup; Susan Noyes; Dana Nute; Kevin O'Brien; Margaret O'Donnell; Caitlin O'Leary; Rita Dee-O'Brien; Gregory Odell, Dalton, NH; Joseph Orzech; Stephanie Osborne; Joanne Oscadal; Theodore Osgood; Margaret Parenteau; Richard Parenteau; Sharon Parks; Christine Patnaude; James Patnaude; Patricia O'Leary; Jay Peabody; Tina Peabody; Michael Peacock; Ruth Perencevich; Representative Maria Perez, Hillsborough - District 23; Anthony Perrotta; Dan Perrotta; Kim Perrotta; Kylee Perrotta; Natasha Perrotta; Terri Perrotta; Tim Perrotta; Tom Perrotta; Lee Petruk; Betsey Phillips;

Charles Phillips; Judson Pierson; Susan Pierson; Diana Pietrowski; Patricia Pietrowski; Representative Roderick Pimentel, Merrimack - District 6; Elizabeth Anne-Platt; Granthia Preston; Edward Quigley, II; Cora Quisumbing-King; James Radmore; Alan Rashkin; Donna Reardon; John Reardon; Barbara Reed; Ron Renaud; Chris Rennie; Ellen Rennie; Annie Rettew; Representative Cecilia Rich, Strafford - District 18; Martha Richards; Susan Richman, Durham, NH; Patrick Rimoshytus; Jeanne Robillard; Gail Robinson; Dennis Robison; Aileen Robitaille; Andy Robitaille; Elaine Robitaille; Keith Robitaille; Luke Robitaille; Samatha Robitaille; Ted Robitaille; Antonio Rosa; Lowen Rosalind; Duncan Ross; Kathleen Ross; Ralph Ross; George Russell; Alyce Russo; Kristina Russo; Victoria Russo; Vinny Russo; Sarah Sallade; Loretta Saucier; Judith Saum; Eileen Savage-Creedon; Representative Joe Schapiro, Cheshire - District 16; Caryn Shamey; Shannon Shepard; Senator Tom Sherman, NH Senate District 24; Joshua Simonds; Wesley Simonson; Jack Sinibaldi; Richard Slosberg; Sara Smith; Representative Suzanne Smith, Grafton - District 8; Margaret Smither; Representative Judith Spang, Strafford - District 6; Richard Spence; Susan Spence; Louise Spencer; Rob Spencer; Diane St. Germain; Denise St. Jean; Janet Staats; William Stiffler; Mary-Ann Stokes; Steven Stokes; Jane Storella; Christine Sundman; David Sundman; Jon Swan, Save Forest Lake; Austin Taylor; Representative Laura Telerski, Hillsborough - District 35; Shaun Terhune; Mildred Thayer; Barbara Thompson; Elise Thompson; Representative Dennis Thompson, Coos - District 1; Representative Amanda Toll, Cheshire - District 16; Jeanne Torpey; Alyssa Tower; Ann Marie Tower; Kim Tower; Thomas Tower; Scott Townes; Alex Tremblay; Sarah Tremblay; Kathy Tucker; Representative Edith Tucker, Coos - District 5; Lucy Tupaj; Amy Turner; Amy Venezia; Kelsey Venezia; Laura Vincent; Mauricio Vivado; Traci Wagner; Stephen Walker; Brian Warwick; Representative Safiya Wazir, Merrimack - District 17; Nina Webb; Rebecca Webb; Jill Weber; Stephanie Weiner; Lee Wells; Shand Wentworth; Daniel Wessler; Eliot Wessler; Christie West; Jane Westlake; Connie White; Jean White; Joel White; John White; Stuart White; Jessica Williams; Emma Woo; Michael Wright; Rick Wright; Lidia Yen; Barbara Zaenglein; Eric Zaenglein; James Zaniewski; John Zavgren; Andrew Zboray; Susan Zielinski.

Who opposes the bill: Jeffrey Adams; Karin Anderson, Goodwill - Northern New England; Representative Judy Aron, Sullivan - District 7; Anne Barbara; Kenneth Beach; Jeanne Beaudin, Town of Belmont; Jonathan Bell; Maureen Brentrup; Jane Brickett; Bob Cappadona, Casella Waste Systems; Joanne Carey; Steven Changaris, National Waste and Recycling Association; Sherry Cotton; Kenneth Beach; Jonathan Bell; Andrew Bourdon; Maureen Brentup; Jane Brickett; Bob Cappadona, Joseph Fusco, Bryan Gould, and Samuel Nicolai, Casella Waste Systems, Inc.; Joanne Carey; Steven Changaris, National Waste and Recycling Association; Frank Clark; Sherry Cotton; David Creer, Business and Industry Association; Charles Crocetti, Sanborn, Head, & Associates; Representative Joseph DePalma, Grafton - District 1; Donna Devlin; Denise Durkee; Joanne Fiola; Robert Giroux; Bruce Grover; Scott Hazelton, Town of Sunapee, NH; Kevin Johnson; Pamela Kathan, Dalton, NH; Evan Kelly; Alex Koutroubas, American Council of Engineering Companies - New Hampshire; Thomas Lacroix; Pam Ladds; David Leonard, Whitefield, NH; Annette Marquis; Gerald Marquis; Alexandra Mennella; Rebecca Metcalf; Natalie Moore; Marilyn Nadeau; Richard Nadeau; Christine Patnaude; James Patnaude; Representative Howard Pearl, Merrimack - District 26; Robin Pilotte, Dalton, NH; Scott Pinson; Natalie Pugachevsky; Cindy Raspiller; Ann Richmond; Alexander Rybak; Loretta Saucier; Alvin See; Elise Thompson; Kevin Whittum, Sr., Dalton, NH; Kevin Whittum, Jr.; Tanya Whittum;

Who is neutral on the bill: Michael Wimsatt, NH Department of Environmental Services.

Summary of testimony presented in support:

Representative Edith Tucker – provided written testimony

Coos – District 5

- HB 177 prohibits the siting of any new landfills, excluding expansions of existing landfills, within two miles of any state park. For the purposes of HB 177, a state park is defined as any state park managed by the state director of the NH Division of Parks and Recreation pursuant to RSA 216-A:2. A state park shall not include state historic sites and recreational rail trails.
- There is strong opposition to siting Casella's Granite State Landfill (GSL) in Dalton, NH near the nearly 400-acre Forest Lake State Park (FLSP), a very attractive, low-key location where locals and visitors swim, boat, fish, and enjoy nature. NH acquired FLSP in 1935 and is one of the state's original ten state parks.
- Opponents of HB 177 contend that there are very few locations to site a landfill and NH should not give up ideal land in Dalton, NH to do so. Representative Tucker said the NH State Parks Director has said that it is possible to develop a campground at FLSP as it has enough appropriate terrain. Campground sites are very popular amongst tourists and visiting families.
- HB 177 does not solely seek to protect FLSP but all state parks. State parks play a significant role in NH, especially in the North Country where tourism represents a large part of the local economy.

Senator Erin Hennessey

NH Senate District 1

- HB 177 would protect a key part of NH's advantage: its state parks. NH's state parks are a treasure for residents and visitors.
- Currently, NH allows landfills to be sited within 100 feet of any abutter, which includes state parks. The two-mile buffer outlined in HB 177 is a reasonable standard that other states have already enacted. Some states have buffers that are greater than two miles.
- HB 177 would help protect wetlands, water and air quality, wildlife habitats, and property values. HB 177 would prevent negative visual impacts, odors, and noise. HB 177 would help protect three elementary schools near FLSP. These schools would be impacted by waste disposal trucks that would drive by on their way to the proposed GSL site in Dalton, NH. While NHDES has the authority to regulate nuisance conditions, these conditions can and will happen.
- While HB 177 would address a proposed landfill site near FLSP, this situation could occur at any other state park. HB 177 does not ban landfills in NH, but requires people, companies, and municipalities to be thoughtful of landfill locations.

Representative Tony Caplan – provided written testimony

Merrimack – District 6

- HB 177 is not an example of "not in my backyard" or spot zoning. HB 177 would protect NH's 68 state parks.
- A two-mile boundary around NH's state parks would leave around 10,000 times the land area for landfill developers to choose from to meet NH's projected disposal needs in the coming decades.
- A two-mile boundary around NH's state parks for landfill projects is not arbitrary. The boundary is a scientifically defensible distance to enable managers to detect toxic leaks with enough time to carry out mitigation efforts, given that all landfill liners leak at some point and given the speed and difficulty to predict the direction of groundwater flows.
- The NH Department of Environmental Services (NHDES) has been operating without a mandated Solid Waste Plan since 2003 and is currently being sued in district court for issuing landfill permits without a plan.
- NHDES' current review process for siting landfills is troubling. NHDES's Solid Waste Management Bureau has been underfunded years. NHDES officials publicly question their capability to carry out their duties. HB 177 takes the option of siting landfills near state parks off the table.
- Tourism is NH's second largest industry, generating roughly five billion dollars in state revenues and supporting 70,000 jobs. State parks represent some of the most scenic and precious recreation and tourism destinations, which bring in half a billion to the state's economy per year. These figures do not include the economic activity generated by seasonal homeowners and their families. Many seasonal homeowners have owned their properties for generations. Those families concluded that NH would not abdicate its fiduciary duties to protect its valued and identified assets.
- Senator Avard asked if Representative Caplan had any data that demonstrated the two-mile boundary in HB 177 had a scientific basis.

- Representative Caplan said he would send along his written testimony, which included a reference to a scientific study.

Representative Andrew Bouldin

Hillsborough – District 12

- Rejected Representative Pearl's conclusion that HB 177 passed in the House due to House representatives leaving during the House Session. The House record shows that 356 House representatives voted on HB 177, which is consistent with the attendance numbers on other House bills considered on April 9, 2021.
- HB 177 is smart economic policy to protect NH's natural resources. Tourism is a major economic driver in NH and state parks play a role in that.
- While there is currently only one state park with a landfill proposal next to it, HB 177 protects all of NH's state parks from the negative economic and environmental consequences of landfills. The Environmental Protection Agency (EPA) concluded that all landfills will leak eventually. If a landfill is sited next to a state park, the question is not if that state park will be negatively impacted by the landfill, but when. When a state park is impacted, NH will need to determine if it should undertake a costly cleanup or close the state park. Landfill remediation is not cheap – the Coakley Landfill's remediation in North Hampton has cost tens of millions of dollars with no end in sight.
- HB 177 follows the path of other states and their landfill siting policies. North Carolina has a two-mile buffer for landfills around its state parks, as well as a one-mile buffer around game land and a five-mile buffer around wildlife refuges. New Jersey has a 6.25-mile buffer around its state parks and wildlife areas. Georgia has a 3.2-mile buffer around its historic parks. Eight other states – Delaware, Mississippi, Pennsylvania, South Carolina, Texas, Virginia, Washington, and Wisconsin – have buffers protecting their parks or natural resources. These states know the impact that landfills can have on state parks, such as diminished public enjoyment, reduced visitation, various harmful effects to wildlife, modification of hydrology patterns, degraded water quality, alteration of wetland areas, and increased vehicular traffic.
- Landfills will be needed over the next 100 years, but efforts should be taken in NH to reduce any consequences to NH and its economy. Placing a landfill 190 feet from a state park is not the way to reduce these consequences, but to guarantee them.
- Some claim that HB 177 will reduce the amount of land that can be used to site a landfill by 9%. That figure is correct but needs to be put into context. Currently, NH has 12,000 times more land available for landfilling than it needs for the next 100 years. Passing HB 177 would still leave roughly 11,000 times more land area than NH needs.

Representative Betty Gay

Rockingham – District 8

- Landfills are guaranteed to leak eventually even if constructed with a liner. There is no way to fully prevent a landfill leak. There is no way to block groundwater contamination from a landfill.
- There are many Superfund sites around NH. NH does not need another one next to a pristine lake.

Representative Peter Bixby

Strafford – District 17 and ranking member of the House Environment and Agriculture Committee

- HB 177 protects NH's tourism industry. NH's state parks are tourist magnets and many small businesses rely on the visitors they attract.
- HB 177 does not diminish NH's landfill capacity. Those who claim that NH will run out of landfill capacity in the next decade are only citing current solid waste permits and are assuming that current landfills will not expand in the future. Additionally, these arguments do not consider ongoing efforts in solid waste diversion, such as diverting municipal solid waste from landfills. HB 413 (2021) would help NH conduct more long-term strategic solid waste planning and help NHDES craft administrative rules for composting. HB 413 can also help explore ways to reduce the amount of out-of-state solid waste coming into NH.

Representative Suzanne Smith

Grafton – District 8

- State parks are an economic driver. They should not be put at risk by siting landfills nearby.
- HB 177 does not solely apply to FLSP, but to all state parks. State parks are popular, given the amount of money raised by the NH State Park License Plate program. Individuals may purchase a state park license plate for an additional fee to support NH's state parks while receiving free entry into NH's state parks for one year.

Representative Megan Murray

Hillsborough – District 22

- Served on the Committee to Study Recycling Streams and Solid Waste Management in NH (2019).
- HB 177 is an effort to protect NH's natural resources and tourism. Protecting NH's natural resources is important to future generations.
- Per RSA 149-M:3, landfilling solid waste is the least preferred method of solid waste management.

Representative Maria Perez

Hillsborough – District 23

- Visited a lot of NH state parks and nearby businesses. State parks are important revenue generators for NH. They are known for their beauty and draw in visitors. HB 177 will help protect important water resources.

Representative Timothy Egan

Grafton – District 2

- Governor Sununu and the NH Department of Business and Economic Affairs recently created the Office of Outdoor Recreation Industry Development, which displays the state's awareness of the importance of recreation-based tourism in NH. This type of tourism requires the continued protection of NH's natural resources, including NH's state parks.
- According to data 2017 data from the NH Division of Travel and Tourism Development, travel and tourism was responsible for \$5.5 billion in visitor spending. Pristine state parks should be maintained by the state.

Representative Dennis Thompson

Coos – District 1

- The North Country's economy is dependent on tourism and recreation. The economic disruptions caused by the COVID-19 pandemic were experienced greatly in the North Country, as in other parts of NH. A 168-acre landfill within sight of state roads in Dalton, NH next to FLSP would be a further economic disruption.
- Representative Thomas noted that Casella's proposed GSL next to FLSP would have out-of-state waste account for 49.1% of its intake. Dalton has already passed zoning to prohibit Casella's GSL.
- HB 177 is a state parks bill. NH needs to protect its wildlife, waste quality, and the \$5.5 billion in visitor spending from tourism and travel.
- HB 177 will compel the state to come up with recycling solutions, compost solutions, and waste diversion methods to extend the life of existing landfills. While understanding the interstate commerce clause, there must be a way around it to protect NH's landfill capacity, limit the amount of waste coming in from out-of-state, and protect NH's state parks.

Jon Swan – provided written testimony

Founder, Save Forest Lake

- HB 177 would protect all of NH's state parks for future generations from the threats and nuisances of abutting landfill facilities. NH should not sacrifice its state parks for an out-of-state garbage corporation.
- FLSP plays an important role in NH's economy. Tourism is NH's second largest industry. Siting a landfill next to a state park is not a good idea.
- Mr. Swan noted the testimony from House representatives and the e-mails and letters sent to the committee in support of HB 177. The NH State Senate should side with the NH's citizens, residents, businesses, and property owners instead of the lobbyists and employees of an out-of-state garbage corporation that seeks to import nine million tons of out-of-state waste into NH and bury it 190 feet from a state park.

Peter Blair – provided written testimony

Staff Attorney, Conservation Law Foundation – New Hampshire (CLF)

- HB 177 is a commonsense measure that will protect NH's state parks by imposing a two-mile buffer between important public resources and prospective landfills. NH state parks were created for the use and enjoyment of all – now and in the future. These parks are diverse and special places of natural, environmental, and cultural significance. The two-mile buffer proposed by HB 177 is critical to protecting these areas from the negative impacts that landfills impose on surrounding communities and environments.
- CLF's Zero Waste Project works to address and understand the numerous issues landfills create. This includes the emission of noxious odors, spread of airborne dust and debris, attraction of pests and vermin, as well as increased regional and local traffic. Fires are also a significant concern. Landfill fires are especially dangerous as they can emit harmful fumes from the wide array of waste contained in the facility. This includes carbon monoxide, hydrogen sulfide, and particulate matter. On average, 8,300 landfill fires occur in

the US each year. Allowing the construction and operation of landfills within two miles of state parks may subject visitors to these impacts. In some instances, landfills may even be visible from state parks, greatly reducing the natural viewsheds that are essential to experience and enjoying the beauty of NH's state parks.

- Even after a landfill closes, it will still perpetually threaten the surrounding area. Landfills, even those that only accept municipal solid waste, are known to contain dangerous substances like volatile organic compounds, polychlorinated biphenyls, heavy metals, radioactive material, and pharmaceuticals. There is increasing concern regarding the levels of PFAS in landfills. These forever chemicals must be handled with the utmost care.
- All landfills eventually leak. While the liner system placed under the buried waste may delay the leakage, these systems will inevitably deteriorate overtime and fail to contain the leachate. Once these liners fail, the leachate will begin polluting the surrounding groundwater indefinitely, as there is no way to repair the liners after the landfill is constructed.
- Senator Avard asked how NH stops other states from bringing their trash into NH.
 - Mr. Blair said NH could stop private landfill development. ME has worked to take state control of its landfills. When the state controls its landfills, states can get around the interstate commerce clause. Those landfills are state resources and states can determine what they can and cannot accept.

Fred Anderson

President, Forest Lake Association

- HB 177 promotes the public health, safety, and prosperity for everyone in NH and those who use NH's state parks. HB 177 is bipartisan and protects NH's precious water resources, property values, and its tourism economy.
- HB 177 does not establish an arbitrary two-mile buffer or rescind local zoning control with spot zoning. Some fifteen states have landfill buffer limits, with eleven states requiring a buffer for state parks. A two-mile buffer is rational – the current 200-foot buffer in NH is madness.
- Mr. Anderson said Mr. Lamontagne will speak to HB 177's constitutionality.

Ovide Lamontagne – provided written testimony

Shareholder, Bernstein-Shur, representing Fred Anderson

- Enacting HB 177 would be a constitutional exercise of the NH General Court's police power in creating a two-mile buffer zone around NH's state parks for any new landfills. HB 177 conserves and protects all state parks equally and does not single out any specific landfill operator. HB 177 does not violate the Takings or Commerce clauses under the US Constitution.
- HB 177 is not an example of spot zoning. In its *Miller v. Town of Tilton* (1995) ruling, the NH Supreme Court ruled "an area is spot zoned when it is singled out for treatment different from that of similar surrounding land which cannot be justified on the bases of health, safety, morals or general welfare of the community and which is not in accordance with a comprehensive plan." NH case law supports HB 177.
- It has been a long-held public policy for NH to preserve and protect NH's natural resources for the benefits of its citizens and visitors. RSA 216-A provided for the expansion of the state park system. HB 177 is entirely consistent with NH's public policy to conserve and protect its state parks.

Catherine Corkery

NH Chapter Director, NH Sierra Club

- State parks are an important economic driver for travel, tourism, and recreation activities, especially in NH's rural areas. State parks protect vital habitats and ecosystems. HB 177 recognizes the critical importance of NH's state parks and the benefits the public derives from them.

Eliot Wessler – provided written testimony

President, North Country Alliance for Balanced Change

- HB 177 had bipartisan support in the House, meaning it is a good bill and reflects sound public policy. HB 177 will not impose any additional costs on NH taxpayers.
- HB 177 opponents have nine key arguments against the bill. However, these arguments are unsupported and misleading.
- It is wishful thinking to believe NHDES can protect NH's state parks. NHDES has admitted that they are underfunded and understaffed. NHDES is operating on outdated and potentially illegal procedures. The NH General Court needs to enact HB 177, which represents a good start to resolving NHDES' issues. NHDES needs to update its rules and procedures that have not been revised in twenty years.

- HB 177 will require Casella to go back to the drawing board if it wants to build a new landfill in NH. The proposed site for the GSL is the worst possible site for a landfill in all of New England.

Amy Manzelli

Attorney, BCM Environmental & Land Law, PLLC, representing the North Country Alliance for Balanced Change

- HB 177 is constitutional as it does not violate the Takings or Commerce clauses in the US Constitution. HB 177 protects all state parks and addresses all new landfills, regardless if they are controlled by in-state or out-of-state entities.
- There is no reported court case in NH or elsewhere in the US that protecting parks with a two-mile buffer would be unconstitutional. A North Carolina law prohibited landfills within five miles of the outer most boundary of any national wildlife refuge, one mile of the outer most boundary of a state game land, and two miles of the outer most boundary of a state park. A North Carolina court of appeals found this law constitutional.
- The NH Supreme Court has continually ruled that setbacks and buffers are constitutional. Some examples include the Shoreland Protection Act, which has a variety of use limitations.

Adam Finkel – provided written testimony

Dalton, NH

- HB 177 corrects a glaring mistake in state statute and imposes a two-mile buffer between state parks and landfills. Casella has estimated in one of its partial permit applications that groundwater moves up to 9.5 feet a day at its proposed GSL site, so the 175 feet to FLSP could be traversed in three weeks when the landfill leaks in the future. HB 177 will create a buffer of roughly three years lead time to get ready for any groundwater leak.
- Separating incompatible uses is not rocket science, not zoning, and not a slippery slope to anywhere.
- NHDES needs direction from the NH General Court. NHDES has not even complied with the six-mile buffer between new landfills and airports that the federal government passed overwhelmingly 21 years ago – NHDES still has a two-mile buffer. NHDES needs more guidance on what kinds of solid waste permit applications that NHDES should not waste their time and resources on.
- Taking 9% of the NH's land out of landfill use will have no impact on the supply of landfills or disposal costs.

Nina Webb – provided written testimony

Bethlehem, NH

- Private landfills prioritize their pockets, not the states. Casella makes money by hauling out of state trash into NH. Casella also has a history of failed landfill operations and maintenance in other states. Bethlehem has been engaging in legal battles with Casella over its North Country Environmental Services landfill for years. Hosting a landfill does not produce any long-term benefits.
- NH is not in dire need for new landfills.
- Having landfills invade state park habitats will disrupt ecosystems. Water resources will suffer. Landfills will need to be remediated in the future at significant cost.
- HB 177 will ensure that future generations have protected water sources, forests, and a tourism economy.

Sarah Doucette – provided written testimony

Whitefield, NH

- In response to Mr. Whittum and Ms. Pilotte's testimony regarding Forest Lake's water quality, Mrs. Doucette said annual tests have demonstrated that Forest Lake has good water quality.
- In response to Mr. Whittum, Ms. Kathan, and Ms. Pilotte's testimony about town officials, Mrs. Doucette said town officials are responsive.
- In response to Mr. Wessler's testimony, Mrs. Doucette said she believed that Mr. Wessler was not arguing that NHDES does not protect state parks, but that current regulations do not prevent a landfill from being sited next to a state park.
- Opponents of HB 177 claim that the bill infringes on the rights of an individual to sell their land to a private company to develop a landfill. Such self-interested parties could impose a devastating landfill on a state park treasured by different park user groups, many of whom are property owners with rights themselves, and countless NH visitors and others who bolster NH's economy.
- HB 177 is not a clash of equally weighted values. On one hand are the interests of a few private entities, while in the other hand, the entire population of NH natives and its visitors.

Wayne Morrison

Mont Vernon, NH

- Landfills and state parks are incompatible land uses. It is not a good idea to site the GSL so closely next to FLSP. The landfill project is not just a local issue, but a regional issue – surrounding towns have adopted warrant articles opposing GSL's siting.

*Nancy Mittleman – provided written testimony
Dalton, NH*

- GSL's impact goes beyond Dalton, affecting surrounding communities and the entire North Country. Decisions about landfill siting should reflect the thoughts of the people and communities that are impacted.
- NH state parks are an important asset in drawing tourism and travel to the state.
- In response to Mr. Whittum, Ms. Kathan, and Ms. Pilotte's testimony about town officials, Ms. Mittleman said that local elected officials reflect the sentiments of those who elected them.
- Encouraged the committee to review Casella's infractions in NH and other states.

*Honorable John Tuhill
Acworth, NH*

- Much of NH's regulations are outdated. The solid waste industry has come close to being a monopoly that NH should consider whether to manage landfills as a utility. HB 177 is a way to hit the pause button and bring NH's solid waste regulations into the 21st century.

Hayley Jones

Vermont and New Hampshire Community Organizer, Community Actions Works

- All landfills inevitably leak, which detrimentally impact ecosystems, wildlife habitats, and water supplies. There is currently a lawsuit in Bethlehem against the North Country Environmental Services landfill for discharging illegal pollutants into the Ammonoosuc River. NH cannot afford such incidents occurring near their state parks. Permitting landfills near state parks will decrease tourism and discourage recreational activities.

*Roger Doucette – provided written testimony
Whitefield, NH*

- HB 177 is a simple bill that protects NH's state parks from the well-documented detrimental impacts of landfills. HB 177 will safeguard those special places that NH has deemed essential to preserve for both current and future generations. NH's identity is tied to its state parks.
- Landfills are forever and their problems are long lasting. A state park near a landfill would be damaged for generations and its waters permanently comprised. There is other land in NH more suitable for a landfill than beside a state park.
- Passing HB 177 would protect NH's state parks while the state assesses its solid waste management plan and regulations for the future. Current NHDES regulations are not adequate to keep landfills away from our parks by more than 100-200 feet.

*Christine Sundman
Littleton, NH*

- The enjoyment of FLSP is threatened by the proposed GSL that abuts the park. The North Country should not be turned into the state's trash can. HB 177 will preserve the North Country's natural resources and NH's state parks.

Summary of testimony presented in opposition:

Representative Howard Pearl

Merrimack – District 26 and Chairman of the House Environment and Agriculture Committee

- The House Environment and Agriculture Committee had recommended HB 177 be found "inexpedient to legislate" by a vote of 10-9. The committee received a lot of testimony on HB 177. A majority of the committee felt HB 177 violated landowner rights and used the state legislative process to address a specific landfill proposal near FLSP in Dalton, NH. The dispute was a local zoning issue and the NH Department of Environmental Services (NHDES) has a siting process to fully vet landfill proposals.
- HB 177 does nothing to specifically protect water quality, private property, or business owners. HB 177 is an example of spot zoning. The two-mile buffer in HB 177 is arbitrary and has no scientific basis.

- Senator Avard noted that the House Environment and Agriculture Committee recommended HB 177 be found “inexpedient to legislate,” but HB 177 was later recommended “ought to pass with amendment” by the full House. Senator Avard asked Representative Pearl how that transpired.
 - Representative Pearl explained that HB 177 was part of a marathon House session from April 7-9, 2021. HB 177 was toward the end of the House’s regular calendar. However, HB 177 was later special ordered to the front of the calendar. Many representatives left House session for the day, believing the calendar was done as many of the bills recommended “ought to pass” were addressed. The House Environment and Agriculture’s committee report on HB 177 was overturned by the full House by a vote of 171-187. The House later recommended HB 177 “ought to pass with amendment” by a vote of 197-159.
- Senator Avard wondered what the reason was for the House’s action in overturning the House Environment and Agriculture’s committee recommendation on HB 177.
 - Representative Pearl said he could not speak for the intentions of others, but it was his understanding that many felt that the House session was going to end. Many House representatives had left and did not believe HB 177 was going to be acted on.

*Joseph Fusco – provided written testimony
Vice President, Casella Waste Systems, Inc.*

- It is vital to develop solid waste infrastructure under a rigorous policy and regulatory framework that prioritizes science and fact-based examination of many critical factors, including technology, safety, hydrogeology, and relentless engineering and operating standards.
- HB 177 is unnecessary from a regulatory, permitting, and public policy standpoint. Any technical, scientific, environmental concerns or standards for siting a landfill on any square inch of NH land is covered and addressed under a very sophisticated and comprehensive regulatory and permitting regimen. This regimen reviews hundreds of criteria and requires the extensive, scientific review of multiple environmental and quality of life impacts.
- In fact, the protections that proponents of HB 177 seek are covered by NH’s regulatory and permitting standards and processes. The fears proponents seek to soothe with this bill are superseded by an existing public policy process containing an immense amount of diligence on every aspect of the appropriate siting, permitting, construction, operation, closure, and post-closure monitoring of New Hampshire’s landfills.
- HB 177 is not a scientific, fact-based approach to policymaking around the management of NH’s environmental infrastructure. HB 177 represents the inconsistent, hypocritical targeting of a specific industry, a specific company, and a specific project. It puts NH’s waste disposal infrastructure at risk in the face of a capacity shortfall of 9 to 23 million tons in the next two decades and threatens over \$400 million dollars in direct economic impact to the state.
- Senator Avard asked how greenhouse gases released from landfills are managed.
 - Mr. Fusco said the general approach under current modern landfill management is to harvest landfill gases, primarily methane, to ensure they do not escape into the atmosphere. The methane is captured, cleaned, and engineered to produce electricity. Some larger landfills can produce between 5-6 megawatts of electricity.
- Senator Avard said MA will send its trash into NH. He asked if Mr. Fusco could comment on the amount of greenhouse gas emission reductions at landfills.
 - Mr. Fusco said he could not answer that question but encouraged Senator Avard to ask Mr. Nicolai.

*Sam Nicolai – provided written testimony
Vice President of Engineering and Compliance, Casella Waste Systems, Inc.*

- HB 177 proposes to restrict the location of new landfills in NH by establishing a new setback distance of two miles or 10,560 feet from state parks. The existing NH Solid Waste Rules contain various existing setback criteria which all landfills must comply with – including 200 feet from surface water, 500 feet from an occupied residence, and 1,000 feet from a drinking water intake. These setback criteria work hand-in-hand with the operational and engineering requirements for a facility. For example, the environmental monitoring systems, the design of access roads, and the appearance of the facility are designed knowing that there can be surface water at a distance of 200 feet and occupied houses at a distance of 500 feet.
- If NHDES has determined that 500 feet is the appropriate distance for someone’s home, why would it make sense to establish a setback from state parks that is twenty times greater? The answer is that there is no technical basis for this type of setback. It is simply an attempt to go around the existing solid waste rules and NHDES’ authority. Instead of evaluating a proposed facility on its merits, the bill arbitrarily picks a

restriction to ban one proposed project. HB 177's prime sponsor testified before the House Environment and Agriculture Committee that the bill's aim was to oppose Casella's GSL in Dalton, NH.

- HB 177 excludes existing landfills from this setback criteria, but a review of the existing facilities is informative:
 - The Mt. Carberry Landfill is located within a mile of the Appalachian Trail, which of course has a significant level of day-to-day foot traffic. Almost all of the City of Berlin is within two miles of the landfill.
 - The Lebanon Solid Waste Facility is within two miles of nearly all of West Lebanon and a large portion of White River Junction.
 - The Four Hills Landfill is within two miles of a significant portion of the City of Nashua, including large residential areas.
 - Our North Country Landfill is within two miles of the White Mountain National Forest, and significant land areas which are in environmental conservation.
- Landfills and other types of solid waste management facilities can be operated effectively in concert with the surrounding community and well within two miles of other uses. Of the facilities listed above, Casella's proposed GSL project is sited in a location with far less development and far more similar uses – the nearest properties include a rock quarry, asphalt plant, gravel pits, gun club, drag strip, log processing facility and similar uses, as well as the state park and its managed forests. More critical than the precise make-up of the surrounding uses, is the extensive engineered systems, monitoring programs, and operational resources that make up a state-of-the-art landfill in 2021. Casella's proposed GSL will be exactly that – a well-designed, well-operated facility managing solid waste from more than 150 New Hampshire communities.
- Senator Avard asked if Mr. Nicolai felt that HB 177 targets Casella and its GSL project.
 - Mr. Nicolai said Casella believes HB 177's purpose is to prevent Casella's GSL project from moving forward. The bill's sponsors have testified to that effect. HB 177 only establishes a two-mile boundary for state parks. There is no mention of local or national parks, conservation areas, or historic areas. The purpose of HB 177 is spot zoning.
- Senator Avard said some people are concerned about potential water contamination with Casella's proposed GSL. NH has a history of PFAS water contamination. He asked if Mr. Nicolai to comment as to whether HB 177 protect NH's water resources.
 - Mr. Nicolai referenced Director Wimsatt's testimony in that each solid waste permit application is evaluated for its impacts to groundwater. Setting an arbitrary two-mile boundary from a state park does not offer any actual environmental protection. FLSP and Forest Lake are in a different watershed than the landfill itself. Projects should be evaluated on a hydrological standpoint, not selecting a number on a map, and claiming it will offer environmental protection. If a landfill is good enough to be within a reasonable distance of local homes and water supplies, then state parks should be protected as well.
- Senator Avard referenced Representative Thompson's testimony where he said that Dalton has enacted zoning to prohibit Casella's GSL. He asked if Dalton enacted a zoning ordinance that would restrict the GSL.
 - Mr. Nicolai said Dalton enacted temporary zoning. Any solid waste facility would need to abide by local zoning ordinances. Casella is working closely with support they have in Dalton and expect the GSL would be approved through the permitting process.
- Senator Avard asked if Casella offered recycling to local municipalities.
 - Mr. Nicolai deferred Senator Avard's question to Mr. Cappadona.

Bob Cappadona – provided written testimony

Vice President of Resource Solutions, Casella Waste Systems, Inc.

- Casella Waste Systems, Inc. is a regional solid waste resource management company serving more than 50,000 households and 5,500 businesses across 150 towns and cities in NH through collection, transfer, recycling, and waste disposal operations. Casella Waste Systems, Inc. has helped reduce, reuse, or recycle more than 1 million tons of material in 2019. Casella hopes to double that number by 2030.
- Over the last three years since National Sword and the ban of certain recyclable materials by China, domestic recycling infrastructure has been built and we see commodity markets beginning to rebound over the last six months. One of the unintended consequences of HB 177 is that it will have a negative impact on the advancement of those efforts in NH.
- Within the United States, 80 percent of curbside recycling programs are single stream recycling programs. NH and MS are the only two states nationwide without a traditional, technological Material Recovery Facility (MRF).

- Even without that critical infrastructure in place, Casella diverted more than 40,000 tons of NH waste from landfills or incinerators through Casella's Recycling and Organics operations. Casella is currently collecting 30,000 tons of recyclables from NH annually and transporting them for processing at Casella's MRFs in Auburn and Boston, MA. While these facilities are capable of handling NH's recyclables, it does pose a challenge when it comes to transportation costs. Casella is seeing NH municipalities abandon their recycling programs at alarming rates due to these costs, which are in the six-figures in many instances and could be controlled better by an investment in local processing infrastructure in NH. However, to maximize environmental and economic outcomes associated with recycling, an integrated system that includes modern landfill options is needed.
- A recent study conducted by DSM Environmental Services estimated that this comprehensive approach – including a state-of-the-art landfill in the North Country, and a new MRF in the more densely populated Southern portion of the state would result in an annual reduction of greenhouse gas emissions by more than 29,000 metric tons of carbon due to increased recycling rates and the avoidance of additional transportation. That's equivalent to taking more than 6,200 passenger cars off the road each year.
- Casella's unique partnership with Goodwill Northern New England will allow Casella to collect textiles and other resalable goods at this proposed facility creating more reuse opportunity that will help further New Hampshire's waste reduction goals and put the state at the forefront of recycling innovation. In addition to the environmental benefits, it is also estimated that the proposed MRF will provide an additional \$10 million to the state's economy each year through the creation of 45-60 well-paid jobs. In closing, Casella believes the recycling industry will continue to make strides, and Casella is poised to invest in NH by locating a state-of-the-art MRF.
- Senator Watters said MRFs have been an issue in NH for several years. Senator Watters referenced his SB 629-FN (2020) to impose a surcharge on out-of-state waste to help provide matching grant funding to municipalities and private entities for waste diversion projects like MRFs. Senator Watters asked if Casella was committed to building a MRF in NH regardless of what happened to their proposed GSL.
 - Mr. Cappadona said a comprehensive program was needed. The issue is not just constructing a MRF but extracting recyclables from a landfill. 20-25% of municipal solid waste in a landfill can be extracted from a MRF standpoint.
- Senator Avard referenced Mr. Cappadona's testimony in that NH municipalities are abandoning their recycling programs due to significant transportation costs. He asked Mr. Cappadona to elaborate.
 - Mr. Cappadona said 30,000 tons of recycling is exported from NH annually to Casella's MA MRFs. There are significant transportation costs for doing so, which NH municipalities are finding burdensome. It would be more economical to have a MRF sited in NH rather than transporting NH's recycling to MA, saving NH municipalities money, and allowing them to continue on with their recycling programs.
- Senator Avard asked if an MRF sited in NH would reduce NH's carbon emissions.
 - Mr. Cappadona said a study conducted by DSM Environmental Services estimated an MRF sited in NH would reduce greenhouse gas emissions annually by more than 29,000 metric tons.
- Senator Avard said there were significant concerns about potential impacts to groundwater quality with a new landfill. He asked Mr. Cappadona to elaborate on that.
 - Mr. Cappadona acknowledged that PFAS is an issue around the country. Testing is conducted daily, weekly, and monthly at Casella's organics facilities. That same testing regimen would be conducted at any new landfill.
- Senator Avard referenced Representative Bixby's testimony about composting and asked about Casella's efforts to compost waste.
 - Mr. Cappadona said composting is not done at MRFs, but at separate organics facilities to process biosolids. This composting is often used on farmlands.
- Senator Avard asked if construction and demolition debris would go to a MRF.
 - Mr. Cappadona said construction and demolition debris is not processed at a MRF, but at processing facilities specifically designed for construction and demolition debris. A MRF is a facility that handles traditional recycling materials, such as cardboard, metal, plastics, and glass.
- Senator Avard asked if Mr. Cappadona could estimate how much a MRF would save local taxpayers.
 - Mr. Cappadona said a MRF would provide \$10 million to NH's economy each year and provide 45-60 well-paying jobs. There would also be municipal cost savings as municipalities would not have to pay significant transportation costs to process their recycling.

*Charles Crocetti – provided written testimony
Senior Vice President and Principal, Sanborn, Head & Associates, Inc.*

- Sanborn, Head & Associates is an engineering and geosciences consulting firm that provides environmental and engineering services to public and private solid waste clients. Casella has hired the firm to characterize the location of their proposed GSL. Based upon site characterization, the GSL meets the criteria contained in NH's Geologic Siting Limitations for landfills. The groundwater at the site will be continually monitored with a release detection permit issued by NHDES.
- HB 177 makes two basic assumptions: 1) land within two miles of a state park is necessarily unsuitable for a landfill, and 2) the GSL poses environmental risks to Forest Lake. Neither assumption is correct. Concerns regarding negative impacts to Forest Lake's water quality due to a nearby landfill are unfounded after evaluating the surface water and groundwater flow in the area during the site characterization process.
 - Surface Water Flow: The Phase I landfill footprint of the GSL lies within the eastern portion of the roughly 2,900-acre Alder Brook/Hatch Brook watershed. A natural high ridgeline located near the landfill site forms a surface water divide which determines the direction of surface water drainage. The proposed landfill is located on the western side of this surface water divide. Forest Lake is located on the eastern side. Gravity prevents surface water from traveling uphill or otherwise crossing this topographical ridgeline. Thus, surface water cannot move over the divide from the proposed landfill facility to Forest Lake.
 - Groundwater Flow: groundwater evaluation measurements gathered at the GSL site indicate the presence of a groundwater divide along and beneath the ridgeline that separates surface water drainage flowing to the west and flowing to the east. Like the surface water flow, the subsurface groundwater divide results in a similar flow pattern in groundwater: east of the divide, the groundwater flows toward Forest Lake, and west of the divide, the groundwater flows toward the proposed landfill site. In the unlikely event of a release of leachate from the liner system that reaches groundwater, it is not possible that the contaminants could reach Forest Lake.

Karin Anderson – provided written testimony

Senior Director for Community & Donor Relations, Goodwill Northern New England

- Goodwill operates 16 stores throughout NH and provides services to more than 28,000 people throughout its three-state footprint. Goodwill is committed to sustainable practices. In 2020, Goodwill diverted 50 million pounds of donations from landfills in ME, NH, and VT.
- In the last year, Goodwill disposed of 13,216,580 pounds of unusable donations, resulting in trash bills that added up to more than \$1.2 million. This is a problem Goodwill continually faces. HB 177 would make it more difficult to site new landfills, causing major ripple effects in Goodwill's efforts to serve NH residents. HB 177 will make landfill capacity scarcer, potentially eliminate competition, and drive disposal costs higher. Every additional dollar that Goodwill spends on waste disposal in NH is a dollar that does not go to work for NH residents who need it most in the form of the wrap-around social services.
- Environmental considerations are always central to any discussion regarding landfill development in NH. That should always remain and be a point of robust discussion.
- Casella has been a vital partner in helping achieve Goodwill's triple bottom line sustainability goals, enhancing its facilities, and expanding Goodwill's knowledge around recycling, while growing Goodwill's wrap-around support programs. Goodwill accepted the NH Businesses for Social Responsibility Partnership for Innovation Award alongside Casella in 2020. Goodwill's partnership with Casella continues to grow, and we are currently in the process of exploring what has been dubbed "the Materials Recovery Facility (MRF) of the Future" to be constructed in the southern part of New Hampshire. This facility is expected to create 45-60 well-paid jobs. Casella is committed to working with us to hire a significant percentage of these employees through Goodwill's workforce programs; many of Goodwill's clients are affected by substance use disorder or other personal, and significant, barriers to employment. This goal is well-aligned with Governor Sununu's Recovery Friendly Workplace Program.
- HB 177 threatens the design and creation of that MRF facility and all the economic and many environmental benefits that would serve NH residents both now and well into the future.

Robin Pilotte – provided written testimony

Dalton, NH

- There are many people in Dalton who are not full-time residents that do not like the idea of a landfill near their property on Forest Lake. Some Dalton residents support Casella's GSL project and Dalton should have the opportunity to make up its own mind about whether the project should be allowed in Dalton. Dalton has temporary zoning that is up for a vote at the next town meeting in June. HB 177 takes away local control. There is local support for the project, but many are unwilling to speak out due to fears of being harassed or bullied by landfill opponents.

- Ms. Pilotte visited the North Country Environmental Services landfill in Bethlehem, NH and was impressed by how a modern landfill operates.
- Ms. Pilotte inquired with local transfer station managers about the impact of not having a landfill in Bethlehem or Dalton. Those managers said that tipping fees and transportation costs would increase, leading these transfer stations to charge users more. This will detrimentally impact local businesses.
- The State of NH has not maintained the FLSP for some time. The Town of Dalton took over mowing and minor cleanup duties. Forest Lake closes due to E. coli a few times each season, making it unhealthy to swim.
- There has been a lot of talk about more truck traffic with the proposed GSL. This is a scare tactic. There has always been truck traffic in the North Country – loggers, contractors, gravel trucks, haulers – and they represent a large part of the local economy.
- Senator Avard asked how local residents are being bullied.
 - Project supporters are often called shills on social media. There are many elderly Dalton residents who do not voice their opinions as the Dalton Selectboard does not listen to them. Unless you support Forest Lake, your voice does not matter. Forest Lake has never been as popular as when HB 177 was introduced. Forest Lake does not attract that much tourism. Dalton is a low-income community and the GSL could provide much needed economic activity.

*Pamela Kathan – provided written testimony
Dalton, NH*

- The true residents of Dalton, NH are being bombarded by seasonal residents who have partnered with interest groups like Save Forest Lake, the CLF, and the North Country Alliance for Balanced Change. GSL supporters in Dalton are treated poorly by landfill opponents through harassment, ridicule, and videos posted on social media.
- Forest Lake could have been developed into a campground long ago, but there is an intensity to develop the campground now as an excuse to not have the GSL. The GSL could provide an economic boost to Dalton.
- Dalton's Selectboard and Conservation Commission are self-centered interest groups working to destroy Dalton without considering the interest and needs of Dalton's full-time residents. One Selectboard member is a Community Action Works activist. Dalton should be allowed to make its own decisions without input from interest groups and part-time residents.
- NHDES has proper regulations in place to vet any proposed landfill project.
- Senator Avard asked if Ms. Kathan could share any evidence of the bullying and harassment taking place in Dalton, NH.
 - Ms. Kathan said she would send information to the committee.

*Kevin Whittum, Sr. – provided written testimony
Dalton, NH*

- HB 177 ties the hands of Dalton residents in weighing in on a project in their own town.
- NHDES has a sufficient scientific process for siting landfills and safeguards in place already.
- Forest Lake's water quality has been an issue for years. NH has been inactive in maintaining the lake for the past 15 years. If Forest Lake has such significant value, why has the lake been ignored?
- Dalton is fortunate enough to have a place to site the GSL in an area that is already being used by industry. A host agreement would be very beneficial to the local economy and the retired, elderly, and low-income Dalton residents.
- Mr. Whittum explained that Mr. Swan has been very combative in Dalton against HB 177 opponents and frequently harasses and bullies individuals on social media.
- Senator Avard asked if Mr. Whittum felt Dalton residents were being bullied. He referenced Ms. Pilotte and Ms. Kathan's testimony.
 - Town residents in support of the GSL cannot get information from town officials because town officials oppose the landfill. This is a town issue and should not be addressed at the state level.

*Alex Koutroubas – provided written testimony
Executive Director, American Council of Engineering Companies – New Hampshire*

- HB 177 enacts statewide zoning to derail one proposed landfill project in Dalton, NH. Similar efforts were made in the past regarding the Northern Pass project. Nine pieces of legislation were introduced before the NH General Court between 2012 and 2018 and each bill was defeated. Similar legislation was introduced to derail the Kinder Morgan pipeline project. Legislating against specific public works projects is a bad idea.

- The GSL project will help bring a MRF to NH and advance recycling in the state. Prohibiting new landfills hardly seems like a solution. Trash must go somewhere. Existing landfills have finite capacity and recycling opportunities are slim. If NH runs out of landfills, the only option is to send waste out of state facilities at dramatically increased costs.
- If permitted by NHDES, the GSL will be a safe and secure landfill created by qualified engineers and geologists. There is a process to site landfills in NH and that process should move forward.

Steven Changaris – provided written testimony

Northeast Region Vice President, National Waste and Recycling Association

- HB 177 is an attempt to stop a landfill siting and permitting process already underway. Current state law, administrative rule, and legal precedents that govern landfill siting in NH is balanced and should be allowed to move forward.

David Leonard – provided written testimony

Whitefield, NH

- HB 177's sole objective is to stop the GSL project. HB 177 does nothing to control the flow of out-of-state waste into NH and takes a lot of land out of consideration to site any future landfill projects.
- Reiterated previous testimony made by Ms. Pilotte, Ms. Kathan, and Mr. Whittum about the bullying and harassment taking place in Dalton, NH against GSL supporters, with specific reference to Mr. Swan.

David Creer – provided written testimony

Director of Public Policy, Business and Industry Association (BIA)

- HB 177 would have a detrimental effect on business costs. By prohibiting new or expanded landfills within two miles of state parks, NH would be restricting the availability of landfills for waste disposal. As landfill availability decreases, disposal costs will increase for businesses.

Scott Hazelton

Highway Director, Town of Sunapee, NH

- The residents of Sunapee and Springfield deliver 18,000 tons of solid waste to the North Country Environmental Services landfill in Bethlehem, NH. The tipping fee is roughly under \$60. The Bethlehem landfill, which serves roughly 150 vendors, will likely reach its capacity in the next five years, leading nearby municipalities to look for alternative locations to get rid of their solid waste product at an additional cost. Those costs could be significant. Without a nearby landfill, Sunapee's transfer station costs could increase by \$75,000 if Sunapee had to send its waste to Turnkey in Rochester or Mount Carberry in Success, NH. Sending solid waste out-of-state could increase costs to more than \$250,000.
- Passage of HB 177 will lead to significant solid waste disposal costs for Sunapee and Springfield, as well as for the other municipalities that use the North Country Environmental Services landfill in Bethlehem, NH.

Bryan Gould

Director and Shareholder, Cleveland, Waters and Bass, P.A, representing Casella Waste Systems, Inc.

- NHDES is forecasting that there will be 40 million tons of trash generated in NH over the next twenty years. With a 25% recycling rate, that means 30 million tons will require disposal in a landfill. NH currently has 7.5-21 million tons of landfill capacity over the same twenty-year period. Without factoring in out-of-state waste, NH clearly has a shortfall in landfill capacity.
- Over 1 million tons of out-of-state waste is sent to NH landfills on an annual basis, with 80% going to the Turnkey landfill in Rochester, NH.
- Although property has not been afforded a great deal of protection under court decisions, there must be a rational basis for any distinction drawn in state statute. A setback of 100 feet between a landfill and adjoining property and a setback of 500 feet between a landfill and a residence is in the administrative rule right now. Passage of HB 177 would mean that it is reasonable to have a setback of 500 feet between a residence and a landfill, but a two-mile setback is required between any landfill and state park. HB 177 does not have a rational basis for this distinction.

Neutral Information Presented:

Michael Wimsatt – provided written testimony

Waste Management Division Director, NHDES

- HB 177 as amended by the House would prohibit NHDES from issuing permits for a new landfill, if any part of the actual solid waste disposal area is proposed to be located within two miles of the boundary of any state park.
- NHDES takes no position on HB 177 as it did when the bill was being considered by the House Environment and Agriculture Committee. NHDES provided written testimony about how NHDES processes solid waste permits. After listening to testimony on HB 177 in the House, NHDES identified issues that can be grouped into two overarching topics relative to potential off-site impacts from landfill operations that were raised by witnesses at the House Environment and Agriculture Committee hearing and that addressed by NHDES' regulatory program from landfills. These topics are nuisance conditions (odors, noise, vectors, litter) and groundwater and surface water contamination.
- First, witnesses expressed concerns about the potential impact of nuisance conditions such as odors, litter, vectors (birds), and noise. NHDES acknowledges that almost any facility that handles solid waste has the potential to be a source of nuisance conditions. The Solid Waste Rules include multiple specific requirements that limit the potential for odors and other nuisance conditions from landfills, in addition to the requirement in Env-Sw 1005.01, *General Operating Requirements*, that solid waste facilities "...be operated and maintained in a manner that controls to the greatest extent practicable" nuisance conditions. Common control methods include:
 - applying daily and intermediate cover over waste.
 - limiting exposed waste during filling operations to the smallest area practicable.
 - installing litter fences and policing the surrounding areas for windblown litter.
 - Installing and operating a landfill gas collection and control system.
 - Conducting periodic landfill cover integrity checks and surface emission monitoring.
 - Rejecting odorous wastes.
 - Requiring odorous wastes be treated prior to arrival at the facility.
 - Using odor neutralizing products or misting agents.
 - Limiting operations to between the hours of 6:00 a.m. and 6:00 p.m.
 - Using static alarms on equipment; properly maintaining equipment, from construction and compaction equipment to landfill gas collection, control and destruction (e.g., flare) systems.
 - Implementing a bird depredation program.
- In addition, the Rules require permittees to report and respond to complaints of recurring or persistent nuisance situations such as noise, litter, odor, dust or vectors.
- Second, witnesses expressed concerns about the potential for contamination of groundwater and surface water from landfill operations and management of leachate. A proposed landfill site must undergo rigorous hydrologic and hydrogeological evaluations to ensure that the proposed facility location meets siting criteria, and to ensure that surface and groundwater conditions are well understood, and the fate and transport of any potential contamination can be predicted. The Solid Waste Rules require that landfills be designed and constructed with two synthetic liner systems, each of which has its own leachate collection system. Leachate collection systems are designed to rapidly move leachate off the liner and collect it for proper disposal at an authorized treatment facility. Liners and leachate collection systems are required to be monitored and maintained throughout the operating life of the landfill, and during the closure and post-closure periods. Further, landfill permittees are required to obtain and comply with a Groundwater Release Detection Permit under Env-Or 700, which requires the permittee to monitor groundwater quality in the vicinity of the facility. If a release is detected, groundwater monitoring intensity is immediately increased, and appropriate actions are required to identify and remedy the source of the release. All these systems and requirements are designed to ensure that both groundwater and surface water resources near the landfill are protected.
- Mr. Wimsatt offered a brief description of the public benefit requirements of NH's Solid Waste Management Act. In order to approve a permit application, NHDES must determine that a proposed solid waste facility provides a substantial public benefit, based upon the three criteria in RSA 149-M:11, III(a) through (c), as follows:
 - (a) "The short- and long-term need for a solid waste facility of the proposed type, size, and location to provide capacity to accommodate solid waste generated within the borders of New Hampshire....,"
 - (b) "The ability of the proposed facility to assist the state in achieving the implementation of the hierarchy and goals (identified in the statute);"
 - (c) "The ability of the proposed facility to assist in achieving the goals of the state solid waste management plan, and one or more solid waste management plans submitted to and approved by the department...."
- The applicant must demonstrate in its application that the proposed facility satisfies all three of these criteria for NHDES to determine that it provides a substantial public benefit.

- Senator Gray said he lives in and represents the City of Rochester, which is home to Waste Management, Inc.'s Turnkey landfill. Senator Gray received a copy of Turnkey's first quarterly report of 2021 from the City of Rochester. Senator Gray found there was only one filed complaint in the report that dealt with noise from road construction. Senator Gray asked Director Wimsatt if that was unusual for a modern landfill that follows NHDES' rules and regulations.
 - Director Wimsatt said he could not comment elaborately on Turnkey's quarterly report, but the amount of complaints Turnkey received would be unusual. NHDES usually hears more noise and odor complaints in any given quarter. However, not all complaints are received by NHDES. Solid waste permits require facilities to educate nearby residents on how to file a complaint directly with the facility. It is more efficient and effective for a facility to hear about a complaint directly in real time rather than file a complaint with NHDES.
- Senator Watters said there were a lot of concerns about groundwater. Wherever a facility is sited, NHDES will review a solid waste permit application very closely to ensure there are no detrimental impacts to wetlands and groundwater quality.
 - Director Wimsatt said Senator Watters was correct. Any new solid waste facility or expansion of an existing facility, to the extent wetlands are impacted, would need to acquire a wetlands permit. This is required to move forward with a solid waste permit. NHDES would review applicable administrative rule relative to setbacks from water features and ensure the siting criteria relative to groundwater and surface water protection.
- Senator Watters said there have been legislative efforts over the years to have NH conduct long-range solid waste planning. He noted SB 146 (2021) and HB 413 (2021) would build upon the work of the Committee to Study Recycling Streams and Solid Waste Management in NH (2019). NH needs to emphasize source reduction. Senator Watters asked if he was correct in that NHDES cannot refuse to consider a solid waste permit application during the process of developing its Solid Waste Plan.
 - Director Wimsatt said NHDES has a very clearly defined role in permitting solid waste facilities. NHDES is the state agency responsible for planning and regulating solid waste management through a permit system. Anyone is eligible to apply for a solid waste facility permit. NHDES reviews permit applications to ensure that the application fulfills all the criteria under relevant state statute and administrative rule.
- Senator Avard referenced Representative Bixby's testimony and asked if NH is recycling at all.
 - Director Wimsatt said NH has been recycling for decades and continues to do so. People have the impression that recycling has been in decline in recent years. Recycling became very globalized and much of the nation's recycling was sent to China. China received much of the world's recycling as China wanted raw materials to grow their economy. After several years, China determined that they were becoming the world's trash can. Countries often used single stream recycling – where all recycling was grouped together – and used material recovery facilities (MRFs) to process their recycling before sending it to China. China found the level of contamination in the recycling it received was very high. For example, a bale of HDPE 1 plastic may have some aluminum or paper in it, significantly decreasing its value. In response, China enacted Operation Green Fence, an aggressive inspection effort aimed at curtailing the amount of contaminated recyclables and waste that was being sent to China. China later adopted its National Sword policy, refusing to take any recyclable material unless that material met very stringent contamination standards. This policy upended the global recycling market. Much of the US's recycling did not meet the National Sword standards, meaning the US's recyclable materials did not have an outlet. The capacity to manage recyclables and reuse recyclables in the US was diminished. The commodity price for these recyclables dropped significantly. The requirement to operate MRFs as effectively as possible to reduce contamination became very expensive. To put into perspective, the average tipping fee at a landfill was \$80-90 a ton. MRFs charged up to \$140 a ton. When communities looked at their solid waste options, they often went for the least expensive option for their local taxpayers, so communities sent their recyclables to landfills. Communities still using single stream recycling continue to face these economic challenges. The US is clearly going through a recycling reset because of the National Sword policy.
- Senator Avard noted Representative Bixby's comments about landfill capacity. Landfilling recyclables became the cheapest option and must have had an impact on NH's landfill capacity. Senator Avard asked Director Wimsatt to comment on NH's landfill capacity.
 - Director Wimsatt said there are a few municipal landfills that have some commercial operations, but their service areas are limited. Director Wimsatt detailed the three major commercial landfills currently operating in NH. The first and largest landfill is the Turnkey landfill in Rochester, NH

operated by Waste Management, Inc. Turnkey landfill had a solid waste permit approved for an expansion and expected to operate through 2034. Turnkey landfill has some additional land to potentially expand in the future, but such a proposal is not before NHDES. The second landfill is the Mount Carberry landfill in Success, NH operated by the Androscoggin Valley Regional Refuse Disposal District. Though operated by a public entity, Mount Carberry landfill operates commercially. Mount Carberry is permitted to operate through 2025 and is expected to expand in the future. The third landfill is Casella's North Country Environmental Services landfill in Bethlehem, NH and is permitted to operate through 2026. While the landfill has land adjacent to it for potential expansion, a local zoning change would be required for any expansion.

- Senator Avard said previous public hearings demonstrated that MA and other states dispose of their waste in NH.
 - Director Wimsatt said Senator Avard was correct.
- Senator Avard asked if NH sends its trash to other states like MA.
 - Director Wimsatt NH sends its trash to other states like MA to a much lesser degree. Solid waste disposal is considered subject to the interstate commerce clause under the US Constitution. Therefore, NH cannot enact something that unfairly discriminates against the interstate commerce of solid waste. While any commercial landfill operating in NH must demonstrate that it provides a substantial public benefit to the state, such as handling NH's solid waste, it does not preclude a facility from also seeking to operate at a much greater quantity to accept out-of-state waste. For example, the Turnkey landfill's solid waste intake was roughly 50% from in-state and 50% from out-of-state. The North Country Environmental Services landfill took in roughly 25% out-of-state waste in 2020.
- Senator Avard asked what happens to solid waste from the North Country if the landfills in the North Country fill up in the next five to ten years.
 - Director Wimsatt said one would have to assume that no new landfills get sited and there are no expansions of existing landfills. Other states that are more aggressive on landfill development are shipping their solid waste out of state. States like NY, OH, PA have constructed very large landfills. Some states are sending their solid waste to those states by truck or train.
- Senator Avard summarized that NH could beef up its recycling to reduce its landfill intake.
 - Director Wimsatt said current state statute makes clear that the NH General Court makes it a priority to divert solid waste from landfills and maximize recycling. However, those efforts are market based due to the cost to process recyclables. Making recycling easier and less expensive will reduce the amount of waste disposed of in NH's landfills.
- Senator Avard referenced Representative Egan's testimony that travel and tourism accounts for \$5.5 billion in visitor spending. He asked if there has been an economic impact study on how tourism will be affected if more landfills are constructed.
 - Director Wimsatt said he could not answer Senator Avard's question. He was not aware of any economic impact study.
- Senator Avard asked Director Wimsatt to comment on Mr. Wessler's testimony in that NHDES cannot protect NH's state parks and NHDES' rules and procedures have not been updated for twenty years.
 - Director Wimsatt said previous testimony may have been referring to NH's Solid Waste Plan, which has not been updated since 2003. NHDES' administrative rules, which are used to implement state statute and regulate solid waste facilities, have been modified a number of times since 2003 and are constantly revised. In response to protecting state parks, NHDES' role in solid waste permitting is to apply the rules and standards that are set out through state statute and administrative rule. Solid waste facilities that meet those rules and standards will typically get a solid waste permit to operate. If a solid waste facility does not meet those rules and standards, the facility will not get a solid waste permit.
- Senator Avard asked Director Wimsatt to comment on Mr. Wessler's testimony that NHDES' Solid Waste Management Bureau is underfunded and understaffed.
 - The Committee to Study Recycling Streams and Solid Waste Management in NH (2019) suggested that the Solid Waste Management Bureau in NHDES has been underfunded for a number of years due to budget cuts that occurred some twenty years ago, particularly with respect to solid waste planning. That is a reason why NHDES is behind in updating its Solid Waste Plan, as well as previous staff retirements and an inability to refill those positions overtime. However, the ongoing budget discussions in HBs 1 and 2 (2021) provide significant funding to NHDES for the Solid Waste Management Bureau. Should HBs 1 and 2 get signed into law with that additional funding, NHDES will be able to stand up active solid waste planning efforts.

- Senator Avaré asked Director Wimsatt to comment on the status of NH's Solid Waste Plan.
 - Director Wimsatt referenced SB 146 (2021), which would reframe NH's Solid Waste Plan to be due in the fall of 2022. There is also HB 413 (2021) that would assist in long-range solid waste planning.
- Senator Avaré referenced Mr. Finkel's testimony in that NHDES is not following federal law. He asked Director Wimsatt to comment.
 - Director Wimsatt clarified that NH's solid waste permitting program is approved by the federal government and meets its requirements. Director Wimsatt said the claim that NHDES is not following federal law in having adequate setbacks between landfills and airports was the first time he had heard it. Director Wimsatt said he will be sure to look into it as he wants to ensure NHDES is following federal requirements. NHDES takes no position on HB 177 as it is currently reviewing permit applications under its wetlands program and solid waste program for the GSL in Dalton.
- Senator Avaré referenced Mr. Gould's testimony in that NH is facing a landfill capacity crisis. He asked Director Wimsatt to comment.
 - Director Wimsatt said NHDES' landfill capacity analysis only takes into consideration current permitted capacity at NH landfills. Director Wimsatt referenced his earlier testimony about NH's three commercial landfills and how long they are permitted to operate. The public benefit determination on a solid waste facility is, in part, predicated on a certain service life for the solid waste facility. For example, the Turnkey landfill is permitted through 2034. Under the terms of Turnkey's solid waste permit, Turnkey must provide solid waste capacity for NH until 2034. NHDES has not made all the solid waste permit decisions that it will make for the next twenty years. This does not mean that NHDES will not receive a solid waste permit application to expand capacity. Director Wimsatt has been loath to describe landfill capacity as a crisis. NHDES responds to proposed solid waste permit applications as they come up.
- Senator Avaré referenced testimony from Mr. Hazelton about the potential closure of the North Country Environmental Services landfill and its impact on surrounding municipalities. If there is no replacement for that landfill, Sunapee and Springfield will have to transport their solid waste to other landfills at higher cost. Senator Avaré asked what the timeframe was to undertake a solid waste permit process.
 - Director Wimsatt said a solid waste permit application for a new landfill could take roughly 3-4 years from conception to getting a decision for NHDES on a solid waste permit. The timeline could vary based on the circumstances of the solid waste permit application.

GJR

Date Hearing Report completed: May 10, 2021.

Speakers

Senate Remote Testify

Energy and Natural Resources Committee Testify List for Bill HB177 on 2021-05-10

Support: 483 Oppose: 58 Neutral: 1 Total to Testify: 53

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Signed Up</u>
Anderson, Karin	karin.anderson@goodwillnnc.org	207-774-6323	A Member of the Public	Goodwill Northern New England	Oppose	Yes	5/6/2021 1:08 PM
Pilote, Robin	robinlynnp@yahoo.com	603.616.3242	A Member of the Public	Myself	Oppose	Yes	5/6/2021 2:47 PM
Tucker, Rep. Edith	edithtucker@ne.rr.com	Not Given	An Elected Official	Myself Rep. Edith Tucker, Coöds 5, prime sponsor	Support	Yes	5/6/2021 5:02 PM
Swan, Jon	SaveForestLake@yahoo.com	603-991-2078	A Member of the Public	Save Forest Lake	Support	Yes	5/7/2021 7:34 AM
Kathan, Pamela	pam.kathan@gmail.com	603.991.0120	A Member of the Public	Myself	Oppose	Yes	5/6/2021 1:42 PM
Anderson, Fred	fra676@mapc.com	603-837-9492	A Member of the Public	Myself	Support	Yes	5/6/2021 1:47 PM
Cappadona, Bob	bob.cappadona@casella.com	617.593.2658	A Member of the Public	Casella Waste Systems	Oppose	Yes	5/6/2021 1:49 PM
Blair, Peter	pblair@clf.org	631-741-2625	A Lobbyist	Conservation Law Foundation	Support	Yes	5/7/2021 9:22 AM
Rashkin, Alan	Not Given	Not Given	A Member of the Public	Myself	Support	Yes	5/7/2021 9:46 AM
Crocetti, Charles	cacrocetti@sanbornhead.com	603.415.6121	A Member of the Public	Sanborn, Head & Associates on behalf of Granite State Landfill	Oppose	Yes	5/7/2021 12:46 PM
Corkery, Catherine	catherine.corkery@sierraclub.org	603.224.8222	A Lobbyist	NH Sierra Club	Support	Yes	5/7/2021 8:49 AM
wessler, eliot	eliot.wessler@gmail.com	202.674.2416	A Member of the Public	Myself	Support	Yes	5/7/2021 12:40 PM
Finkel, Dr. Adam M.	adfinkel@umich.edu	202-406-0042	A Member of the Public	Myself	Support	Yes	5/6/2021 11:52 AM
Whittum Sr., Kevin	kwhittumsr@gmail.com	602-991-2817	A Member of the Public	Myself	Oppose	Yes	5/6/2021 2:07 PM
Koutroubas, Alex	alex@dennehybouley.com	603.440.5113	A Lobbyist	American Council of Engineering Companies of NH	Oppose	Yes	5/7/2021 4:41 PM
Nicolai, Samuel	Samuel.Nicolai@casella.com	Not Given	A Member of the Public	Casella Waste Systems	Oppose	Yes	5/6/2021 12:03 PM
Fusco, Joseph	Joseph.Fusco@casella.com	802.772.2247	A Member of the Public	Casella Waste Systems, Inc.	Oppose	Yes	5/6/2021 12:07 PM
Gould, Bryan	gouldb@cwbp.com	Not Given	A Member of the Public	Casella Waste Systems	Oppose	Yes	5/6/2021 12:08 PM
Manzelli, Amy	manzelli@nhlandlaw.com	603.225.2585	A Lobbyist	North Country Alliance for Balanced Change	Support	Yes	5/7/2021 1:25 PM
Goodhue, Celeste	celestegoodhue@gmail.com	508.340.9769	A Member of the Public	Save Forest Lake	Support	Yes	5/7/2021 2:44 PM
changaris, steven	schangaris@wasterecycling.org	202 364 3713	A Lobbyist	Myself	Oppose	Yes	5/7/2021 2:52 PM
Leonard, David	nh_mountainman@live.com	603 540 0689	A Member of the Public	Myself as a resident of Whitefield	Oppose	Yes	5/7/2021 9:26 PM
Hennessey, Erin	erin.hennessey@leg.state.nh.us	603.271.4151	An Elected Official	SD1	Support	Yes	5/7/2021 6:27 PM
Warwick, Brian	brianwarwick@gmail.com	617.680.3291	A Member of the Public	Save Forest Lake	Support	Yes	5/7/2021 10:47 AM
Sundman, Christine	csundmanlhs@hotmail.com	603.616.5102	A Member of the Public	Myself	Support	Yes	5/7/2021 10:49 AM

Milton, Brown	Not Given	Not Given	A Member of the Public	Myself	Support	Yes	5/7/2021 10:59 AM
Ladds, Pam	laddspam@gmail.com	802.334.7498	A Member of the Public	Myself	Oppose	Yes	5/8/2021 9:30 AM
Turner, Amy	bagozienne@yahoo.com	603.616.7697	A Member of the Public	save forest lake	Support	Yes	5/7/2021 7:58 PM
Mittleman, Nancy	pdedance@msn.com	Not Given	A Member of the Public	Myself	Support	Yes	5/8/2021 2:14 PM
Bellavance, Phyllis	Not Given	Not Given	A Member of the Public	Myself	Support	Yes	5/8/2021 2:57 PM
Doucette, Roger	rogerddoucette@gmail.com	Not Given	A Member of the Public	Myself	Support	Yes	5/8/2021 7:29 PM
Doucette, Sarah	sdoucette58@gmail.com	603.960.4268	A Member of the Public	Myself	Support	Yes	5/8/2021 2:30 PM
Smith, Suzanne	zanne719@gmail.com	603-715-0086	An Elected Official	myself	Support	Yes	5/8/2021 5:30 PM
Morrison, Wayne	Birdiequest@aol.com	603-930-8809	A Member of the Public	Myself	Support	Yes	5/9/2021 1:31 PM
ESSI, PETER	petersino2019@gmail.com	+233 5487219	A Member of the Public	Myself	Support	Yes	5/8/2021 6:02 PM
Caplan, Tony	anthonycaplan1@gmail.com	603.428.7042	An Elected Official	Merrimack 6	Support	Yes	5/9/2021 5:25 PM
Bixby, Peter	peter.bixby@leg.state.nh.us	16037495659	An Elected Official	House E&A Ranking Member	Support	Yes	5/9/2021 8:26 PM
Bouldin, Andrew	Not Given	Not Given	An Elected Official	Hillsborough District 12	Support	Yes	5/9/2021 10:53 PM
Webb, Nina	Ninar.webb@gmail.com	Not Given	A Member of the Public	Myself	Support	Yes	5/8/2021 2:18 PM
Leahy, Matt	mleahy@forestsociety.org	224-9945 ext	A Lobbyist	Forest Society	Support	Yes	5/10/2021 6:42 AM
John, Tuthill	Not Given	603-477-6242	A Member of the Public	Myself	Support	Yes	5/10/2021 7:01 AM
Beaulieu, Rep. Jane	Not Given	Not Given	An Elected Official	Myself	Support	Yes	5/10/2021 11:41 AM
Creer, David	dcreer@BIAofNH.com	603.224.5388	A Lobbyist	BIA of NH	Oppose	Yes	5/10/2021 9:02 AM
Gay, Betty	jbgay@comcast.net	603-818-1614	An Elected Official	Myself	Support	Yes	5/10/2021 9:19 AM
Pearl, Howard	howard.pearl@leg.state.nh.us	603.231.1482	An Elected Official	E&A Chair	Oppose	Yes	5/10/2021 10:44 AM
Colbeth, Mike	bikeandskimo@gmail.com	374-3051	A Member of the Public	Save Forest Lake	Support	Yes	5/9/2021 12:45 PM
Hazelton, Scott	scotth@town.sunapee.nh.us	603.381.2212	A Member of the Public	Sunapee Transfer Station	Oppose	Yes	5/10/2021 6:52 AM
Jones, Hayley	hayley@communityactionworks.org	971.400.5197	A Lobbyist	Community Action Works	Support	Yes	5/10/2021 10:38 AM
Egan, Timothy	timothytegan@gmail.com	617.201.6462	An Elected Official	Grafton District #2	Support	Yes	5/10/2021 12:53 PM
Baum, Robert	Not Given	Not Given	A Member of the Public	Myself	Support	Yes	5/11/2021 6:58 AM
Thompson, Dennis	dennis@nnefs.com	603.867.7536	An Elected Official	Rep Dennis Thompson	Support	Yes	5/10/2021 12:29 PM
changaris, steve	schangaris@wasterecycling.org	202.364.3813	A Lobbyist	Northern New England Chapter of the National Waste and Recycling Association	Oppose	Yes	5/10/2021 12:40 PM
St Jean, Denise	dstjean75@hotmail.com	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 12:42 PM
Patricia, OLeary	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 12:38 PM
Peabody, Jay	jpeabody@myfairpoint.net	603.800.1820	A Member of the Public	Myself	Support	No	5/7/2021 5:22 PM
Boyle, Stephen	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/11/2021 7:23 AM
Webb, Rebecca	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/11/2021 7:55 AM
Banwell, Nina	nrbanwell@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/11/2021 11:42 AM
French, Anastasia	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/11/2021 9:07 AM
Burdick, Tory	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/11/2021 9:42 AM
Clark, Frank	wyattsdad1966@gmail.com	Not Given	A Member of the Public	Myself	Oppose	No	5/11/2021 10:27 AM

Walker, Stephen	spw82@msn.com	978.729.3225	A Member of the Public	Myself	Support	No	5/12/2021 4:04 PM
Garrison, Ashley	ashleywnh@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/12/2021 8:58 PM
Guider, Nicholas	nickguider@gmail.com	(603) 348-15	A Member of the Public	Myself	Support	No	5/11/2021 6:16 PM
peacock, michael e	michaelpeacock63@gmail.com	603-616-3455	A Member of the Public	Myself	Support	No	5/11/2021 8:11 PM
Rowe, Jonathan	jrowe122013@gmail.com	Not Given	A Member of the Public	Myself	Oppose	No	5/14/2021 9:38 PM
Baxter, Cheryl	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 12:58 PM
Robillard, Jeanne	hoopla624@yahoo.com	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 1:06 PM
Peabody, Tina	Tdpeabody@roadrunner.com	603.728.8732	A Member of the Public	Myself	Support	No	5/10/2021 4:28 PM
Pugachevsky, Natalie	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	5/10/2021 1:46 PM
Venezia, Kesley	Not Given	Not Given	A Member of the Public	SAVE FOREST LAKE	Support	No	5/10/2021 2:48 PM
Lund, Brian	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 4:17 PM
Featherston, Lily	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/11/2021 8:16 AM
Hanson, Barbara	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 7:15 PM
Danos, John	jedanos@comcast.net	413 348-3111	A Member of the Public	Myself	Support	No	5/11/2021 9:39 AM
Spang, Judith	Judith@kestrelnet.net	603.828.6419	An Elected Official	Myself	Support	No	5/10/2021 10:39 AM
Bourdon, Andrew	andrew.bourdon.vzw@gmail.com	12532089057	A Member of the Public	Myself	Oppose	No	5/10/2021 10:40 AM
Cutshall, Catherine	vivadofamily@aol.com	603.471.9142	A Member of the Public	Myself	Support	No	5/10/2021 10:41 AM
Evans, Makayla	makaylamevans@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 10:41 AM
Vivado, Mauricio	maumajo@aol.com	603.471.9142	A Member of the Public	Myself	Support	No	5/10/2021 10:42 AM
Furbush, Jean	irishlady03874@yahoo.com	Not Given	A Member of the Public	Save Forrest Lake	Support	No	5/10/2021 10:43 AM
Jachim, Nancy	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 6:58 AM
Craxton, Edward	ecraxton@yahoo.com	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 9:40 PM
Craxton, Ann	ascraxton@yahoo.com	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 9:42 PM
barnes, connie	Not Given	603 893 0829	A Member of the Public	Myself	Support	No	5/10/2021 10:47 AM
Geil, Leon	lgeil@myfairpoint.net	603.837.2892	A Member of the Public	Myself	Support	No	5/10/2021 10:52 AM
MacLeod, Tyler	tyleramacleod@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 10:52 AM
Parks, Sharon	sharondalozparks@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 10:56 AM
Hamblet, Joan	joan.hamblet@leg.state.nh.us	603.205.4925	An Elected Official	Myself	Support	No	5/10/2021 10:57 AM
Livengood III, William	llivvenw@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 11:03 AM
Reardon, Donna	bugs42953@aol.com	603-224-8151	A Member of the Public	Myself	Support	No	5/10/2021 11:10 AM
Reardon, John	Not Given	603-224-8151	A Member of the Public	Myself	Support	No	5/10/2021 11:11 AM
Jones, Andrew	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 11:12 AM
Devore, Gary	torin_asheron@yahoo.com	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 11:12 AM
Schapiro, Joe	Not Given	Not Given	An Elected Official	Cheshire 16, Keene	Support	No	5/10/2021 11:15 AM
King, Jane	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 11:19 AM
See, Alvin	absee@4Liberty.net	Not Given	A Member of the Public	Myself	Oppose	No	5/10/2021 2:29 PM

Daloz, Larry	larry.daloz@gmail.com	603.277.9129	A Member of the Public	Myself	Support	No	5/10/2021 11:57 AM
Wessler, Danny	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 12:01 PM
Reed, Barbara D.	Not Given	603.352.5015	A Member of the Public	Myself	Support	No	5/10/2021 12:09 PM
Ghioto, Gary	gghioto@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 12:09 PM
Woo, Emma	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 12:12 PM
Hinebauch, Melissa	Melhinebauch@gmail.com	603.224.4866	A Member of the Public	Myself	Support	No	5/10/2021 12:14 PM
Simonds, Joshua	joshua.h.simonds@gmail.com	603.631.2919	A Member of the Public	Myself	Support	No	5/10/2021 12:24 PM
Wimsatt, Mike	michael.j.wimsatt@des.nh.gov	603.271.1997	State Agency Staff	NHDES	Neutral	No	5/10/2021 12:26 PM
Rosa, Antonio	tonyroza2002@yahoo.com	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 12:29 PM
Cayer, Cliff	kliff@snet.net	860.302.0619	A Member of the Public	Myself	Support	No	5/10/2021 9:24 AM
McLeod, Martha	mmcleod823@gmail.com	603.491.0542	A Member of the Public	Myself	Support	No	5/10/2021 9:25 AM
Marietta, Elizabeth	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 9:26 AM
Ross, Ralph	rdross66@gmail.com	603.616.9039	A Member of the Public	Myself	Support	No	5/10/2021 9:32 AM
Cayer, Richard	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 9:41 AM
Shepard, Shannon	Shannonmarie1986@gmail.com	802.323.4210	A Member of the Public	Myself	Support	No	5/10/2021 9:41 AM
Cayer, Susan	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 9:44 AM
Lucas, Janet	janluca1953@gmail.com	16037267614	A Member of the Public	Myself	Support	No	5/10/2021 9:46 AM
perencevich, ruth	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 9:53 AM
Clippinger, Emma	Emma.clippinger@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 9:54 AM
Ahern, Bruce	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 10:36 AM
Ross, Duncan	dhross1012@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 9:02 AM
Tower, AnnMarie	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 9:05 AM
Menzies, Mary	dmenzies@roadrunner.com	603-259-0195	A Member of the Public	Myself	Support	No	5/10/2021 9:07 AM
Crowell, Michael	mcrowell45@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 9:09 AM
Crowell, Renee	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 9:09 AM
Parenteau, Margaret	Map7054@hotmail.com	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 9:10 AM
Smither, Margaret	mmsmither1008@yahoo.com	301.825.2284	A Member of the Public	Myself	Support	No	5/10/2021 9:12 AM
Parenteau, Richard	Rgp7054@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 9:12 AM
Chase, Wendy	wendy.chase@comcast.net	603.319.7259	An Elected Official	Myself	Support	No	5/10/2021 9:16 AM
O'Donnell, Margaret	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 9:16 AM
Ross, Kathleen	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 9:17 AM
Boswell, Bonnie	bboswellantiques@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 9:18 AM
Beier, Michael	mbeier@rocketmail.com	Not Given	A Member of the Public	Save Forest Lake	Support	No	5/10/2021 11:44 AM
Hyland, Stephanie	Not Given	Not Given	An Elected Official	Hillsborough D38	Support	No	5/10/2021 11:44 AM
Moore, Natalie	taliala2244@gmail.com	(508) 245-33	A Member of the Public	Myself	Oppose	No	5/10/2021 11:55 AM
Craxton, David	Not Given	837 2383	A Member of the Public	Myself	Support	No	5/10/2021 5:37 AM
Craxton, Andrea	dcraxton@gmail.com	837 2383	A Member of the Public	Myself	Support	No	5/10/2021 5:38 AM

Weber, Jill	jill@frazilfarms.com	603.978.1263	A Member of the Public	Myself	Support	No	5/10/2021 10:04 AM
Aron, Judy	judy.aron@leg.state.nh.us	603.843.5908	An Elected Official	Myself	Oppose	No	5/10/2021 10:06 AM
heath, shirley	sheath47@outlook.com	16034443428	A Member of the Public	Myself	Support	No	5/10/2021 10:08 AM
Radmore, James	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 10:11 AM
Frey, Gina	Not Given	603-554-8850	A Member of the Public	Myself	Support	No	5/10/2021 10:12 AM
Cayer, Tim	cayermedia@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 10:14 AM
Frey, Kevin	kevfrey@gmail.com	603.554.8850	A Member of the Public	Myself	Support	No	5/10/2021 10:15 AM
Zaniewski, James	Jim.Zaniewski@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 10:18 AM
Terhune, Shaun	shaunterhune@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 10:18 AM
Yen, Lidia	lyen@afsc.org	603.848.8520	A Member of the Public	Myself	Support	No	5/10/2021 10:19 AM
Keene, Robert	dmdsmile@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 6:51 AM
St Germain, Diane	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 7:12 AM
Fieseher, James	mypersonalmd@comcast.net	603.969.6259	A Member of the Public	Myself	Support	No	5/10/2021 7:13 AM
Bergevin, Leslie	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 7:19 AM
Savage-Creedon, Eileen	eileensc@mac.com	617.605.0878	A Member of the Public	Myself	Support	No	5/10/2021 7:26 AM
Pietrowski, Diana	Dpietrowski@me.com	603-571-5622	A Member of the Public	Myself	Support	No	5/10/2021 7:27 AM
Smith, Sara	sara.rose.ssmith@gmail.com	603.485.4231	A Member of the Public	Myself	Support	No	5/10/2021 7:28 AM
Platt, Elizabeth-Anne	lizanneplatt09@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 7:31 AM
Edry, Derek	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 7:31 AM
West, Christie	christiemwest@gmail.com	603.320.6261	A Member of the Public	Myself	Support	No	5/10/2021 7:34 AM
Gordon, Laurie	lmgord23@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 7:37 AM
Orzech, Joseph	j-orzech@earthlink.net	603.837.2516	A Member of the Public	Myself	Support	No	5/10/2021 7:38 AM
Greenwood, Nancy	nancgreenwood@yahoo.com	603.226.2471	A Member of the Public	Myself	Support	No	5/10/2021 7:44 AM
Briggs, Ron	Rongb1950@gmail.com	603.226.2471	A Member of the Public	Myself	Support	No	5/10/2021 7:45 AM
Gordon, Margaret	Meggordon98@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 7:47 AM
O'Leary, Caitlin	Caitlinmarie05@gmail.com	857.251.5742	A Member of the Public	Myself	Support	No	5/10/2021 7:47 AM
perez, maria	mariaeli63@gmail.com	603.801.7867	An Elected Official	District 23	Support	No	5/10/2021 7:56 AM
Aranzabal, Luis	Luisaranzabal40@gmail.com	603.461.1834	A Member of the Public	Myself	Support	No	5/10/2021 7:57 AM
Ellermann, Maureen	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 7:59 AM
Hinkel, Robert	r.hinkel@gmail.com	413.478.8701	A Member of the Public	Myself	Support	No	5/10/2021 8:01 AM
Gibbs, Elizabeth	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 8:03 AM
Pietrowski, Patricia	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 8:05 AM
Russell, George	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 8:07 AM
Letellier, Kathleen	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 8:15 AM
Wells, Lee	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 8:15 AM
Tower, Kim	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 8:28 AM

Gottling, Rep. Sue	Sgottling@comcast.net	Not Given	An Elected Official	Myself	Support	No	5/10/2021 8:28 AM
Goodnow, Martha	mrwg@netzero.net	603.673.1075	A Member of the Public	Myself	Support	No	5/10/2021 8:29 AM
Nute, Dana	dnute@resilientbuildingsgroup.com	603.226.1009	A Member of the Public	Myself	Support	No	5/10/2021 8:33 AM
Zboray, Andrew	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 8:34 AM
Raspiller, Cindy	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	5/10/2021 8:38 AM
Griffin, Peter	Peterbgriffin1@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 8:40 AM
Brown, Howard	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 8:42 AM
Folsom, Andrea	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 8:44 AM
Westlake, Jane	janewestlake57@gmail.com	603.219.6594	A Member of the Public	Myself	Support	No	5/10/2021 8:45 AM
Kelly, Evan	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	5/10/2021 8:46 AM
Brown, Morgan	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 8:46 AM
Brown, William	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 8:50 AM
Osgood, Theodore	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 8:54 AM
Murray, Bob	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 8:55 AM
Johnson, David	dave@ejohnson.net	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 8:57 AM
McNulty, John	McNultyfam@aol.com	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 8:57 AM
Caputo, Jean	jcapp1414@outlook.com	401.368.6187	A Member of the Public	Myself	Support	No	5/10/2021 8:57 AM
Ahern, Janis	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 8:58 AM
Sherman, Senator Tom	jennifer.horgan@leg.state.nh.us	271-7875	An Elected Official	SD24	Support	No	5/10/2021 9:01 AM
Rennie, Ellen	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 6:43 AM
Rennie, Chris	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 6:44 AM
Jernstedt, Margaret	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 6:46 AM
Bartlett, Rep Christy	christydbartlett@gmail.com	603.717.8151	An Elected Official	Merrimack 19	Support	No	5/10/2021 4:59 AM
Toll, Amanda	electamandan@gmail.com	603.860.1994	An Elected Official	Myself	Support	No	5/10/2021 11:25 AM
Pimentel, Rod	Rodpimentel@leg.state.nh.us	Not Given	An Elected Official	Myself	Support	No	5/8/2021 2:19 PM
Meisse, John	John@skyloftoc.com	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 2:24 PM
Simonson, Wesley	trillus3000@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 2:25 PM
Barrett, Cynthia	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 2:53 PM
Rybak, Alexander	Asrybak@plymouth.edu	603.724.4765	A Member of the Public	Myself	Oppose	No	5/10/2021 2:02 AM
Cohen-Holmes, Sandra	sandracohenholmes@gmail.com	603.749.9557	A Member of the Public	Myself	Support	No	5/10/2021 3:58 AM
Odell, Greg	gobuild@together.net	603 444 1465	A Member of the Public	Myself	Support	No	5/10/2021 5:56 AM
pinson, scott	scottpinson53@hotmail.com	Not Given	A Member of the Public	Myself	Oppose	No	5/10/2021 6:13 AM
Lajoie, Katherine	jlje23@hotmail.com	603.826.4803	A Member of the Public	Myself	Support	No	5/10/2021 6:16 AM
Barretto, Tim	timbarretto@comcast.net	603.749.0037	A Member of the Public	Myself	Support	No	5/10/2021 6:28 AM
Saum, Judith	judithsaum@gmail.com	603-786-6170	A Member of the Public	Myself	Support	No	5/10/2021 6:29 AM
Murray, Megan	megan.murray@leg.state.nh.us	Not Given	An Elected Official	Hillsborough District 22	Support	No	5/10/2021 6:33 AM

Cevasco, Karin	Karin.cevasco@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 6:37 AM
Lindpaintner, Lyn	lynlin@bluewin.ch	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 6:37 AM
Meuse, David	David.Meuse@leg.state.nh.us	603-957-8436	An Elected Official	Rockingham 29	Support	No	5/10/2021 6:39 AM
Glazner, Michael	4mkglazner@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 8:27 PM
Wessler, Daniel	daniel.wessler@natgeo.com	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 8:34 PM
Evans, Anne	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 8:37 PM
Dontonville, Roger	rdontonville@gmail.com	603.632.7719	An Elected Official	Myself	Support	No	5/9/2021 8:40 PM
Spencer, Louise	lpskentstreet@gmail.com	603.491.1795	A Member of the Public	Myself	Support	No	5/9/2021 8:47 PM
Spencer, Rob	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 8:47 PM
Clark, Denise	denise.m.clark03055@gmail.com	603.213.1692	A Member of the Public	Myself	Support	No	5/9/2021 8:51 PM
Northrop, Faith	f.northrop@comcast.net	603.536.2191	A Member of the Public	Myself	Support	No	5/9/2021 8:59 PM
Dontonville, Anne	Adontonville@gmail.com	603.632.7719	A Member of the Public	Myself	Support	No	5/9/2021 9:01 PM
Johnson, Erik	erik@ejohnson.net	508.245.1938	A Member of the Public	Myself	Support	No	5/9/2021 9:04 PM
Zavgren, John	john@zavgren.com	603.371.0513	A Member of the Public	Myself	Support	No	5/9/2021 9:13 PM
Dudley, Jo Beth	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 9:21 PM
jakubowski, dennis	dendeb146@gmail.com	603.496.5749	A Member of the Public	Myself	Support	No	5/9/2021 9:26 PM
Jakubowski, Deborah	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 9:26 PM
Coon, Kate	kate2coon@gmail.com	339.793.0686	A Member of the Public	Myself	Support	No	5/9/2021 9:30 PM
Donahue, Angelina	angie@ejohnson.net	508.837.7666	A Member of the Public	Myself	Support	No	5/9/2021 9:30 PM
Sallade, Sarah	Sarah.sallade@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 9:30 PM
Donahue, Tom	Tdonahue630@gmail.com	508.846.8393	A Member of the Public	Myself	Support	No	5/9/2021 9:30 PM
Hayes, Randy	rcompose@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 9:31 PM
Dewey, Karen	pkdewey@comcast.net	603.504.2813	A Member of the Public	Myself	Support	No	5/9/2021 9:34 PM
Butler, Ed	EdoftheNotch@gmail.com	603.374.6131	A Member of the Public	Myself	Support	No	5/9/2021 9:36 PM
Vincent, Laura	lvlauravincents@gmail.com	603.783.4849	A Member of the Public	Myself	Support	No	5/9/2021 9:38 PM
Mennella, Alexandra	am88@fastmail.com	646.610.9858	A Member of the Public	Myself	Oppose	No	5/9/2021 10:45 PM
Hackmann, Kent	hackmann@uidaho.edu	16039343225	A Member of the Public	Myself	Support	No	5/9/2021 6:54 PM
Danos, Anthony	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 6:58 PM
Mower, Robin	melodyofharpists@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 7:02 PM
Blanchard, Sandra	sandyblanchard3@gmail.com	603.724.3768	A Member of the Public	Myself	Support	No	5/9/2021 7:04 PM
Zaenglein, Barbara	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 7:23 PM
Caudill Slosberg, Margaret	margaretcs08@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 7:24 PM
Zaenglein, Eric	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 7:24 PM
Oscadal, Joanne	joanne.oscadal@gmail.com	603.448.2421	A Member of the Public	Myself	Support	No	5/9/2021 7:32 PM
blaney, bruce	bablaney@msn.com	603.616.9901	A Member of the Public	Myself	Support	No	5/9/2021 7:37 PM
Blaney, Joanne	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 7:38 PM

Slosberg, Richard	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 7:38 PM
Rettew, Annie	abrettew@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 7:59 PM
Hurd, Janet	lkhurd@kahres.org	603.277.9450	A Member of the Public	Myself	Support	No	5/9/2021 8:04 PM
White, Connie	mommabird1953@gmail.com	603.520.2121	A Member of the Public	Myself	Support	No	5/9/2021 8:09 PM
White, John	whitehouse4u@outlook.com	603.759.2921	A Member of the Public	Myself	Support	No	5/9/2021 8:11 PM
DeRosa, Jon	Not Given	603.393.5501	A Member of the Public	Myself	Support	No	5/9/2021 8:13 PM
DeRosa, Jeffrey	Not Given	603.759.1917	A Member of the Public	Myself	Support	No	5/9/2021 8:15 PM
Hill, Janet	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 5:35 AM
Hays, Ellen	ellen.hays@gmail.com	202.531.5872	A Member of the Public	Myself	Support	No	5/9/2021 9:55 AM
Erwin, Donna Kaye	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 10:17 AM
Whittum Jr, Kevin	jr88ampfanx@gmail.com	603.616.1537	A Member of the Public	Myself	Oppose	No	5/9/2021 11:48 AM
Whittum, Tanya	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	5/9/2021 11:49 AM
Baldauf, Jeremy	Jeremy.Baldauf@gmail.com	802.274.2377	A Member of the Public	Myself	Support	No	5/9/2021 11:53 AM
Baldauf, Veronica	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 11:56 AM
Carey, Joanne	nhcarey79@yahoo.com	603.823.8137	A Member of the Public	Myself Joanne Carey	Oppose	No	5/9/2021 12:00 PM
Petruk, Lee	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 12:09 PM
de Boissezon, Marilyse	oddyseey2001@gmail.com	1 (603 643 2	A Member of the Public	Myself	Support	No	5/9/2021 12:09 PM
Shamey, Caryn	carynshamey@gmail.com	603.616.8421	A Member of the Public	Myself	Support	No	5/9/2021 12:09 PM
McMahon, Philip	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 12:09 PM
Bates, David	dbates3@yahoo.com	603.748.2668	A Member of the Public	Myself	Support	No	5/9/2021 12:20 PM
Mackin, Jonna	jonnmackin1@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 12:28 PM
Telerski, Laura	Laura.Telerski@Leg.State.NH.US	603.320.3957	An Elected Official	Hillsborough 35	Support	No	5/9/2021 12:37 PM
Morrison, Nancy	Weetamooc@aol.com	603-930-8809	A Member of the Public	Myself	Support	No	5/9/2021 1:34 PM
Casino, Joanne	joannecasino@comcast.net	603.746.3491	A Member of the Public	Myself	Support	No	5/9/2021 1:47 PM
Baet, Nicole	nbaer25@yahoo.com	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 2:25 PM
Torpey, Jeanne	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 2:28 PM
Mary, Burton	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 2:36 PM
Rosalind, Lowen	Roz.lowen@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 4:28 AM
Govoni, Forrest	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 6:50 AM
Govatski, Kathleen	kathi.govatski@gmail.com	603.586.7776	A Member of the Public	Myself	Support	No	5/9/2021 7:10 AM
Northrop, Mary	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 7:13 AM
White, Joel	joelwhite1017@netscape.net	406.209.0356	A Member of the Public	Myself	Support	No	5/9/2021 10:03 AM
Johnson, Peter	Pvjohnson11@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 9:49 PM
Johnson, Katie	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 9:53 PM
Brentrup, Maureen	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	5/9/2021 9:59 PM
Thayer, Mildred	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 10:01 PM

Boswell, Laurie	laboswell@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 10:08 PM
fenander, phyllis	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 10:09 PM
Anderson, Larra	larraanderson@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 4:13 AM
Fenner-Lukaitis, Elizabeth	glukaitis@mcttelecom.com	16034566268	A Member of the Public	Myself	Support	No	5/9/2021 9:46 AM
Miles, Nancy	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 11:10 AM
preston, granthia	granthia@kahres.org	603.443.1665	A Member of the Public	Myself	Support	No	5/9/2021 11:10 AM
Moore, Susan	susan.moore.franconia@gmail.com	603.823.8050	A Member of the Public	Myself	Support	No	5/9/2021 11:14 AM
Fair, Harlan	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 11:16 AM
Pierson, Judson	jaypierson@comcast.net	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 3:46 PM
Pierson, Susan	susanjpierson@comcast.net	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 3:48 PM
QUISUMBING-KING, Cora	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 5:43 PM
Cadwallader, Leonard	lennycad@gmail.com	603.306.6050	A Member of the Public	Myself	Support	No	5/9/2021 5:47 PM
Duran, Juliana	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 5:48 PM
Townes, Scott	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 5:49 PM
Dunker, Susan	sedunker15@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 5:51 PM
Spence, Susan	susandspence@gmail.com	603.842.5139	A Member of the Public	Myself	Support	No	5/9/2021 6:00 PM
Brennan, Nancy	burningnan14@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 6:08 PM
Hamer, Heidi	Not Given	Not Given	An Elected Official	Myself	Support	No	5/9/2021 6:08 PM
Hamer, Gary	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 6:08 PM
Hamer, Geoff	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 6:09 PM
Mullin, Patricia	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 8:49 AM
Kraabel, Susan	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 10:40 AM
Williams, Jessica	jrosewilliams@gmail.com	603.315.6198	A Member of the Public	Myself	Support	No	5/9/2021 10:44 AM
White, Stuart	stu3778@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 3:12 PM
Holtz, Anthony	awave28@live.com	412.737.9812	A Member of the Public	Myself	Support	No	5/9/2021 4:08 PM
Richman, Susan	susan7richman@gmail.com	603.343.6314	A Member of the Public	Myself	Support	No	5/9/2021 10:13 PM
Mooney, Birdie	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 10:29 PM
Lukaszewicz, Debby	devoid_2@hotmail.com	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 10:32 PM
Boyle, J David	adimes_99@yahoo.com	603-591-6571	A Member of the Public	Myself	Support	No	5/9/2021 10:35 PM
Banit, Thomas	tbanit@yahoo.com	603-991-0864	A Member of the Public	Myself	Support	No	5/9/2021 11:10 PM
Hinebauch, Mel	melhinebauch@gmail.com	603.224.4866	A Member of the Public	Myself	Support	No	5/9/2021 11:22 PM
Godfrey, Linda	linda.godfrey51@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 10:24 AM
Tucker, Kathy	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 10:26 AM
Kessel, Martin	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 10:28 AM
Robinson, Gail	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 10:30 AM
Garfinkel, Judi	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 10:32 AM

Brown, James	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 10:32 AM
Miles, Frank	fbsmil3@gmail.com	603.277.9323	A Member of the Public	Myself	Support	No	5/9/2021 10:34 AM
Beckler, Claire	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 10:36 AM
Langworthy, Barbara	blangwort@aol.com	603.823.5436	A Member of the Public	Myself	Support	No	5/9/2021 11:21 AM
Baldauf, Kirstin	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 1:07 PM
Dreier, Leslie	Ldreier@yahoo.com	212-426-6715	A Member of the Public	Myself	Support	No	5/9/2021 2:13 PM
Istel, Claudia	claudia@sover.net	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 11:30 PM
King, Walter	gencedowk@comcast.net	603.978.9775	A Member of the Public	Myself	Support	No	5/9/2021 11:30 PM
Grassie, Chuck	chuck.grassie@leg.state.nh.us	16039787417	An Elected Official	Strafford 11	Support	No	5/9/2021 11:31 PM
Nadcau, Richard	Ranmrn@wildblue.net	Not Given	A Member of the Public	Myself	Oppose	No	5/9/2021 12:57 PM
Nadeau, Marilyn	Ranmrn@wildblue.net	Not Given	A Member of the Public	Myself	Oppose	No	5/9/2021 12:58 PM
Spence, Richard	rtssds2@gmail.com	603.842.5139	A Member of the Public	Myself	Support	No	5/9/2021 4:29 PM
Staats, Janet	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 4:29 PM
Aronson, Laura	laura@mlans.net	603.432.1603	A Member of the Public	Myself	Support	No	5/10/2021 12:09 AM
Rich, Cecilia	cecilia.rich@leg.state.nh.us	Not Given	An Elected Official	Myself	Support	No	5/10/2021 1:37 AM
Atherton, John	JMAtherton.3@gmail.com	412.610.0134	A Member of the Public	Myself	Support	No	5/9/2021 4:47 PM
Ennis, Kristina	kennis@ennisbrookfarm.com	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 4:58 PM
Osborne, Stephanie	Osbornestephanie@me.com	238-3141	A Member of the Public	Myself	Support	No	5/9/2021 5:00 PM
Bruce, Susan	susanb.red@mac.com	Not Given	An Elected Official	Myself	Support	No	5/9/2021 5:01 PM
Swan, T	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 5:04 PM
Beno, Rebecca	hiapoandbecky@hotmail.com	603.616.4481	A Member of the Public	Myself	Support	No	5/9/2021 5:21 PM
Fiola, Joanne	jhfiola@gmail.com	603-503-5230	A Member of the Public	Myself	Oppose	No	5/9/2021 5:23 PM
Perrotta, Tim	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 7:33 PM
Perrotta, Kylee	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 7:34 PM
Perrotta, Dan	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 7:34 PM
Perrotta, Kim	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 7:35 PM
Bruce, Mary	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 7:36 PM
Maclellan, Linda	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 7:37 PM
Maclellan, Marty	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 7:38 PM
Bruce, Malcolm	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 7:39 PM
Antoscia, Susan	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 7:40 PM
Moore, Sandy	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 7:40 PM
Moore, Rick	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 7:41 PM
Moore, John	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 7:42 PM
Moore, Michael	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 7:42 PM
Russo, Alyce	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 7:43 PM
Noyes, Susan	Not Given	Not Given	A Member of the Public	Save Forest Lake	Support	No	5/8/2021 7:44 PM

Russo, Vinny	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 7:44 PM
Russo, Kristina	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 7:45 PM
Russo, Victoria	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 7:45 PM
Maclellan, Alicia	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 7:46 PM
Gentile, Melanie	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 7:47 PM
Gentile, Rj	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 7:47 PM
Bruce, Tom	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 7:48 PM
Bruce, Anna	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 7:49 PM
Impemba, Caroleann	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 7:50 PM
Impemba, Geno	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 7:50 PM
Hanson, Susan	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 7:51 PM
Stokes, Mary-Ann	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 7:52 PM
Storella, Jane	storellaj@yahoo.com	603.991.9600	A Member of the Public	Myself	Support	No	5/8/2021 7:01 AM
White, Jean	jeanwhite916@yahoo.com	406-595-9998	A Member of the Public	Myself	Support	No	5/8/2021 9:50 AM
Tower, Alyssa	Alyssamtower@gmail.com	978.808.4926	A Member of the Public	Myself	Support	No	5/8/2021 9:52 AM
Stokes, Steven	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 7:53 PM
O'Brien-Dee, Rita	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 7:54 PM
Coughlan, Cici	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 7:56 PM
Muldoon, Toni	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 7:57 PM
Muldoon, Megan	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 7:58 PM
Bennett, Kristen	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 7:58 PM
Bennett, Katherine	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 7:59 PM
Robitaille, Elaine	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 8:00 PM
Doucette, Peter	Not Given	603.616.7455	A Member of the Public	Myself	Support	No	5/8/2021 8:01 PM
Robitaille, Ted	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 8:01 PM
Robitaille, Keith	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 8:02 PM
Robitaille, Andy	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 8:02 PM
Robitaille, Aileen	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 8:03 PM
Robitaille, Samatha	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 8:03 PM
Robitaille, Luke	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 8:04 PM
Colebourn, Craig	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 8:04 PM
Doucette, Jim	doucettecreative@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 8:05 PM
Colebourn, Alex	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 8:05 PM
Colebourn, Chris	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 8:06 PM
Colebourn, Jenn	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 8:06 PM
Colebourn, Donald	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 8:07 PM
Colebourn, Marylou	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 8:08 PM

Conway, Amy	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 8:09 PM
Conway, Glen	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 8:09 PM
Conway, Michael	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 8:10 PM
Conway, Kaitlyn	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 8:11 PM
Hykle, Joe	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 8:12 PM
Hykle, Jim	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 8:12 PM
Colebourn, Matthew	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 8:13 PM
Colebourn, Laura	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 8:14 PM
Akers, Jean	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 8:18 PM
Lambert, Irene	jsjirene@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 8:33 PM
Merkens, Amber	amber_star@me.com	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 8:35 PM
Hodge, Tina	tina.hodge123@gmail.com	(603) 616-15	A Member of the Public	Myself	Support	No	5/8/2021 8:36 PM
Monsein, Marilyn	Msquared3@gmail.com	603-823-5325	A Member of the Public	Myself	Support	No	5/8/2021 9:57 PM
Dickowski, Nancy	nancychingma@gmail.com	603.869.3946	A Member of the Public	Save Forest Lake	Support	No	5/8/2021 10:03 PM
Madden, David	airloans@aol.com	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 10:26 PM
Bluhm, Lori	Not Given	603.677.2494	A Member of the Public	Myself	Support	No	5/8/2021 10:38 PM
Phillips, Charles	Chuckpnh@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 6:32 AM
Govatski, David	David.Govatski@gmail.com	603.586.7776	A Member of the Public	Myself	Support	No	5/9/2021 6:32 AM
Brooks, Danuta	danutabrooks@gmail.com	603.991.6926	A Member of the Public	Myself	Support	No	5/9/2021 6:41 AM
Brooks, Caleb	baggusfunk@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 6:42 AM
Tupaj, Lucy	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 6:43 AM
Eisner, Mary	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 7:44 AM
Phillips, Betsey	bphill36@gmail.com	603.869.0127	A Member of the Public	Myself	Support	No	5/9/2021 7:47 AM
Taylor, Austin	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 8:06 AM
Richards, Martha	Maplerichards@gmail.com	603.536.2279	A Member of the Public	Myself	Support	No	5/9/2021 8:13 AM
Collins, Kelsie	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 8:31 AM
Bushueff, Catherine	agawamdesigns@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 9:18 AM
French, Rob	ref.design@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/9/2021 9:25 AM
Robison, Dennis	robisode@yahoo.com	603-643-2448	A Member of the Public	Myself	Support	No	5/9/2021 10:22 AM
Perrotta, Terri	Terrip0224@yahoo.com	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 7:29 PM
Perrotta, Tom	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 7:30 PM
Perrotta, Anthony	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 7:31 PM
Perrotta, Natasha	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 7:32 PM
Beffa-Negrini, Patricia	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 8:11 AM
Wazir, Safiya	Not Given	Not Given	An Elected Official	My Constituents	Support	No	5/8/2021 12:04 PM
Hesler, Mad	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 12:09 PM

DesTroismaisons, Mae	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/7/2021 7:22 PM
Griffin, Ann	Not Given	Not Given	A Member of the Public	Save Forest Lake	Support	No	5/7/2021 7:25 PM
Griffin, Johann	Not Given	Not Given	A Member of the Public	Save Forest Lake	Support	No	5/7/2021 7:27 PM
McCollum, Shelley	dharm7.sm@gmail.com	(603) 616-75	A Member of the Public	Myself	Support	No	5/7/2021 9:08 PM
Natalie, Woodroofe	Not Given	Not Given	A Member of the Public	Save Forest Lake	Support	No	5/8/2021 10:28 AM
Arnold, Susan	sarnold@outdoors.org	603-664-2050	A Lobbyist	Appalachian Mountain Club	Support	No	5/8/2021 10:47 AM
Grosholz, Bob	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 4:35 PM
Wright, Michael	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 4:38 PM
DePalma, Joseph	Joseph.depalma@leg.state.nh.us	603-991-7459	An Elected Official	Grafton 1-Littleton & Bethlehem	Oppose	No	5/8/2021 6:13 PM
French, Elaine	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 7:21 PM
Sundman, David	dsundman@icloud.com	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 7:27 PM
Stiffler, William	billyorbit47@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 2:18 PM
Brickett, Jane	silofarm@gmail.com	603.788.2220	A Member of the Public	Myself	Oppose	No	5/7/2021 8:13 PM
Venezia, Amy	Not Given	Not Given	A Member of the Public	Save Forest Lake	Support	No	5/7/2021 8:15 PM
Cozens, Amy	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 9:32 AM
Hatcher, Phil	phil.hatcher@gmail.com	603.988.8034	A Member of the Public	Myself	Support	No	5/8/2021 11:01 AM
Howes, Deb	debhowes@myfairpoint.net	603.930.9248	A Member of the Public	Myself	Support	No	5/8/2021 11:31 AM
Harris, Cynthia	cynthiagale@yahoo.com	Not Given	A Member of the Public	Myself	Support	No	5/7/2021 10:44 AM
Koerner, Lorraine	Hitch160@aol.com	Not Given	A Member of the Public	Save Forest Lake	Support	No	5/7/2021 10:45 AM
Bell, Jonathan	jonathan.bell@casella.com	603.290.5831	A Member of the Public	Myself	Oppose	No	5/7/2021 10:59 AM
Zielinski, Susan	zski2011@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/7/2021 11:00 AM
Ciechon, Donna	donnaeciechon@gmail.com	603.486.9192	A Member of the Public	Myself	Support	No	5/8/2021 9:43 AM
Howes, Carl	carlh@myfairpoint.net	603.889.3510	A Member of the Public	Myself	Support	No	5/8/2021 11:31 AM
Baytosh, Scott	sbaytosh@gmail.com	571-319-1976	A Member of the Public	Myself	Support	No	5/8/2021 11:55 AM
Huggett, Connie	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 12:25 PM
Sinibaldi, Jack	JohnSinibaldi@Hotmail.com	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 1:16 PM
Patnaude, Christine	christinep777@gmail.com	603.234.3900	A Member of the Public	Myself	Oppose	No	5/7/2021 10:49 AM
Patnaude, James	patnaude74@gmail.com	603.300.2344	A Member of the Public	Myself	Oppose	No	5/7/2021 10:50 AM
SAUCIER, LORETTA	saucier8809@hotmail.com	603.520.8707	A Member of the Public	Myself	Oppose	No	5/7/2021 10:50 AM
MARQUIS, ANNETTE L	annette.marquis7@YAHOO.COM	603.616.3111	A Member of the Public	Myself	Oppose	No	5/7/2021 10:50 AM
Adams, Jeffrey	adamsje4952@yahoo.com	Not Given	A Member of the Public	Myself	Oppose	No	5/7/2021 10:51 AM
MARQUIS, GERALD	annette.marquis7@gmail.com	603.846.2233	A Member of the Public	Myself	Oppose	No	5/7/2021 10:52 AM
Barbara, Anne	N/A	N/A	A Member of the Public	Myself	Oppose	No	5/7/2021 10:53 AM
Durkee, Denise	denisedurkee84@gmail.com	603.667.8179	A Member of the Public	Myself	Oppose	No	5/7/2021 10:55 AM

Lupton, Elmer	neillup@aol.com	603-837-3355	A Member of the Public	Myself	Support	No	5/7/2021 10:57 AM
Ballentine, Vicky	ballvicky48@gmail.com	603.444.3476	A Member of the Public	Myself	Support	No	5/7/2021 11:50 PM
Wentworth, Shand	Shandwentworth@yahoo.com	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 1:32 AM
Harrison, Adrianne	adeharrison@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 6:43 AM
Lombardi, Al	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/8/2021 7:18 AM
Laflamme, Ann	Not Given	Not Given	A Member of the Public	Save forest lake	Support	No	5/8/2021 9:09 AM
Rimoshytus, Patrick	Greencrossri@yahoo.com	401.556.4772	A Member of the Public	Myself	Support	No	5/8/2021 9:22 AM
Eames, Yvonne	jaxjr@roadrunner.com	603.444.6060	A Member of the Public	Myself	Support	No	5/8/2021 9:27 AM
Tremblay, Sarah	Not Given	Not Given	A Member of the Public	Save Forest Lake	Support	No	5/7/2021 10:33 PM
Tremblay, Alex	Not Given	Not Given	A Member of the Public	Save Forest Lake	Support	No	5/7/2021 10:34 PM
Madden, Jeanne	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/7/2021 10:35 PM
Gramatikas, John	johnnygram@comcast.net	Not Given	A Member of the Public	Wellbeing of Forest Lake	Support	No	5/7/2021 10:49 PM
Davis, Michelle	mdavis@nhlakes.org	603.226.0299	A Lobbyist	NH LAKES	Support	No	5/7/2021 1:17 PM
Weiner, Stephanie	sjweiner03@hotmail.com	206.550.3747	A Member of the Public	Myself	Support	No	5/7/2021 5:02 PM
Hannaford, Ernie	trialos@gmail.com	603.361.8046	A Member of the Public	Myself	Support	No	5/7/2021 2:52 PM
Gale, Margaret	mgale6781@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/7/2021 7:07 PM
Connors, Margaret	connorsmargo@gmail.com	Not Given	An Elected Official	Myself and Board of Selectmen Sugar Hill	Support	No	5/7/2021 7:50 PM
Davis, Peggy	Som658@gmail.com	508.558.2086	A Member of the Public	Myself	Support	No	5/7/2021 2:46 PM
Houston, Karla	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/7/2021 2:46 PM
Katzman, Jacki	jackisue@aol.com	603.869.3289	A Member of the Public	Myself	Support	No	5/7/2021 1:35 PM
Merredew, Jennifer	Not Given	Not Given	A Member of the Public	Save Forest Lake	Support	No	5/7/2021 1:59 PM
Damiano, Paul	Pjdbonanza@msn.com	860.306.3441	A Member of the Public	Myself	Support	No	5/7/2021 10:15 AM
Thompson, Elise	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	5/7/2021 11:32 AM
Horvath, Gabriella	horvath.gm@gmail.com	857-719-1883	A Member of the Public	Myself	Support	No	5/7/2021 11:34 AM
Harman, Elizabeth	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/7/2021 11:36 AM
Lindsey, Judith	judilindsey@comcast.net	603.483.2171	A Member of the Public	Myself	Support	No	5/7/2021 11:40 AM
Farrell, Stephen	stevefarrell66@gmail.com	774.279.0873	A Member of the Public	Save Forest Lake	Support	No	5/7/2021 11:43 AM
Lupton, Claire	luptoncopy@aol.com	Not Given	A Member of the Public	Myself	Support	No	5/7/2021 12:55 PM
Kinne, Hanna	hkinne@gmail.com	315.256.5443	A Member of the Public	Myself	Support	No	5/7/2021 1:04 PM
Damiano, Janet	janetd49@hotmail.com	860.930.4675	A Member of the Public	Myself	Support	No	5/7/2021 1:04 PM
Richmond, Ann	ann.richmond@casella.com	603-543-0375	A Member of the Public	Myself	Oppose	No	5/7/2021 1:05 PM
Carroll, Lucas	Not Given	603-616-8187	A Member of the Public	Myself	Support	No	5/7/2021 1:06 PM
Martin, James	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/7/2021 1:13 PM
Martin, Victoria	Victoria.j.martin@hitchcock.org	603.348.8313	A Member of the Public	Myself	Support	No	5/7/2021 1:14 PM
Eames, Jeremiah	jaxjr@roadrunner.com	Not Given	A Member of the Public	Myself	Support	No	5/7/2021 2:43 PM
Koerner, Dave	Smokenss64@aol.com	Not Given	A Member of the Public	Save Forest Lake	Support	No	5/7/2021 4:41 PM

Wagner, Traci	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/7/2021 5:15 PM
Tower, Thomas	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/7/2021 5:52 PM
Brown, Susan	Not Given	Not Given	A Member of the Public	Save Forest Lake	Support	No	5/7/2021 6:36 PM
Renaud, Ron	Ron@RonRenaud.com	Not Given	A Member of the Public	Myself	Support	No	5/7/2021 6:41 PM
Lowe, Eryka	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/7/2021 6:59 PM
Kris, Lowe	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/7/2021 7:00 PM
Currier, Dorothy	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/7/2021 7:03 PM
Giroux, Robert	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	5/7/2021 11:13 AM
Butterfield, Sam	Not Given	Not Given	A Member of the Public	Save forest lake	Support	No	5/7/2021 11:16 AM
Grover, Bruce	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	5/7/2021 11:21 AM
Devlin, Donna	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	5/7/2021 11:23 AM
Quigley II, Edward	nedquigley@hotmail.com	603-486-7312	A Member of the Public	Myself	Support	No	5/7/2021 1:25 PM
Armstrong, Sarah	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/7/2021 12:43 PM
Johnson, Kevin	krj1260@yahoo.com	603.823.5655	A Member of the Public	Myself	Oppose	No	5/7/2021 12:44 PM
Hayward, Holly	hollyhh692@gmail.com	603.348.2274	A Member of the Public	Myself	Support	No	5/7/2021 8:54 AM
Lloyd, Linda	Not Given	Not Given	A Member of the Public	Save Forest Lake	Support	No	5/7/2021 9:20 AM
Crowell, Gregg	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/7/2021 12:47 PM
Crowell, Phyllis	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/7/2021 12:49 PM
Duguay, Jay	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/7/2021 2:19 PM
Metcalf, Rebecca	beckymetcalf@icloud.com	603-254-0065	A Member of the Public	Myself	Oppose	No	5/7/2021 2:29 PM
Crowell, Kevin	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/7/2021 2:29 PM
Lacroix, Thomas	thomas.lacroix@casella.com	207.899.6551	A Member of the Public	Myself	Oppose	No	5/7/2021 2:57 PM
Cotton, Sherry	sl-cotton@comcast.net	603.568.2484	A Member of the Public	Myself	Oppose	No	5/7/2021 3:20 PM
Mackay, Jane	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/7/2021 3:35 PM
Mackay, Dennis	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/7/2021 3:36 PM
Hanson, Nichole	Not Given	Not Given	A Member of the Public	Save Forest Lake	Support	No	5/7/2021 9:53 AM
Anderson, Questa	qanderson@att.net	603.837.9492	A Member of the Public	Myself	Support	No	5/7/2021 9:57 AM
Hull, Judith	Not Given	Not Given	A Member of the Public	Save Forest Lake	Support	No	5/7/2021 9:58 AM
Beaudin, Jeanne	townadministrator@belmontnh.org	603-267-8300	A Member of the Public	myself -Town of Belmont	Oppose	No	5/7/2021 10:02 AM
Gaudette, Jennifer	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/7/2021 10:05 AM
Menard, Joyce	Not Given	603/8692012	A Member of the Public	Myself	Support	No	5/7/2021 12:06 PM
Hughes, Corry	corryhughes@gmail.com	16035861111	A Member of the Public	Myself	Support	No	5/7/2021 12:07 PM
Millen, Elaine	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/7/2021 12:35 PM
Millen, Stanley	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/7/2021 12:36 PM
Beach, Kenneth	kenneth.beach@casella.com	603.234.6339	A Member of the Public	Myself	Oppose	No	5/7/2021 12:38 PM
Allen, Laurene	alarene@gmail.com	603.424.5478	A Member of the Public	Myself	Support	No	5/7/2021 9:22 AM
Ballentine, Heidi	greengirlvt@gmail.com	(802) 365-99	A Member of the Public	Myself	Support	No	5/7/2021 9:25 AM

Lynch-Ambrose, Annie	bellewmn1@msn.com	(603) 991-48	A Member of the Public	Myself	Support	No	5/7/2021 9:26 AM
Caldwell, Miriam	Mimlukim54@yahoo.com	603.631.6823	A Member of the Public	Myself	Support	No	5/7/2021 9:27 AM
Hatch, Roslynn	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/7/2021 9:31 AM
Delventhal, Amy	amy_whitefeather@yahoo.com	603.869.5470	A Member of the Public	Myself	Support	No	5/7/2021 9:31 AM
Thompson, Barbara	btpottery@msn.com	603-869-3387	A Member of the Public	Myself	Support	No	5/7/2021 9:37 AM
Hubbard, Samantha	Shubbard2819@gmail.com	603.991.9456	A Member of the Public	Myself	Support	No	5/7/2021 9:41 AM
Wright, Rick	rdwright1971@hotmail.com	16034751910	A Member of the Public	Myself	Support	No	5/7/2021 9:43 AM
Ford, Sue	sueford06@gmail.com	Not Given	A Member of the Public	Myself	Support	No	5/7/2021 9:46 AM
O'Brien, Kevin	Not Given	Not Given	A Member of the Public	Myself	Support	No	5/7/2021 9:21 AM
Caruso, Alison & Tom	alisoncaruso@mac.com	603.616.2028	A Member of the Public	Myself	Support	No	5/7/2021 8:40 AM
Lamontagne, Ovide	olamontagne@bernsteinshur.com	603.305.1637	A Lobbyist	Fred Anderson	Support	Yes	5/7/2021 5:03 PM

Testimony

Griffin Roberge

From: Pam Kathan <pam.kathan@gmail.com>
Sent: Thursday, April 29, 2021 12:00 PM
To: Erin Hennessey; Bob Giuda; Jeb Bradley; David Watters; Suzanne Prentiss; James Gray; Harold French; Ruth Ward; Denise Ricciardi; Jay.khan@leg.state.nh.us; Gary Daniels; Kevin Avard; Cindy Rosenwald; Sharon Carson; Rebecca.whitley@leg.state.nh.us; Kevin Cavanaugh; John Reagan; Donna Soucy; Regina Birdsell; Lou D'Allesandro; Rebecca Perkins Kwoka; Chuck Morse; William Gannon; Tom Sherman
Subject: NO to HB177

Dear Legislators,

We oppose HB 177!

The true residents of Dalton are being bombarded by seasonal residents, self-centered interest groups such as NCABC, CLF, and Forest Lakers. All of these groups have much more money than the majority of Dalton residents, they have no problem with paying their taxes but insist we are bad if we would like help. They are ruining our town and say they speak for Dalton. UNTRUE, they do not speak for Dalton!

It is hard to make the true Dalton residents' voices heard because of intimidation from these groups, and the misinformation that they spread and would like people to believe. It is unfortunate that very few in those groups even live in Dalton, but they are speaking for us?? NO they don't! that NH already has proper the regulations in place through NHDES, let them do their job or something to that effect,

Even our Select Board and Conservation Commission are self-centered interest groups working on the side of destroying Dalton without considering the true residents interests and needs. One Select Board Member is a member of the activist group CAW (Community Action Works). We are in an unfortunate place and need you to vote against HB177.

Let Dalton make its own decisions without input from self-centered interest groups and other towns. We need this money to help Dalton grow and prosper. Yes, I am speaking about being the host to a landfill. NH already has the proper regulations in place through NHDES so for crying out loud, just let them do their job.

Please don't let us down, oppose HB177.

Respectfully,
Pam Kathan
Speaking for those who have no voice.

Griffin Roberge

From: Alex Koutroubas <alex@dennehybouley.com>
Sent: Friday, April 30, 2021 3:58 PM
To: Tom Sherman; William Gannon; Chuck Morse; Rebecca Perkins Kwoka; Lou D'Allesandro; Regina Birdsell; Donna Soucy; John Reagan; Kevin Cavanaugh; Becky Whitley; Sharon Carson; Cindy Rosenwald; Kevin Avard; Gary Daniels; Jay Kahn; Denise Ricciardi; Ruth Ward; Harold French; James Gray; Suzanne Prentiss; David Watters; Jeb Bradley; Bob Giuda
Subject: Northern Pass- A Legislative History

Dear NH State Senate:

Below is a list of legislative attempts to prevent the "Northern Pass" project and the decisions of the NH General Court from 2012 to 2018.

Please don't legislate against specific public works projects.

Please reject arbitrary statewide zoning.

Oppose HB 177!

2012 (GOP NH House & GOP State Senate)

HB 649 relative to the Northern Pass Project to construct and operate transmission lines from the Canadian border to a proposed terminal in Franklin, New Hampshire. **Interim Study**

2014 (Dem NH House & GOP State Senate)

HB 166 requiring the public utilities commission to make specific findings as to the public need for proposed transmission lines: **Inexpedient to legislate**

HB 568 requiring new electric transmission lines in New Hampshire to be buried: **Inexpedient to legislate**

HB 569 relative to the placement of all new electric transmission lines in New Hampshire: **Inexpedient to legislate**

HB 580 establishing moratoriums on wind turbine plants and electric transmission line projects: **Inexpedient to legislate**

HB 586 establishing a one-year moratorium on applications for certificates for electric transmission facilities: **Inexpedient to legislate**

2015 (GOP NH House & GOP State Senate)

HB 431 relative to the placement of all new elective electric transmission lines in New Hampshire: **Inexpedient to legislate**

2017 (GOP NH House & GOP State Senate)

HB145 requires municipal approval for siting high voltage transmission lines. **Inexpedient to legislate**

2018 (GOP NH House & GOP State Senate)

SB 530 relative to high voltage electric transmission lines in highway rights-of-ways: **Interim Study**

Alex Koutroubas

ACEC-NH

Executive Director

17 Depot Street, Unit 3

Concord, NH 03301

Office: 603-228-1601 ext 2003

Cell: 603-440-5113

www.acec-nh.org



May 10, 2021

Re: Opposition to HB 177 prohibiting the siting of a landfill near a state park

Thank you very much Mr. Chair and committee my name is Alex Koutroubas, I'm here in my capacity as the Executive Director of the American Council of Engineering Companies of New Hampshire (ACEC-NH). We are the voice of the engineering industry. ACEC is an association of 75 engineering and related firms. These companies employ over 1500 NH citizens who are engaged in a wide range of public and private engineering works that contribute to the economic viability and quality of life in the state.

ACEC-NH is strongly opposed to HB 177.

I want to raise 4 quick points:

- Number 1: This legislation is a preemptive strike aimed squarely at derailing a single project in the town of Dalton.
- Number 2: NH has a serious "not in my back yard problem" that extends not only to solid waste management but to affordable housing, energy and other vitally needed projects.
- Number 3: The state of NH sends a lot of its own trash and nearly all of its recyclables out of state.
- Number 4: NH has a lack of landfill capacity that is going to come back and bite us all in the form of higher property taxes if this bill becomes law.

The NH Legislature should not be passing statewide zoning to derail one project.

ACEC-NH c/o Dennehy & Bouley,
17 Depot Street, Suite 3 ◆ Concord, NH 03301

I would encourage you to read the history of the Granite Ridge Energy Center in Londonderry in the 1990s. Fierce local opposition dramatically slowed the project while dramatically increasing the building and startup costs. As a result, the town and its residents forfeited tremendous financial and other benefits that the company was offering. The plant was eventually built and has been running safely without incident for years. Now most residents of the town who have moved there in the past 25 years don't even know the Center is there. Today, over 20 union electricians work there.

More recently, between 2012 to 2018 there were no less than 9 pieces of the legislation filed to kill the Northern Pass.

Each and every single bill died.

The same can be said for the Kinder Morgan Pipeline, although that project was withdrawn, legislative bills to derail that project were rejected. For example, in 2019, under chairman Bob Backus, Rep. Kenneth Vincent wrote for the 17-2 majority of the House Science, Technology and Energy committee.

“The committee believes legislation in this area to be impractical and unwarranted.” The bill was killed.

Kinder Morgan and Northern Pass may or may not have been good ideas for NH. But we believe that legislating specific against public works projects is a very bad idea.

Other examples include the Granite Bridge from Liberty Utilities and the Antrim Wind farm. I can go on. Each one of these projects has spurred a vocal group who try and convince decision makers like yourself that the project will mean the end of western civilization.

We see the same types of opposition around affordable housing and other types of reasonable and regulated development in the state of NH.

Why is energy so expensive? Why is housing so scarce and not affordable?

We can't ignore these factors.

Now I wish to address the misleading claim that if NH would simply stop accepting “out of state” trash, we wouldn’t need additional landfill capacity.

Solid waste has been and continues to be an issue that is managed regionally. The management of solid waste does not stop at a state line.

NH currently recycles about 18% of the waste it generates. In addition, almost 10% of NH generated waste is exported to other states.

According to the Northeast Resource Recovery Association who markets recyclables for many communities in NH, nearly all the recyclables that generated in NH are sorted and processed at transfer stations and then they are hauled out of state.

In addition, other than the Keene transfer station which takes in and sorts a limited number of mixed recyclables, there are no facilities that mechanically process recyclables in the state of NH. If the Granite State Landfill moves forward the company has pledged to build a recycling plant in NH.

My final point is on NH’s landfill capacity and you can simply listen to what the experts say:

In recent months, the NH Municipal Association said the following: “Prohibiting new landfills hardly seems like a solution. Trash has to go somewhere. Existing landfills have finite capacity, and recycling options are drying up, at least temporarily. When the existing facilities are full, the principal option remaining for municipalities will be to send their waste to out-of-state facilities at dramatically increased cost.”

The former chair of the legislatively created committee to study recycling and solid waste management Karen Ebel, said this: “NH faces many solid waste challenges. The first one she listed was “limited landfill capacity.”

Marc Morgan, solid waste manager for the city of Lebanon said this: “The cost of dealing with solid waste are increasing, making residents, businesses, and municipalities aware of solid waste issues. Increased tipping fees, as well as increased transportation costs to get solid waste to a landfill drive costs up.

Northeast Resource Recovery Association has said, "Solid waste costs continue to rise, the northeast has the highest cost of disposal for municipal solid waste due to lack of available space for new or expanded landfills."

We cannot put our head in the sand on this issue.

If the NHDES approves this project, it will be a safe and secure landfill designed by a team of qualified geologists and engineers who are experts in this field.

We have a process to site landfills in this state. We should follow it.

HB 177 is very bad public policy, and it needs to be rejected.

Griffin Roberge

From: Karin Anderson <Karin.Anderson@goodwillnne.org>
Sent: Monday, May 03, 2021 2:00 PM
To: Griffin Roberge
Subject: Please forward to members of the Senate Energy and Natural Resource Committee
Attachments: Letter to Members of NH Senate Energy and Natural Resource Committee 2021.dotx

Please share this testimony with Senator Avard and the rest of the members of the Committee. Many thanks!

Karin

Karin Anderson | 207. 774. 6323 x 6236
Senior Director, Community & Donor Relations
Goodwill Northern New England
34 Hutcherson Drive | Gorham, ME 04038
www.goodwillnne.org





May 3, 2021

Senator Kevin Avard, Chair
Senate Energy and Natural Resources Committee
State House, Room 115
107 North Main Street
Concord, NH 03301

Re: Comments on HB177 – An ACT prohibiting siting of a landfill near a state park

Dear Chairman Avard:

Goodwill Northern New England is a nonprofit social enterprise that creates jobs and delivers needed services for by operating retail stores, health care, cleaning services and innovative workforce programs that empower individuals and families to find personal stability through work. Our mission is to invest in people who need support to achieve their life and work goals. In fact, our goal is to move 10,000 people into personal stability by 2027.

Currently, we operate 16 stores throughout the state of New Hampshire and provide services to more than 28,000 people throughout our three-state footprint. We are committed to sustainable practices in all of our endeavors. In 2020, we diverted more than 50 million pounds of “stuff” from landfills in Maine, New Hampshire, and Vermont.

You might wonder why an organization like ours would be writing to you to ask that you vote “no” on HB 177. The reason is very simple.

In the last year, Goodwill disposed of 13,216,580 pounds of unusable donations, resulting in trash bills that added up to more than \$1.2 million. This is a problem that we are facing head on and asking our generous donors to be more mindful of what they are donating. If this bill were to pass it would become more difficult to site new landfills, and therefore cause major ripple effects in our efforts to serve New Hampshire residents. This bill will make landfill capacity even more scarce, potentially eliminate competition, and drive disposal costs higher. Every additional dollar that we need to spend on waste disposal in New Hampshire is a dollar that does not go to work for residents in New Hampshire who need it most in the form of the wrap-around social services.

Of course, we support the need for thoughtful, well-designed legislation that protects New Hampshire’s environment, in every way needed. And it appears to us that environmental considerations are always central to any discussion regarding landfill development in New Hampshire. That should always remain, and be a point of robust discussion.

34 Hutcherson drive
GORHAM, ME 04038

(207) 774-6323
GOODWILLNNE.ORG

STORES

HEALTHCARE

JOBS

CLEANING

Goodwill
NORTHERN NEW ENGLAND

Kelli D'Amore, Board Chair Richard J. Cantz, CEO

Goodwill Northern New England is an equal opportunity/affirmative action employer and provider

More specifically, Casella Waste Systems, Inc. has been a vital partner in helping us achieve our triple bottom line sustainability goals, enhancing our facilities, and expanding our knowledge around recycling, while growing our wrap-around support programs. We were honored to accept the New Hampshire Businesses for Social Responsibility Partnership for Innovation Award alongside them in 2020.

Our partnership continues to grow, and we are currently in the process of exploring what has been dubbed “the Materials Recovery Facility (MRF) of the Future” to be constructed in the southern part of New Hampshire. This facility is expected to create 45-60 well-paid jobs. Casella is committed to working with us to hire a significant percentage of these employees through our workforce programs; many of our clients are affected by substance use disorder or other personal, and significant, barriers to employment. This goal is well-aligned with Governor Sununu’s Recovery Friendly Workplace Program.

This bill threatens the design and creation of that facility and all the economic and many environmental benefits that would serve New Hampshire residents – now, and well into the future.

I urge you to consider the unintended consequences of HB 177, especially those that would impact New Hampshire’s most vulnerable people, and vote No.

With my best,

Rich Cantz

Richard Cantz
President & CEO
Goodwill Northern New England

Cc Senator Bob Giuda, Vice Chairman
Senator Rebecca Perkins Kwoka
Senator James Gray
Senator David Watters

STORES

HEALTHCARE

JOBS

CLEANING

Goodwill 9
NORTHERN NEW ENGLAND

Kelli D'Amore, Board Chair Richard J. Cantz, CEO

Goodwill Northern New England is an equal opportunity/affirmative action employer and provider.

Griffin Roberge

From: selectmen@grotonnh.org
Sent: Wednesday, May 05, 2021 12:21 PM
To: Griffin Roberge
Subject: Please defeat HB117

Importance: High

Dear Members of the New Hampshire Senate,

I am writing to you today as a Town in New Hampshire to urge you to defeat HB177--An ACT prohibiting siting of a landfill near a state park.

The Town opposes this bill for the following reasons:

1. It appears to be an attack on a single project and would set a dangerous precedent of state legislators deciding winners and losers in business.
2. The proposed setback is only from state parks. Why not federal parks, local parks, conservation areas, or similar uses?
3. The setback only applies to privately-owned landfills, not state-owned or municipal-owned facilities.
4. NH solid waste regulations are already designed to safeguard its residents, natural resources and water sources.
5. HB 177 is a blatant attempt to use legislation to bypass proper regulatory and technical evaluations and enact spot zoning while taking away local control.

The Groton Select Board urge you to say no to HB177.

Thank you!

On behalf of the Groton Select Board

Sara Smith
Administrative Assistant
Town of Groton
603-744-9190
603-744-3382 (fax)
www.grotonnh.org

Griffin Roberge

From: Richard Wright <rdwright1971@hotmail.com>
Sent: Thursday, May 06, 2021 10:22 AM
To: Bob Giuda; Jeb Bradley; David Watters; James Gray; Chuck Morse; Governor Sununu; Kevin Avard; Rebecca Perkins Kwoka
Cc: Erin Hennessey; Save Forest Lake; Fred Anderson; Richard Wright
Subject: Protect Our State Parks!

State Senate Energy and Natural Resources Committee,

I grew up at a farm in Hollis and learned to swim at Silver Lake St Park. We spent many Sundays enjoying other State Parks like Kingston, Greenville and Hampton Beach. I currently enjoy Forest Lake State Park, Franconia Notch and Crawford Notch from my retirement home on Forest Lake which I have invested 40 years of my life into.

I love all the NH State Parks because they are a fantastic resource for ALL NH residents AND Tourists. Allowing a garbage dump within 2 miles would be devastating because it would destroy the rights of all NH residents to enjoy these resources. HB177 would protect state parks across the state to allow people near and far to enjoy the bounty and beauty of the Granite State. Please support HB177 and pass it to Governor Sununu as soon as possible.

Thank you for your service and for support of this bill.

Have a Great Day.

Rick Wright
rdwright1971@hotmail.com
30 Casino Rd
Whitefield, NH

Griffin Roberge

From: Friends of Pisgah Inc. <friendsofpisgah@gmail.com>
Sent: Thursday, May 06, 2021 10:33 AM
To: Kevin Avard; Bob Giuda; James Gray; Rebecca Perkins Kwoka; David Watters; Griffin Roberge
Subject: HB177

To the state senate on HB177:

Dear Senators:

Friends of Pisgah, Inc. is a group of volunteers organized to assist the State of New Hampshire Division of Parks and Recreation in the planning, operation and maintenance of Pisgah State Park, so that the lands are preserved in a natural condition and conserved in accordance with an approved management plan.

We respectfully ask you to support the protection of our state parks by voting for HB 177 which protects our state parks by adding a buffer zone that prohibits any new landfills from being built.

Thank you,

Friends of Pisgah, Inc.
PO Box 134
Chesterfield, NH 03443
friendsofpisgah@gmail.com

Griffin Roberge

From: Peter Blair <pblair@clf.org>
Sent: Friday, May 07, 2021 9:32 AM
To: Griffin Roberge
Cc: Tom Irwin; Kirstie Pecci
Subject: Testimony in Support of HB 177 - An Act Prohibiting the Siting of a Landfill Near a State Park
Attachments: CLF - Testimony in Support of HB 177.pdf

Good Morning Mr. Roberge,

I am writing to submit written testimony on behalf of Conservation Law Foundation in support of HB 177, An Act to Prohibit the Siting of a Landfill Near a State Park. HB 177 is currently scheduled for a public hearing before the Senate Energy and Natural Resources Committee this coming Monday, May 10, 2021.

The testimony is attached to this email.

Respectfully submitted,
Peter Blair

Peter Blair, Esq.
Staff Attorney, Zero Waste Project
Conservation Law Foundation
Pronouns: he/him/his

53 Exchange St. #200
Portland, ME 04101

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For a thriving New England



conservation law foundation

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For a thriving New England

CLF New Hampshire 27 North Main Street
Concord, NH 03301
P: 603.225.3060
F: 603.225.3059
www.clf.org

May 10, 2021

Via Electronic Mail

Chairman Kevin Avard
Senate Energy and Natural Resources Committee
N.H. State House, Room 115
Concord, NH 03301

RE: Support for HB 177, An act prohibiting the siting of landfills near state parks.

Dear Chairman Avard, and Honorable Committee Members:

Conservation Law Foundation (“CLF”) appreciates the opportunity to comment on HB 177, an act to prohibit the siting of new landfills within two miles of a state park. CLF is a non-profit environmental advocacy organization working to protect the environment and promote healthy communities in New Hampshire, and across New England. CLF’s Zero Waste Project works to address unsustainable and polluting waste management practices and promotes proven waste management solutions like source reduction, reuse, recycling, and composting.

CLF writes to offer our support for HB 177. HB 177 is a commonsense measure that will protect New Hampshire’s state parks by imposing a two-mile buffer between these important public resources and prospective landfills. New Hampshire state parks were created for the use and enjoyment of all – now and in the future. These parks are diverse and special places of natural, environmental, and cultural significance. The two-mile buffer proposed by HB 177 is critical to protecting these areas from the negative impacts that landfills always impose on surrounding communities and environments.

CLF’s Zero Waste Project works to address and understand the numerous issues landfills create. This includes the emission of noxious odors, spread of airborne dust and debris, attraction of pests and vermin, as well as increased regional and local traffic. Fires are also a significant concern. Landfill fires are especially dangerous as they can emit harmful fumes from the wide array of waste contained in the facility. This includes carbon monoxide, hydrogen sulfide, and particulate matter.¹ On average, 8,300 landfill fires occur in the United States each year.² Allowing the construction and operation of landfills within two miles of state parks may subject visitors to these impacts. In some instances, landfills may even be visible from state parks,

¹ Racheal Zimlich, Prevention is Key in Managing Landfill Fires, Waste Dive. (September 15, 2015). Available at <https://www.waste360.com/nuisances/prevention-key-managing-landfill-fires>.

² U.S. Fire Administration, Topical Fire Research Series – Landfill Fires, Vol. 1, Iss. 18. (December 2001).



greatly reducing the natural viewsheds that are essential to experience and enjoying the beauty of New Hampshire's state parks.

Even after a landfill closes, it will still perpetually threaten the surrounding area. Landfills, even those that only accept municipal solid waste, are known to contain dangerous substances like volatile organic compounds ("VOCs"), polychlorinated biphenyls ("PCBs"), heavy metals, radioactive material, and pharmaceuticals. There is increasing concern regarding the levels of PFAS in landfills. These forever chemicals must be handled with the utmost care to protect public health and ensure clean and safe drinking water and groundwater.

These dangerous substances are of significant concern because all landfills eventually leak.³ While the liner system placed under the buried waste may delay the leakage, these systems will inevitably deteriorate overtime and fail to contain the leachate. Once these liners fail, the leachate will begin polluting the surrounding groundwater indefinitely, as there is no way to repair the liners after the landfill is constructed.⁴

For these reasons, CLF strongly supports HB 177. However, CLF is concerned that New Hampshire is not responding to the larger waste management issues that are driving attempts to develop new landfill capacity. Over three decades ago, to "conserve the previous and dwindling natural resources" of New Hampshire, the legislature established two interdependent objectives.⁵ First, it created a hierarchy of waste management methods that favors source reduction, reuse, recycling, and composting over waste disposal, and ranks landfilling as the least preferable option for disposal.⁶ Second, the legislature established a solid waste reduction goal, aimed at diverting 40% of the waste destined for landfills by 2000, through a combination of reduction, reuse, recycling, and composting.⁷ To achieve this goal that is 21 years overdue, New Hampshire must begin to implement policies that disfavor landfills and promote environmentally beneficial and sustainable methods of waste reduction and management already reflected in state law.

As the 2019 Legislative Committee Report Studying Solid Waste noted, it is time to seriously address the waste management crisis and abandon a failed model that relies primarily on disposal.⁸ HB 177 represents a reasonable measure that will impose needed siting restrictions on landfills while safeguarding the use and enjoyment of New Hampshire's state parks. Therefore,

³ U.S. Environmental Protection Agency, 1988, Federal Register, v. 53, no. 168, August 30, 1988, p. 33345.

⁴ Flawed Technology of Subtitle D Landfilling of Municipal Solid Waste, G. Fred Lee & Associates, Updated January 2015, Page 8.

⁵ RSA 149-M:1.

⁶ RSA 149-M:3.

⁷ RSA 149-M:2.

⁸ See, Senator David Watters, et. al, *Report of the Committee to Study Recycling Streams and Solid Waste Management*, (Nov. 1, 2019).



we urge the Senate Energy and Natural Resources Committee to support HB 177 and vote *ought to pass*.

Respectfully submitted,

Peter W. Blair Jr

Peter Blair
Staff Attorney
Conservation Law Foundation

Griffin Roberge

From: Kathy Corey Fox <kfox@bernsteinshur.com>
Sent: Friday, May 07, 2021 10:04 AM
To: Kevin Avard; Bob Giuda; James Gray; Rebecca Perkins Kwoka; David Watters; Griffin Roberge
Subject: Re: Constitutionality of HB 177 - Prohibiting the Siting of a Landfill Near a State Park
Attachments: Letter to Senate Energy Committee re HB 177.pdf

Good morning Senators,

In advance of your Energy and Natural Resource committee hearing for Monday on HB 177, prohibiting the siting of a landfill near a state park, please find attached a letter on behalf of our client Mr. Fred Anderson.

Mr. Anderson has asked us to prepare and present a legal review in support of HB 177.

With appreciation for your hard work and consideration.

Best wishes,

Kathy

Kathy Corey Fox

Project Manager

6036658831 direct

603 623-8700 main

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Shareholder
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May 7, 2021

Senator Kevin Avar, Chairman
Senate Energy and Natural Resources Committee
State House
107 North Main Street
Concord, NH 03301

Re: Constitutionality of HB 177 - Prohibiting the Siting of a Landfill Near a State Park

Dear Chairman Avar and Members of the Senate Energy and Natural Resources Committee:

Our firm represents Mr. Fred R. Anderson, a retired Presbyterian minister and a longtime homeowner on Forest Lake in Whitefield. He has asked us to prepare and present this legal review in support of HB 177 for your consideration, and we are pleased to do so.

Certain opponents of HB 177 have incorrectly suggested that the bill—which proposes prohibiting the siting of new landfills within two miles of New Hampshire state parks—infringes on private property rights and burdens interstate commerce in violation of the New Hampshire and U.S. Constitutions.

We disagree. HB 177 is constitutionally sound because it is a uniform and limited buffer zone that furthers legitimate New Hampshire public policy interests in conserving the State's natural resources and promoting the health, environment, and general welfare of New Hampshire citizens.

Further, HB 177 protects both private and public property interests in two key respects.

First, HB 177 conserves and preserves the use and enjoyment of New Hampshire state parks by all of its citizens through the abatement of public health and environmental nuisances posed by landfill sites.

Second, where the negative health and environmental effects of such nuisances drive down property values, HB 177 in fact protects the private property rights of owners who reside in areas abutting New Hampshire state parks.

As a valid and constitutional exercise of this State's power, HB 177 ought to pass as explained in greater detail below.

HB 177 Serves Legitimate State Interests by Conserving Natural Resources and Promoting Public Health and General Wellness and by Abating Environmental Nuisances

The appropriate inquiry as to the constitutionality and validity of a state-wide land use provision,¹ subject to a due process challenge, is whether that provision is "rationally related to a legitimate governmental interest." *Boulders at Strafford, LLC v. Town of Strafford*, 153 N.H. 633, 636, 641 (2006) (noting that the availability of less restrictive means is not a valid inquiry under rational basis review); *see also Taylor v. Town of Plaistow*, 152 N.H. 142, 145 (2005) (applying rational basis review to a buffer zone land use provision) (citing *Quirk v. Town of New Boston*, 140 N.H. 124, 129 (1995)). HB 177 readily satisfies this standard by furthering legitimate State interests in conserving the health and environment of New Hampshire state parks and their surrounding areas within reasonable limits as well as promoting public health and general wellness.

As noted by the New Hampshire Supreme Court in *Quirk*, "[i]t is beyond question that the zoning of property to promote the health, safety, and general welfare of the community is a valid exercise of the police power . . ." 140 N.H. at 130 (quoting *Buskey v. Town of Hanover*, 133 N.H. 318, 322 (1990)); *see also Taylor*, 152 N.H. at 145 (noting the State's "broad authority to pass zoning ordinances for the health, safety, morals, and general welfare of the community."). Even the interests in advancing "aesthetic values" are considered well within the State's zoning power because the "preservation or enhancement of the visual environment may promote general welfare." *Taylor*, 152 N.H. at 145; *see also Quirk*, 140 N.H. at 130 (holding that avoiding unsightliness, containing noise, and protecting abutters from the spread of fire were legitimate town goals).

Other jurisdictions evaluating legislation similar to that of HB 177 have affirmed that such legislation furthers states' legitimate interests in addressing health, environmental, and safety concerns posed by landfills. *See e.g. Waste Industries USA, Inc. v. State*, 725 S.E.2d 875, 880, 889, 892-93 (N.C. App. 2012) (affirming the constitutionality of and noting the "environmental, public health, environmental justice, and financial security benefits" of the challenged legislation, which included a two-mile buffer around state parks and a five-mile buffer around the National

¹ Pursuant to RSA 674:16, the New Hampshire Legislature delegated certain zoning ordinance powers to local legislative bodies of New Hampshire cities, towns, and counties, subject to preemption by other State or Federal law. *See Arthur Whitcomb, Inc. v. Town of Carroll*, 141 N.H. 402, 405 (1996) ("Towns are merely subdivisions of the State and have only such powers as are expressly or impliedly granted to them by the legislature.") (quotation omitted). State-wide zoning, however, is subject to the same constitutional limitations as local zoning ordinances. *See e.g. Spengler v. Porter*, 144 N.H. 163, 165-66 (1999) (analyzing constitutionality of amendments to RSA 674 by applying local ordinance jurisprudence).

Wildlife Refuge for landfill sites); *Placer Ranch Partners v. County of Placer*, 91 Cal. App. 4th 1336, 1342-43 (2001) (affirming the validity of a one-mile buffer zone that prohibited residential development around a landfill and noting that “[l]andfills pose health and safety concerns, and can affect property values in the area” and that “[r]esidents from more than two miles away from the current landfill had complained of dust, odors, litter and traffic.”); *Johnson v. Sunray Servs., Inc.*, 816 S.W.2d 582, 587-88 (Ark. 1991) (affirming the constitutionality of a two-mile buffer zone prohibiting landfill siting around surface water to protect water sources from landfill pollution, and noting that *distance* is a meaningful criterion).

HB 177 furthers New Hampshire’s legitimate interests in conserving and promoting public health and protecting the environment of its state parks, as well as preserving property values for owners abutting its state parks. The distance of the buffer zone -- two miles -- is rational, reasonable, and not arbitrary because as noted by the court in *Placer Ranch Partners*, landfills impact the health, environment, and wellbeing of residents *more* than two miles from the landfill site, and as noted by the court in *Johnson*, distance in connection with landfill siting is a meaningful criterion. Further, even greater buffer zones, namely the five-mile buffer zone in *Waste Industries USA*, have been recognized as rationally serving the state’s legitimate conservation, environmental and public health interests.² Accordingly, HB 177’s proposed two-mile buffer zone around New Hampshire state parks is a valid and constitutional exercise of the State’s power.

The Buffer Zone of HB 177 is Neither Onerous Nor Destroys the Value of Private Property

Part I, article 12 of the New Hampshire Constitution protects the right to “use, possess, enjoy, and dispose of one’s property” While this provision restricts the State’s power to regulate land use, “[r]easonable zoning regulations that limit economic uses of property, but do not substantially destroy the value of an individual piece of property, are constitutional.” *Quirk*, 140 N.H. at 130 (quoting *Buskey*, 133 N.H. at 322). Further, as noted by the court in *Placer Ranch Partners*, a landfill, rather than any proposed buffer zone, is what depreciates surrounding property values. *See* 91 Cal. App. 4th at 1342-43.

In addition, the New Hampshire Supreme Court has affirmed that reasonable buffer zones do not amount to a Takings Clause violation under either the New Hampshire or United States constitutions. In *Quirk* the court considered whether a buffer zone that prohibited “buildings, recreational facilities, trailer spaces, campsites, and tent sites” around campground perimeters violated the Takings Clause. 140 N.H. at 128, 130. The court ultimately held that “property owners cannot establish a ‘taking’ simply by showing that they have been denied the ability to exploit a property interest that they . . . had believed was available for development.” *Id.* at 131. Where the plaintiff could not show that the buffer zone substantially destroyed the value of his land, the court held there was no unconstitutional taking. *Id.*

² *See also* 49 U.S.C.A. § 44718 (d) (“No person shall construct or establish a municipal solid waste landfill . . . within 6 miles of a public airport . . .”).

Where HB 177 is narrowly drawn, it impacts only the ability of a landowner to construct a landfill - an intense use that poses unique and lasting health concerns - within two miles of a state park.³ It imposes no other restriction or limitation on a landowner's ability to use their property.

In fact, HB 177 will have the effect of *preserving* property values rather than destroying property values. In particular, by creating a buffer zone around New Hampshire state parks, HB 177 prevents both the parks and abutting property owners from suffering the negative environmental and health effects posed by landfills. This in turn protects property values for those abutting property owners. Accordingly, the proposed buffer zone in HB 177 does not amount to a Takings Clause violation.

HB 177 Does Not Burden Interstate Commerce

The Commerce Clause in our federal Constitution reserves to Congress the right to “regulate Commerce with foreign Nations, and among the several States.” U.S. CONST. art. I, § 8, cl. 3. The New Hampshire Supreme Court has interpreted the Commerce Clause as prohibiting “states from unjustifiably discriminating against or burdening interstate and foreign commerce.” *Eby v. State*, 166 N.H. 321, 335 (2014) (quotation omitted). Specifically, states cannot pass “regulatory measures designed to benefit in-state economic interests by burdening out-of-state competitors.” *Id.* (quotation omitted).

Again, states encountering Commerce Clause challenges to similar, and even more restrictive legislation, have rejected the argument that such legislation, uniformly applied to in-state and out-of-state landfill operators, burdens interstate commerce. *See Waste Industries USA*, 725 S.E.2d at 880, 887-88 (holding that the challenged legislation, which included a two-mile buffer around state parks and a five-mile buffer around the National Wildlife Refuge for landfill sites, did not discriminate against out-of-state commerce).

HB 177 applies uniformly to *all* New Hampshire state parks and to *all* landfill operators. The bill does not distinguish between in-state or out-of-state operators—it applies to them all equally. Further, there is no evidence that HB 177 could have any impact on interstate commerce let alone a burdensome impact. Thus, HB 177 does not violate the Commerce Clause.

³ The intense use posed by landfills is inherently incompatible with the use of land designated as a state park. *See Robie v. Lillis*, 112 N.H. 492, 499 (1979) (“A nuisance may undoubtedly arise from a land use incompatible with the surrounding neighborhood.”). HB 177 merely avoids incompatible land uses by ensuring that land, already designated to be preserved as a state park, is in fact *preserved*. Landfills are not necessarily a nuisance everywhere in New Hampshire, but they are assuredly a nuisance if sited in close proximity to residential areas, state parks, or other preservation areas. *See id.* (“A nuisance may be merely a right thing in the wrong place, like a pig in the parlor instead of the barnyard.”) (quotation omitted).

May 7, 2021

Page 5

No Vested Rights Are Impaired by HB 177

“An owner, who, relying in good faith on the absence of any regulation which would prohibit his proposed project, has made substantial construction on the property or has incurred substantial liabilities relating directly thereto, or both, acquires a vested right to complete his project in spite of the subsequent adoption of an ordinance prohibiting the same.” *AWL Power, Inc. v. City of Rochester*, 148 N.H. 603, 606 (2002) (quotation omitted).

Here, there are no parties who have a vested right in siting a new landfill within two miles of New Hampshire state parks. No landfill developer has purchased land—let alone began substantial construction on land—within two miles of a New Hampshire state park in furtherance of a project. Thus, there are no vested rights impaired by HB 177.

Conclusion

For the reasons set forth above, I believe the New Hampshire Legislature is well within its Constitutional authority to pass HB 177. This proposed buffer zone conserves and protects all New Hampshire state parks, promotes public health, environmental, and general welfare interests, and protects property values for abutting property owners. Where HB 177 serves legitimate State interests and neither destroys property values nor discriminates against out-of-state commerce, it ought to pass.

Very truly yours,

/s/ Ovide M. Lamontagne

Ovide M. Lamontagne

cc: Senate President Chuck Morse
Senate Minority Leader Donna Soucy

Griffin Roberge

From: Jeanne Beaudin <townadministrator@belmontnh.org>
Sent: Friday, May 07, 2021 10:05 AM
To: Griffin Roberge
Subject: HB177 Opposition
Attachments: HB177 Opposition Belmont.pdf

Good Morning – please find our letter attached in opposition to HB177 which is to go before the Energy and Natural Resources Committee on Monday. Thank you.

Jeanne

K. Jeanne Beaudin, ICMA-CM
Town Administrator
Town of Belmont
143 Main Street
Belmont, NH 03220
603-267-8300 Ext. 124

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Office of Board of Selectmen

143 Main Street, P.O. Box 310, Belmont, New Hampshire 03220-0310
Telephone: (603) 267-8300 Fax: (603) 267-8327

May 7, 2021

Chairman Kevin Avard
Senate Committee on Energy and Natural Resources
State of New Hampshire
State House Room 115
107 North Main Street
Concord, New Hampshire 03301

Re: HB177

Dear Chairman Avard and Members of the Committee for Energy and Natural Resources:

I am writing today on behalf of the Town of Belmont in opposition to HB177 relative to prohibiting the siting of a new landfill within 2 miles of the boundary of any state park. The cost of disposal of solid waste continues to rise in New Hampshire and across the country because of the lack of availability of land for landfills; solid waste is not going away and while efforts are continuously underway to improve recycling so as to lessen the burden on our landfills, the reality is they are necessary.

We urge you to vote in opposition to the bill, municipalities across the State cannot continue to pay increased costs for disposal of their trash because it must be transported to other states. This bill would appear to be a targeted attempt to prevent Casella Waste from siting a landfill in the Town of Dalton due to the parcel's proximity to Forest Lake State Park; Casella has been a solid waste collection and disposal partner with the Town of Belmont for several years and they own a transfer facility in our community. They have always done the utmost to protect the environment and work cooperatively with the Town on all regulatory matters.

Sincerely,

A handwritten signature in cursive script that reads "K. Jeanne Beaudin".

K. Jeanne Beaudin
Town Administrator

Griffin Roberge

From: McNeill, Fred <fmcneill@manchesternh.gov>
Sent: Friday, May 07, 2021 12:03 PM
To: Chuck Morse; Jeb Bradley; Bob Giuda; David Watters; Suzanne Prentiss; James Gray; Harold French; Ruth Ward; Denise Ricciardi; Jay Kahn; Gary Daniels; Kevin Avard; Cindy Rosenwald; Sharon Carson; Becky Whitley; Kevin Cavanaugh; John Reagan; Donna Soucy; Regina Birdsell; Lou D'Allesandro; Rebecca Perkins Kwoka; William Gannon; Tom Sherman
Cc: Sheppard, Kevin; Clougherty, Tim; Newton, Chaz
Subject: City of Manchester EPD - Comments on HB-177

Dear Members of the State Senate,

I am writing to you today on behalf of the City of Manchester's Environmental Protection Division (EPD) regarding concerns about HB-177 which prohibits siting of a landfill within two (2) miles of the boundary of any state park. EPD is the state's largest public wastewater utility serving Manchester, Bedford, Goffstown, and Londonderry a metro area of 172,000 residents. Through our wastewater treatment process EPD produces tons of waste material that is often landfilled. The state already has a critical shortage of landfill capacity. Any limiting of future landfill siting will further the state's capacity problems. If a landfill siting is compliant with all environmental regulations, which are designed to safeguard the public and our natural resources, then its proximity to a state park should not be a factor. Even if a buffer is determined to be needed, the proposed two (2) mile buffer exceeds almost all other buffers in current environmental regulations. Lastly, this HB appears inconsistent in its intent as only state parks are mentioned, not federal parks, municipal parks, or similar use areas.

Based on the above concerns, and as a public utility that strives to serve about 13% of the state's population in a cost effective manner, we respectfully request you do not support HB-177.

Thank you very much for your consideration. If you have any questions, please feel free to contact me at your convenience.

Sincerely,

Frederick J. McNeill, P.E.
Chief Engineer
Environmental Protection Division
Department of Public Works
City of Manchester
300 Winston Street
Manchester, NH 03103

Office: (603) 624-6341
Cell: (603) 235-6626
Email: FMcNeill@ManchesterNH.gov

volunteers regarding the business of the City of Manchester, are government records available to the public upon request. Therefore, this email communication may be subject to public disclosure.

Griffin Roberge

From: Claire Lupton <luptoncopy@aol.com>
Sent: Friday, May 07, 2021 1:02 PM
To: Griffin Roberge
Subject: Fwd: PLEASE SUPPORT HB 177 TO PROTECT OUR STATE PARKS

Dear Mr. Roberge:

I'm forwarding a message sent to Senators expressing my support for HB 177. Please enter it into the record for the hearing on Monday, May 10. Thank you for the work you do on behalf of New Hampshire!

Claire Lupton
75 Newell Lane
Whitefield, NH 03598
luptoncopy@aol.com

-----Original Message-----

From: Claire Lupton <luptoncopy@aol.com>
To: Bob.Giuda@leg.state.nh.us <Bob.Giuda@leg.state.nh.us>; Jeb.Bradley@leg.state.nh.us <Jeb.Bradley@leg.state.nh.us>; David.Watters@leg.state.nh.us <David.Watters@leg.state.nh.us>; Suzanne.Prentiss@leg.state.nh.us <Suzanne.Prentiss@leg.state.nh.us>; James.Gray@leg.state.nh.us <James.Gray@leg.state.nh.us>; Harold.French@leg.state.nh.us <Harold.French@leg.state.nh.us>; Ruth.Ward@leg.state.nh.us <Ruth.Ward@leg.state.nh.us>; Denise.Ricciardi@leg.state.nh.us <Denise.Ricciardi@leg.state.nh.us>; Jay.Kahn@leg.state.nh.us <Jay.Kahn@leg.state.nh.us>; Gary.Daniels@leg.state.nh.us <Gary.Daniels@leg.state.nh.us>; Kevin.Avard@leg.state.nh.us <Kevin.Avard@leg.state.nh.us>; Cindy.Rosenwald@leg.state.nh.us <Cindy.Rosenwald@leg.state.nh.us>; Sharon.Carson@leg.state.nh.us <Sharon.Carson@leg.state.nh.us>; Becky.Whitley@leg.state.nh.us <Becky.Whitley@leg.state.nh.us>; Kevin.Cavanaugh@leg.state.nh.us <Kevin.Cavanaugh@leg.state.nh.us>; John.Reagan111@gmail.com <John.Reagan111@gmail.com>; Donna.Soucy@leg.state.nh.us <Donna.Soucy@leg.state.nh.us>; Regina.Birdsell@leg.state.nh.us <Regina.Birdsell@leg.state.nh.us>; Lou.Dallesandro@leg.state.nh.us <Lou.Dallesandro@leg.state.nh.us>; Rebecca.PerkinsKwoka@leg.state.nh.us <Rebecca.PerkinsKwoka@leg.state.nh.us>; Chuck.Morse@leg.state.nh.us <Chuck.Morse@leg.state.nh.us>; William.Gannon@leg.state.nh.us <William.Gannon@leg.state.nh.us>; Tom.Sherman@leg.state.nh.us <Tom.Sherman@leg.state.nh.us>
Cc: Erin.Hennessey@leg.state.nh.us <Erin.Hennessey@leg.state.nh.us>; Claire Lupton <luptoncopy@aol.com>
Sent: Fri, Apr 23, 2021 2:52 pm
Subject: PLEASE SUPPORT HB 177 TO PROTECT OUR STATE PARKS

Dear Senator:

As a homeowner and taxpayer in Whitefield for 20 years and someone who cares deeply about New Hampshire and its future, I'm writing to urge you to **support HB 177**, which would establish a **2 mile buffer** between new landfills and New Hampshire's beloved state parks.

As you know, this bill is designed to protect our precious parks from the environmental and public health risks posed by landfills within this buffer zone. The bill passed the House recently with strong bipartisan support.

I'm sure you're aware of the risks that landfills pose to the environment and public health: they're well-documented. Landfills leak toxins that threaten our lakes, rivers, soil and water supplies. They generate foul odors that carry for miles. They attract seagull scavengers that pollute our water bodies. They bring heavy equipment noise and heavy truck traffic to our roads.

Their impact on the public enjoyment of our parks is unthinkable -- not just for New Hampshire homeowners like me but for the thousands of out-of-state visitors who support our robust **tourist industry**, a major source of dollars and jobs throughout the state.

Our state parks are unique and valued resources. **Protecting them is good economics, good public policy – and good politics.** Your support for HB 177 will help make sure the parks we love will be there for our kids and grandkids.

Thank you for the good and thoughtful work you do on behalf of our state, especially in these difficult times. And thank you for considering my opinion.

Sincerely,

Claire Lupton
75 Newell Lane
Whitefield, NH 03598
luptoncopy@aol.com

Griffin Roberge

From: Edith Tucker <edithtucker@ne.rr.com>
Sent: Friday, May 07, 2021 2:41 PM
To: Griffin Roberge
Subject: From Rep. Edith Tucker--testimony for HB 177 at 1 p.m. on May 10 before Energy and Natural Resources plus a rendering from NHBR of proposed landfill development at Forest Lake
Attachments: HB 177 testimony--Tucker, Coo's 5.doc; HB177 rendering from NHBR.jpg

HB 177 Testimony of prime sponsor Rep. Edith Tucker, Coös 5

I'm Rep. Edith Tucker of Randolph who represents 4 towns in southern Coös County. Whitefield is the largest with 2,500 residents. I also represent Jefferson, Randolph, and Carroll - made up of both Bretton Woods and Twin Mountain. Coös 5 boasts 2 Grand Hotels: The Mountain View Grand in Whitefield and the Omni Mt. Washington in Bretton Woods, plus many tourist attractions and the Presidential Range of the White Mountain National Forest.

In March 2020 the Whitefield selectmen notified me that the Whitefield Town Meeting had overwhelmingly passed a petitioned resolution under Article 40 opposing development of a commercial landfill immediately adjacent to Forest Lake and Forest Lake State Park.

The petitioners pointed out that if such a landfill were to be built, then Whitefield could expect decades of negative impacts with little or no public benefit. In seeking elected officials' help, the board noted that a landfill would bring air & water contamination, heavy truck traffic and noise plus scavenger birds & animals. The 3 selectmen, including former Rep. John Tholl, are worried about falling property values and the potential an eroding tax base.

There is strong opposition to siting a landfill near the nearly 400-acre Forest Lake State Park, a very attractive, low-key location where locals and visitors swim, boat, fish and enjoy nature. The state acquired this park in 1935; it is one of the state's original 10 parks.

Gov. Chris Sununu said at his May 6 press conference that he expects to use available federal funds on state infrastructure projects, including state parks. During this pandemic, everyone has learned how very important our state parks are. HB 177 has gained a crescendo of bipartisan support from all across our state.

Our economy in Coös continues to be ever more tourist-based. The 2 Grand Hotels provide 100s of jobs, and there are numerous more modest mom-and-pop motels, cabins, restaurants and rental shops. Tourists are drawn to the out-of-doors: snowmobiling, skiing, hiking, ATVing, swimming, hunting and fishing, plus sight-seeing & the Cog Railway.

Coös and northern Grafton County must work to remain appealing places to visit and to live, to work and to play. I have attached a rendering prepared by the New Hampshire Business Review that shows the comparative scale of the proposed landfill and Forest Lake State Park.

Forest Lake State Park Beach

©2020 Google
Conceptual Image Of The 500+ Acre Forest Lake Landfill Google Earth

Imagery Date: 6/23/2019 44°21'21.97" N 71°41'58.08" W elev 1315 ft eye alt 3117 ft

Griffin Roberge

From: JACKI KATZMAN <jackisue@aol.com>
Sent: Friday, May 07, 2021 2:46 PM
To: Kevin Avard; Bob Giuda; James Gray; Rebecca Perkins Kwoka; David Watters; Griffin Roberge
Subject: HB177 makes sense, and aligns with Sununu's Clean Water Infrastructure mission

To the Members of the Energy and Natural Resources Committee:

HB177 makes sense on so many levels.

First, of course, I live in Bethlehem near the Dalton line. I've seen what the landfill has done to tear apart the Bethlehem community.

I considered buying a home within the 2 mile radius of the proposed dump, on the Bethlehem side. I contacted Casella to ask if this home would be considered in the possible buy-out plan for homeowners surrounding the possible landfill. I called and left no email address. However, I got back an email from Brian Gould, Casella's lawyer informing me that, no, Bethlehem homes in range will not qualify for buyout. They have raped Bethlehem fully and have no incentive, none, to do anything for that community. So much for homeowners rights. And privacy - how did they get my email address? I did not provide it.

Water security is an issue that plagues so many states. Even NH is experiencing draught. Just this week, Governor Sununu has made clean water a priority. It seems to me that allowing landfills to be sited near state parks, many of which include bodies of clean water, is simply insane. One day we might be piping clean water from the White Mountains downstate. All landfills leak. Is the NH senate is going to willfully enable the tainting of clean public waters?

I appreciate that until NH gets back to its thrifty Yankee roots and achieves zero waste (why are we so much lazier and more slovenly than our ancestors?) we need somewhere to dump the trash. However, siting a landfill should be based on good geology, ecology and public interest. Just because a landowner is willing to sell is not a reason to site a landfill. This could happen anywhere in the state. In anyone's district. It makes common sense to put some environmental, water safety, and public interest fences around siting choices. Restricting the distance from a landfill to public resources - our beautiful parks - is just a starting point. If 2 miles seems arbitrary, go bigger and make it 5!

There is a reason the Conservation Law Foundation's suite against DES's failure to update many of the solid waste guidelines for over 20 years is proceeding. Whether the issue is that DES has been underfunded, out lawyered, over worked, whatever... They have not done their job and should not be given the authority to approve Casella's application until new guidelines have been written. In the meantime, the senate can take actions to protect water and income-generating recreational resources.

And then there is the *really* dirty part that nobody wants to talk about. Casella makes donations to Republicans and Democrats alike. I confess, I haven't done the homework into your individual campaigns. However, it's extremely likely that many of the Energy and Natural Resources Committee members may have taken Casella donations.

Each of the committee members has to ask: who do I represent? An out-of-state Wall Street entity that clearly doesn't give a hoot about NH homeowners and residents, and is willing to destroy communities to get what they want? A company that imports trash to the tune of 49% of our landfill stream? A deep-pocketed company that sues homeowner groups and starts lawsuits to punish individuals for exposing their record? Or NH homeowners and citizens who love the outdoors? Residents who make a living from our natural beauty? Future generations who will need clean water to drink and grow food?

For all these reasons, and all the others you have undoubtedly heard, I urge the Committee to advance HB177 and take a stand for NH.

Thank you,

Jacki Katzman
2112 Maple Street
Bethlehem, NH 03574

Jacki Katzman
Message Mentor: Blurbs, Blogs and Bios
Movement Mentor: Guild Certified Awareness Through Movement®Feldenkrais Method® Practitioner
Core-LX.com: personalized learning made easy

E: Jackisue@aol.com
M: 781-223-1364

Griffin Roberge

From: Eliot Wessler <eliot.wessler@gmail.com>
Sent: Friday, May 07, 2021 3:10 PM
To: Kevin Avard; James Gray; Bob Giuda; David Watters; Rebecca Perkins Kwoka
Cc: Griffin Roberge
Subject: THERE IS NO LANDFILL CAPACITY SHORTAGE
Attachments: NCABC_HB177_Fact Sheet_Senators 20210426.pdf

Dear Chairman Avard and members of the Senate Energy & Natural Resources Committee:

I support enactment of HB177 for a number of reasons—it is a straightforward bill; it is a necessary legislative fix for a gap in DES’ regulatory rules; it is entirely consistent with the actions of at least 11 other states on siting landfills near state parks; it promotes property rights; and if enacted it will not cost NH taxpayers a cent.

You (and in fact all members of the NH Senate) just this afternoon received an email from Mr. McNeil, the Chief Engineer of the Manchester EPD. It is essentially the same email he sent to the NH House on March 4th, just prior to the bipartisan full House floor vote to support HB177.

The email from Mr. McNeil to Senators is pasted in below—unedited. Because I believe there is inaccurate information in the email, I have inserted comments—which are shown in red.

I am happy to follow up with you on any of these issues, or any of the issues addressed in the NCABC Fact Sheet, which we have sent to you previously, and have attached again in this email.

Thanks for your consideration.

Sincerely,

Eliot Wessler

Whitefield, NH

From: "McNeill, Fred" <fmcneill@manchesternh.gov>
Date: May 7, 2021 at 12:03:55 PM EDT

Subject: City of Manchester EPD - Comments on HB-177

Dear Members of the State Senate,
I am writing to you today on behalf of the City of Manchester’s Environmental Protection Division (EPD) regarding concerns about HB-177 which prohibits siting of a landfill within two (2) miles of the boundary of any state park. EPD is the state’s largest public wastewater utility serving Manchester, Bedford, Goffstown, and Londonderry a metro area of 172,000 residents. Through our wastewater treatment process EPD produces tons of waste material that is often landfilled. The state already has a critical shortage of landfill capacity. No, it

does not. Even DES acknowledges that there is no imminent capacity shortage, and this is true whether or not Casella's existing NCS facility in Bethlehem receives pending permits for expansion, and whether or not Casella's proposed facility in Dalton right next to Forest Lake State Park is permitted. There is currently ample additional capacity at both the Turnkey and Mt. Carberry facilities. Additional capacity in other states, including NY, is also available. And if we consider only trash generated within the state of NH, capacity within NH is ample not only in the short-run and medium-run, but also in the long-run.

Any limiting of future landfill siting will further the state's capacity problems. That statement is hard to argue with—if you limit something you will normally get less of it. But what HB177 does is not limit the amount of landfill capacity that may be built, it merely restricts it from places where it can do a great deal of harm. There are lots of locations that are not right next to a state park that will still be available for a landfill, when the capacity is needed.

If a landfill siting is compliant with all environmental regulations, which are designed to safeguard the public and our natural resources, then its proximity to a state park should not be a factor. This sounds right on its face, but in truth DES does not have the tools to distinguish between siting of a landfill right next to a state park or siting a landfill in a location that is distant from a high-value land use. Under its current rules, it is all the same to DES, and in fact the focus of DES' rules is not to prevent environmental damage from landfills, but rather to mitigate such damage once it occurs. The only limitation for landfill siting that is hard and fast for DES is that a landfill cannot be within 100 feet of a structure or 200 feet of a water body. Such rules can be considered as an absolute minimum, but they are clearly not sufficient to protect our state parks from landfill encroachment.

Even if a buffer is determined to be needed, the proposed two (2) mile buffer exceeds almost all other buffers in current environmental regulations. Currently, landfills can be sited as close as 100 or 200 feet from a state park. Is there anyone that thinks this is acceptable? Plus, the appropriate comparison is to buffers used in other states to protect their state parks—we have found at least 11 states with explicit buffers protecting state parks and similar land uses from landfill encroachment, and the minimum size of such buffers is 2 miles.

Lastly, this HB appears inconsistent in its intent as only state parks are mentioned, not federal parks, municipal parks, or similar use areas. If HB177 was expanded to include these additional land uses, opponents of the bill would no doubt argue that it is too broad. HB177 was kept simple on purpose—it will protect the property rights of NH taxpayers whose taxes pay for state parks. If after enactment of HB177, the NH Legislature believes that it should be expanded to include other land uses, it would not seem to be hard to do.

Based on the above concerns, and as a public utility that strives to serve about 13% of the state's population in a cost effective manner, we respectfully request you do not support HB-177.

Thank you very much for your consideration. If you have any questions, please feel free to contact me at your convenience.



Healthy environment.
Healthy economy.

Monday, April 26, 2021

Dear Senator

We appreciate your service to our state. We know this has been a difficult legislative session and it is far from over. Along with many others, we ask you now to give careful consideration to a piece of legislation before you that is important to us—**HB177.**

BOARD
OF DIRECTORS

Sarah Doucette
Gary Ghioto
Erik Johnson
Marry Menzies
Wayne Morrison
Tom Tower
Stephen Walker
Eliot Wessler

NCABC is one of several grassroots organizations that support HB177 and together with those other organizations we represent thousands of voters throughout the state.

We ask the NH Senate Energy and Natural Resources Committee members to vote OTP, and for the full Senate to support the bill.

HB177 is a needed and timely legislative fix for a regulatory problem. Under its current rules, NHDES may issue permits for a landfill as long as it is more than 100 feet from a NH state park. We think a buffer that small makes no sense, and **we think a buffer of 2 miles, as proposed in HB177, is a compromise and good public policy.**

In the short-run, HB177 is needed to protect Forest Lake State Park from landfill encroachment. In the long-run, it will protect all of our state parks. One day it may protect a state park in your district, or maybe a state park that your constituents care deeply about.


HB177 has been carefully crafted, and it has been recently amended to address the concerns expressed in hours of hearings in the NH House. **HB177 is a good bill—it's simple; it solves a problem that requires a legislative fix; it does not trample on property rights; and it will not cost NH taxpayers a cent.**

Opponents of HB177 have raised a number of questions about the bill. We find many of their concerns unsupported and misleading. To help foster careful consideration of the bill, **we have prepared and have attached a series of Fact Sheets** addressing some of their claims:

1. Does HB177 Trample Property Rights?
2. Is HB177 Spot Zoning?
3. Does HB177 Usurp Local Control?
4. Is HB177 Unconstitutional?
5. Will HB177 Exacerbate a Capacity Shortage?
6. Will HB177 Increase Consumer Costs?
7. Will HB177 Increase Carbon Emissions?
8. Is HB177 Needed Given NHDES's Authority?
9. Is the 2 Mile Buffer Arbitrary?

These Fact Sheets present our **evidence and conclusions that the answer to all of the above questions is: NO.** We are happy to address anything in these Fact Sheets, or any other lingering issues you may have—**please feel free to call or email.** We are also happy to make available to Senators the legal and technical experts who have been advising us on NHDES permitting matters.

Sincerely,



Eliot Wessler, President
and on behalf of the NCABC Board of Directors

Contact us by email at: eliot.wessler@gmail.com
Contact us by cell phone at: 202-674-2416

House Bill 177

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT prohibiting the siting of a landfill near a state park.

*Be it Enacted by the Senate and House of Representatives
in General Court convened:*

1 New Paragraph; Permit Prohibited Near Certain Parks and Forest Lands. Amend RSA 149-M:9 by inserting after paragraph XIV the following new paragraph:

XV. No permit shall be issued by the department for the siting of a new landfill if any part of the actual solid waste disposal area is proposed to be located within 2 miles of the boundary of any state park. For purposes of this paragraph, "state park" means any state park managed by the state director of the division of parks and recreation pursuant to RSA 216-A:2. "State park" shall not include the state historic sites and recreational rail trails. Nothing in this paragraph shall be construed to prohibit the expansion of any existing landfills.

2 Effective Date. This act shall take effect upon its passage.

1. Does HB177 Trample Property Rights?

The claim: Property rights are diminished because HB177 would not allow a landfill to be built on a landowner's property if the footprint of the landfill is within 2 miles of one of 68 NH state parks.

Our Point of View: On balance, HB177 will actually help protect property rights! First things first: property rights are an absolutely critical component of a market economy and the preservation of individual liberties. But please consider:

- **Property rights are never absolute.** They always include a balancing of interests between property owners. Property owners cannot do *anything and everything* they might want to do! For one example, we **don't allow property owners to do whatever they want if it will significantly diminish the property rights of their neighbors.**
- Local zoning ordinances include many and varied restrictions on property rights, as do any number of NH laws designed to protect the environment. In many cases, **zoning or state law is far more restrictive than HB177.**
- There's no getting around it—**landfills significantly affect the rights of neighboring property owners**, due to odors, noise, water contamination, scavenger animals, etc.
- **NH's taxpayers effectively own NH's state parks. NH taxpayers' property rights would be violated** if the state allowed a private landfill developer to site a landfill so close to a NH state park that it interfered with the enjoyment of the park.

Our Conclusion: HB177 limits one and only one right—the right to use one's property to build a new landfill within 2 miles of a NH state park. This is a small price to pay to protect NH's state parks, and in any case, it is entirely consistent with precedent and policy.

2. Is HB177 Spot Zoning?

The claim: We're not sure what opponents of HB177 mean by "spot zoning." The issue has been brought up most prominently by two Dalton residents who are the self-proclaimed largest landowners in Dalton—in other words, the two people (other than the site landowner) who stand to gain the most financially from a landfill in Dalton. Their argument (verbatim) is: "In New Hampshire, we trust our legislature to set general rules and not to spot zone out individual projects. This is a dangerous precedent. What happens next time, when a landfill is proposed in another town? Will you see a new bill asking for another legislative spot zoning 'no'? A bill saying 'no landfill shall be sited within 2 miles of X?'"

Our Point of View: **No, HB177 is not spot zoning.** We concede that the genesis of HB177 was to protect Forest Lake State Park from landfill encroachment. But the truth is **NHDES does not have the tools to balance the value of our state parks against the agency's primary mission to facilitate permits for private development.** HB177 is not zoning by another name. It is common sense and good public policy.

- **HB177 is narrow in scope, as it should be.** We doubt it creates a *slippery slope for copycat* bills related to landfill siting and/or state park protection. But even if it did, **the NH Legislature is fully capable of making judgments about the merits of such bills.**
- HB177 is serious legislation that is needed, and needed now. **The votes to move forward with HB177 in the NH House, against all odds, are a testament** to its serious purpose.

Our Conclusion: **The spot zoning argument has no merit. This type of *slippery slope* argument simply serves moneyed interests that oppose HB177. Their argument belies what we believe—that the NH Legislature is able and stands ready to distinguish between legislating for a good purpose and legislating without good cause.**

3. Does HB177 Usurp Local Control?

The claim: HB177 isn't about protecting NH's state parks; it isn't even about protecting Forest Lake State Park. It's about the NH Legislature usurping local control from the residents of Dalton.

Our Point of View: It is a Vermont corporation that is usurping local control.

- **Dalton has little control** in the first place over matters related to landfills. The NH Supreme Court has indicated on a number of occasions that **the state (in the form of NHDES) has primacy over virtually all matters related to landfill regulation**, other than local siting considerations.
- While the landfill has not yet been put to a direct test in Dalton, we know for a fact that **the vast majority of residents in the towns bordering Dalton (i.e., Whitefield, Bethlehem and Littleton) are vehemently opposed**. These towns, largely downwind and downstream of the landfill site, will bear environmental, quality of life, and traffic impacts much greater than Dalton's. In spite of this unanimous regional opposition, Casella pushes ahead.
- **Casella has told Dalton** town officials repeatedly, despite Dalton enacting its first zoning ordinance two years ago, that **the Town is powerless** to stop the juggernaut that is NHDES and the only option Dalton has left is to **accept the landfill and take the "deal"** that Casella is offering.

Our Conclusion: The argument that HB177 takes control from Dalton doesn't line up with anything that Casella, NHDES, or NH's Courts do or say. Moreover, landfills clearly have regional impacts, and to assume that one town should have the power to make decisions that will affect an entire region is antithetical to good government.

4. Is HB177 Unconstitutional?

The claim: Casella's attorney has suggested that HB177 either is or may be unconstitutional. It's unclear whether the claim is that the bill violates the US Constitution or the NH Constitution or both. The only easily discernible claim is that it is unconstitutional for a state to legislate such that it impedes interstate commerce.

Our Point of View: It is a true statement and a fair reading of the US Constitution and court precedent that **a state may not legislate to impede interstate commerce. But this is not the case with HB177**, and we cannot think of a good reason for this argument to be made to Senators in their deliberation over HB177. **We think the facts are clear—there is nothing about HB177 that would have any discriminatory effect on commerce that might possibly violate the US Constitution.**

- HB177 makes **no distinctions between corporations based on home state.**
- HB177 makes **no distinction regarding the state of origin** for any aspect of construction or operations of a landfill business.
- HB177, particularly as amended, **makes no distinction in the type of ownership** of a landfill facility.

Our Conclusion: **Opponents of HB177 as amended and voted out of the NH House have and may continue to raise issues related to the constitutionality of the bill. We think these arguments are made as a scare tactic — a threat that the constitutionality of the bill will be challenged in court, requiring NH at some point to litigate the matter. We hope you will not let that threat impede passage of a soundly reasoned bill.**

If this issue is raised at any point in the Senate's consideration of HB177, whether in Committee and/or before the full Senate, supporters of HB177 are prepared to make available, through direct testimony and/or legal briefs, the legal analysis of NCABC's attorney—Ms. Amy Manzelli of the BCM Law Firm in Concord NH.

5. Will HB177 Exacerbate a Capacity Shortage?

The claim: There seem to be two parts to this claim. First, if the Dalton landfill is not permitted—and permitted quickly—we will soon run out of solid waste capacity. Second, the 2-mile buffer in HB177 removes from consideration too much NH land on which a new landfill can be built, and this somehow puts NH at risk of being able to permit new landfills when they are needed.

Our Point of View: These claims are unfounded given all available evidence.

- **Plenty of capacity is currently available**—in the North Country at the Mt. Carberry facility; downstate at Waste Management and other facilities; and also in NY and other neighboring states.
- **NHDES has found** that even with the eventual closure of the NCES facility, there is **no capacity shortage in the short-term**. Existing landfills can pick up any slack. This provides plenty of time for the industry to respond to any and all market events, including the failure of the proposed Dalton landfill to be permitted.
- HB177 enactment would still leave **more than 90% of the state's land area free to consider a new landfill**. There is **no evidence that there will be a problem finding alternative sites**. While Casella did a cursory job of evaluating sites other than Dalton, it found a number of other sites, including sites that would have significantly less environmental and quality of life impacts, and which are not anywhere near a NH state park.

Our Conclusion: Currently there is no solid waste disposal capacity shortage, and there is no evidence that such a shortage is imminent. At some point in time, shortages may develop. At that time, HB177 will not be an obstacle. Enactment of HB177 will provide a strong signal to the solid waste management industry that it should be looking for new landfill sites that will not have dramatic impacts on our state parks.

6. Will HB177 Increase Consumer Costs?

The claim: Enacting HB177 means Casella will not get permits to build its next landfill in Dalton right next to Forest Lake State Park. And as a direct result of this failure to win permits, communities that might have used the Dalton facility will pay more for solid waste disposal.

Our Point of View: We don't really know how HB177 will impact solid waste disposal prices and neither does Casella!

- As far as we know, Casella has provided **no evidence, e.g., from a market study**, of how prices will be affected in the solid waste market whether Casella builds a new landfill in Dalton or not. Therefore, **to claim that prices will increase is highly speculative.**
- **Casella will find sites for expanding capacity** if and when the business opportunity is favorable. Whether it expands its capacity or not, Casella will, like every other for-profit business, charge its customers whatever the market will bear, irrespective of its costs.
- The claim that prices will go up is speculative given the only direct regional evidence we know of shows prices have gone down. **When Dalton switched recently from using Casella's NCES facility to the Mt. Carberry facility, its costs went down, not up.** This fact has been confirmed by detailed cost analyses by the Dalton Select Board.

Our Conclusion: The evidence suggests that prices are just as likely--if not more likely—to go down as up for communities that might otherwise contract with Casella for solid waste disposal at a facility in Dalton. At a minimum, they will have the option to switch to the Mt. Carberry facility, which may result in lower total costs, even for those communities that are more distant and may incur slightly higher transportation costs.

7. Will HB177 Increase Carbon Emissions?

The claim: If HB177 is enacted, the proposed Dalton facility will not be eligible for permitting and therefore will not be built. Without a new landfill in Dalton, the distances waste-hauling trucks will travel from NH communities will increase, resulting in an increased carbon footprint for the state of NH.

Our Point of View: This analysis is flawed, at best.

- It assumes a new landfill in Dalton is the only option for NH communities, which we know is not true. **Some customers may end up using a facility that is closer than the proposed Dalton facility, which would likely result in reduced carbon emissions.**
- The claim is misleading because it focuses on NH's carbon emissions instead of the more appropriate metric of regional emissions, particularly since Casella says up to **half of Dalton's landfill capacity will be reserved for out-of-state trash.** The trash from states other than NH may be deposited in facilities less distant than Dalton would be, thus decreasing carbon emissions.

Our Conclusion: Casella's claim is flawed, as carbon emissions must be evaluated on a regional, not a state-wide basis. We believe the most likely scenario is that total regional carbon emissions will decrease if the proposed Dalton facility is not permitted due to HB177.

One further note is warranted here: it is ironic that Casella raises the issue of increased carbon emissions, given that Casella's permit applications and Traffic Study show the proposed route for trucks is as much as 26 miles longer than the most direct possible route. Casella has freely admitted to NH's Department of Transportation that it chose the proposed route so that its largest trucks bypass Littleton, a town with significantly more political clout than the towns along the proposed route. This shows little concern for carbon emissions—or social justice.

8. Is HB177 Needed Given NHDES' Authority?

The claim: There's no reason to legislate how far a landfill should be from a state park because NHDES rules are sufficient to protect state parks from environmental damage.

Our Point of View: There is **lots of evidence that NHDES does not have the tools to protect our state parks from landfill impacts.**

- **By its own admission, NHDES is under-resourced and understaffed.** This means key positions go unfilled, and as a result, project oversight is inadequate.
- **NHDES has not updated its solid waste management rules since 2003, despite a legal requirement to do so.**
- **NHDES' commitment to public input in its solid waste management program is less than clear,** given repeated expansions at Casella's NCS facility despite strong public opposition, and a host of operational concerns.
- **NHDES has so far failed to require Casella to provide baseline data for its proposed Dalton site,** despite evidence from technical experts that it is absolutely critical.
- **It appears that NHDES has no regulations to distinguish between environmental impacts on virgin land or land adjacent to a state park, in contrast to environmental impact on land that is already spoiled or has less intrinsic value.**

Our Conclusion: This evidence demonstrates a regulatory gap that leaves our parks unprotected from the degradation of a nearby landfill. A reasonable conclusion is that developers come first, and the environment, public health and public opinion come second. **HB177 obviously will not fix every problem with NHDES' regulation of landfills, but at least it can protect our state parks and their treasured legacy.**

9. Is the 2-mile Buffer Arbitrary?

The Claim: A 2 mile buffer is arbitrary, and was chosen in order to kill the project, not protect state parks.

Our Point of View: The choice of a 2 mile buffer is a reasonable compromise that is wholly supported by the facts. Forest Lake State Park is not only within 2 miles of the proposed landfill site; it is within a couple hundred feet. Under existing NHDES rules, a landfill can be placed as close as 100 feet from a state park, and 200 feet from a lake. We know of no sensible rationale for this.

- **Buffers** are commonly used in land use laws, zoning ordinances, and land use regulation; they **are arbitrary by their nature.**
- 2 miles is consistent with other states' laws. House testimony on HB177 pointed out that **11 states have created buffers of several miles to protect parks and public land from landfills.**
- The choice of a 2 mile buffer is underpinned by **air quality data from landfills across the country.** Odors and noxious airborne chemicals have a range up to 5 miles from a landfill. A 2 mile buffer in HB177 is essentially a compromise between 5 miles and the current 100 feet.
- A 2 mile buffer is also underpinned by scientific evidence of the speed of groundwater flow, given the difficulty of groundwater contamination detection and remediation. **A 2 mile buffer provides a reasonable amount of time to detect and remediate landfill liner leaks after they occur; the existing 100 foot buffer clearly does not.**

Our Conclusion: A buffer greater than 2 miles between parks and landfills is justifiable and is much less arbitrary than a buffer of 100 feet. HB177 sets the buffer at 2 miles as a compromise to protect state parks from the worst of environmental insults, while at the same time balancing the property rights of landowners and their neighbors.

Griffin Roberge

From: Save Forest Lake <saveforestlake@yahoo.com>
Sent: Friday, May 07, 2021 4:08 PM
To: Griffin Roberge
Subject: Supporting Images For Testimony 5/10 HB177 1Pm Senate ENR
Attachments: Site Map Whitefield Wetlands overlay 12 10 20.jpg; page 150 of wetlands permit map surface water flow.png; wow.jpeg; Before and after.jpg

Hi Griffin:

I am signed up for testimony at Monday's hearing on HB177. The sign up receipt stated to send supporting files to you. I'd like to somehow include these 4 images for my testimony as they depict:

1. The landfill drawing footprint superimposed over a tax map detailing the size and scope of the landfill project and its close proximity to the Forest Lake State Park to the E/NE
2. From the landfill development wetlands permit application, a drawing detailing the wetlands and bodies of water surrounding the proposed landfill development.
3. An aerial photo of just how beautiful the Forest Lake State Park is, currently...
4. A before and after depiction of the landfill site and landfill from above the proposed landfill development site...160 acres of highly-ranked forested wildlife habitat only 190 feet from the Forest Lake State Park boundary will be clear cut for the landfill, along with the destruction of 17 acres of wetlands. Forest Lake State Park today, which state park tomorrow when Turnkey closes?

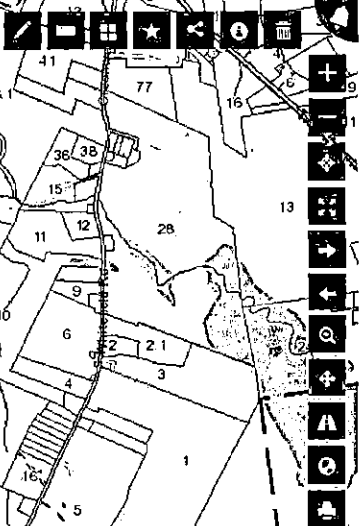
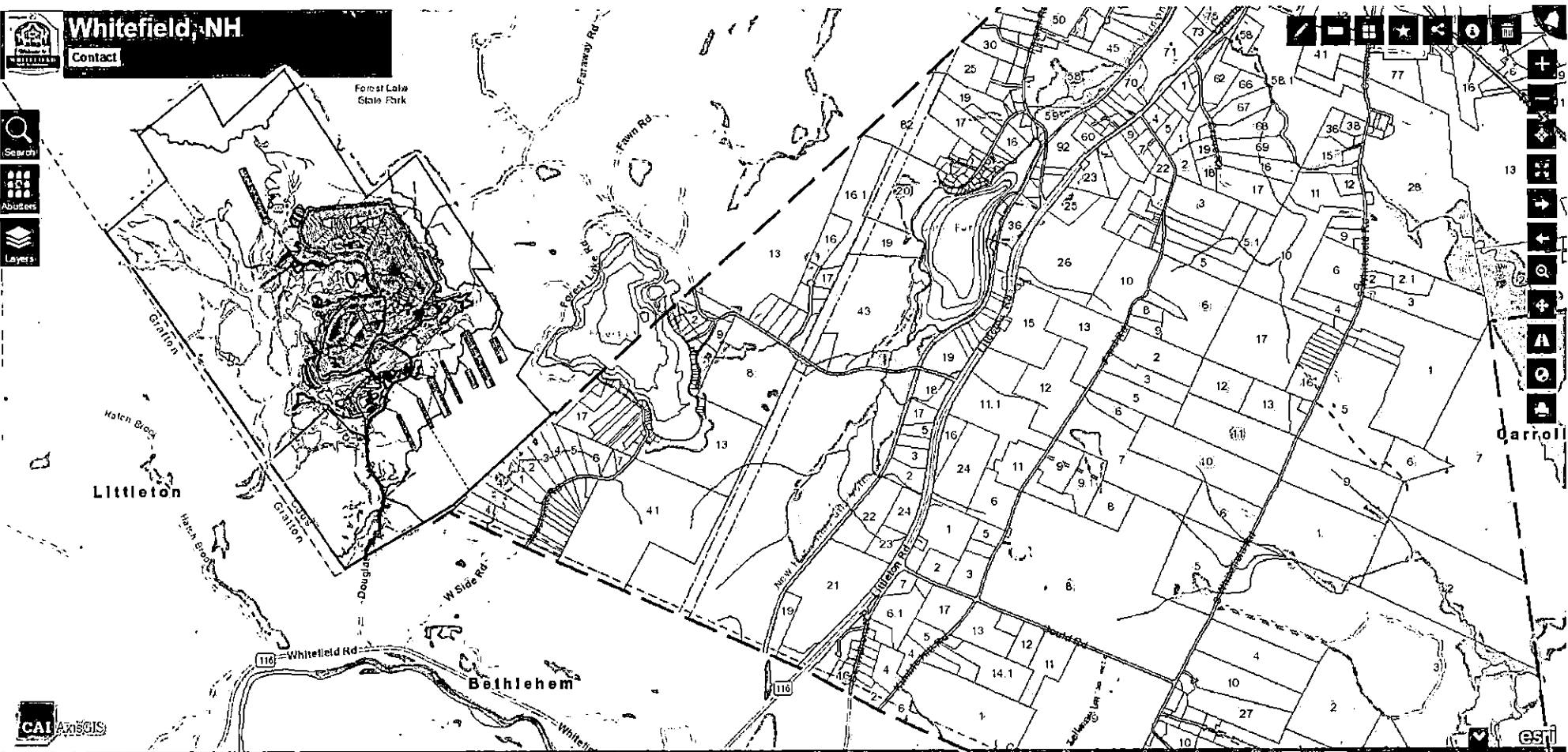
Thank You!

Jon Swan
25 Cashman Rd
Dalton, NH 03598
(603) 991-2078
Founder, Save Forest Lake
#StopNorthernTrash!

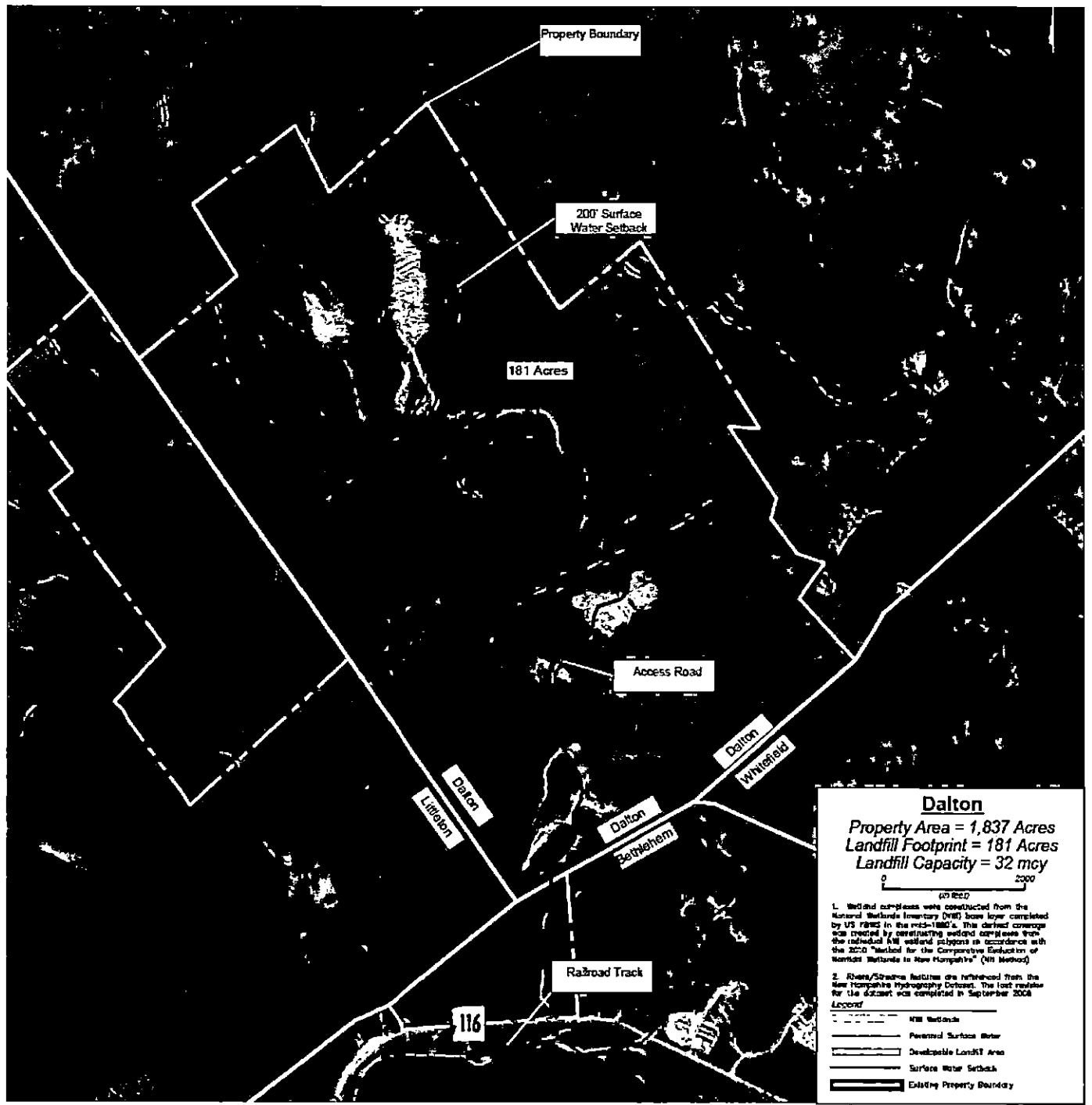
Do not allow this proposed development to scar the beautiful landscape of the North Country for generations to come

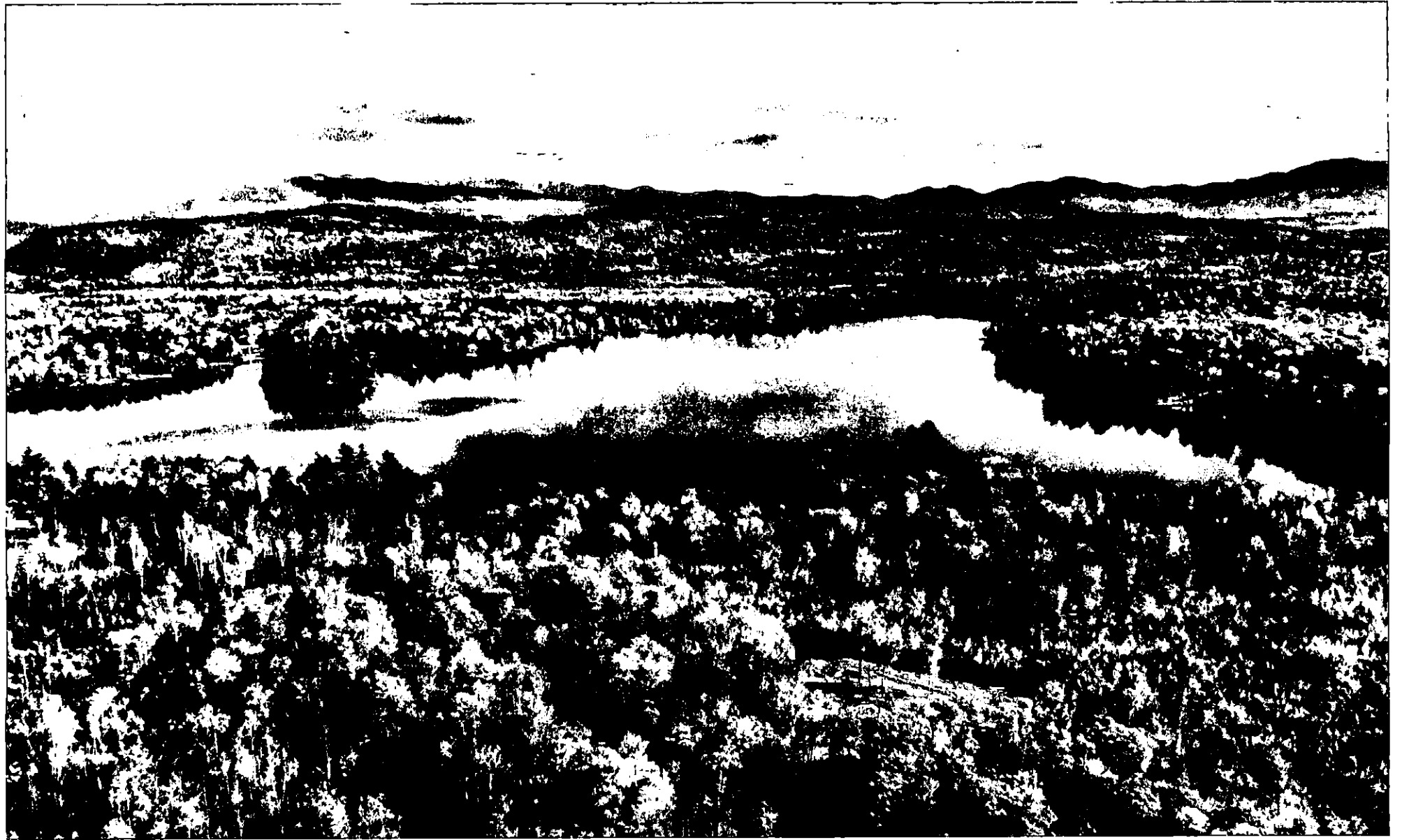
Forest Lake State Park

-  Search
-  Abutters
-  Layers



A vertical toolbar on the right side of the map interface. It contains various icons for map navigation and interaction, including a home button, a search icon, a zoom in (+) and zoom out (-) button, a full screen button, a refresh button, a print button, and a close button. The icons are arranged in a column and are standard for GIS software.





Forest Lake

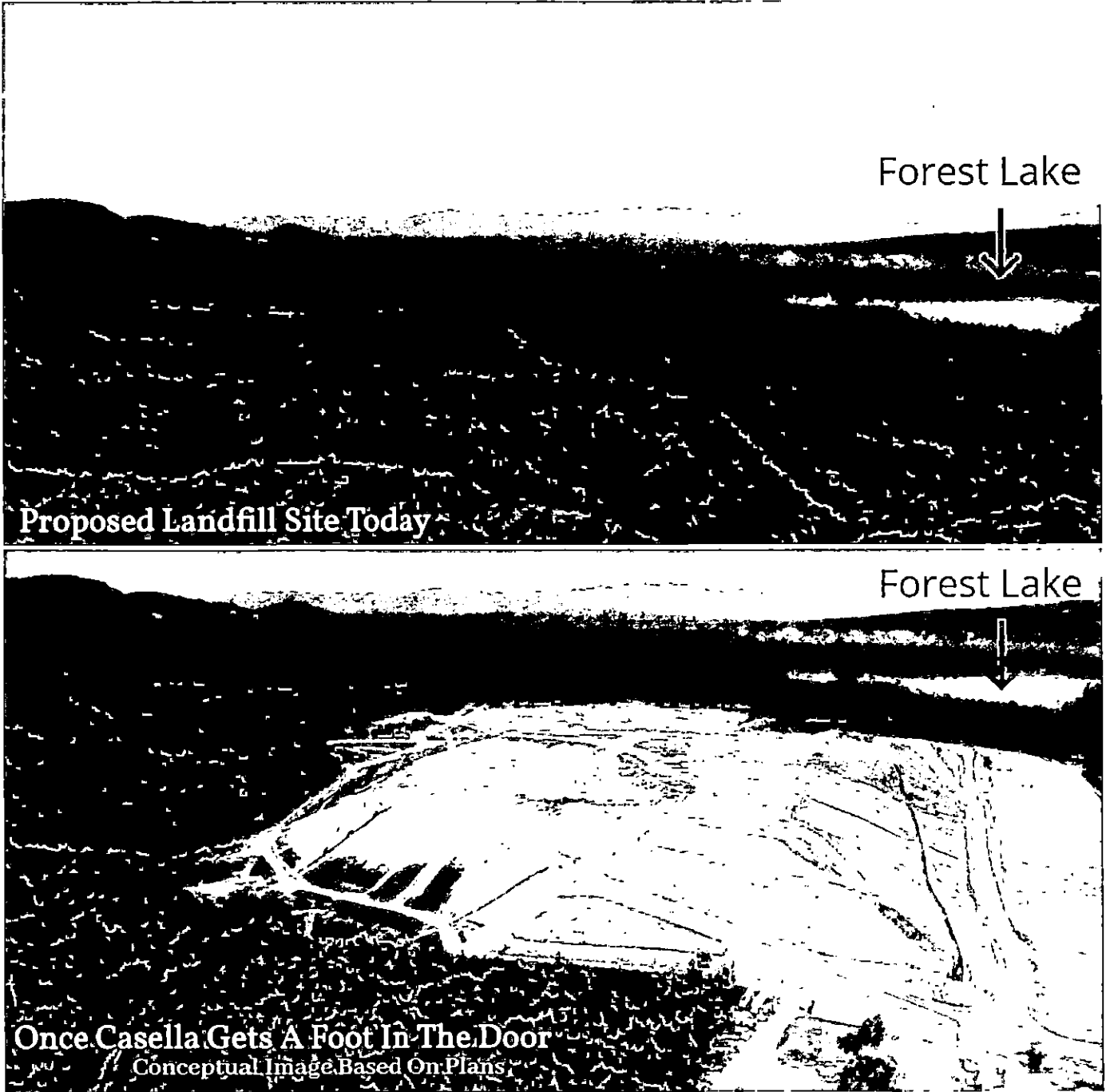


Proposed Landfill Site Today

Forest Lake



Once Casella Gets A Foot In The Door
Conceptual Image Based On Plans



Griffin Roberge

From: Kate Horgan <khorgan@dupontgroup.com>
Sent: Friday, May 07, 2021 4:28 PM
To: Kevin Avard; Bob Giuda; James Gray; Rebecca Perkins Kwoka; David Watters; Griffin Roberge
Cc: Sarah Boggess; Jim Monahan
Subject: HB 177
Attachments: ReSource Waste Testimony HB 177[1].pdf

Honorable Members of the Senate Energy and Natural Resources Committee,

Attached please find a letter from ReSource Waste Service regarding HB 177. Please reach out with any questions that you may have.

-Kate

Kathryn Horgan
The Dupont Group
29 School St. | Ste. 200 | Concord, NH 03301
603-228-3322 x111
khorgan@dupontgroup.com





VIA ELECTRONIC SUBMISSION

Kevin.Avard@leg.state.nh.us; Bob.Giuda@leg.state.nh.us; James.Gray@leg.state.nh.us;
Rebecca.PerkinsKwoka@leg.state.nh.us; David.Watters@leg.state.nh.us; Griffin.Roberge@leg.state.nh.us

May 7, 2021

Senate Energy and Natural Resources Committee
New Hampshire State House
107 North Main Street
Concord, NH 03301

Re: Comments on HB 177 – An ACT Prohibiting Siting of a Landfill Near a State Park

Dear Senator Avard and Honorable Members of the Senate Energy and Natural Resources Committee:

We appreciate the opportunity to provide comment in opposition to HB 177.

ReSource Waste Services is the largest processor of construction and demolition (“C&D”) debris in the New England region. The company’s portfolio includes five processing facilities with permitted capacity of approximately 1.4 million tons, a trucking company and a waste collection business.

Five of our businesses are headquartered in New Hampshire and they currently employ about 100 people. That employment figure rises in the warm-weather months, when we hire seasonal workers to process higher volumes of inbound material. Our businesses in New Hampshire are:

- ReSource Waste Services of Salem Inc., a 273,000-ton-capacity materials recovery facility located in Salem.
- ReSource Waste Services of Epping Inc., a 250,000-ton-capacity materials recovery facility located in Epping.
- ReSource Waste Services Trucking Inc., located in Salem, which operates 14 walking floor trailers of various sizes and conducts independent hauling for customers and also hauls ReSource Waste Services’ recycled products to end markets.
- ReSource Waste Services Metal Recycling LLC in Salem which specializes in the recovery of ferrous and non-ferrous metals.
- ReSource Waste Services Hauling LLC, in Salem, which is the company’s new waste collection division, providing roll-off container service to the region.

Although the title of the bill sounds appealing, HB 177 would have unintended consequences and create instability in New Hampshire’s solid waste and resource management sector.



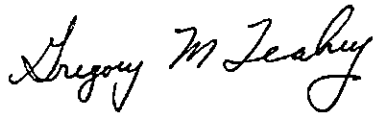
A rigorous regulatory process exists in New Hampshire to determine suitability, necessity, and desirability of any proposed expansion or newly sited landfill, and this process involves local governments and state and federal agencies.

New Hampshire is in need of more waste disposal and recycling capacity, and this bill would stop all permitting and construction efforts on Casella's Granite State Landfill. This would lead to lost host community benefits and set us back in the necessary progress that has been made in recent years to increase the capacity for waste disposal in New Hampshire.

If the state would enact a law that would circumvent an established process and target a single business entity, this would create a dangerous precedent and be unfair to the entities that have been participating for years in a siting and development process. This legislation would negatively impact the state's solid waste management system and have unintended financial and environmental repercussions.

For the above reasons, I ask you to vote no on HB 177.

Sincerely,



Gregory M. Leahey
President & Chief Operating Officer
gleahey@resource-waste.com

Griffin Roberge

From: John Gramatikas <johnnygram@comcast.net>
Sent: Friday, May 07, 2021 11:08 PM
To: Griffin Roberge
Subject: HB 177

Dear Senator(s),

I'm writing in response to House Bill 177, the two mile buffer zone, concerning a proposed landfill, within a half mile of Forest Lake.

This bill not only will preserve the beauty of Forest Lake, but further keep the natural resources, that brings folks from New Hampshire and beyond to enjoy what we who call New Hampshire home, our natures natural wonders.

I understand, that the waste situation, that plagues New Hampshire is not an easy dilemma to solve. But I believe allowing a landfill near a lake and State Park, is unconscious. Please support HB 177, lets keep NH's natural resources and wonders, clean and enjoyable for all.

Sincerely,
John Gramatikas

Griffin Roberge

From: Susan Arnold <SArnold@outdoors.org>
Sent: Saturday, May 08, 2021 10:47 AM
To: Kevin Avard; Bob Giuda; James Gray; Rebecca Perkins Kwoka; David Watters; Griffin Roberge
Subject: AMC support for HB 177
Attachments: 5-10-21_HB177_AMC_testimony_support.pdf

Chairman Avard and Members of the Committee:

Please see the attached testimony in support of HB 177, which you will be hearing on Monday 5/10 at 1pm. Unfortunately I am unable to attend the hearing, so wanted you to have this testimony in advance.

Thank you for your consideration.

Susan

Susan Arnold
Vice President for Conservation
603.664.2050
617.391.6595





May 10, 2021

Senator Kevin Avard, Chair
Senate Energy and Natural Resources Committee
The State House
Concord, NH 03301

RE: HB 177, prohibiting the siting of a landfill near a state park

Chairman Avard and Members of the Committee:

Thank you for this opportunity to share the Appalachian Mountain Club's strong support for HB 177, prohibiting the siting of a landfill near a state park.

AMC is the nation's oldest conservation and recreation organization, and our mission is to foster the protection, enjoyment, and understanding of the outdoors. With over 100,000 members, supporters, and advocates, including more than 12,000 members here in New Hampshire, AMC has been active in supporting the creation, protection, and maintenance of state parks from Maine to Virginia. As a former Chair of the NH State Parks System Advisory Council (SPSAC), I personally am well aware of the critical role our state parks play in New Hampshire's economy, environment, and quality of life.

Prohibiting the siting of landfills in close proximity to these natural and recreational resource gems seems only common sense. The obvious incompatibility of large-scale waste disposal activity with the purposes of our state parks, to say nothing of the potential for degradation of natural and recreational resources as well as the visitor experience, underscores the need for HB 177. These lands are held by the State in the public trust, and the unsuitability of solid waste disposal facilities nearby these lands cannot be overstated.

Please vote HB 177 Ought to Pass. Thank you for your consideration.

Sincerely,

Susan Arnold, Vice President for Conservation
sarnold@outdoors.org / 603-664-2050

Griffin Roberge

From: Joseph Depalma IV
Sent: Saturday, May 08, 2021 6:21 PM
To: Kevin Avard; Bob Giuda; James Gray; Rebecca Perkins Kwoka; David Watters; Griffin Roberge
Subject: Testimony Against HB 177
Attachments: HB 177.docx

Committee Members,

See attached testimony in opposition to HB 177.

Thank you for your continued service!

Cheers,

Rep. Joe DePalma, IV

Grafton 1
Littleton & Bethlehem
(603)-991-7459

February 3, 2021

The New Hampshire State Senate

Energy & Natural Resources Committee

RE: Opposition to NH HB 177

Dear Committee Members:

As you may know HB 177 seeks to prohibit the construction of landfills within a two-mile radius of state parks. This bill may seem like a reasonable piece of legislation; however, the bill has serious implications for the North Country and the communities of Littleton & Bethlehem.

HB 177 will block the approval and construction of a new proposed landfill located near Forest Lake State Park, a landfill that, if approved, will replace the Casella landfill located in Bethlehem, which is slated to reach permitted capacity in the next several years. If HB 177 passes, this proposed landfill will be unable to be constructed. Coupled with the closure of the Bethlehem landfill in the next several years, North Country communities like Littleton and Bethlehem would be forced to haul their trash to the Mt. Carberry facility in Berlin. For Littleton & Bethlehem municipal waste facilities and local trash haulers who currently utilize the Bethlehem facility, the transition to Mt. Carberry would add nearly an hour each way to their current hauling.

This dramatic increase in hauling distance would result in a significant increase in the cost of essential waste services throughout the North Country and would put small, local waste companies at a competitive disadvantage to larger, regional companies. These local waste companies would most likely face significant economic challenges and in the end would not be able to provide their services profitably, resulting in the consolidation of the waste industry across the North Country. Local municipal waste facilities would also see their costs dramatically increase and would be forced to pass those costs along to taxpayers.

The regional waste monopolization that will result if HB 177 passes, will not only raise waste disposal costs for thousands of North Country residents in the middle of a pandemic but will also kill North Country jobs.

It should not be the duty of the state legislature to enforce local zoning. If passed, this bill sets a dangerous precedent of state interference into local zoning policies. New Hampshire prides itself on the principles of local control and HB 177 violates that principle.

I urge you to vote against HB 177

Respectfully,

Representative Joseph DePalma, IV

Littleton & Bethlehem

Grafton 1

Griffin Roberge

From: Roger Doucette <rogerddoucette@gmail.com>
Sent: Saturday, May 08, 2021 7:15 PM
To: Kevin Avard; Bob Giuda; James Gray; Rebecca Perkins Kwoka; David Watters
Cc: Jeb Bradley; Donna Soucy; Erin Hennessey
Subject: HB177 Yes/OTP—Please Protect All NH Parks

Greetings Chairman Avard and Senators of the Energy and Natural Resources Committee,

I ask you to please **support the passage of HB177**.

It is a simple bill that aims to protect our state parks from the well-documented detrimental impacts of landfills. **It seeks to safeguard those special places** that NH has deemed essential to preserve for both current and future generations. The identity of NH is tied to these parks. They are part of what we are as a state.

Landfills are forever and their problems are long lasting. A park near a landfill would be damaged for generations, its waters perhaps comprised permanently.

There is other land in the state more suitable for a landfill than beside a state park. Passing the bill would protect our parks while the state assesses its solid waste management plan and regulations for the future. Current **DES regulations are not adequate** to keep landfills away from our parks by more than 100-200 feet.

A Yes vote is a vote for New Hampshire's identity as a beautiful, pristine state, for the health and welfare for our residents, for increasing tourism and a vibrant economy. Please protect our parks by voting **Yes/OTP for HB 177**.

Thank you for your consideration,

Roger Doucette

RogerDDoucette@gmail.com
603.837.9168
Whitefield, NH

Griffin Roberge

From: sarah doucette <sdoucette58@gmail.com>
Sent: Saturday, May 08, 2021 8:10 PM
To: Griffin Roberge
Subject: HB177 Comments in Support
Attachments: Fact Sheets HB177 5521.pdf

Greetings, Mr. Roberge,
FYI, below please find a letter with attachment I sent to the ENR Committee Members today.
Best wishes,
Sarah Doucette

Greetings Chairman Avard and Senators of the Energy and Natural Resources Committee,

My name is Sarah Doucette. I live in Whitefield and I appreciate the opportunity to **strongly endorse HB177**. I have been an ardent student of solid waste management in our state for the last 2 1/2 years.

After countless hours of research, I understand what is at stake when we sacrifice our verdant, natural landscapes to the unplanned and inadequately regulated stockpiling of waste. The **stowing of millions of tons of garbage among our hills and streams is particularly egregious in areas of ecological sensitivity and beauty** like highly functioning woods and wetlands, replete with plants and wildlife, or revered places of respite set aside for people—places like our state parks.

Regardless of the debate about the need for further landfilling in NH, **we know state parks and landfills are not compatible land uses**. We smell noxious odors, we understand the inevitable pollution of waters that spreads outward from landfills, we know when seagulls have wrecked a swimming area, we hear heavy equipment running, clanging and beeping, and we see windblown trash in fields and trees.

Respectfully, I ask you to stand back a bit from the agitation around HB177 and consider its fundamental simplicity and good sense.

You have a **question before you of whose interests to favor**—this is a question of safeguarding our *public* parks, the peoples' parks, OR safeguarding the interests of private developers pledged to serve their shareholders.

I believe you have been asked to plunge down a good number of **misleading rabbit holes** that suggest this bill somehow infringes on the rights of a citizen seller and a private buyer. Together such self-interested parties could impose a devastating landfill on a park treasured by concentric circles of local park users, many of them neighbors with property rights, and countless NH visitors and others who bolster our economy with a fierce loyalty that runs through generations in their families.

This bill does not present a clash of equally weighted values. On one hand are the interests of a couple of private entities—to be balanced against a whole population of NH natives and enchanted visitors who long ago laid claim to our NH parks and the stunning environments that surround them.

This is not about questioning the right of the legislature to legislate, not about spot zoning, thwarted property rights of sellers, thwarted dreams of corporations, quibbling about buffer mileage, threats about landfill capacity shortages. I believe that is smoke and mirrors. Solid rebuttals have been presented to you by credible speakers and writers including North Country Alliance for Balanced Change with their Fact Sheet (attached).

HBI77 is a question of safeguarding the joy and legacy of our parks, the very identity of our stunning state and the values we citizens hold most dear. Given the facts at hand and recalling the state parks you love, **I hope you will vote Yes/ Ought to Pass** in a heartbeat.

I look forward to the hearing on Monday. **Many thanks for your thoughtful service** to NH and its people.

Sincerely,

Sarah Doucette

sdoucette58@gmail.com
603.960.4268 cell
Whitefield, NH



Healthy environment.
Healthy economy.

May 4, 2021

Fact Sheet Topics

The following pages address these questions that have been raised in regard to HB177 which is written to protect New Hampshire's 68 state parks with a 2 mile buffer from new landfill development. (See text of HB177 on next page.)

1. Does HB177 Trample **Property Rights**?
2. Is HB177 **Spot Zoning**?
3. Does HB177 Usurp **Local Control**?
4. Is HB177 **Unconstitutional**?
5. Will HB177 Exacerbate a **Capacity Shortage**?
6. Will HB177 Increase **Consumer Costs**?
7. Will HB177 Increase **Carbon Emissions**?
8. Is HB177 Needed Given **NHDES's Authority**?
9. Is the 2 Mile Buffer **Arbitrary**?

House Bill 177

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT prohibiting the siting of a landfill near a state park.

*Be it Enacted by the Senate and House of Representatives
in General Court convened:*

1 New Paragraph; Permit Prohibited Near Certain Parks and Forest Lands. Amend RSA 149-M:9 by inserting after paragraph XIV the following new paragraph:

XV. No permit shall be issued by the department for the siting of a new landfill if any part of the actual solid waste disposal area is proposed to be located within 2 miles of the boundary of any state park. For purposes of this paragraph, "state park" means any state park managed by the state director of the division of parks and recreation pursuant to RSA 216-A:2. "State park" shall not include the state historic sites and recreational rail trails. Nothing in this paragraph shall be construed to prohibit the expansion of any existing landfills.

2 Effective Date. This act shall take effect upon its passage.

1. Does HB177 Trample Property Rights?

The claim: Property rights are diminished because HB177 would not allow a landfill to be built on a landowner's property if the footprint of the landfill is within 2 miles of one of 68 NH state parks.

Our Point of View: On balance, HB177 will actually help protect property rights! First things first: property rights are an absolutely critical component of a market economy and the preservation of individual liberties. But please consider:

- **Property rights are never absolute.** They always include a balancing of interests between property owners. Property owners cannot do *anything and everything* they might want to do! For one example, we **don't allow property owners to do whatever they want if it will significantly diminish the property rights of their neighbors.**
- Local zoning ordinances include many and varied restrictions on property rights, as do any number of NH laws designed to protect the environment. In many cases, **zoning or state law is far more restrictive than HB177.**
- There's no getting around it—**landfills significantly affect the rights of neighboring property owners**, due to odors, noise, water contamination, scavenger animals, etc.
- **NH's taxpayers effectively own NH's state parks. NH taxpayers' property rights would be violated** if the state allowed a private landfill developer to site a landfill so close to a NH state park that it interfered with the enjoyment of the park.

Our Conclusion: HB177 limits one and only one right—the right to use one's property to build a new landfill within 2 miles of a NH state park. This is a small price to pay to protect NH's state parks, and in any case, it is entirely consistent with precedent and policy.

2. Is HB177 Spot Zoning?

The claim: We're not sure what opponents of HB177 mean by "spot zoning." The issue has been brought up most prominently by two Dalton residents who are the self-proclaimed largest landowners in Dalton—in other words, the two people (other than the site landowner) who stand to gain the most financially from a landfill in Dalton. Their argument (verbatim) is: "In New Hampshire, we trust our legislature to set general rules and not to spot zone out individual projects. This is a dangerous precedent. What happens next time, when a landfill is proposed in another town? Will you see a new bill asking for another legislative spot zoning 'no'? A bill saying 'no landfill shall be sited within 2 miles of X?'"

Our Point of View: **No, HB177 is not spot zoning.** We concede that the genesis of HB177 was to protect Forest Lake State Park from landfill encroachment. But the truth is **NHDES does not have the tools to balance the value of our state parks against the agency's primary mission to facilitate permits for private development.** HB177 is not zoning by another name. It is common sense and good public policy.

- **HB177 is narrow in scope, as it should be.** We doubt it creates a *slippery slope for copycat* bills related to landfill siting and/or state park protection. But even if it did, **the NH Legislature is fully capable of making judgments about the merits of such bills.**
- HB177 is serious legislation that is needed, and needed now. **The votes to move forward with HB177 in the NH House, against all odds, are a testament** to its serious purpose.

Our Conclusion: **The spot zoning argument has no merit. This type of *slippery slope* argument simply serves moneyed interests that oppose HB177. Their argument belies what we believe—that the NH Legislature is able and stands ready to distinguish between legislating for a good purpose and legislating without good cause.**

3. Does HB177 Usurp Local Control?

The claim: HB177 isn't about protecting NH's state parks; it isn't even about protecting Forest Lake State Park. It's about the NH Legislature usurping local control from the residents of Dalton.

Our Point of View: It is a Vermont corporation that is usurping local control.

- **Dalton has little control** in the first place over matters related to landfills. The NH Supreme Court has indicated on a number of occasions that **the state (in the form of NHDES) has primacy over virtually all matters related to landfill regulation**, other than local siting considerations.
- While the landfill has not yet been put to a direct test in Dalton, we know for a fact that **the vast majority of residents in the towns bordering Dalton (i.e., Whitefield, Bethlehem and Littleton) are vehemently opposed**. These towns, largely downwind and downstream of the landfill site, will bear environmental, quality of life, and traffic impacts much greater than Dalton's. In spite of this unanimous regional opposition, Casella pushes ahead.
- **Casella has told Dalton** town officials repeatedly, despite Dalton enacting its first zoning ordinance two years ago, that **the Town is powerless** to stop the juggernaut that is NHDES and the only option Dalton has left is to **accept the landfill and take the "deal"** that Casella is offering.

Our Conclusion: The argument that HB177 takes control from Dalton doesn't line up with anything that Casella, NHDES, or NH's Courts do or say. Moreover, landfills clearly have regional impacts, and to assume that one town should have the power to make decisions that will affect an entire region is antithetical to good government.

4. Is HB177 Unconstitutional?

The claim: Casella's attorney has suggested that HB177 either is or may be unconstitutional. It's unclear whether the claim is that the bill violates the US Constitution or the NH Constitution or both. The only easily discernible claim is that it is unconstitutional for a state to legislate such that it impedes interstate commerce.

Our Point of View: It is a true statement and a fair reading of the US Constitution and court precedent that **a state may not legislate to impede interstate commerce. But this is not the case with HB177**, and we cannot think of a good reason for this argument to be made to Senators in their deliberation over HB177. **We think the facts are clear—there is nothing about HB177 that would have any discriminatory effect on commerce that might possibly violate the US Constitution.**

- HB177 makes **no distinctions between corporations based on home state.**
- HB177 makes **no distinction regarding the state of origin** for any aspect of construction or operations of a landfill business.
- HB177, particularly as amended, **makes no distinction in the type of ownership** of a landfill facility.

Our Conclusion: Opponents of HB177 as amended and voted out of the NH House have and may continue to raise issues related to the constitutionality of the bill. We think these arguments are made as a scare tactic — a threat that the constitutionality of the bill will be challenged in court, requiring NH at some point to litigate the matter. We hope you will not let that threat impede passage of a soundly reasoned bill.

If this issue is raised at any point in the Senate's consideration of HB177, whether in Committee and/or before the full Senate, supporters of HB177 are prepared to make available, through direct testimony and/or legal briefs, the legal analysis of NCABC's attorney—Ms. Amy Manzelli of the BCM Law Firm in Concord NH.

5. Will HB177 Exacerbate a Capacity Shortage?

The claim: There seem to be two parts to this claim. First, if the Dalton landfill is not permitted—and permitted quickly—we will soon run out of solid waste capacity. Second, the 2-mile buffer in HB177 removes from consideration too much NH land on which a new landfill can be built, and this somehow puts NH at risk of being able to permit new landfills when they are needed.

Our Point of View: These claims are unfounded given all available evidence.

- **Plenty of capacity is currently available**—in the North Country at the Mt. Carberry facility; downstate at Waste Management and other facilities; and also in NY and other neighboring states.
- **NHDES has found** that even with the eventual closure of the NCES facility, there is **no capacity shortage in the short-term**. Existing landfills can pick up any slack. This provides plenty of time for the industry to respond to any and all market events, including the failure of the proposed Dalton landfill to be permitted.
- HB177 enactment would still leave **more than 90% of the state's land area free to consider a new landfill**. There is no evidence that there will be a problem finding alternative sites. While Casella did a cursory job of evaluating sites other than Dalton, it found a number of other sites, including sites that would have significantly less environmental and quality of life impacts, and which are not anywhere near a NH state park.

Our Conclusion: Currently there is no solid waste disposal capacity shortage, and there is no evidence that such a shortage is imminent. At some point in time, shortages may develop. At that time, HB177 will not be an obstacle. Enactment of HB177 will provide a strong signal to the solid waste management industry that it should be looking for new landfill sites that will not have dramatic impacts on our state parks.

6. Will HB177 Increase Consumer Costs?

The claim: Enacting HB177 means Casella will not get permits to build its next landfill in Dalton right next to Forest Lake State Park. And as a direct result of this failure to win permits, communities that might have used the Dalton facility will pay more for solid waste disposal.

Our Point of View: We don't really know how HB177 will impact solid waste disposal prices and neither does Casella!

- As far as we know, Casella has provided **no evidence, e.g., from a market study**, of how prices will be affected in the solid waste market whether Casella builds a new landfill in Dalton or not. Therefore, **to claim that prices will increase is highly speculative.**
- **Casella will find sites for expanding capacity** if and when the business opportunity is favorable. Whether it expands its capacity or not, Casella will, like every other for-profit business, charge its customers whatever the market will bear, irrespective of its costs.
- The claim that prices will go up is speculative given the only direct regional evidence we know of shows prices have gone down. **When Dalton switched recently from using Casella's NCES facility to the Mt. Carberry facility, its costs went down, not up.**

This fact has been confirmed by detailed cost analyses by the Dalton Select Board.

Our Conclusion: The evidence suggests that prices are just as likely--if not more likely—to go down as up for communities that might otherwise contract with Casella for solid waste disposal at a facility in Dalton. At a minimum, they will have the option to switch to the Mt. Carberry facility, which may result in lower total costs, even for those communities that are more distant and may incur slightly higher transportation costs.

7. Will HB177 Increase Carbon Emissions?

The claim: If HB177 is enacted, the proposed Dalton facility will not be eligible for permitting and therefore will not be built. Without a new landfill in Dalton, the distances waste-hauling trucks will travel from NH communities will increase, resulting in an increased carbon footprint for the state of NH.

Our Point of View: This analysis is flawed, at best.

- It assumes a new landfill in Dalton is the only option for NH communities, which we know is not true. **Some customers may end up using a facility that is closer than the proposed Dalton facility, which would likely result in reduced carbon emissions.**
- The claim is misleading because it focuses on NH's carbon emissions instead of the more appropriate metric of regional emissions, particularly since Casella says up to **half of Dalton's landfill capacity will be reserved for out-of-state trash.** The trash from states other than NH may be deposited in facilities less distant than Dalton would be, thus decreasing carbon emissions.

Our Conclusion: Casella's claim is flawed, as carbon emissions must be evaluated on a regional, not a state-wide basis. We believe the most likely scenario is that total regional carbon emissions will decrease if the proposed Dalton facility is not permitted due to HB177.

One further note is warranted here: it is ironic that Casella raises the issue of increased carbon emissions, given that Casella's permit applications and Traffic Study show the proposed route for trucks is as much as 26 miles longer than the most direct possible route. Casella has freely admitted to NH's Department of Transportation that it chose the proposed route so that its largest trucks bypass Littleton, a town with significantly more political clout than the towns along the proposed route. This shows little concern for carbon emissions—or social justice.

8. Is HB177 Needed Given NHDES' Authority?

The claim: There's no reason to legislate how far a landfill should be from a state park because NHDES rules are sufficient to protect state parks from environmental damage.

Our Point of View: There is lots of evidence that NHDES does not have the tools to protect our state parks from landfill impacts.

- **By its own admission, NHDES is under-resourced and understaffed.** This means key positions go unfilled, and as a result, project oversight is inadequate.
- **NHDES has not updated its solid waste management rules since 2003, despite a legal requirement to do so.**
- **NHDES' commitment to public input in its solid waste management program is less than clear,** given repeated expansions at Casella's NCEs facility despite strong public opposition, and a host of operational concerns.
- **NHDES has so far failed to require Casella to provide baseline data for its proposed Dalton site,** despite evidence from technical experts that it is absolutely critical.
- **It appears that NHDES has no regulations to distinguish between environmental impacts on virgin land or land adjacent to a state park, in contrast to environmental impact on land that is already spoiled or has less intrinsic value.**

Our Conclusion: This evidence demonstrates a regulatory gap that leaves our parks unprotected from the degradation of a nearby landfill. A reasonable conclusion is that developers come first, and the environment, public health and public opinion come second. HB177 obviously will not fix every problem with NHDES' regulation of landfills, but at least it can protect our state parks and their treasured legacy.

9. Is the 2 mile Buffer Arbitrary?

The Claim: A 2mile buffer is arbitrary, and was chosen in order to kill the project, not protect state parks.

Our Point of View: The choice of a 2 mile buffer is a reasonable compromise that is wholly supported by the facts. Forest Lake State Park is not only within 2 miles of the proposed landfill site; it is within a couple hundred feet. Under existing NHDES rules, a landfill can be placed as close as 100 feet from a state park, and 200 feet from a lake. We know of no sensible rationale for this.

- **Buffers** are commonly used in land use laws, zoning ordinances, and land use regulation; they **are arbitrary by their nature.**
- 2 miles is consistent with other states' laws. House testimony on HB177 pointed out that **11 states have created buffers of several miles to protect parks and public land from landfills.**
- The choice of a 2 mile buffer is underpinned by **air quality data from landfills across the country.** Odors and noxious airborne chemicals have a range up to 5 miles from a landfill. A 2 mile buffer in HB177 is essentially a compromise between 5 miles and the current 100 feet.
- A 2 mile buffer is also underpinned by scientific evidence of the speed of groundwater flow, given the difficulty of groundwater contamination detection and remediation. **A 2 mile buffer provides a reasonable amount of time to detect and remediate landfill liner leaks after they occur; the existing 100 foot buffer clearly does not.**

Our Conclusion: A buffer greater than 2 miles between parks and landfills is justifiable and is much less arbitrary than a buffer of 100 feet. HB177 sets the buffer at 2 miles as a compromise to protect state parks from the worst of environmental insults, while at the same time balancing the property rights of landowners and their neighbors.

Griffin Roberge

From: sarah doucette <sdoucette58@gmail.com>
Sent: Saturday, May 08, 2021 8:13 PM
To: Griffin Roberge
Subject: Fwd: HB177 Please vote YES—NH Parks Deserve Protection
Attachments: PastedGraphic-4.tiff

Mr. Griffin,

FYI — Below please find a letter forwarded at the request of Jim Doucette today to all Senators on the ENR Committee.

Thanks!

Sarah Doucette
for Jim Doucette

Sarah Doucette
sdoucette58@gmail.com
603.960.4268 cell
Whitefield, NH

Begin forwarded message:

From: sarah doucette <sdoucette58@gmail.com>
Subject: **HB177 Please vote YES—NH Parks Deserve Protection**
Date: May 8, 2021 at 7:44:08 PM EDT
To: Kevin.Avard@leg.state.nh.us, Bob.Giuda@leg.state.nh.us, James.Gray@leg.state.nh.us,
Rebecca.PerkinsKwoka@leg.state.nh.us, David.Watters@leg.state.nh.us
Cc: Jeb.Bradley@leg.state.nh.us, Donna.Soucy@leg.state.nh.us, Erin Hennessey
<erin.hennessey@leg.state.nh.us>

Greetings Chairman Avard and Senators of the Energy and Natural Resources Committee,

I write to you today **in support of HB 177** because it will protect all NH state parks from encroachment by landfills. I write to call attention to all the great state parks throughout New Hampshire. These **parks are land and waters that were set aside to be celebrated and enjoyed**, special places that would only be marred and polluted if a landfill was permitted to exist close by. Clean air and fresh, clear water, as well as healthy fish and wildlife, are key to these places and the experience they provide to their patrons, our citizens and visiting tourists. We should not trash these places, but **keep them safe and distant from any infrastructure or business that would negatively impact and detract from their grandeur and well being**. If and when additional landfill capacity in NH is needed, there are plenty of alternatives to a new landfill right next to a state park, alternatives that won't cause so much damage.

Landfills and state parks are not compatible land uses and should not be situated side by side. **Please consider how you or your family might feel** if a landfill moved in right next to your favorite swimming hole, the area where you like to exercise or where you walk your dog. Consider **how a dump nearby would impact the beach where you took/take your children, or your favorite fishing spot**. Think about how a state park in your district, or a popular state park like Monadnock, or Franconia Notch, or Hampton Beach would be irrevocably changed by a landfill next door. Landfills create noxious odors, risk contaminating surface water and groundwater, and are magnets for scavenger animals like seagulls. **This is not what we want for any of our NH state parks—they deserve better.**

I was lucky to grow up swimming and fishing in **Forest Lake**, skating and ice fishing in the winter. I went to **Pawtuckaway** with friends in the summer. I hiked throughout the Franconia Range, rock climbed at Echo Crag, and skied at Cannon. As a teenager, I **worked summers in Franconia Notch State Park**, selling ice cream and souvenirs underneath the profile of The Old Man of The Mountain before that visage fell. **We would never have put a garbage dump, full of New England's trash, under The Old Man of the Mountain's nose, right?** Right. And we shouldn't do so now, or ever.

These state parks are attractions, and nothing is less attractive than the ripe smell of hot garbage on the summer air, scattered litter, polluted water, and a thousand seagulls loitering and scavenging.

Please support HB 177 for the posterity and legacy of New Hampshire. Keep these attractions attractive, healthy, and safe, and at a distance from landfills.

Many thanks,

Jim Doucette

Whitefield, NH
Truckee, CA



doucettecreative@gmail.com
doucettecreative.com
207 739 9338

Griffin Roberge

From: Vic Stcyr <15bigbuck@gmail.com>
Sent: Saturday, May 08, 2021 9:11 PM
To: Kevin Avard; Bob Giuda; James Gray; Rebecca Perkins Kwoka; David Watters; Griffin Roberge
Subject: HB 177 I oppose the bill . Tammy StCyr 434 Blakeslee road Dalton NH.tammystcyr5@gmail.com

Griffin Roberge

From: Catherine Bushueff <agawamdesigns@gmail.com>
Sent: Sunday, May 09, 2021 8:13 PM
To: Kevin Avard; Bob Giuda; James Gray; Rebecca Perkins Kwoka; David Watters; Griffin Roberge
Subject: NH voter supports HB177 to protect NH Parks

May 9, 2021

To the New Hampshire Senate Energy and Natural Resources Committee

Dear Chairman Avard and Committee Members,

My introduction to New Hampshire was at a state park nearly 60 years ago. NH Parks hooked me on the Granite State and it is here where I moved and started a business in the 1970s.

***I strongly support HB 177*, a common sense measure to protect N.H. State Parks from landfill development near a park boundary.**

Our parks are among the state's most valuable natural resources, economically, environmentally, and culturally, and deserve this safeguard. Additionally, please think of the monetary and land investments that have gone into our parks and the businesses on which they depend. If the State does not preserve what is unique and what we value and hold out as special, who will?

The Public, the ultimate stewards of our parks, and the State should not assume the associated risks and costs: We know that landfills eventually leak and leach toxic chemicals into the groundwater. And landfills mar viewscapes, disturb wildlife, emit odors, and bring disruptive, heavy truck traffic to the area. When it comes to landfill proposals, we know that the permitting and oversight process will be insufficient to protect our parks and their natural resources.

I urge passage of HB 177.

Sincerely,

Catherine Bushueff
22 Ridgewood Road
Sunapee, NH 03782

Griffin Roberge

From: Adam Finkel <adfinkel@umich.edu>
Sent: Sunday, May 09, 2021 8:24 PM
To: Griffin Roberge
Subject: supplement to testimony for HB 177
Attachments: IMPORTANT NUMBERS TO REMEMBER WHEN VOTING ON HB 177.pdf

Dear Mr. Roberge:

I have signed up to give 3 min. of testimony at tomorrow's hearing on HB 177. Because of the short time each citizen is allotted, I've prepared a fact sheet that I will refer to in my oral remarks. Please make this available to the Committee.

I realize that there may be many others vying for time and I appreciate any opportunity to address the Senators, and would be happy to answer any questions any of them have during or after the hearing (at this email or by cell at (202) 406-0042).

I'll try to send my oral remarks by noon tomorrow-- still trying to further shorten them...

thanks and best regards,
Adam Finkel
[Dalton NH 03598]

Adam M. Finkel, Sc.D., CIH
Clinical Professor of Environmental Health Sciences
University of Michigan School of Public Health

Webpages: <https://sph.umich.edu/faculty-profiles/finkel-adam.html> ; <https://sites.google.com/site/afinkelarticles/> ; <http://lullaby-cd.adamfinkel.com/>

IMPORTANT NUMBERS TO REMEMBER WHEN VOTING ON HB 177

Adam M. Finkel, Sc.D. ♦ Dalton NH ♦ May 9, 2021 ♦ adfinkel@umich.edu

12,000: Currently, the land area of New Hampshire is 12,000 times the size of the maximum area we will need during the rest of this century to landfill solid waste.

11,000: If HB 177 passes, there will “only” be 11,000 times the land area we need for solid waste disposal remaining to choose among.

60%: Even when the “prevailing winds” blow mostly in one direction, about 60% of the time, citizens and environments in *other* directions are downwind of a nuisance or hazard. A circular buffer protects people in every direction.

21 days: At 9.5 feet per day (Casella’s own published estimate of the speed of groundwater flow at the proposed Dalton/Whitefield site), it would take 21 days for contaminated groundwater to reach Forest Lake State Park.

10 months: At 9.5 ft/day, it would take 10 months for contaminated groundwater from the Dalton/Whitefield landfill to reach Forest Lake.

20 months: At 9.5 ft/day, it would take 20 months for contaminated groundwater to reach the Ammonoosuc River.

6 months: Landfill operators are required to test groundwater migrating from their landfill only once every six months. So chemical pollution could reach a park or a lake even before the operator or the government knows about it, if the plume moves significantly during the interval between tests.

3 years: If HB 177 passes, it would take about 3 years for contaminated groundwater to traverse the new two-mile buffer zone. *It would still be incredibly expensive to detect and capture, but at least would be theoretically possible to do so. THIS is why the current 100/200 foot buffer is “arbitrary.”*

\$104,000: A home seller 800 feet from Forest Lake State Park had to drop its asking price 3 times (\$399K to \$295K), for a total of \$104,000 in lost value, after news articles appeared about the proposed landfill in 2019.

26 pages: The NH DES Code has 26 pages of detailed regulations about the design and operations of landfills.

1 ½ pages: The NH DES Code has barely 1.5 pages of guidance governing WHERE landfills can be located.

21 years: The NH DES Code still contains a 2-mile buffer between new landfills and existing airports, 21 years after the U.S Congress overwhelmingly passed a law forbidding any new landfill within SIX miles of an airport. This current provision, needless to say, violates federal law and should have been changed long ago. What else is unwise or outdated in those regulations?

1070 kilograms: According to Duke University researchers (*Water Research*, 122: 440-446, June 2017), a flock of ring-billed gulls attracted to a landfill in North Carolina deposit 1070 kg of phosphorus each year via their droppings into nearby Jordan Lake. Phosphorus is the main nutrient that can promote harmful algal blooms, which can sicken people and kill pets. (Note: Jordan Lake is farther from the Atlantic Ocean than any of NH's lakes are).

11 states: At least 11 other U.S. states require landfill setbacks, some of up to 6.25 miles, to protect various sensitive environments; at least two of them also prohibit new landfills within 75 miles of any existing landfill, presumably to share the harms/nuisances among communities.

100%: Every landfill ever constructed to date has leaked through all of its "protective" systems. The newest landfill technologies MAY last longer than 20-30 years, but they haven't existed for that length of time, so we can't possibly know that to be true.

Griffin Roberge

From: Michael Glazner <4mkglazner@gmail.com>
Sent: Sunday, May 09, 2021 8:39 PM
To: Erin Hennessey; Bob Giuda; Jeb Bradley; David Watters; Suzanne Prentiss; James Gray; Harold French; Ruth Ward; Denise Ricciardi; Jay Kahn; Gary Daniels; Kevin Avar; Cindy Rosenwald; Sharon Carson; Becky Whitley; Kevin Cavanaugh; John Reagan; Donna Soucy; Regina Birdsell; Lou D'Allesandro; Rebecca Perkins Kwoka; Chuck Morse; William Gannon; Tom Sherman
Subject: Vote YES on HB177

Your vote of **YES** on HB177, will be a vote to protect one of our 10 original state parks that is in jeopardy, right now, from a proposed landfill less than 200 feet from the park boundary. If constructed, the landfill would potentially threaten the park area with surface and groundwater pollution, traffic noise, and odor to name just a few.

Who would want to visit a state park with garbage odor, noisy trucks rumbling, or flocks of seagulls circling overhead from a nearby dump ground?

I visit that part of the north country often, and a landfill would be a devastating blow to that pristine area. And, your vote of YES will go well beyond saving a single park by also protecting all other NH state parks from being threatened by a landfill in the future.

With more than 9,000 square miles of land in NH, it makes no sense to allow the construction of landfills within the narrow confines of locations near any of our state parks. It is simply not necessary, and to do so would make for bad public relations... Welcome to NH, we believe in putting landfills next to our state parks. Enjoy the smell – fresh from out-of-state garbage.

A vote of YES on HB 177 will send a clear message that you believe in the NH way of life, and that you stand to keep garbage from being dumped near our prized parks that attract thousands of visitors who bring in critical tourism revenue every year. A vote of YES sends a message that you never want to see a mountain of trash near our state parks. You only want to see views of the White Mountains.

Please take a stand for our quality of life in NH. I urge you to vote **YES** in support of HB177.

Respectfully,

Michael Glazner
Concord, NH

Griffin Roberge

From: Nina Webb <info@sg.actionnetwork.org>
Sent: Sunday, May 09, 2021 8:51 PM
To: Bob Giuda
Subject: [BULK] Please support HB177 and protect our state parks from encroaching landfills

Bob Giuda,

Hello Senator,

Thank you for representing the people and taking the time to read my statement about the state parks of New Hampshire.

I feel incredibly lucky to be from the White Mountains of NH. Let us not be branded by the mountains of trash but by the mountains that bring us our cool air, fresh water, adventure, and awe that folks travel near and far for.

I may be young, 22, but I think most of us do not understand what we truly have here; to live in a place that offers invaluable resources that are given to us for free; from these mountains. Protected by the fragile ecologies that line the waterways; cleaning and purifying the water as it cascades down the mountains and flows through our towns under covered bridges, and along River Walk Districts that tourists flock to daily.

I'll be damned if the folks voting tomorrow think that a short-term profit is worth a dead-end for the white mountains of New Hampshire. It is a bad deal.

These privatized landfills prioritize their pockets; not the states. In fact, this company in particular, Casella, makes their money by hauling out of state trash to our backyards. New Hampshire is not in dire need for new landfills; we have two that have known capacities to last until 2050. This proposed landfill is a bad deal for the state of New Hampshire based on fear that we are running out of space.

If landfills invade state park habitats, animals such as bears, birds, and rodents will find their way into our communities and disrupt the coexisting system. Our water resources will suffer greatly resulting in depletion. New Hampshire will have toxic dumps to clean up for generations; investing much more than we initially needed to, with no way to pay for it as our

tourism economy will be depleted. Our once beautiful pristine woods will be tainted and permanently changed for good.

Our water aquifer starts here and our duty to protect it starts here. We have planted our roots in the white mountains and have survived because of the great outdoors. Tourism is how we thrive; The people leave the cities full of pollution to escape it. And now it is our duty to protect our resources. To ensure for generations to come that they will have protected water sources, forests, and a protected economy for tourism. Thank you for your time, let us find long-term solutions, together, that will not destroy our only chance at tomorrow.

Nina Webb
Bethlehem, NH

Nina Webb
ninar.webb@gmail.com
293 west forest lake rd
Bethlehem , New Hampshire 03574

Griffin Roberge

From: Dave Leonard <Nh_mountainman@live.com>
Sent: Sunday, May 09, 2021 9:35 PM
To: Bob Giuda; James Gray; Rebecca Perkins Kwoka; David Watters; Griffin Roberge; Kevin Avard
Subject: Opposing hr 177

My name is David Leonard, I am a resident of Whitefield, NH. I was born in Littleton and grew up in Lancaster. I spent many days at my uncle's camp on Forest Lake and have fond memories of the lake. I oppose HB177, because I believe it is being pushed for one reason. That reason is to stop the Dalton landfill project.

The supporters of this bill have a couple talking points that don't hold water in my mind. First is they don't want out of state trash dumped beside forest lake. If this was their true concern, why does HB 177 not restrict out of state waste? It does nothing to control the flow of out of state waste into New Hampshire.

Second thing they have been saying there's enough capacity in the state of New Hampshire and 9,000,000 acres of land in the state of New Hampshire it doesn't have to be in Dalton. An excerpt from the State of New Hampshire Department of Environmental Services (DES) biannual report back in 2019 says different.

"Based on a review NHDES predicts a limited shortfall in disposal capacity between 2025 and 2034, ranging between about 20,000 and 120,000 tons per year. In 2034, assuming that TLR-III Refuse Disposal Facility in Rochester, NH closes, the Wheelabrator Concord Company L.P. waste-to-energy plant in Concord, NH remains operational, and there are no changes in current solid waste diversion rates, the state will experience a shortfall in disposal capacity of about 1.35 million tons per year thereafter.

Although some landfills may have physical space to accommodate future expansions, NHDES' projections do not consider hypothetical capacity, but are based solely on permitted capacity as of the date of this report. As disposal facilities seek approvals for additional permitted capacity, the projections made herein are subject to change.

As you see New Hampshire DES says different. About the acreage in the state of New Hampshire this is also a deceptive claim. First of all about 3,800,000 acres of that is lakes and bodies of water. That immediately removes that from the equation. The 3.8 million acres of water get a 200 foot buffer. For just Lake Winnepesaukee alone would eliminate over 6900 acres. There are about 800,000 acres of national forest, 221 state forests for another 300,000 plus acres, also 95 stateparks. Then take out the 30 airports that require a minimum of 5,000 foot buffer, 10,000 feet for an airport that services jets. That would remove well over a million acres. With 4814 miles of highway in nh and needing a 300-foot buffer would eliminate another 350,000 acres. Then there's the class 3 and 4 roads would eliminate another 276,676 acres. There is a required buffer of 500 feet from any residential property, that would eliminate the larger population centers of the state. There are restrictions already in place, these to not include geographical restrictions, the sides of mountains or access issues.

There's another issue if HB177 is approved, the cost of waste removal. Right now NCES takes in estimated 800 tons a day from three substations in the state. This material has to go somewhere, its my understanding that NCES is closing in 2026. I'm also concerned about the cost to our elderly residents in the north country, who are on fixed incomes. My 83 year old mother currently pays \$8 per week, that could double. Transportation costs will skyrocket. To have to send the north country's waste out of state would be extremely costly to the residents and municipalities.

David Leonard
Whitefield resident

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Griffin Roberge

From: Katie Lajoie <jlje2316@gmail.com>
Sent: Monday, May 10, 2021 6:23 AM
To: Griffin Roberge
Subject: HB 177

Dear New Hampshire State Senators,

I am requesting your support for HB 177 [*prohibiting the siting of a landfill near a state park*].

Kudos to the residents of Dalton, NH who are saying no to a proposal that would put a massive landfill near Forest Lake State Park. Their efforts help protect all of us who are working to manage resources in a way that does not divide communities and threaten our air and water.

Your support for HB 177 shows you understand what is at stake for all New Hampshire residents. The time is long past due to make waste reduction a state priority. New Hampshire can be a model for how to manage valuable resources in the modern age.

Sincerely,
Katie Lajoie
429 Wheeler Rand Road
Charlestown, NH 03603
603-826-4803

HB 177 http://gencourt.state.nh.us/bill_status/Results.aspx?q=1&txtbillnumber=hb177&txtsessionyear=2021

Griffin Roberge

From: Matt Leahy <mleahy@forestsociety.org>
Sent: Monday, May 10, 2021 6:53 AM
To: Kevin Avard; Bob Giuda; James Gray; Rebecca Perkins Kwoka; David Watters; Griffin Roberge
Cc: Griffin.Roberge@leg.state.nh.us.
Attachments: HB 177 testimony-Senate Energy-5-10-2021.pdf

Members of the Committee: Please find attached testimony from the Forest Society in support of HB 177. Thank you.

Matt Leahy, Public Policy Manager
Society for the Protection of NH Forests
54 Portsmouth Street
Concord, NH 03301
mleahy@forestsociety.org
603-224-9945, ext. 355
603-731-8455



May 10, 2021

54 Portsmouth Street
Concord, NH 03301
Tel. 603.224.9945
Fax 603.228.0423
Info@forestsociety.org
www.forestsociety.org

The Honorable Kevin Avar, Chairman
Committee on Energy and Natural Resources
New Hampshire Senate
The State House
Concord, NH 03301

Dear Mr. Chairman and Members of the Committee:

Thank you for this opportunity to express the Society for the Protection of New Hampshire Forests' support for House Bill 177, legislation proposing to prohibit the siting of new landfills near state parks.

One of New Hampshire's distinguishing traits is the State's deep natural beauty. This landscape, especially the forests and lakes, contributes to the environmental and economic health and well-being we enjoy. The protection and conservation of these open spaces is the result of a diverse partnership of public agencies, non-profit organizations and private citizens. We view the intent behind HB 177 as part of the State's responsibility to steward these natural resources for the long-term public good of all the residents of New Hampshire. Therefore, we wish to thank the bill's sponsors for their introduction and support of the bill.

Furthermore, as you know, in 2019 the Committee to Study Recycling Streams and Solid Waste Management in New Hampshire (HB 617 Study Committee) extensively studied how the State can better manage its solid waste stream. The Committee noted that state law (RSA149-M) established a hierarchy of solid waste disposal solutions. The priority approach to this challenge is to reduce the amount of waste the State produces. The least preferred method is to dispose of it in landfills.

As the Committee considers HB 177, the Forest Society would also urge you to review the HB 617 Study Committee Report, particularly the report's recommendations. While the report makes clear the issue of solid waste management is complex, it also notes on page 7 that "land used for disposal has other worthwhile uses" and that "most solid waste, including much plastic, construction and demolition debris and innumerable other types of waste, remain entombed in perpetuity". Therefore, we hope the State will put in place policies which reduce the need for new landfills.

By incorporating such strategies, the State will better able to protect not only our state parks but the other special places which help to define New Hampshire. Thank you again for accepting this testimony.

Sincerely,

Matt Leahy, Public Policy Manager
Society for the Protection of NH Forests

Griffin Roberge

From: Greg Odell <gobuild@together.net>
Sent: Monday, May 10, 2021 7:11 AM
To: Griffin Roberge
Cc: Greg Odell
Subject: HB177 support

Hello Griffin,

Just a quick email asking for the support of HB177 in the State Senate Committee today.

What great forethought we have had over the years to set aside and protect lands for future generations to enjoy. HB 177 is necessary legislation to continue and improve our ability to protect the value that the State Parks bring to all of New Hampshire's people and the guests that come here to see and enjoy this part of New England. The tourism "industry" already has a significant impact on our financial well being here for the State and its citizens. There is great potential to continue to grow the value of tourism in the state and with that we need to do all we can to protect those places that will prove to have value and provide beautiful, clean and "natural" experiences for both our guests and those of us who live here in this fine state.

Respectfully submitted, Gregory Odell
434 Harriman Rd
Dalton NH 03598

Griffin Roberge

From: Nancy Comeau <nbcomeau419@gmail.com>
Sent: Monday, May 10, 2021 7:25 AM
To: Erin Hennessey; Bob Giuda; Jeb Bradley; David Watters; Suzanne Prentiss; James Gray; Harold French; Ruth Ward; Denise Ricciardi; Jay Kahn; Gary Daniels; Kevin Avard; Cindy Rosenwald; Sharon Carson; Becky Whitley; Kevin Cavanaugh; John Reagan; Donna Soucy; Regina Birdsell; Lou D'Allesandro; Rebecca Perkins Kwoka; Chuck Morse; William Gannon; Tom Sherman
Subject: HB177 May 10, 2021

Hello Senate Energy and Natural Resources members,

My name is Nancy Comeau. I live in Dalton NH and am the Chair of the Dalton Conservation Commission.

Please vote yes to HB177. Our State Parks were created because they are the "gems" of our state and are enjoyed by local folks and visitors from afar. I am sure most of you have enjoyed a day in one of our parks with family or friends so you know their value and beauty.

As a New Hampshire resident I want to believe that my legislators are also concerned that our natural resources could be threatened by our own thoughtless consideration of the value of these parks.

It cannot be overstated that these parks need to be protected. Without a yes vote on HB177 we are relinquishing these parks to development for our own unconscionable reasons.

Please vote YES to HB177.

Respectfully,

Nancy Comeau




ReplyForward

Griffin Roberge

From: Dana Nute <dnute@resilientbuildingsgroup.com>
Sent: Monday, May 10, 2021 8:41 AM
To: Griffin Roberge
Subject: HB177 letter
Attachments: ltr HB177 to Senate Committee.pdf

Please see attached a letter on HB177 to the Senate Committee

Dana Nute
President
Resilient Buildings Group, Inc.
6 Dixon Avenue, Suite 200
Concord, NH 03301
603-226-1009
dnute@resilientbuildingsgroup.com
www.resilientbuildingsgroup.com

 *Please consider the environment before printing*

Hello Senators:

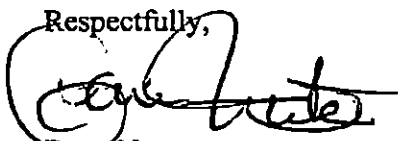
I am the 3rd generation owner of property on Forest Lake in Whitefield. Our families enjoyed 1400' of shore frontage and clean water since the 1800s. The camp (Sears kit 12'x12') was first erected in 1905. Since then, there has been additions, electricity, running water, and a road. My Dad had to row a boat for access until the 50s. Casella now wants to put a landfill abutting the State Park. This request is not just for Forest Lake State Park but for all our NH State Parks. I am finding it difficult to understand why anyone would want to allow a landfill to be built near our precious parks.

I urge you to support HB177, a bill that would prevent the siting of landfills within two miles of state parks. Now more than ever, we must protect our valuable green spaces from the threat of pollution.

Specifically, I urge you to vote YES on the motion ought to pass, and then YES on the bill itself.

As New Hampshire residents, we depend on you as legislators to protect our health and environment, as well as OUR property rights, from the nuisance posed by siting a landfill within 2 miles of a state park, so I ask you to vote YES to overturn the ITL on HB177, YES on the motion ought to pass, and then YES on the bill itself.

Respectfully,

A handwritten signature in black ink, appearing to read 'Dana Nute', written over a circular stamp or mark.

Dana Nute

President, Resilient Buildings Group, Concord NH

Griffin Roberge

From: Ginny Jeffryes <drginnyjeff@hotmail.com>
Sent: Monday, May 10, 2021 8:46 AM
To: Kevin Avard; Bob Giuda; Rebecca Perkins Kwoka; James Gray; David Watters
Cc: Griffin Roberge; Erin Hennessey; Ginny Jeffryes
Subject: Franconia Conservation Commission supports HB 177 - Prohibiting the siting of a landfill near a state park

Dear Members of the NH State Senate Committee on Energy and Natural Resources,

Please accept the following as testimony for this afternoon's Committee hearing on HB 177. As the secretary of the Franconia Conservation Commission, I am emailing to you our Commission's unanimously affirmed resolution from our meeting of 4-28-2021, at which all 7 members were in attendance:

"We, the Franconia Conservation Commission, resolve to support HB 177, which prohibits the siting of new landfills within 2 miles of any NH State Park."

Virginia Jeffryes, Secretary
Chris Nicodemus, Chair
Jill Brewer, Member representative from Select Board
Mary Grote, Member representative from Planning Board
Red McCarthy
Mark Ober
Art Daily

Griffin Roberge

From: David Creer <dcreer@biaofnh.com>
Sent: Monday, May 10, 2021 9:04 AM
To: Griffin Roberge
Subject: HB177 Testimony
Attachments: HB177 Senate Testimony.pdf

Hi Griffin,

Attached is written testimony for today's hearing on HB177.

Thanks,
Dave

David J. Creer
Director of Public Policy



603-224-5388 x112 | (m) 603-931-2444
dcreer@BIAofNH.com

122 North Main Street, Concord, NH 03301

BIAofNH.com

Check out BIA's [COVID-19 Information & Resources for Employers](#) packed with targeted information and resources for employers and employees.



BUSINESS & INDUSTRY ASSOCIATION
New Hampshire's Statewide
Chamber of Commerce

Testimony of David Creer
Business & Industry Association
HB 177
Senate Energy and Natural Resources Committee
May 10, 2021

Dear Members of the Senate Energy and Natural Resources Committee, I'm David Creer, director of public policy for the Business and Industry Association (BIA), New Hampshire's statewide chamber of commerce and leading business advocate. BIA represents more than 400 members in a variety of industries. Member firms employ 89,000 people throughout the state, which represents one in seven jobs, and contribute \$4.5 billion annually to the state's economy.

BIA opposes HB177 due to the detrimental effect it would have on costs for businesses. By prohibiting new or expanded landfills within two miles of state parks, the state would be restricting the availability of landfills for waste disposal. As availability of landfills decrease, disposal costs will increase for businesses.

This concludes my testimony and I am happy to address any questions from the committee.

Griffin Roberge

From: E Johnson <erik@ejohnson.net>
Sent: Monday, May 10, 2021 9:09 AM
To: Griffin Roberge
Subject: Written testimony for HB177 in Senate Energy and Natural Resources at 1:00 today

Dear Senators and Energy and Natural Resources Committee

As you consider and research background for HB177, please take 20 seconds to Google search "[landfill odor 2020](#)" (or click that link which will do the same thing for you).

What you'll find are dozens of pages, each page containing a dozen or more references to the problem of landfill odors across the country, just from the last 15 months. There are hundreds of well documented news articles, online discussions, and lawsuits related to just this one impact of landfills on surrounding communities.

Despite what waste management companies say about their state-of-the-art mitigation efforts, what real world experience teaches us is that there is no way around the problem of landfill stench which extends for miles.

Because we live in an imperfect world, landfills are a necessary evil. But we must be mindful of where we put them. At least 11 other states have realized this and have enacted legislation to better control where landfills are sited, especially around natural resource treasures such as parks, knowing that the priorities and criteria used by waste management companies can conflict with priorities for state, residential and tourism economic benefit.

Without doubt one of New Hampshire's top priorities and economic drivers is tourism. Also without a doubt is that the State Park system's contribution to the state's economic and environmental benefit.

Logic dictates that the impacts of landfills directly competes with and WILL WIN over the benefit of a nearby state park. Allowing the siting of a landfill next to a state park WILL significantly degrade or even eliminate the attraction of that park as odors, blowing trash, and hovering scavenger birds occur.

We need a better buffer around our state parks. Doing otherwise sends a clear message that we prioritize the economy of trash over the economy of tourism.

Please support HB177 in committee, through the senate and to the governor's desk.

Thank you,

Erik Johnson
Dalton, NH
erik@ejohnson.net

Griffin Roberge

From: The Dalton Gang <tdg2@earthlink.net>
Sent: Monday, May 10, 2021 9:20 AM
To: Kevin Avard; Bob Giuda; James Gray; David Watters; Rebecca Perkins Kwoka; Griffin Roberge
Subject: HB177 - Please note that I am opposed to this Bill
Attachments: HB177 Dalton relationship.odt

Hope that this works.
Many, many tries.
Donald Mooney

Respective Greetings to all,

My name is Donald Mooney and I was born in Dalton, NH on November 25, 1937.
My Grandparents & Parents lived most of their lives in Dalton so I have a long and very beneficial relationship to Dalton.

I grew up in Dalton, went to Grade School in Dalton and High School in Whitefield, NH.

Upon graduation (1957) I joined the US Air Force.(4 yrs). Then transferred to the NH Army National Guard(6 yrs) attended OCS and obtained the rank of 2nd Lt. Stationed at the Littleton Armory where I served as 2nd in command.

In 1958 I married my present wife of 62 years.

My wife & I have been blessed with two great daughters. One of whom has lived in Dalton for about 20 years.

In 1975 we had a home built in Dalton and have lived here ever since.

Over the years I have worked in many fields: Aviation, Shoe Shops, Paper Mills and Retail.

This has given me the opportunity to reside in many States : NH, CT, MA, NY, TX, WYO & CALF.
And to meet & work with many types of people. All a plus.

The previous dialog was an effort to establish some form of credibility with you so that what I am about to indicate has some relevance.

I am very much against HB 177 because I feel that it is a real threat to Property Rights.

Not only for the citizens of Dalton but for any citizens in any community in the State that tries to have some control over the property that they own and pay taxes on.

I would sincerely appreciate any effort on your part to defeat HB177.

Donald Mooney

Griffin Roberge

From: Beauchesne, Suzanne <Suzanne.E.Beauchesne@des.nh.gov>
Sent: Monday, May 10, 2021 10:04 AM
To: Kevin Avard; Bob Giuda; James Gray; Rebecca Perkins Kwoka; David Watters; Griffin Roberge
Cc: Edith Tucker; dennis@nnefs.com; Larry Laflamme; William Hatch; Tim Egan; Erin Hennessey; Wimsatt, Mike
Subject: HB 177 Letter of Testimony
Attachments: HB 177 LOT - Landfills near State Parks 051021.pdf

Dear Chairman Avard and Members of the Committee:

Attached is a letter of testimony from the NH Department of Environmental Services on HB 177, an act prohibiting the siting of a landfill near a state park, and as amended by the House. Should you have questions or need additional information, please feel free to contact Mike Wimsatt, Waste Management Division Director (michael.wimsatt@des.nh.gov, 271-1997). Thank you. Suzanne

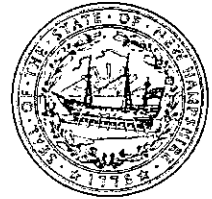
Stay Safe! Be Well!

Suzanne Beauchesne
Assistant to the Commissioner
NH Department of Environmental Services
29 Hazen Drive, PO Box 95
Concord, NH 03301
Phone: (603) 271-3449
Fax: (603) 271-2867
Suzanne.Beauchesne@des.nh.gov

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The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

May 10, 2021

The Honorable Kevin Avard
Chairman, Senate Energy and Natural Resources Committee
State House, Senate Chamber
Concord, NH 03301

RE: HB 177, An Act prohibiting the siting of a landfill near a state park

Dear Chairman Avard and Members of the Committee:

As requested, I am writing to provide information that may be of assistance to committee members as they consider HB 177 as amended by the House. This bill would prohibit the New Hampshire Department of Environmental Services (NHDES) from issuing permits for a new landfill, if any part of the actual solid waste disposal area is proposed to be located within two (2) miles of the boundary of any state park. NHDES is not taking a position on this bill and did not provide testimony during the House Environment and Agriculture Committee's hearing on the bill. However, NHDES staff did listen to testimony provided during the hearing, and heard several issues of concern relative to siting of a landfill near a state park. I am writing now to provide information about how those issues are addressed at operating landfills under the NH Solid Waste Rules (Rules) and under permits issued by NHDES, as well as a brief description of the public benefit determination that NHDES must make before granting approval of an application, in order to assist your committee with its deliberations on the bill.

After listening to testimony on the bill, NHDES identified issues that can be grouped into two overarching topics relative to potential off-site impacts from landfill operations that were raised by witnesses at the hearing and that are addressed by NHDES' regulatory program for landfills. These topics are nuisance conditions (e.g., odors, noise, vectors, litter) and groundwater and surface water contamination.

First, witnesses expressed concerns about the potential impact of nuisance conditions such as odors, litter, vectors (e.g., birds), and noise, on off-site properties. NHDES acknowledges that almost any facility that handles solid waste has the potential to be a source of nuisance conditions. The Solid Waste Rules include multiple specific requirements that limit the potential for odors and other nuisance conditions from landfills, in addition to the requirement in Env-Sw 1005.01, *General Operating Requirements*, that solid waste facilities "...be operated and maintained in a manner that controls to the greatest extent practicable" nuisance conditions. Common control methods include:

- applying daily and intermediate cover over waste;
- limiting exposed waste during filling operations to the smallest area practicable;
- installing litter fences and policing the surrounding areas for windblown litter;
- installing and operating a landfill gas collection and control system;
- conducting periodic landfill cover integrity checks and surface emission monitoring;

www.des.nh.gov

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The Honorable Kevin Avard
Chairman, Senate Energy and Environment Committee
May 10, 2021

- rejecting odorous wastes;
- requiring odorous wastes be treated prior to arrival at the facility;
- using odor neutralizing products or misting agents;
- limiting operations to between the hours of 6 am and 6 pm;
- using static alarms on equipment; properly maintaining equipment, from construction and compaction equipment to landfill gas collection, control and destruction (e.g., flare) systems;
- implementing a bird depredation program.

In addition, the Rules require permittees to report and respond to complaints of recurring or persistent nuisance situations such as noise, litter, odor, dust or vectors.

Second, witnesses expressed concerns about the potential for contamination of groundwater and surface water from landfill operations and management of leachate. A proposed landfill site must undergo rigorous hydrologic and hydrogeological evaluations to ensure that the proposed facility location meets siting criteria, and to ensure that surface and groundwater conditions are well understood and the fate and transport of any potential contamination can be predicted. The Solid Waste Rules require that landfills be designed and constructed with two synthetic liner systems, each of which has its own leachate collection system. Leachate collection systems are designed to rapidly move leachate off of the liner, and collect it for proper disposal at an authorized treatment facility. Liners and leachate collection systems are required to be monitored and maintained throughout the operating life of the landfill, and during the closure and post-closure periods. Further, landfill permittees are required to obtain and comply with a Groundwater Release Detection Permit under Env-Or 700, which requires the permittee to monitor groundwater quality in the vicinity of the facility. If a release is detected, groundwater monitoring intensity is immediately increased, and appropriate actions are required to identify and remedy the source of the release. All of these systems and requirements are designed to ensure that both groundwater and surface water resources near the landfill are protected.

In addition, I would like to take this opportunity to provide a brief description of the public benefit requirements of NH's Solid Waste Management Act. In order to approve a permit application, NHDES must determine that a proposed solid waste facility provides a substantial public benefit, based upon the three criteria in RSA 149-M:11,III(a) through (c), as follows:

- (a) "The short- and long-term need for a solid waste facility of the proposed type, size, and location to provide capacity to accommodate solid waste generated within the borders of New Hampshire....;"
- (b) "The ability of the proposed facility to assist the state in achieving the implementation of the hierarchy and goals (identified in the statute);"
- (c) "The ability of the proposed facility to assist in achieving the goals of the state solid waste management plan, and one or more solid waste management plans submitted to and approved by the department...."

The applicant must demonstrate in its application that the proposed facility satisfies all three of these criteria, in order for NHDES to determine that it provides a substantial public benefit.

The Honorable Kevin Avard
Chairman, Senate Energy and Environment Committee
May 10, 2021

Thank you again for the opportunity to provide this information regarding NHDES' regulatory program for solid waste landfills. We trust that it will be helpful to the committee as it deliberates on HB 177. Should you have questions or need additional information, please feel free to contact Mike Wimsatt, Waste Management Division Director (michael.wimsatt@des.nh.gov, 271-1997).

Sincerely,

A handwritten signature in black ink, appearing to read "Robert R. Scott", with a long horizontal flourish extending to the right.

Robert R. Scott
Commissioner

cc: Sponsors of HB 177: Representatives Tucker, Egan, Hatch, Thompson, Laflamme; and Senator Hennessey

Griffin Roberge

From: Leon H. Geil <lgeil@myfairpoint.net>
Sent: Monday, May 10, 2021 11:02 AM
To: Griffin Roberge
Subject: HB-177

Honorable Senator Griffin:

We are writing in support of HB 177. It is felt that this Bill is definitely needed to protect our State Park System.

I (Leon) have several years of experience with the closure, sighting, design, construction and operation of landfills in NH and must say, you do not locate landfills near a public park or any public facility. In the Dalton case, next to Forest Lake State Park (park), the park can anticipate sea gulls and unwanted wildlife in addition, since the winds are predominately from the west-southwest and the park is located east-northeast of the proposed landfill, it is expected that the park will also experience odors as well as blowing trash.

It will also have a devastating effect on property values. This can be proven by looking at other landfill location. Case in point is the Waste Management Landfill in Perinton, NY.

We do hope the Bill passes both the House and Senate and eventually Signed by the Governor, it is badly needed.

Respectfully Yours:
Leon & Sharon Geil
Whitefield, NH.
lgeil@myfairpoint.net

Griffin Roberge

From: Judith Spang <judith@kestrelnet.net>
Sent: Monday, May 10, 2021 11:02 AM
To: Griffin Roberge
Subject: Testimony on HB 177

Chairman Avar and Committee,

I have served on the House Resources, Recreation and Development Committee for 20 years, developing the best policies for our natural and public recreational resources.

I've seen that sometimes those of us who do not use our parks are unaware of how important they are to the people of NH who have little other access to outdoor experiences. Not to mention the tourist dollars!

With thought, it is self-evident that we in the Legislature should be extremely protective of our parks.

There are numerous places to site landfills, with their odors, noise, heavy truck traffic and eventually unsightly mountain of waste. Private commercial gain as a justification for threatening our irreplaceable public resources just doesn't carry water.

Please support this moderate and sensible HB 177.

Respectfully,
Representative Judith Spang

Sent from my iPhone

Griffin Roberge

From: Jason Woodard <jwoodard@mrbults.com>
Sent: Monday, May 10, 2021 12:08 PM
To: Griffin Roberge
Subject: HB 177 - NH Senate Testimony
Attachments: HB- 177 Bill.pdf

Dear Mr. Roberge,

My name is Jason Woodard and I am the Regional Manager for New England at Mr. Bult's, Inc, or as it is more commonly known MBI, the largest provider of long-haul waste transportation in North America. Jim Bult started our company in 1980 with one truck and today we have more 1,300 trucks and 49 terminals throughout the country. We employ close to 50 people in the state of New Hampshire.

We are opposed to HB177.

Please consider my attached written Testimony.

Kind Regards,

Jason Woodard
Mr. Bult's, Inc.
New England Regional Manager
261 Keltan Heights
Waterbury Center, VT 05677
802-793-3844 (Cell)
802-244-7601 (Fax)
jason.woodard@mrbults.com | www.mrbults.com

May 10, 2021

Senator Kevin Avard, Chair
Senate Energy and Natural Resources Committee
State House, Room 115
107 North Main Street
Concord, NH 03301

Re: Comments HB 177 – An ACT prohibiting siting of a landfill near a state park

Dear Chairman Avard:

My name is Jason Woodard and I am the Regional Manager for New England at Mr. Bult's, Inc. (MBI) the largest provider of long-haul waste transportation in North America. Jim Bult started our company in 1980 with one truck and today we have more 1,300 trucks and 49 terminals throughout the country.

We employ close to 50 people in the state of New Hampshire and we are opposed to HB-177.

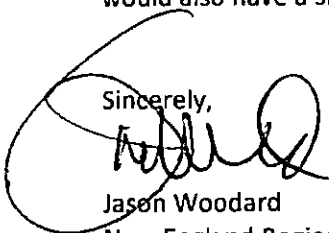
Our operations enable modern waste management to function. We no longer have a "dump" in every town, and for good reason. This means that waste must be transported longer distances, and our company takes great pride in doing so responsibly and safely.

Should this legislation come to pass a majority of the hardworking men and women of our company who service the businesses and residents of New Hampshire would face significant challenges. Chief among them would be the uncertainty of their employment status. Without a disposal site in the North Country we would likely be forced to close our Northern New Hampshire shop, resulting in the loss of work for close to 20 people.

I would also like to remind this committee of the positive economic impact our company, and companies like ours, have on the local businesses and infrastructure outside of the waste industry. We purchase fuel, food, truck parts and more throughout the state as part of our daily operations.

The waste and transportation industries are already two of the most tightly regulated in the state. This new legislation would do very little that is not already accomplished through existing regulation and would also have a significant ripple effect that I urge you to consider that before deciding your vote.

Sincerely,



Jason Woodard
New England Regional Manager
Mr. Bult's, Inc.

cc Senator Bob Giuda, Vice Chairman
Senator Rebecca Perkins Kwoka
Senator James Gray
Senator David Watters

Griffin Roberge

From: Adam Finkel <adfinkel@umich.edu>
Sent: Monday, May 10, 2021 12:20 PM
To: Griffin Roberge
Subject: testimony (HB 177)
Attachments: AM FINKEL testimony to Senate ENR committee May 10.pdf

With apologies for the late hour, please try to put this in front of the Committee today-- I will of course excerpt from this in my 3 minutes when called upon. Thanks!

Adam M. Finkel, Sc.D., CIH
Clinical Professor of Environmental Health Sciences
University of Michigan School of Public Health

Webpages: <https://sph.umich.edu/faculty-profiles/finkel-adam.html> ; <https://sites.google.com/site/afinkelarticles/> ; <http://lullaby-cd.adamfinkel.com/>

TESTIMONY TO THE SENATE ENERGY AND
NATURAL RESOURCES COMMITTEE IN SUPPORT OF HB 177

Dr. Adam M. Finkel, Dalton, NH (adfinkel@umich.edu; (202) 406-0042)
May 10, 2021

I have a unique combination of expertise that I hope you will make use of in your deliberations. I am at your disposal (no pun intended) at any time by email or cell to answer any questions you may have about the science, economics, law, or policy surrounding this bill; I have taught at schools of medicine, public health, economics, law, and policy over the past 35 years. For 12 years I was a top-level appointee in a federal health and safety regulatory agency (OSHA) under Presidents Clinton and GW Bush, and a former member of the EPA's highest-level Science Advisory Board. I've co-authored two books about how regulatory agencies can improve to become "best in class."

Pardon my bluntness due to the short time allotted, but please let me begin by challenging the very few and very narrow special interests opposing this bill to rebut a single word of my testimony and the references backing it up; they won't, because they can't. In 3 minutes, all I can do is make six clear statements about why this bill has far more benefits than costs, is scientifically and economically long-overdue, is absolutely legal and Constitutional, and is your job and no one else's to enact. I will excerpt from these remarks, and I've already provided you with a short list of "important numbers to remember about this bill."

1. *Two miles is too close for comfort, but at least it fixes a glaring mistake in the DES Code.* In my written submission, I provide scholarly references for: (1) other states with larger buffers; (2) distances of odor complaints; (3) epidemiology of disease by miles from a landfill; and (4) articles about how bird droppings can turn a healthy lake into one plagued by frequent harmful algal blooms. But the most important consideration is groundwater flow; you need to think of the buffer not in units of feet or miles, but units of time—weeks, months, years. Casella has already estimated in one of its partial permit applications that groundwater moves at up to 9.5 feet/day at its proposed Dalton site. So the 175 feet to FLSP could be traversed in 3 weeks when (not if) the landfill will leak in the future. The 2800 feet to FL in less

than a year; the 1.1 miles to the Ammonoosuc River in less than 2 years. Small comfort when they are only required to test groundwater for contamination every six months. At least a two-mile buffer would give about 3 years lead-time—not **nearly** enough to find and fix, but time to get ready.

I've heard that we don't know exactly what the magic number is. I agree that when, for example, setting a state-wide speed limit for interstate highways, it's "arbitrary" whether you would pick 64, or 65, or 66 mph. **But please understand that because of a long-ago mistake in the state Code, the current "speed limit" here is the equivalent of 6,500 mph!** Any sensible number would be far less arbitrary than what your constituents will continue to deal with if you fail to act.

2. *Separating incompatible uses is not rocket science, not "zoning," and not a "slippery slope" to anywhere.* The list of things you can't do or build anywhere near a military base is longer than this testimony. And it's crazy to suggest that if the Senate decides that landfills and parks shouldn't abut each other, that the next step must be "no libraries near schools" or some other straw man. We can count on you to reject silly proposals like that would be.

3. *DES needs direction that only you can provide.* DES has not even complied with the 6-mile buffer between new landfills and airports that the US Congress passed overwhelmingly 21 years ago (DES still has a 2-mile buffer in its code). As detailed as the DES rules for designing and operating landfills might be (they take up 26 pages in Env-Sw §805 and 806), *the entire section on siting, the "WHERE" part, is only 1 and a half pages long.* **DES needs more guidance on what few kinds of applications they simply shouldn't waste their time and our money considering, and only the Legislature can do that.** When I helped run a regulatory agency, we *welcomed* guidance from Congress that gave us room to write detailed specification standards within a *policy* framework. Only you can set the policy.

4. **Taking 9% of our land out of circulation will have ZERO impact on supply of landfills or disposal costs.** The interstate landfill company keeps saying the sky will fall “IF no landfills can be permitted.” But that’s a despicably false caricature of the actual bill you are voting on. It says that no landfills can be permitted in the 9% of the state’s land area that is arguably the most vulnerable. Would you laugh someone out of a hearing who said that “not allowing liquor stores next to grammar schools will bankrupt the liquor industry?” I hope you would.

My colleagues and I are NOT “anti-landfill.” I accept that NH will need 2 or 3 more landfills *somewhere* in the next century. We might even decide to put one in or near Dalton—just not in the middle of a large wetland, 175 feet from a state park, and endangering a pristine mountain lake and the mighty Ammonoosuc River.

And is 9% a trivial loss? Of course it is. You simply have to look not just at the amount of land we have, but the amount we NEED. Over the rest of the century, we need 500 acres maximum for landfilling, so going from 9 MM to 8 MM total acres in the state is going from 12,000 times more land to choose from than needed, to 11,000 times more. Imagine bringing home one single golf ball, and your spouse saying that “we downsized and there’s no room left in the house for that thing!” Of course there’s room. You don’t need a precise estimate of how much room you have left in your house to know that.

5. **The bill is constitutional, it has no effect on interstate commerce, and is not retroactive.** You have a detailed letter from Ovide Lamontagne full of case law and sound arguments; the other side just is just spasmodically throwing out jargon like “unconstitutional” and “takings” with zero foundation, and you should ignore them.

6. **HB 177 EXPANDS property rights.** I’m frustrated by the exaggeration of what the opponents of the bill say they stand to lose, and of course by how

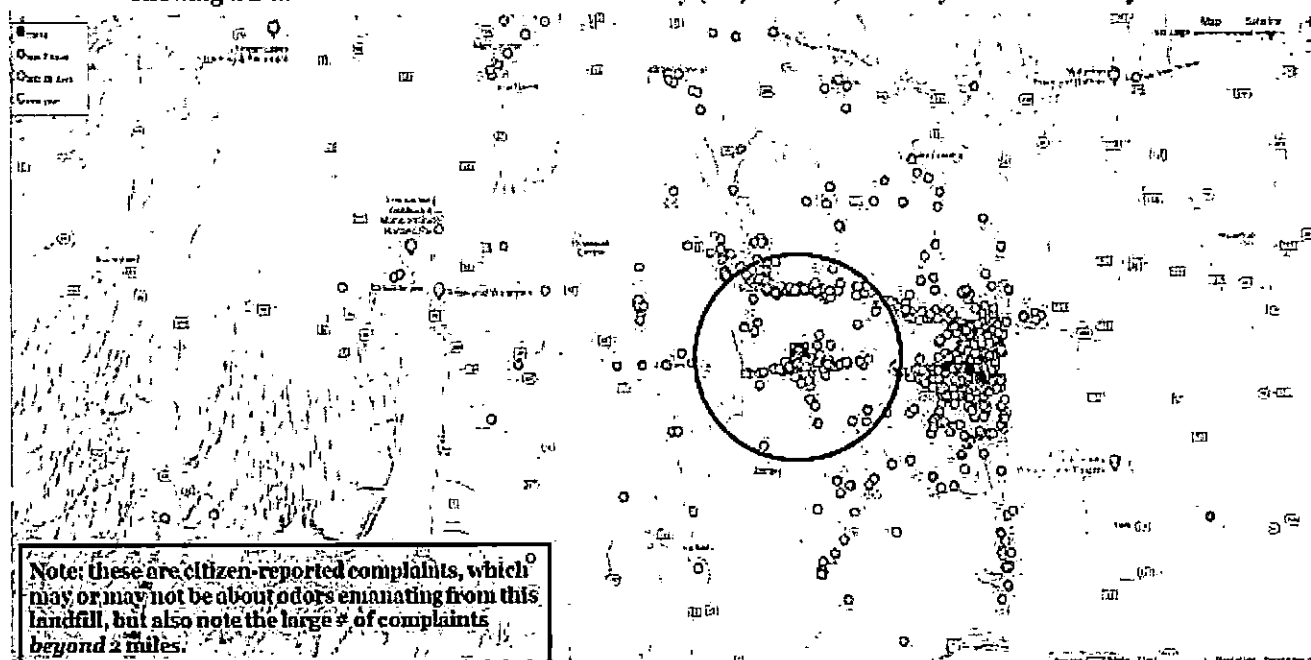
they always fail to mention what hundreds of other voters will gain. This is how economics works, as I'm sure you understand: when one buyer and one seller are about to transact business, and the legislature says that transaction would be *against public policy*, they each may lose something, but that loss is PARTIAL and may be near-zero. The buyer can always seek another seller, and the seller can always seek another buyer. This happens all the time: if I can't build a casino on my land because my state is one of the 27 that doesn't allow them, I can still sell to almost anyone else, and Caesar's Palace can still buy land in many, many other more appropriate places. But on the other side of the ledger, the losses of property values, health, tourist dollars, and environmental quality are not ones voters or the environment can make up for elsewhere (unless we abandon our homes).

To summarize, every Granite Stater looks to you, with thanks, to balance competing interests. There is no contest here. On one side you have the needs of the environment, of tourism, and of thousands of homeowners who moved near to state parks for that reason, facing near-total losses of their rights. On the other, you have a very few buyers and a very few sellers who simply don't want to be inconvenienced by having to look for sensible and safe locations, or to see their land used wisely. As a wise man may say a few hundred years from now:



Postscript: I very recently spoke with one of the Senators, who questioned the wisdom of a circular buffer, as opposed to one that might be larger than two miles downwind but smaller than two miles “upwind.” Please take a look at this screenshot of odor complaints. “Prevailing wind direction” means just that; the direction winds **often** blow, when they are not blowing in other directions! Notice the large number of complaints due east of this landfill, up to FIVE miles away, but how many of them are also north and west. And, of course, groundwater can flow in directions other than “downhill” (it doesn’t work like that anyway...), birds can drop waste in any direction they choose, and noise travels 360 degrees from the source.

Screenshot Taken March 4, 2020, of the online complaint site <https://www.itstinks.org>
—showing a 2-mile radius around the Ontario County (NY) landfill, owned by Casella Waste Systems



Griffin Roberge

From: Kevin Whittum sr <kwhittumsr@gmail.com>
Sent: Monday, May 10, 2021 12:29 PM
To: Kevin Avard; Bob Giuda; James Gray; Rebecca Perkins Kwoka; David Watters; Griffin Roberge
Subject: My testimony opposing HB177

Dear Senate Energy and Natural Resources committee

I am a Dalton resident and I oppose house bill 177 for the following reasons.

- 1.) It ties the hands of Dalton residents in weighing in on a project in their own town.
- 2.) DES has sufficient scientific process for siting landfills and safeguards in place already.
- 3.) The water quality of Forest Lake has been an issue for years, The state has been inactive in maintenance of the lake for the past 15 plus years.
If it's such a value, why has the lake been ignored?
- 4.) We are fortunate enough to have a place to site this landfill, in a good location already being used for industry. Options being limited, it's an ideal location, and a host agreement would very much benefit the townspeople and economy.

Thank you for giving me the opportunity to state how I feel,
Which is like many others I have spoken to in town, some afraid to speak their mind.

Kevin Whittum Sr

Griffin Roberge

From: Kathy Corey Fox <kfox@bernsteinshur.com>
Sent: Monday, May 10, 2021 12:38 PM
To: Kevin Avard; Bob Giuda; James Gray; Rebecca Perkins Kwoka; David Watters; Griffin Roberge
Subject: HB 177, prohibiting the siting of a landfill near a state park
Attachments: TESTIMONY OF OVIDE LAMONTAGNE IN SUPPORT OF HB 177 (05.10.21).docx

Good afternoon Senators,

In advance of today's hearing on HB 177, *prohibiting the siting of a landfill near a state park*, please find attached a letter on behalf of Attorney Ovide Lamontagne.

Our client, Mr. Fred Anderson, has asked Attorney Lamontagne to prepare and present a legal review in support of HB 177.

With appreciation for your hard work and consideration.

Best wishes,

Kathy

Kathy Corey Fox

Project Manager

6036658831 direct

603 623-8700 main

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TESTIMONY OF OVIDE LAMONTAGNE IN SUPPORT OF HB 177

Good afternoon Chairman Avard and members of the Energy and Natural Resources Committee.

My name is Ovide Lamontagne with the law firm of Bernstein Shur Sawyer & Nelson appearing this afternoon in support of HB 177 on behalf of my client, Fred Anderson.

I am testifying today from the Lamontagne Family Camp located on the northern shores of Lake Umbagog, home to the Umbagog Lake State Park, one of the most popular state parks in New Hampshire's state park system. This is why for the first time in well over a decade, I have accepted an engagement to represent a client before the Legislature and consequently have registered as a lobbyist to do so, work I rarely do. But when Mr. Anderson asked my law firm and me to provide this Committee with our legal analysis about the constitutionality of HB 177, I could not say "no." And last Friday afternoon we submitted my letter summarizing our legal analysis to this Committee, a copy of which you should all have.

As you will see, we have concluded that HB 177 if enacted would be a constitutional exercise of the State Legislature's police power in creating a two-mile buffer zone around the state parks in New Hampshire prohibiting the siting of landfills within that two-mile buffer zone. HB 177 conserves and protects all state parks equally in this regard and does not single out any landfill operator – they are all affected equally. HB 177 does not violate the Takings or Commerce Clauses of the Constitutions of the United States or of the State of New Hampshire and it is consistent with the New Hampshire Legislature's previously stated public policy to conserve and protect the state's natural resources and to promote the general health and well-being of the public by enacting a statewide two-mile buffer zone around all state parks prohibiting landfills.

It has been long-held public policy for the State of New Hampshire to preserve and protect the Granite State's natural resources for the benefit of her citizens and her out of state visitors. Since the late 1800's, New Hampshire began to implement this public policy by establishing individual state parks, and as recently as 1985, renewed and re-invigorated its commitment to maintaining and preserving its State park system with the enactment of RSA Ch. 216-A, providing for the expansion of the state park system. In fact, in the statement of intent found at RSA 216-A:1, the New Hampshire Legislature expressly stated the following purposes:

"It is the intent of the general court that a comprehensive state park system shall be developed, operated, and maintained to achieve the following purposes in order of the following priority:

- I. To protect and preserve unusual scenic, scientific, historical, recreational, and natural areas within the state.
- II. To continually provide such additional park areas and facilities as may be necessary to meet the recreational needs of the citizens of all regions of the state.
- III. To make these areas accessible to the public for recreational, education, scientific, and other uses consistent with their protection and preservation.
- IV. To encourage and support tourism and related economic activity within the state."

HB 177 is entirely consistent with the State's public policy to conserve and protect its state parks.

One issue which went beyond the scope of the legal analysis set forth in the letter I issued last Friday – but is an issue I have heard recently – and that is whether HB 177 is “spot zoning.” It is not. Like the agricultural buffer zone challenged but upheld as constitutional by the New Hampshire Supreme Court in *Miller v. Town of Tilton*, HB 177 is based on sound public policy upholding the state’s interests in conserving and protecting its state parks and promoting the general health and well-being of those who live near or visit them. As the NH Supreme Court held in *Miller*, “An area is spot zoned when it is singled out for treatment different from that of similar surrounding land which cannot be justified on the bases of health, safety, morals or general welfare of the community and which is not in accordance with a comprehensive plan.” *Miller v. Town of Tilton*, 139 N.H. 429, 431-32 (1995) (internal quotations and citation omitted, emphasis added). “The mere fact that an area is small and is zoned at the request of a single owner and is of greater benefit to him than to others does not make out a case of spot zoning if there is a public need for it or a compelling reason for it.” *Id.* (emphasis added.) For example, an ordinance which allows a municipality to “respond to private entreaties from land owners” for rezoning “without regard to the surrounding community” constitutes spot zoning. *Cheney v. Village 2 at New Hope*, 241 A.2d 81, 84 (Pa. 1968). However, a rezoning which is supported by the public which, for example, extends an agricultural buffer zone further into an industrial-zoned area is not spot zoning. *Miller*, 139 NH. at 432 (emphasis added).

In a later decision in *Prue v. City of Portsmouth*, 2008 WL 11258725 (N.H. Jan. 15, 2008) the New Hampshire Supreme Court described spot zoning as an “island of incongruity” *Id.* at *1-2 (“What is most determinative is whether the parcel in question is being singled out for treatment unjustifiably differing from that of similar surrounding land, thereby creating an island having no relevant differences from its neighbors.”). Buffer zones, protecting existing conservation areas from the environmental and health issues posed by landfills are not “islands” with “no relevant differences from [their] neighbors.” Rather, consistent with *Miller*, these buffer zones are a very narrow extension of land areas, already designated for conservation. Also, this is not benefiting a single landowner—HB 177 is benefitting all New Hampshire citizens.

Finally, as pointed in my letter, other states require landfill setbacks to protect various sensitive environments. As our research reveals, these states have considered the constitutionality of similar and even more restrictive legislation, such as North Carolina’s 5-mile buffer zone around National Wildlife Refuges and have affirmed the validity of such buffer zones under a variety of constitutional challenges. They have also noted as we do here, that it is not a matter of *if* landfills sited close to New Hampshire state parks will harm the conserved environment, but a matter of *when* such harmful contamination will occur. New Hampshire cannot relocate its state parks, but it can regulate where new landfills are sited.

HB 177 is constitutional, promotes New Hampshire’s public policy regarding its state parks, and should be voted ought to pass out of this Committee. Thank you.

Griffin Roberge

From: Steve Changaris <schangaris@wasterecycling.org>
Sent: Monday, May 10, 2021 12:48 PM
To: Griffin Roberge
Subject: For the Hearing today at 1pm
Attachments: NHHB177 May102021v1.pdf

Thank-you.

Steve Changaris
Northeast Region Vice President
482 Southbridge Street, Suite #373
Auburn, MA 01501
schangaris@wasterecycling.org
Ph: 800 679 6263; Cell: 508 868 4523

wasterecycling.org





Northeast Region

New Hampshire House Bill 177 – NWRA Testimony in Opposition

May 10, 2021

An Act Concerning the Siting of Landfills in NH

We oppose movement of this this legislation. If passed, it will tear at the underpinning of the very effective, long running public-private partnership between the government and the private sector that has led to the creation of excellent NH environmental infrastructure for the handling of waste materials.

Inasmuch as our industry is dedicated to the USEPA and NHDES enunciated policies regarding waste reduction, recycling, organics management, construction and demolition processing and other waste diversion programs to gain the highest and best use of after useful life discards of citizens and businesses, we also advocate for disposal facilities and capacity for states. While disposal is not at the top of the waste hierarchy pyramid, we remind the committee that it is an essential part of it. One we fear that is not being afforded due consideration, as the necessary environmental infrastructure that it is, often, in public policy discourse.

HB 177 – An Act Restricting Landfill Siting in NH

As the trade association of companies that operate all manner of solid waste facilities including landfills, we take strong exception to legislation such as HB 177 as it is an attempt to stop a siting and permitting process already started under a well-established set of environmental protections and rules. The reasons for this are many. The chapter believes the state’s current law and regulatory process are both more than adequate to ensure the coordination and balancing of the needs of state and local governments regarding the development and/or operation of landfills. This long-established bedrock principle underpinning the process in use today in NH has allowed for the creation and on-going operation of the state’s currently high caliber and well-functioning waste system. It is our experience that the state’s well thought out and reasonable processes, already established, and thoughtfully fully developed in concert with a wide and inclusive array of stakeholders, remain the best and most workable procedures for NH to have on the books.

We believe that the current state law and body of regulations and legal precedents that govern site assignments and landfills in NH is balanced and works at the macro-system level. While we know there are always some issues locally as projects are proposed and seek to develop, we believe the



Steve Changaris, Northeast V.P.

508 868 4523

parties in those situations should sit down at the table and work out their differences and concerns under established and existing protocols and options. Introducing this kind of restriction, or any new ones, mid-stream during an active project development process will start NH on a slippery slope that will eventually harm its broader interests and needs in the waste facility development process.

About NWRA:

The No. New England Chapter of National Waste and Recycling Association (hereafter The Chapter) represents an industry that is dedicated to the environmentally protective, sustainable, and economically efficient management of recoverable and recyclable materials, discards, and wastes.

We have a vision of a society that reduces waste, recycles more, and recovers value from discards to the maximum extent practicable and properly disposes the wastes that remain. We approach our job as reality-checkers who must negotiate, adapt to, and address the day-to-day and evolving conditions associated with collecting and handling recyclables, recoverable materials, discards, and wastes. We are in a unique position to offer well informed perspectives on the realities of how these materials are managed today, and how they can be better managed tomorrow.

The Chapter represents the private taxpaying recycling and waste haulers and companies that work in NH every day to responsibly manage the after useful life discards, materials, recyclables, and wastes generated by its citizens, communities, and businesses. We believe in strong, sustainable environmentally responsible programs that are run with the efficiency and expertise that comes from a competitive and robust private marketplace that provides and innovates these services routinely.

Griffin Roberge

From: JANE BEAULIEU <houligan@comcast.net>
Sent: Monday, May 10, 2021 12:58 PM
To: Griffin Roberge
Subject: HB 177

Hello Griffin

The following is my written testimony for HB 177

There are two types of landfills, ones that leak such as Coakley Landfill and the Casella Landfill in Bethlehem and ones that will leak such as The proposed Casella Lanfill in Dalton. In my opinion, after years of following landfill matters and issues, the NHDES works to permit Casella landfills because they cannot afford to legally challenge this powerful industry. Casella imports at least 35% of trash from out of state, which is an incentive for Casella to build more landfills. The State has capacity now to landfill our State's waste for decades to come. Permitting landfills leads to pollution, whether it's toxins entering into waterways or releasing foul odors and harmful gases into the air. Protect our State Parks now so that we, NH Citizens and tourists may enjoy them in perpetuity. Thank you for your time.
Rep. Jane Beaulieu

Griffin Roberge

From: Josh Elliott
Sent: Monday, May 10, 2021 1:12 PM
To: Griffin Roberge
Subject: FW: R Pilotte HB177 testimony.pdf
Attachments: R Pilotte HB177 testimony.pdf

Josh Elliott
Deputy Chief of Staff
New Hampshire State Senate
State House, Room 302
Concord, NH 03301
(o) 603-271-6931

From: Robin Pilotte <robinlynnp@yahoo.com>
Sent: Monday, May 10, 2021 12:55 PM
To: Josh Elliott <josh.elliott@leg.state.nh.us>
Subject: R Pilotte HB177 testimony.pdf

Sent from my iPad

My Name is Robin Pilotte; I have property in Dalton NH and am opposed to NH House Bill 177.

- I want to first state that I am fully aware that this bill is to stop a project that is already under-way in the town of Dalton. There is a group of people in the town, (most of them not full-time residents) that don't like the idea of a landfill near their property on Forest Lake.

- I have done my research;
 - I have visited the landfill in Bethlehem and was impressed by how a modern landfill operates. I did not see blowing trash or smell any odors or see flocks of birds around. I learned about what environmental measures were put in place. The landfill looks more like a construction site than anything else. I would suggest members of this committee also visit the site to see for themselves how a modern landfill is managed.

 - I have also made phone calls to the transfer station managers of the local towns and to my local trash haulers. I asked if there is not a landfill in Bethlehem or Dalton what would happen. All said that the fees would escalate and the transportation costs would increase and they would have to charge transfer station users more. They worry about how much this would affect their business; they worry they could go out of business.

- People cannot assume that there is room for more trash at other places like Carberry in Berlin (which is located next to the Appalachian Mountain Hiking Trail by the way). Carberry cannot take all that added trash, they are out of space soon too, and what space they do have is already committed to current customers.

- We need landfills so I ask the committee: Where are you planning a landfill in NH that would be a benefit for those communities in the North Country? Other landfills in the area could close in 2-5 years. I understand that Casella has done their research on the Dalton location for a landfill and testing is up to date and it is suitable.

- There has been a lot of talk about more truck traffic with the landfill project in Dalton and it is just scare tactics. There will always be truck traffic here in the North Country - loggers, contractors, gravel trucks, haulers - and these are a big part of the economy. Traffic has been studied for the landfill project and NH transportation people agree that the project will not add much more traffic than is already on the roads.

- I also want to ask the State Parks office if they have ever visited Forest Lake State Park? The beach there was closed down several years ago, I believe in the 1990's sometime. The State of NH has not maintained the area for quite some time. I believe the Town of Dalton took over mowing and minor cleanup

duties. The lake closes down due to E.coli a few times each season making it unhealthy to swim.

- There are plenty of people in Dalton like me who want the opportunity to make up our own minds if we want this project in our town. The town of Dalton has a temporary zoning and is up for a vote at the next Town meeting in June. This bill takes that away from us. Many more would be speaking up too if they weren't afraid of being harassed or bullied by landfill opponents (who are also supporters of this bill).

I would ask you to vote no on this bill. At least postpone this bill and do a road trip and visit all the properties involved so that you can have a firsthand knowledge on what is involved.

I am opposed to House Bill 177, thank you for your time.

Robin Pilotte 603-616-3242

Griffin Roberge

From: Pam Kathan <pam.kathan@gmail.com>
Sent: Monday, May 10, 2021 1:12 PM
To: Griffin Roberge
Subject: No to HB177 testimony
Attachments: My name is Pam Kathan.docx

My name is Pam Kathan. I have lived in Dalton for 20 years. My family has been here for generations.

I feel that the true Dalton residents, not the Forest Lake faction of activists who join with other activist groups like NCAC and CLF should decide what is best for Dalton.

What is best for Dalton is a financial boost that we would receive from this landfill. Yes it will provide tax relief to many and we should not be harassed nor embarrassed to want to have some relief. But we ARE being harassed and ridiculed. We get all kinds of harassment from these groups from videos, stalking and ridiculing.

Outsiders making decisions for us because they feel the average resident is an idiot incapable of making the proper decisions for the town. They are just a group of well to do elitists. The rest of us are not.

There is even a senator backing this bill who holds private conversations with activists and business leaders. I would never have voted for this person if I had known that there was an activist hiding behind those glasses, instead of a "for the people" kind of person. I think this person needs to change her political party.

I ask you to oppose HB177, the little guy needs help here. We are not nationwide, we are just local Dalton residents.

Griffin Roberge

From: Jeff W Weld <jeff.weld@casella.com>
Sent: Monday, May 10, 2021 1:20 PM
To: Kevin Avard; Bob Giuda; James Gray; Rebecca Perkins Kwoka; David Watters; Griffin Roberge
Subject: Casella Waste Systems, Inc. HB 177 Testimony Materials
Attachments: HB 177_Existing Facilities.pdf; HB 177_MRF.pdf; HB177_Engineering.pdf; HB177_Overview.pdf; HB177_Recycling.pdf; HB177_Sanborn Head.pdf

Good Afternoon Honored Committee Members

Given the volume of emails you are likely receiving regarding HB 177 and our desire to help limit that volume we have aggregated all of Casella's testimony materials in this message to you.

Thank you for your attention to these materials. Please do not hesitate to reach out to me for more information.

Respectfully submitted,

Jeff Weld
Director of Engagement

25 Greens Hill Lane, Rutland, VT 05701
p. 802-772-2234 • c. 802-558-6859 • w. casella.com

CASELLA WASTE SYSTEMS, INC.
RECYCLING • SOLUTIONS • ORGANICS • COLLECTION • ENERGY • LANDFILLS

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May 10, 2021

Senator Kevin Avar, Chair
Senate Energy and Natural Resources Committee
State House, Room 115
107 North Main Street
Concord, NH 03301

Re: Comments HB 177 – An ACT prohibiting siting of a landfill near a state park

Dear Chairman Avar:

Good afternoon. Thank you, Mr. Chairman and members of the committee, for giving me the time to share my thoughts with you today.

I am Joseph Fusco, a vice president of Casella Waste Systems. We are a critical part of how society manages the life cycle of our natural and material resources – from recycling to renewal to disposal. We believe we have a social responsibility to carefully and reasonably think about, invest in, and develop the vital infrastructure – including landfills – that makes modern life possible.

We believe it is vital to develop this infrastructure under a rigorous policy and regulatory framework that prioritizes science and fact-based examination of many critical factors, including technology, safety, hydrogeology, and relentless engineering and operating standards.

First and foremost, we believe this bill is unnecessary from a regulatory, permitting, and public policy standpoint.

Any technical, scientific, environmental concerns or standards for siting a landfill on any square inch of New Hampshire land is covered and addressed under a very sophisticated and comprehensive regulatory and permitting regimen. This regimen reviews hundreds of criteria and requires the extensive, scientific review of multiple environmental and quality of life impacts.

In fact, the protections that proponents of this bill seek are covered by New Hampshire's regulatory and permitting standards and processes. The fears proponents seek to soothe with this bill are superseded by an existing public policy process containing an immense amount of diligence on every aspect of the appropriate siting, permitting, construction, operation, closure, and post-closure monitoring of New Hampshire's landfills.

The simplest argument against the bill is that it is unnecessary. It is not a scientific, fact-based approach to policymaking around the management of New Hampshire's environmental infrastructure. And, despite attempts to amend it, or spin it otherwise, it is the inconsistent, hypocritical targeting of a specific industry, a specific company, and a specific project.

It puts New Hampshire's waste disposal infrastructure at risk in the face of a capacity shortfall in the next two decades and threatens over \$400 million dollars in direct economic impact to the state.

This legislation is not how you manage a vital public infrastructure. We urge the committee to oppose it.

Also, today, in addition to me you have heard or will hear from other members of the Casella team with various expertise in siting and permitting. I encourage you to use these folks as a resource for your more technical, permitting, and regulatory process questions on this issue.

Sincerely,
CASELLA WASTE SYSTEMS, INC.



Joe Fusco
Vice President

cc Senator Bob Giuda, Vice Chairman
 Senator Rebecca Perkins Kwoka
 Senator James Gray
 Senator David Watters



May 10, 2021

Senator Kevin Avard, Chair
Senate Energy and Natural Resources Committee
State House, Room 115
107 North Main Street
Concord, NH 03301

Re: Comments HB 177 – An ACT prohibiting siting of a landfill near a state park

Dear Chairman Avard:

My name is Sam Nicolai, and I am Vice President of Engineering & Compliance for Casella Waste Systems. I am a licensed Professional Engineer in the state of New Hampshire, and have more than 25 years of engineering and environmental experience relating to solid waste management. I manage the team of engineers and environmental staff who have responsibility for the company's permits, construction projects, and facility compliance.

HB 177 proposes to restrict the location of new landfills in New Hampshire by establishing a new setback distance of two miles or 10,560 feet from state parks. The existing NH Solid Waste Rules contain various existing setback criteria which all landfills must comply with – including 200 feet from surface water, 500 feet from an occupied residence, and 1,000 feet from a drinking water intake. These setback criteria work hand-in-hand with the operational and engineering requirements for a facility. For example, the environmental monitoring systems, the design of access roads, and the appearance of the facility are designed knowing that there can be surface water at a distance of 200 feet and occupied houses at a distance of 500 feet.

So, if DES has determined that 500 feet is the appropriate distance for someone's home, why would it make sense to establish a setback from state parks that is 20X greater? The answer, of course, is that there is no technical basis for this type of setback. It is simply an attempt to go around the existing solid waste rules and the authority of the DES. Instead of evaluating a proposed facility on its merits, the bill arbitrarily picks a restriction to ban one proposed project.

The bill excludes existing landfills from this setback criteria, but a review of the existing facilities is informative:

- The Mt. Carberry Landfill is located within a mile of the Appalachian Trail, which of course has a significant level of day-to-day foot traffic. Almost all of the City of Berlin is within two miles of the landfill.

- The Lebanon Solid Waste Facility is within two miles of nearly all of West Lebanon and a large portion of White River Junction.
- The Four Hills Landfill is within two miles of a significant portion of the City of Nashua, including large residential areas.
- Our North Country Landfill is within two miles of the White Mountain National Forest, and significant land areas which are in environmental conservation.

Obviously, in New Hampshire and elsewhere, landfills and other types of solid waste management facilities can be operated effectively in concert with the surrounding community and well within two miles of other uses. Of the facilities listed above, our proposed Granite State Landfill project is sited in a location with far less development and far more similar uses – the nearest properties include a rock quarry, asphalt plant, gravel pits, gun club, drag strip, log processing facility and similar uses, as well as the state park and its managed forests. More critical than the precise make-up of the surrounding uses, is the extensive engineered systems, monitoring programs, and operational resources that make up a state-of-the-art landfill in 2021. The proposed Granite State Landfill will be exactly that – a well-designed, well-operated facility managing solid waste from more than 150 New Hampshire communities.

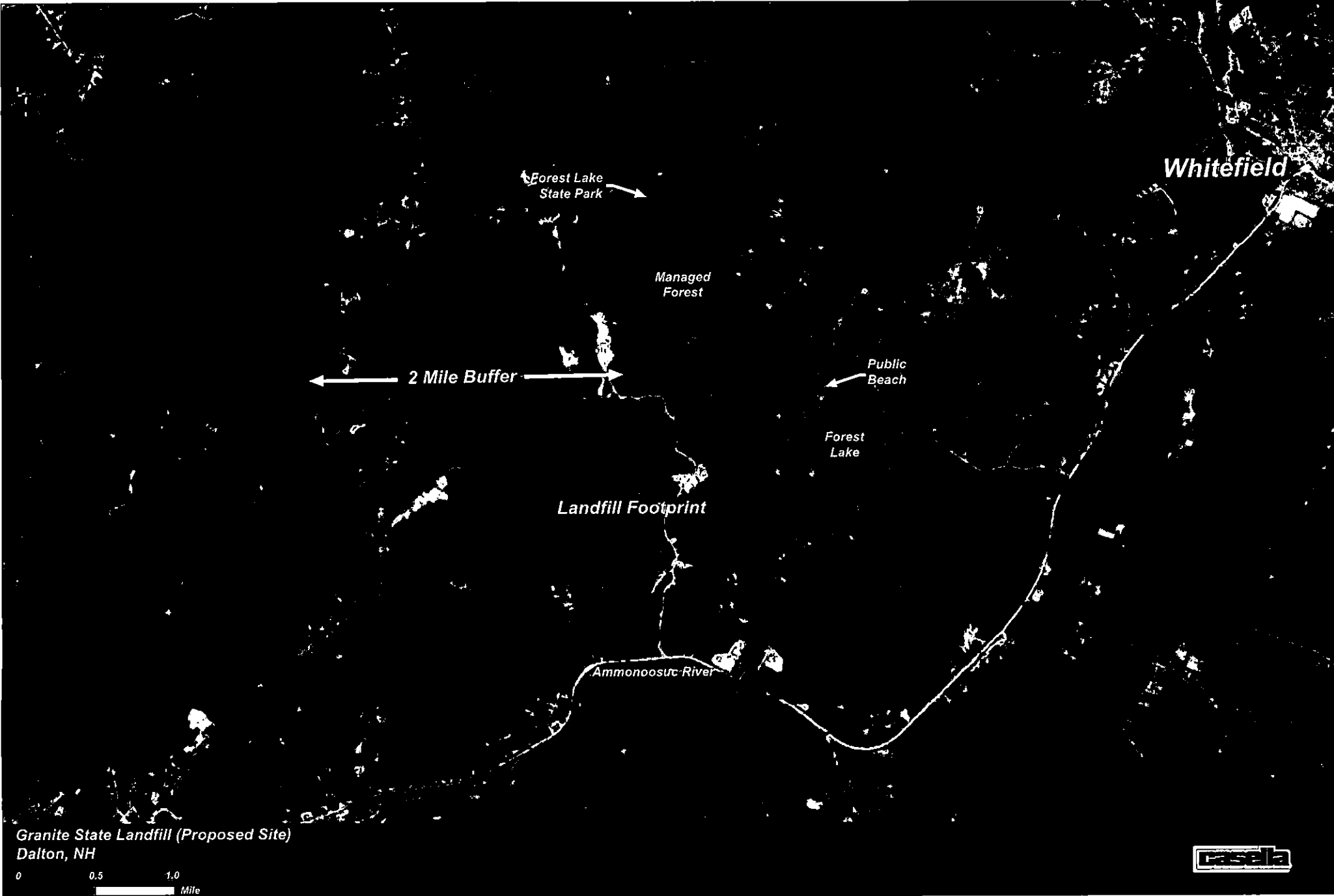
For these reasons, we oppose HB177 and urge the committee to reject its attempt to bypass the New Hampshire regulations and environmental agency to oppose a single project. Thank you for the opportunity to provide testimony on this bill.

Sincerely,
CASELLA WASTE SYSTEMS, INC.



Sam Nicolai
Vice President

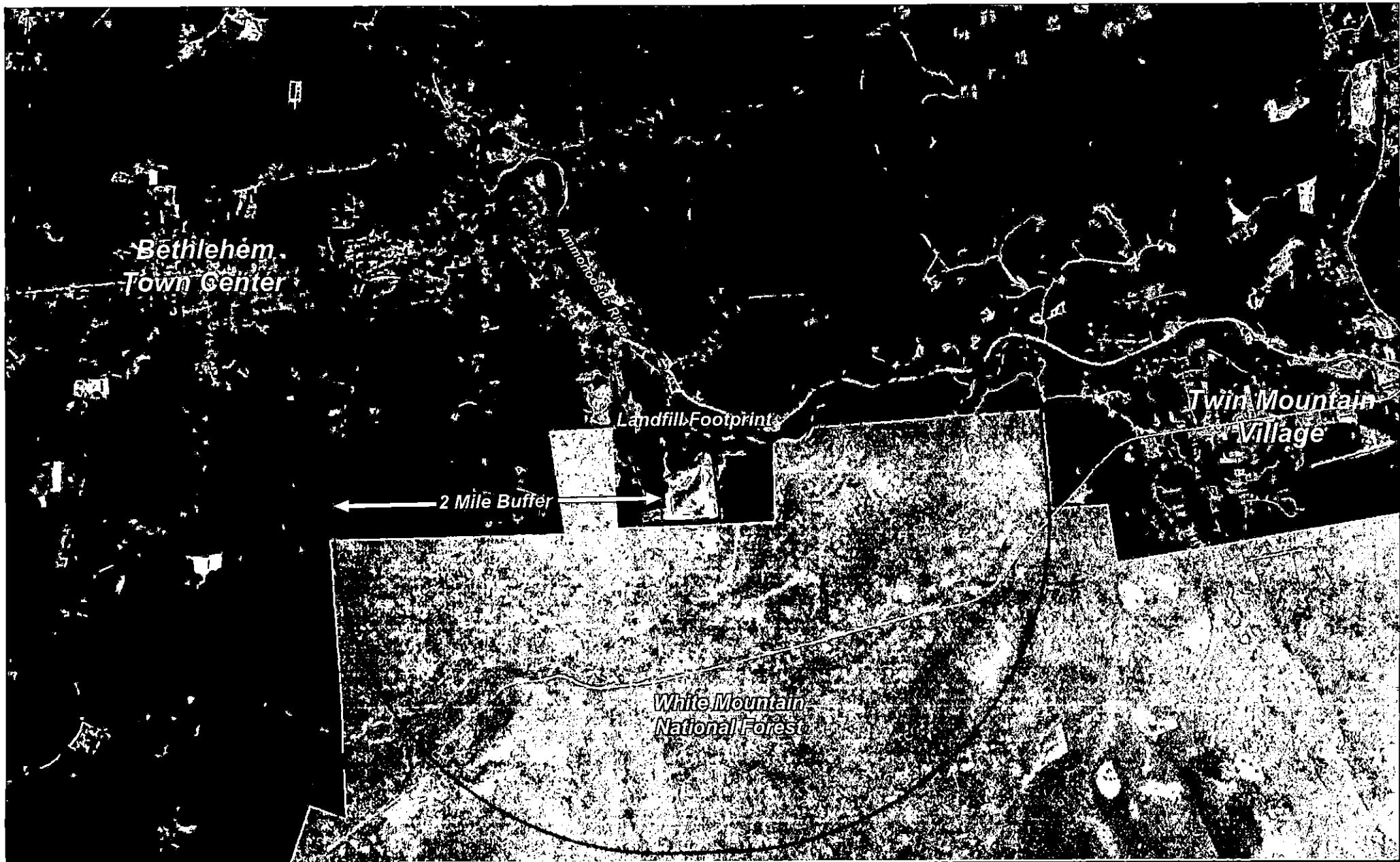
cc Senator Bob Giuda, Vice Chairman
 Senator Rebecca Perkins Kwoka
 Senator James Gray
 Senator David Watters



Granite State Landfill (Proposed Site)
Dalton, NH

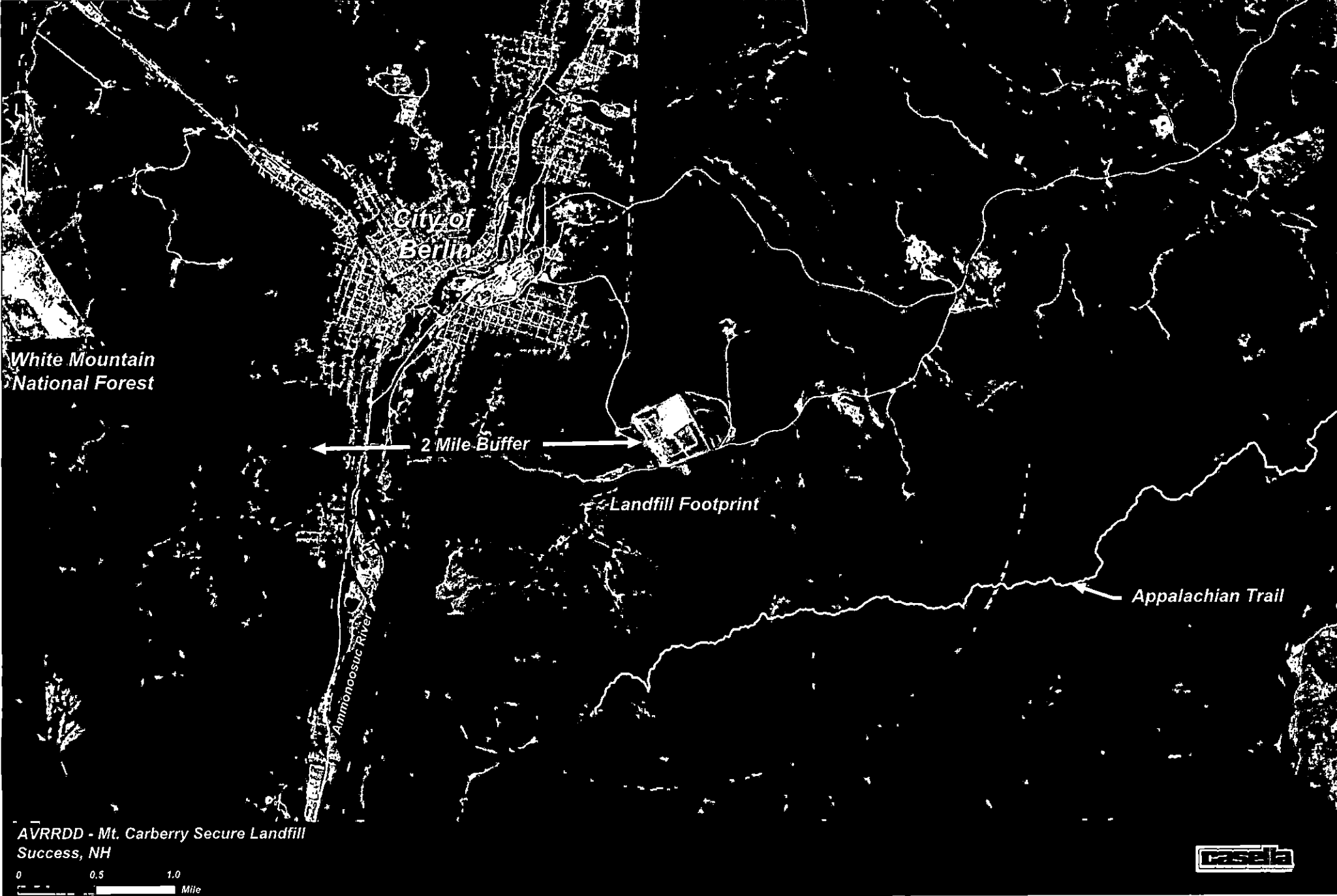
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North Country Environmental Services Landfill
Bethlehem, NH





City of Berlin

White Mountain National Forest

2 Mile Buffer

Landfill Footprint

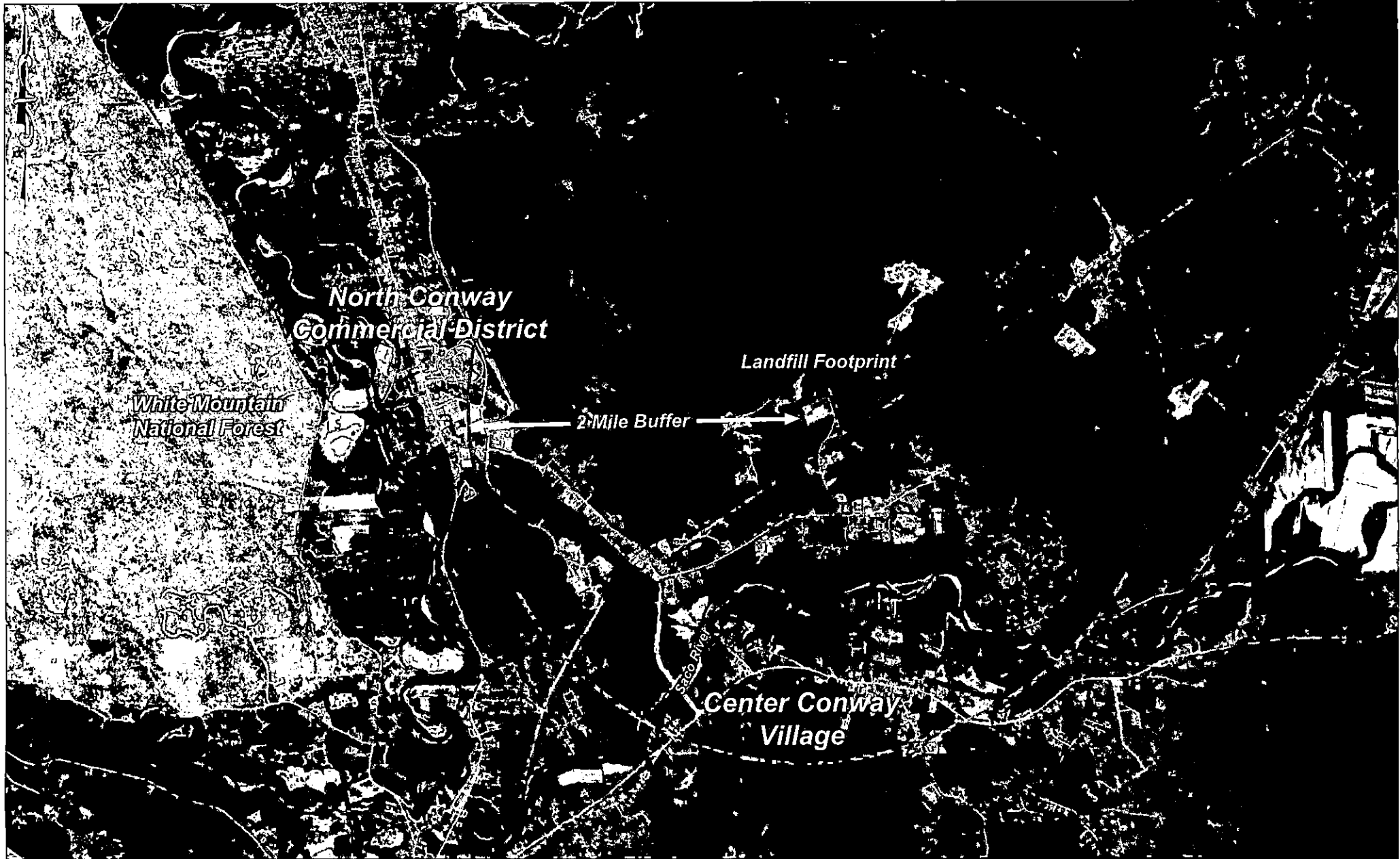
Appalachian Trail

Ammonoosuc River

AVRRDD - Mt. Carberry Secure Landfill
Success, NH

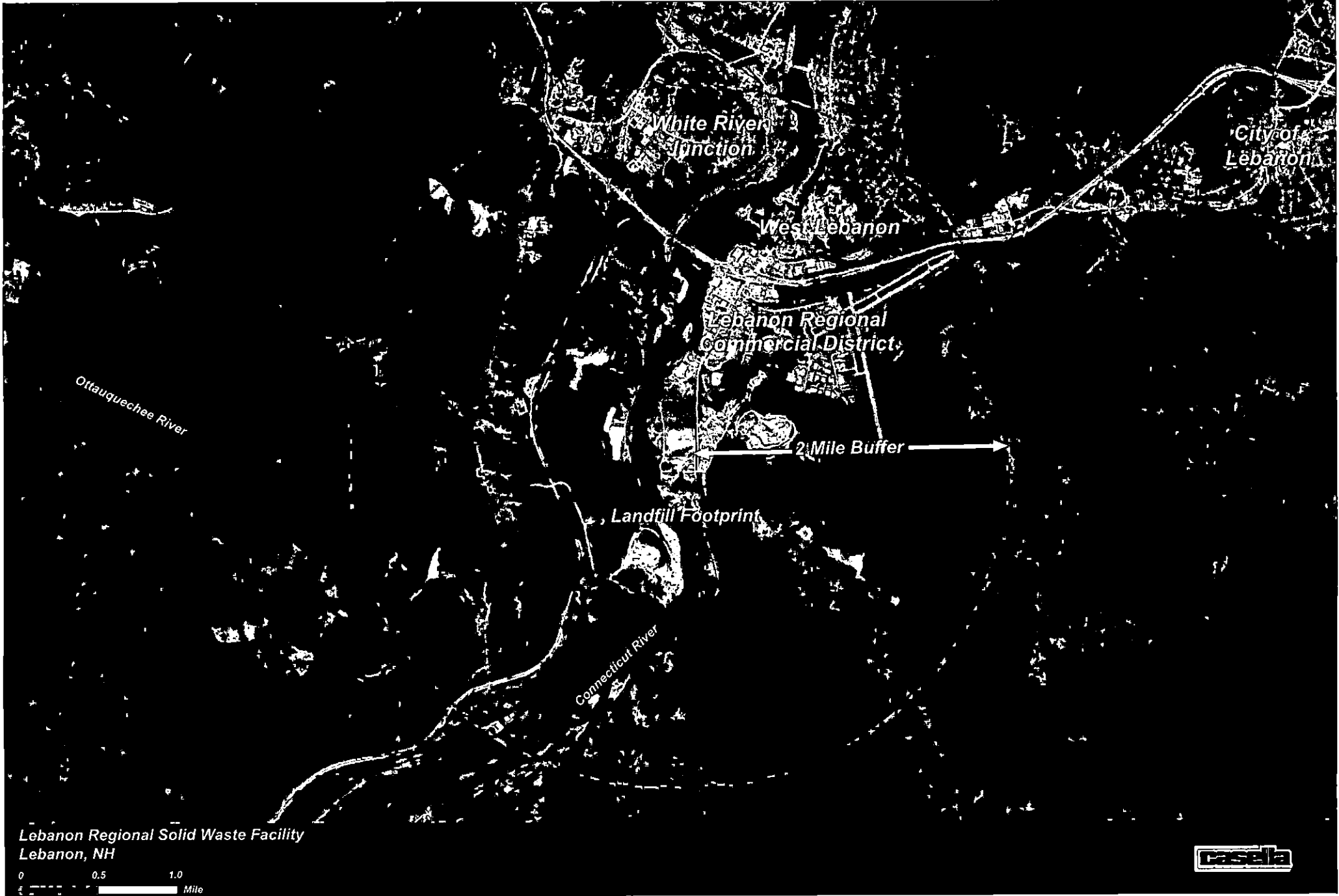
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casella



Lower Mount Washington Valley Secure Solid Waste Landfill
Conway, NH

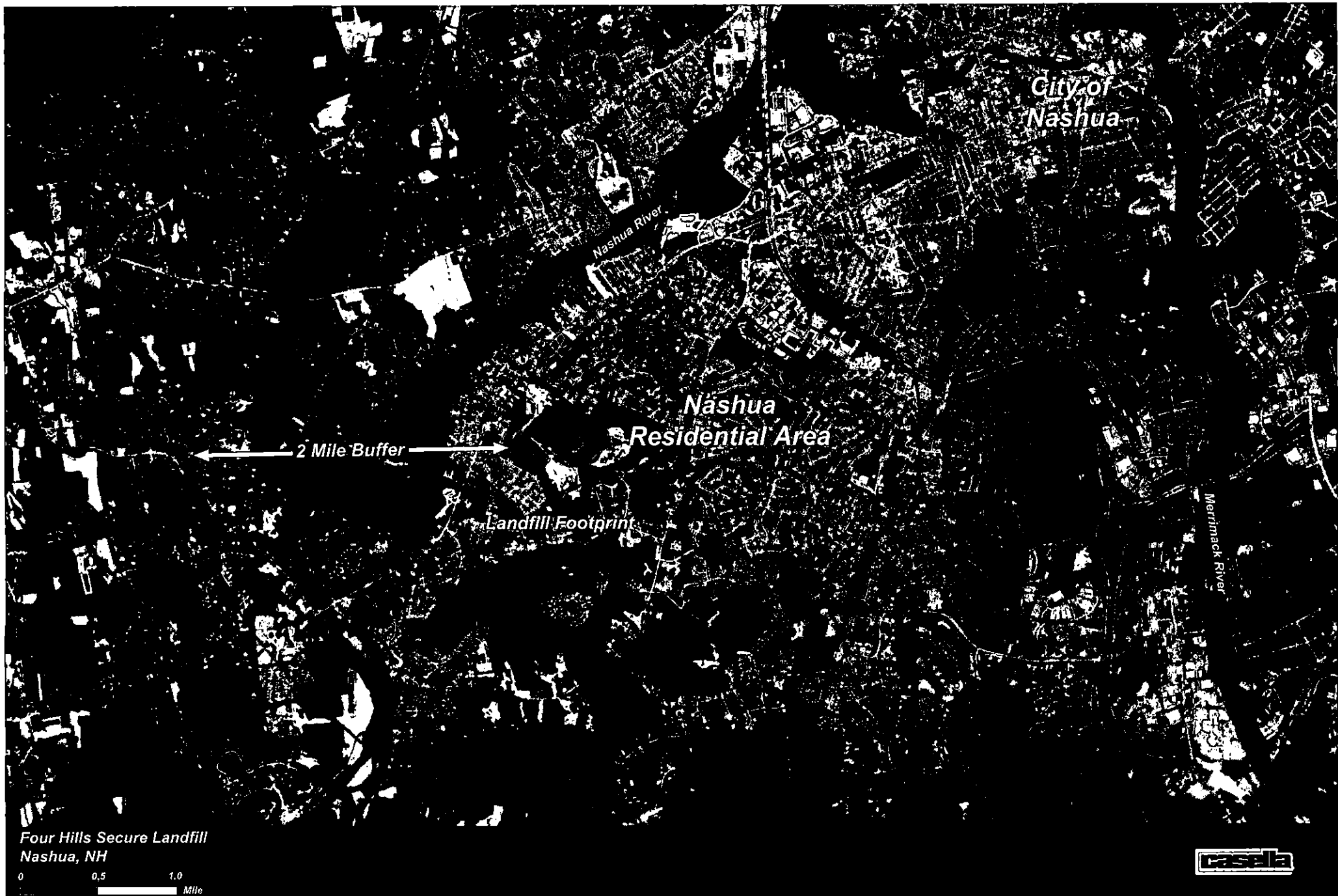




Lebanon Regional Solid Waste Facility
Lebanon, NH

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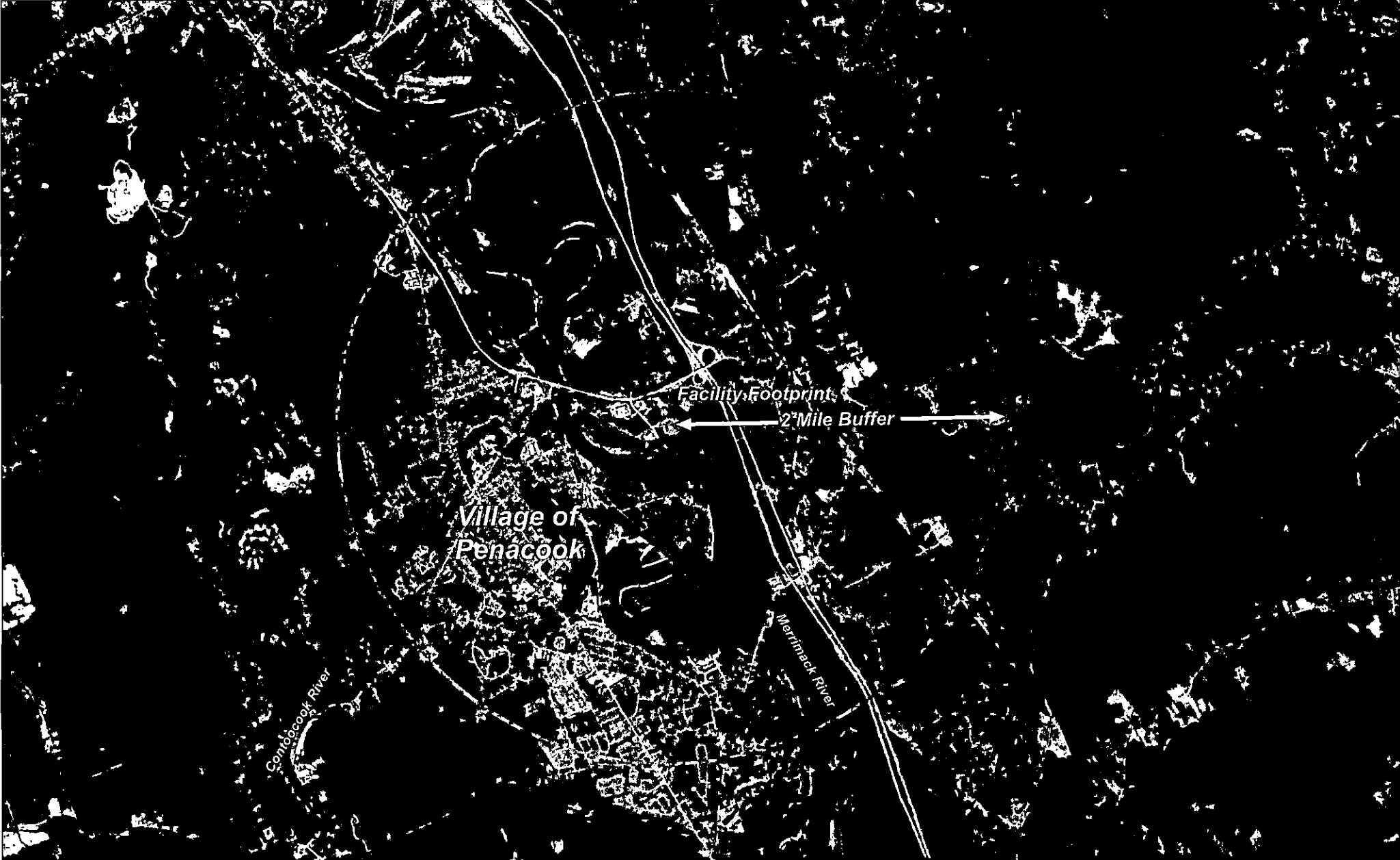




Four Hills Secure Landfill
Nashua, NH

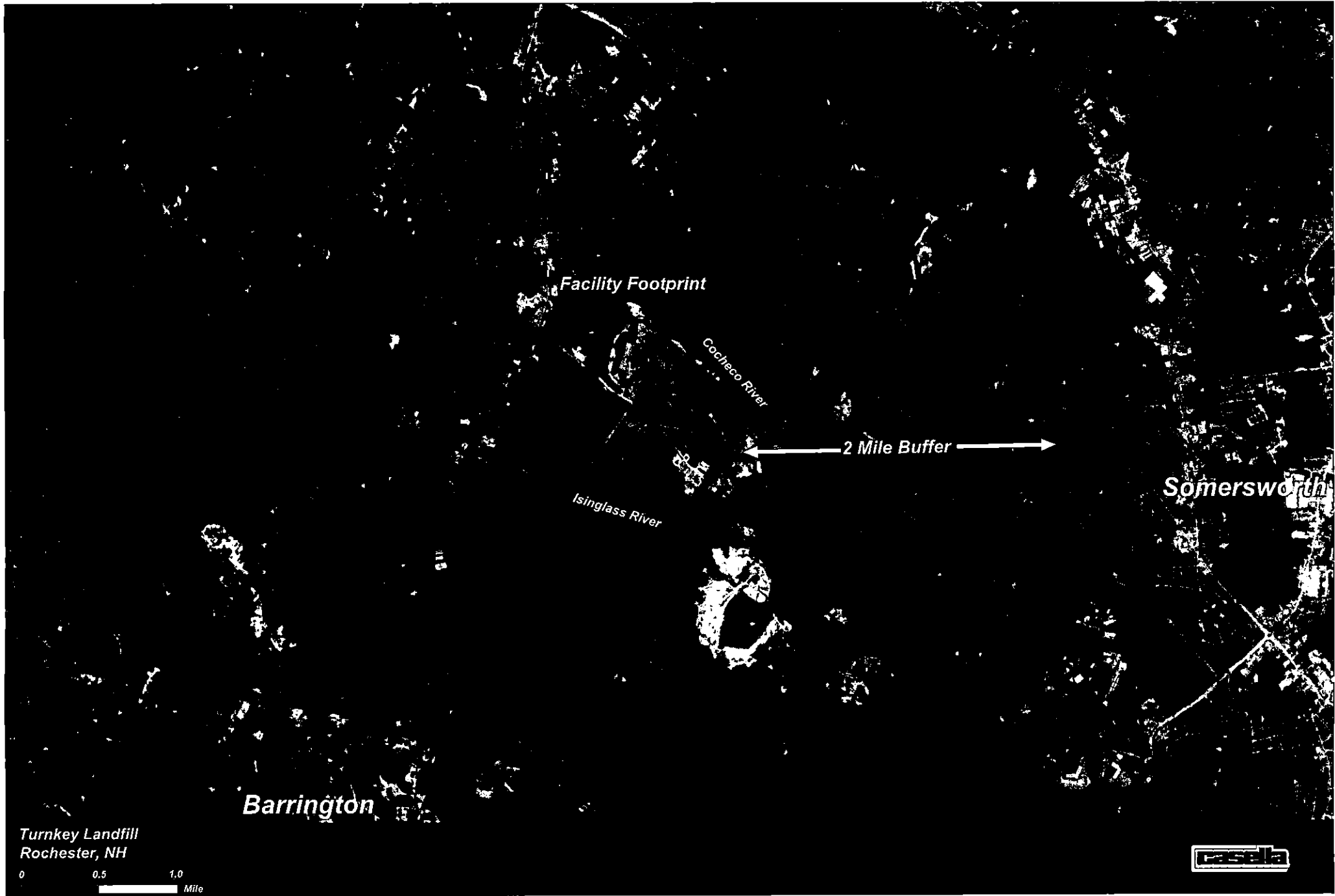
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Wheelabrator Penacook
Penacook, NH





Facility Footprint

Cocheco River

Isinglass River

2 Mile Buffer

Somersworth

Barrington

Turnkey Landfill
Rochester, NH

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May 10, 2021

Senator Kevin Avard, Chair
Senate Energy and Natural Resources Committee
State House, Room 115
107 North Main Street
Concord, NH 03301

Re: Comments HB 177 – An ACT prohibiting siting of a landfill near a state park

Dear Chairman Avard:

Casella Waste Systems, Inc. is a regional solid waste resource management company serving more than 50,000 households and 5,500 businesses across 150 towns and cities in New Hampshire through collection, transfer, recycling, and waste disposal operations.

As Vice President of our Resource Solutions team, I am responsible for all strategy and operations within the company that helped us reduce, reuse, or recycle more than 1 million tons of material in 2019. Our published goal as a company is to double that number by 2030.

Over the last three years since National Sword and the ban of receipt of certain recyclable materials by China, domestic recycling infrastructure has been built and we see commodity markets beginning to rebound.

One of the unintended consequences of HB 177 is that it will have a negative impact on the advancement of those efforts in New Hampshire.

Within the United States, 80 percent of curbside programs on a single stream recycling program and the State of New Hampshire is one of only two states nationwide without a traditional, technological Material Recovery Facility (MRF).

Even without that critical infrastructure in place, last year we diverted more than 40,000 tons of New Hampshire waste from landfills or incinerators through our Recycling and Organics operations. We are currently collecting 30,000 tons of recyclables from the State annually and transporting them for processing at our MRFs in Auburn and Boston, Massachusetts. While these facilities are capable of handling New Hampshire's recyclables, it does pose a challenge when it comes to transportation costs.

We are seeing New Hampshire municipalities abandon their recycling programs at alarming rates due to these costs, which are in the six-figures in many instances and

could be controlled better by an investment in local processing infrastructure here in New Hampshire. However, to maximize environmental and economic outcomes associated with recycling, an integrated system that includes modern landfill options is needed.

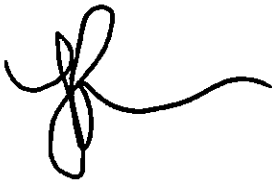
A recent study conducted by DSM Environmental Services estimated that this comprehensive approach – including a state-of-the-art landfill in the North Country, and a new MRF in the more densely populated Southern portion of the state would result in an annual reduction of greenhouse gas emissions by more than 29,000 metric tons of carbon due to increased recycling rates and the avoidance of additional transportation. That's equivalent to taking more than 6,200 passenger cars off the road each year.

Our unique partnership with Goodwill Northern New England will also allow us to collect textiles and other resalable goods at this proposed facility creating more reuse opportunity that will help further New Hampshire's waste reduction goals and put the state at the forefront of recycling innovation.

In addition to the environmental benefits, it is also estimated that the proposed MRF will provide an additional \$10 million to the state's economy each year through the creation of 45-60 well-paid jobs.

In closing, Casella believes the recycling industry will continue to make strides, and we are poised to invest in the State of New Hampshire by locating a state-of-the-art MRF. I urge you to consider this, and the potential for other lost opportunities to improve the state's economic and environmental sustainability and vote no on HB 177.

Sincerely,
CASELLA WASTE SYSTEMS, INC.



Bob Cappadona
Vice President

cc Senator Bob Giuda, Vice Chairman
 Senator Rebecca Perkins Kwoka
 Senator James Gray
 Senator David Watters

The Future of Materials Recovery

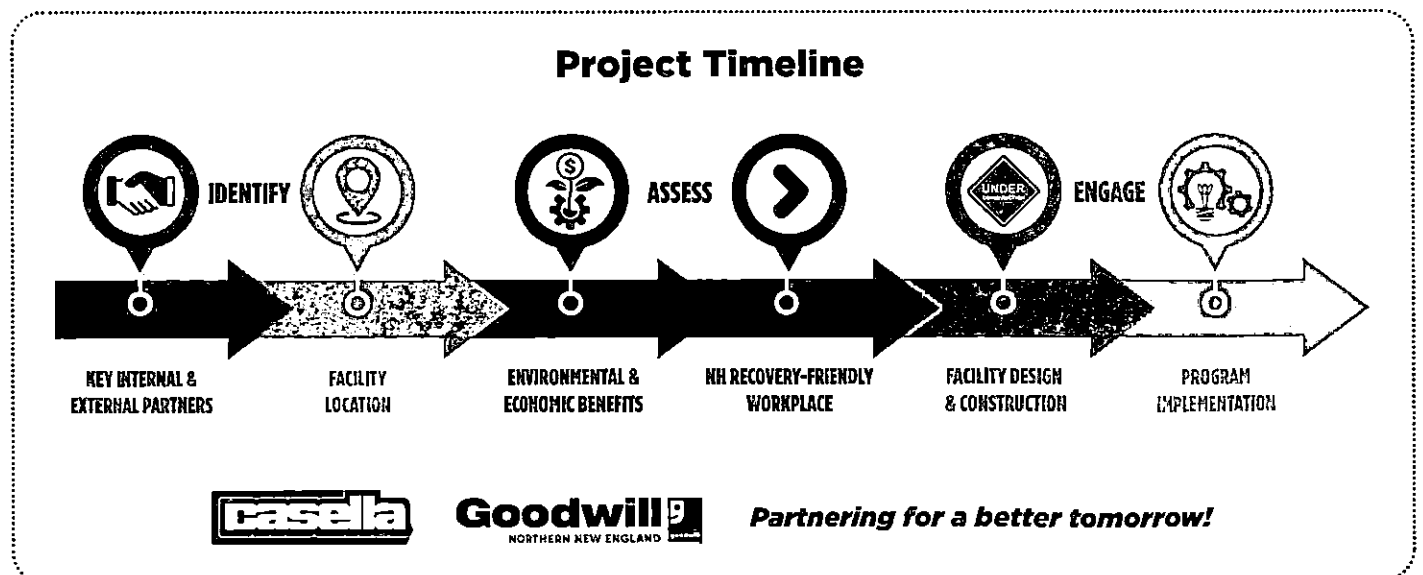
A Public-Private Partnership in New Hampshire

Casella Waste Systems, Inc. and Goodwill of Northern New England are collaborating across Northern New England to create innovative new ways to address and overcome social and environmental challenges related to resource recovery, waste diversion, and job placement for individuals who have historically struggled to reintegrate into society while recovering from substance abuse disorders and/or incarceration.

Using our successful and unique collaboration as a starting point, we are in initial stages of envisioning the Materials Recovery Facility (MRF) of the Future in New Hampshire, with the following conceptual underpinnings:

- 1. Site Location:** The Southern part of New Hampshire represents an outstanding opportunity for both organizations to invest in meaningful infrastructure. The state lacks recycling capacity and with the appropriate level of public-private partnership, Casella Recycling and the residents and businesses of New Hampshire would benefit greatly from a state-of-the-art facility located in its more populous region. This area also represents an excellent opportunity for Goodwill NNE to expand its New Hampshire operations, including warehouse, collection, sorting, and possibly even its innovative "Buy the Pound" initiative.
- 2. Job Connections:** A facility of this potential size and scope would require 45-60 employees just in the recycling operations. We are committed to hiring a significant percentage of these employees through the Goodwill Job Connections program and/or Governor Sununu's newly formed Recovery Friendly Workplace Program. Goodwill Northern New England's Job Connection programs have supported individuals by creating stability in their lives through employment. This has been achieved in various communities throughout Northern New England, with a special focus on Manchester, New Hampshire.
- 3. Conventional Recycling and Textile and Bulky Waste Recovery:** Core to the mission of both organizations is the desire to achieve a higher and better use for what has traditionally been considered waste. In addition to the latest single-stream sorting technology designed to divert recyclable plastics, glass, tin, aluminum, mixed paper, and cardboard from landfills, the MRF of the Future will also include infrastructure to assess, process, sort, and inventory unwanted textiles and bulky waste for resale through Goodwill's various retail models. This effort not only serves to enhance Goodwill's retail mission, but also removes a waste stream that is a large contributor to emerging contaminants such as PFAs in landfills, all while creating good jobs for those with barriers to sustainable employment.
- 4. Community Engagement:** Goodwill and Casella are committed to bringing and sharing value with the communities in which we operate. This facility will provide untold engagement opportunities through education around substance abuse, recycling, and resource management.

As we continue to explore this opportunity both organizations are committed to working together as strategic partners in bringing the necessary resources to the table to ensure all avenues for success are explored.



Potential Impacts to the State of New Hampshire Associated with Closure of the North Country Environmental Services Landfill

Prepared by:

DSM Environmental Services, Inc.

EXECUTIVE SUMMARY

DSM Environmental Services, Inc. (DSM) was contracted by Casella Waste Systems (Casella) to estimate potential economic and transportation related climate change impacts to the State of New Hampshire associated with closure of the North Country Environmental Services, Inc. (NCES) landfill located in Bethlehem, NH. DSM was also asked to analyze future economic impacts assuming Casella were to open a Materials Recovery Facility (MRF) in southern New Hampshire.

DSM was contracted to complete this analysis because of our experience encompassing over 30 years of economic and environmental research involving waste management and recycling issues throughout the United States and in 17 countries around the world. This includes DSM's 2009 Recycling Economic Information Study for the Northeast Recycling Council which included an input/output analysis of employment, wages and revenues.¹ DSM also conducted Recycling Economic Information analyses for the States of Rhode Island (2018) and Illinois (2011) as well as for the central Ohio region (2018).

Per DSM's agreement with Casella, the analysis is intended to be a high-level analysis using previously available data and models; and relies on information provided by Casella on current tip fees at competing facilities. This analysis does not address local and site-specific construction, infrastructure, or environmental impacts associated with operation of either the NCES landfill or the proposed Dalton Landfill.

Impacts Associated with Closure of the NCES Facility

DSM constructed a model to estimate the change in costs associated with closure of the NCES landfill, assuming waste would typically move to the nearest available alternative disposal facility. A detailed assessment of deliveries by facility user was performed to determine what alternative facilities might be available to them when NCES closes.

The model outputs were used to:

- Identify alternative facilities that would be used based on location of the waste generators;
- Estimate any additional miles driven (and related carbon emissions) when using the identified alternative facilities;
- Estimate the total change in transport costs and tip fees associated with using other facilities; and,

¹ See https://nerc.org/documents/recycling_economic_information_study_update_2009.pdf. DSM did not update the input/output data and relied on data from Maine for use in the landfill analysis, and Massachusetts for use in the MRF analysis.

- Create inputs for the input/output analyses to understand the macro economic impacts to New Hampshire.

Conclusions

Closure of the NCES landfill without opening a replacement landfill would result in economic losses and/or increased costs to the local community and New Hampshire residents and businesses estimated at \$12.3 million annually. These estimated losses represent the following:

- Direct payments and provision of services to the host community estimated at \$977,000 annually;
- The loss of 13 jobs with direct wages and benefits of roughly \$900,000;
- Loss of expenditures by the landfill on goods and services valued at roughly \$3.8 million;
- Indirect and induced losses to the regional economy of an estimated \$3 million associated with the loss of spending by the employees and lost revenues to suppliers of the landfill; and,
- Additional costs to New Hampshire residents and businesses of an estimated \$3.65 million associated with changes in waste transportation and tipping fees when using alternative disposal facilities .

In addition, the net increase in annual miles associated with waste transport to other disposal facilities is estimated to be 76,000 (rounded). This results in an increase in annual GHG emissions of 128 metric tonnes carbon dioxide equivalent (MTCO₂E) which is associated with the additional trucking.

Construction of a New Landfill in Dalton and a Materials Recovery Facility in Southern New Hampshire

Casella is proposing to develop an integrated waste management system for New Hampshire that includes construction of a landfill in Dalton, New Hampshire and a Materials Recycling Facility (MRF) in southern New Hampshire. DSM analyzed the combined impact of these two facilities over a twenty-year period.

Dalton Landfill

DSM was asked by Casella to utilize the NCES closure analysis to estimate the impacts of opening a new landfill of similar size in Dalton. DSM assumed that the proposed Dalton landfill, roughly 10 miles from the NCES facility, would attract the same waste flow as NCES and would be operated similarly to NCES. Based on these assumptions, operation of the new landfill in Dalton, New Hampshire is estimated to result in economic benefits to the region of \$9.7 million annually, or \$193.7 million over twenty years based on:

- \$2 million annually in host community benefits;
- The addition of 13 new jobs with annual wages and benefits of roughly \$900,000;
- The expenditure of \$3.8 million annually on goods and services from operation of the new facility; and,
- Estimated Induced and Indirect annual economic benefits of \$3 million annually.

In addition, DSM assumes tip fees would be the same as for the current NCES facility, but did not analyze any potential change in transport costs; however these are assumed to be minimal compared with the

estimated increase in tip fees and transport costs of \$3.65 million associated with using alternative facilities after NCES closes.

Construction of a 40,000 Tons Per Year Materials Recovery (Recycling) Facility in Southern New Hampshire

Casella is proposing to construct a new single stream recycling processing facility (MRF) in southern New Hampshire in association with construction of the proposed Dalton landfill. This facility is expected to process 40,000 tons per year which will include roughly 29,000 tons of recyclables collected in New Hampshire that are currently processed in Charlestown, Massachusetts. The new facility is also expected to attract new material with the goal of sourcing another 11,000 tons annually from New Hampshire municipalities and businesses. The climate change impact associated with recycling an additional 11,000 tons of recyclables is estimated to be a reduction in GHG emissions of 29,441 MTCO₂E annually based on the US EPA Warm Model, or nearly 600 thousand MTCO₂E over the 20 year life of the project.²

Further, the MRF is expected to employ 25 people with annual wages and benefits of \$1.4 million and generate annual revenues of \$4.6 million. The indirect and induced impact of this type of facility is estimated to result in an additional 27 new jobs over and above the direct jobs, with annual wages of \$1.4 million, and revenues of \$3.3 million. Therefore, over twenty years the new MRF is estimated to create \$212 million in new wages and revenues for New Hampshire.

The combined economic impact of the landfill and recycling development project is estimated to add over \$400 million to the state's economy, while reducing emissions of nearly 600 thousand MTCO₂E given the assumptions made to perform this high-level analysis.

² Future predictions of GHG emission reductions are speculative because the WARM model computes GHG emission savings based on the current electric grid, which is changing over time, and on the current mix of single stream recyclables, which also changes over time.



The Honorable Kevin Avard, Chair
Senate Committee on Energy and Natural Resources
Senate Chamber, State House
107 North Main Street
Concord, NH 03301

May 10, 2021

Re: Testimony of Charles A. Crocetti, Ph.D., P.G.
Comments on HB 177 - AN ACT prohibiting siting of a landfill near a state park
Hydrogeologic Summary of Granite State Landfill site

Dear Chair Avard:

My name is Chip Crocetti, and I am one of the founders of Sanborn, Head & Associates, Inc. Sanborn Head is an engineering and geosciences consulting firm headquartered in Concord, New Hampshire. Sanborn Head has provided environmental and engineering services to public and private solid waste clients in New Hampshire since the firm was founded in 1993.

We understand that HB 177 has been proposed to prevent the siting of the proposed Granite State Landfill ("GSL") project in Dalton. The premise behind this bill appears to be that land within two miles of a state park is necessarily unsuitable for a landfill and that the GSL landfill in particular poses environmental risks to Forest Lake. Neither assumption is correct.

I am one of the hydrogeologists at Sanborn Head. I hold a bachelor's degree in Earth Sciences from Dartmouth College, and master's and doctoral degrees in from Harvard University, and have worked in the field of hydrogeology for 33 years. I am a licensed professional geologist in New Hampshire as well as in seven other states.

Hydrogeology is basically the study of how water behaves when it encounters geologic features (soil and bedrock). Much of the work I do focuses on the quality and behavior of groundwater, which is water found beneath the surface of the earth. We frequently deal with sites where groundwater has become contaminated through previous industrial activity, leaks from underground storage tanks, and the like. In such cases we ordinarily drill wells around the site to determine the extent of the contaminant plume and then seek approval from DES to monitor or treat the contamination. At a regulated solid waste facility like a landfill, this work is done pursuant to a release detection permit.

For new landfill sites, DES rules require that the land be "characterized." Characterization is essentially a long-term scientific study of the site to develop a thorough understanding of the soils, shallow bedrock, groundwater, and surface water features. It is based on this work that DES determines whether the site is suitable for a landfill.

GSL hired Sanborn Head to characterize the soils, shallow bedrock, groundwater, and surface water at the Dalton site, and we have spent the past three years on this work. I oversaw and collaborated with one of my colleagues at the firm on this project. To characterize the flow of groundwater at the GSL site, Sanborn Head installed a network of 51 groundwater monitoring points around the property. It is a common misconception that groundwater is like an underground lake or river that is connected to all of the other groundwater in the vicinity. In New England, groundwater flows from higher to lower points through the soils and bedrock as a result of the force of gravity. We are all familiar with the term "water table" to describe the upper boundary of accumulated groundwater above bedrock. If we measure the elevation of the water table at multiple locations around the site, we can establish the direction that groundwater flows.

The wells installed at GSL during the site characterization process cover several hundred acres both within the proposed location of the landfill and elsewhere on the site. The objective is to measure the elevation of the water table in each of the wells and then generate what looks like a topographic map showing the differences in groundwater elevations. The water table in each of these wells was measured regularly as part of the study, and in fifteen of the wells these measurements were taken about every 15 minutes for more than a year using downhole instrumentation. A site plan showing the site groundwater and surface water monitoring network is attached.

With the information gathered during characterization, Sanborn Head determined that the site meets the criteria contained in the State of New Hampshire Geologic Siting Limitation. If a landfill is ultimately constructed at the site, the groundwater beneath the landfill and surrounding area will be routinely monitored with a release detection permit issued by DES. The groundwater monitoring is performed as a "check" that the double-lined system which contains the waste is functioning as designed.

We understand that proponents of HB 177 argue that a landfill near Forest Lake in Dalton could negatively impact the water quality of the lake. After evaluating the surface water and groundwater flow in the area during the site characterization process, we conclude that this concern is unfounded.

1. **Surface Water Flow at the Proposed GSL Facility:** The Phase I landfill footprint of the GSL facility lies within the eastern portion of the approximately 2,900-acre Alder Brook/Hatch Brook watershed. As shown on the attached site plan, a natural high ridgeline located near the proposed GSL site forms a surface water divide which determines the direction of surface water drainage. The proposed landfill is located on the western side of this surface water divide. Forest Lake is located on the eastern side. Gravity prevents surface water from traveling uphill or otherwise crossing this topographical ridgeline, and thus surface water cannot move over the divide from the proposed GSL facility to Forest Lake.
2. **Groundwater Flow at the Proposed GSL Facility:** As shown on the attached site plan, groundwater elevation measurements gathered at the GSL site during the site characterization process indicate the presence of a groundwater "divide" along and

beneath the ridgeline that separates surface water drainage flowing to the east and flowing to the west. Like the topographic divide that directs surface water flow eastward to Forest Lake and westward toward the proposed landfill site, the subsurface groundwater divide results in a similar flow pattern in groundwater: east of the divide, the groundwater flows toward Forest Lake, and west of the divide, the groundwater flows toward the proposed landfill site. Groundwater flow at the proposed landfill site is away from Forest Lake, so in the very unlikely event of a release of leachate from the liner system that reaches groundwater, it is not possible that the contaminants could reach Forest Lake.

Modern landfills include redundant systems to prevent the release of contaminants to the environment. If landfill leachate were somehow to escape a landfill's containment systems, groundwater is regularly monitored with a well network to detect any such release. Any contaminants found in these wells trigger immediate notification of DES, prompt investigation of the cause, and remediation of the contamination.

The site characterization completed by Sanborn Head provides important information including: depth to bedrock, soil type and permeability, soil thickness, depth to groundwater, areas of groundwater recharge and discharge, groundwater chemistry, and bedrock type and degree of weathering. This site characterization information is used by the solid waste engineers on the GSL team to design the landfill (e.g., footprint size, location; depth of excavation), and design the site stormwater management features (e.g., location, size of stormwater infiltration basins).

Thank you for the opportunity to appear before the committee today and provide the results of our study of the proposed GSL site. I welcome any questions you may have.

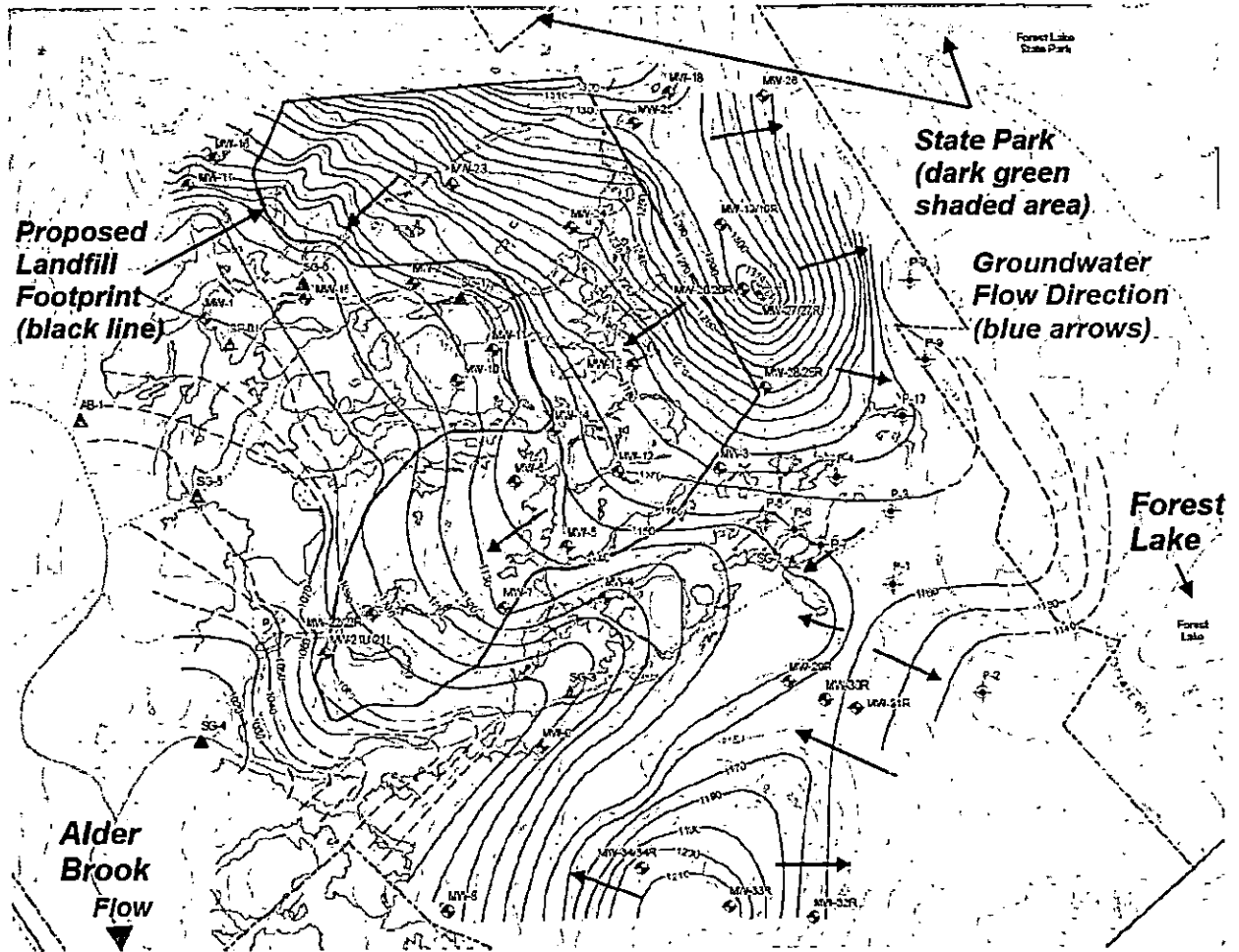
Very truly yours,
SANBORN, HEAD & ASSOCIATES, INC.



Charles A. Crocetti, Ph.D., P.G.
Senior Vice President and Principal

CAC/TMW: cac

Site Plan – Showing Surface Water Divide and Groundwater Flow Directions



Note: Groundwater elevation contours shown were developed from measurements recorded in May 2020.

Griffin Roberge

From: Marjorie Rogalski <marjorie890@gmail.com>
Sent: Monday, May 10, 2021 1:20 PM
To: Kevin Avard; Bob Giuda; James Gray; Rebecca Perkins Kwoka; David Watters; Griffin Roberge
Subject: HB 177

Please vote YES on HB 177 to protect our state parks.

With HB.177, the state will ensure a needed buffer between our invaluable public resources and polluting landfills. This legislation has already passed with bipartisan support in the House.

If landfills are permitted within two miles of state parks, visitors may experience noxious odors, airborne dust and debris, and increased noise. In some cases, landfills may even be visible from the parks, greatly reducing the natural views that are essential to experience and enjoy the natural surroundings.

What's more, all landfills are known to contain dangerous substances like heavy metals, radioactive material, toxic "forever" PFAS chemicals, and pharmaceuticals. These pollutants are often trucked to wastewater treatment plants and can also leak out of landfills and pollute the surrounding groundwater.

I urge you to support HB 177.

Thank you
Marjorie Rogalski
Hanover, NH

Griffin Roberge

From: Tony Caplan
Sent: Monday, May 10, 2021 4:17 PM
To: Kevin Avar; Bob Giuda; James Gray; David Watters; Rebecca Perkins Kwoka
Subject: Testimony on HB177
Attachments: Testimony on HB 177 Rep. Caplan.pdf

Thank you, Senators, again for your time. Here is a copy of my testimony this afternoon on HB 177 as per Sen. Avar's request.

Best Regards,

Rep. Tony Caplan
Merrimack County, District 6
810 Ray Road
Henniker, NH 03242

Representative Tony Caplan

Testimony on HB177 to Senate Energy and Natural Resources Committee

May 11, 2021

1. This bill is not a Nimby bill. It's NOT a spot zoning bill, but it WOULD protect our 68 state parks across New Hampshire, from Monadnock in the south to Forest Lake in the north.
2. A two mile boundary around state parks would leave around 10,000 times the land area for landfill developers to choose from to meet our projected disposal needs in the coming decades.
3. A two mile boundary around state parks for landfill projects is not arbitrary. On the contrary, a 2 mile buffer is a scientifically defensible distance to enable managers to detect toxic leaks with enough time to carry out mitigation efforts, given that all landfill liners leak at some point, and given the speed and generally difficult to predict direction of groundwater flows.*
4. The NH Department of Environmental Services has been operating without a mandated solid waste plan since 2003 and is currently being sued in district court for issuing landfill permits without a plan.
5. The current process is troubled. The chronic underfunding of the Department of Environmental Services under both Republican and Democratic administrations has led DES officials to publicly question the agency's capability of carrying out its duties.
6. We shouldn't even contemplate this practice. Let's design a system that takes the most extreme and unacceptable circumstances, such as siting landfills dangerously close to state parks, off the table.
7. Tourism is the second largest industry in NH, generating around 5 billion dollars in revenues to the state and supporting more than 70 thousand jobs and one of the largest sources of state revenue through the M and R tax.
8. State parks represent some of our most scenic and precious recreation and tourism destinations, and bring in over half a billion of those dollars per year.
9. These figures do not even count the economic activity generated by seasonal home owners and their families in our state. Many of them have been homeowners in and around state parks for generations. Because they concluded years ago and I believe rightfully so, that the state would not abdicate its fiduciary duties to protect its valued and identified assets as represented by our state parks.
10. So I would urge the Senators to keep in mind what these two things, state parks vs landfills, represent, and keep at least 2 miles between them in NH. And take this bill that came off the house floor with a bipartisan ought to pass aided by a groundswell of public support and vote it forward.

*Xiang, R., Xu, Y., Liu, YQ. *et al.* Isolation distance between municipal solid waste landfills and drinking water wells for bacteria attenuation and safe drinking. *Sci Rep* 9, 17881 (2019). <https://doi.org/10.1038/s41598-019-54506-2> (It has some good graphs on calculating buffer zones with different soil types and different

hydraulic slopes. Generally, the average buffer zone just for bacteria in leachate in gravel subsoils is about two miles.)

Griffin Roberge

From: Nancy Mittleman <pdedance@msn.com>
Sent: Tuesday, May 11, 2021 2:11 AM
To: Kevin Avard; Bob Giuda; James Gray; David Watters; Rebecca Perkins Kwoka
Cc: Nancy Mittleman
Subject: Please pass HB177

To: *Senate Energy & Natural Resources Committee*

Good Afternoon

All:

May 10, 2021

My name is Nancy Mittleman and my family has resided in Dalton, Franconia and Bethlehem for almost 50 years. First, I would like to thank you all for both listening to the extensive testimony on HB177 and for asking insightful questions. I have written you letters previously, so I will not repeat myself, but after listening to today's hearing, I would like to comment on testimony I feel was either erroneous or misleading.

First, I would like to emphasize that Dalton is a very small community, with a population of less than 1000 people. The impact of this issue and your decision goes far beyond the borders of Dalton itself, affecting not only Dalton, Whitefield, Bethlehem, Littleton, and Carroll but, I believe, the physical and economic well-being of the North Country, in general. I strongly believe that decisions about plans for major landfills, should reflect the many peoples and towns that would be impacted, not just the immediate Dalton residents. Many of Dalton's residents, in fact, live further, physically, from the proposed landfill site than residents of Bethlehem and Whitefield.

For perspective, please note that the proposed area of the landfill, as stated by Casella, is 180 acres, including infrastructure. This is almost as big as Forest Lake, which is 192 acres. One person mentioned that the landfill was 180 feet "from the farthest west part of the park, but 2800 feet from the lake" as if 2800 feet was a lot. I remind you that 2800 feet is just over a half a mile. Sound (especially over water) and odors travel easily over .5 mile.

In reference to water not being able to travel uphill, one can easily observe water traveling horizontally, underground, under hills. In fact, if you dip the edge of a paper towel into a glass of water, the water will travel uphill by cohesion.

I do believe people have felt bullied going on both sides. I have attended Dalton town hall meetings where derogatory remarks were made on both sides of the aisle. We must continually reflect and investigate to make sure that facts are represented, rather than personal opinions and interests.

In relation to the belief by some that the town of Dalton has been hijacked by a bunch of rich liberals, I would reiterate the fact that the Dalton Select Board are officials elected by the people of Dalton, representing their constituents. We, the people of Dalton, when faced with plans for a large landfill so close to the state park and lake, voted to install a temporary zoning board to consider protection of our interests. Dalton previously had no zoning laws. Although there were some that protested, claiming that zoning laws would limit their property owner rights, it was pointed out time and again that the new zoning laws would be less restrictive than the city plan and that all zoning ordinances applied only to new structures and land use.

Opponents of the bill emphasized that they were the real people of Dalton, poor, senior citizens who were being harassed by the liberal supporters of HB177. I am a senior citizen and as a supporter HB177, I do take offense at being described as a "rich elite...no better than pedigreed dogs," as Pam Kathan referred to supporters of the bill. Might one consider this description to be a form of verbal harassment?

Continual references were made to additional costs that are likely to be incurred if a landfill is not established in Dalton. In fact, Dalton, recently switched from Casella's NCS facility in Bethlehem to the Mt. Carberry facility, and is experiencing lower total costs for solid waste disposal as a result.

Casella has promised the people of Dalton many things, including the creation of 60 new jobs in the community. Would these jobs amount to more than the potential jobs lost, due to reduced tourism if the state park were bordered by a landfill? And, are these jobs for locals or for trained professionals from out of town?

Provisions outlined by the Director Wimsatt for waste management are wonderful, but these mandates depend on a great deal of goodwill and self-directed action. I ask that you review carefully the infractions cited against the company proposing the Dalton landfill. Please note too, if and how quickly infractions were corrected. One speaker pointed out several of these infractions and that little is being done.

Director Wimsatt testified about the letter, noting that it described the controls that NHDES employs to mitigate nuisance conditions associated with landfills, it should be noted that these nuisance controls are after-the-fact remedies and may not be sufficient to counteract impact if a landfill is located in an environmentally-sensitive area, or near a high-value use such as a state park.

My understanding is that NHDES can cite but not enforce its rulings. Is this true? Even if they can enforce, is that really likely to occur when, as mentioned, the NHDES has been underfunded and understaffed. Updating the solid waste plans are starting, but how long will any new rulings take to go into effect. Why hasn't it been updated since 2003?

When talking about a "crisis" in landfill capacity, remember, as stated by Mr. Wimsatt, statistics about landfills reaching capacity are only referring to presently permitted operations and have nothing to do with possible future landfill proposals. As stated by Andrew Bouldin, there are thousands of other potential sites for landfills to meet future needs.

Although Director Wimsatt said he did not know of any studies done on the effects of landfills on tourism, Economic Commissioner, Taylor Caswell has previously voiced concern about the impact a second landfill upstream of Littleton will have on the tourism industry in the North Country

Opponents of HB177 say the bill is not good legislation but it appears to me, to be consistent with relevant court cases, as documented by attorney, Amy Manzelli, who noted that it is consistent with how other states regulate landfills. She noted that more than 11 other states that have enacted buffers to protect their own state parks and other high-value land uses from landfill encroachment.

I suppose, the silver lining to this whole discussion is that the people of NH are looking more closely at how important our natural resources are to us, confronting modern day threats and acknowledging the need to update rules and regulations aimed at protecting our environment and maintaining it for future generations.

In my opinion, no amount of monetary gain or "freebies" are worth endangering our environment, our health or our economy. I implore you to take action now and pass HB177. Implementation of new laws can unfortunately be very slow. HB177 refers to only to new landfills. Delaying decisions can leave our precious resources unprotected, while companies seeking to make large capital gains establish themselves and "get in under the wire" so to speak, without restrictions or enforceable ordinances. We must work proactively together to protect our beautiful state.

Thank you for your time and consideration,
Nancy Mittleman and the entire Mittleman Family
499 Forest Lake Rd.
Dalton, NH 03598
pdedance@msn.com
(541) 961-2316

Griffin Roberge

From: Bonnie Boswell <bboswellantiques@gmail.com>
Sent: Tuesday, May 11, 2021 11:17 AM
To: Bonnie Boswell
Subject: 2 photos concerning HB177 please, please look at them
Attachments: mist in morning from patio.jpg; Casella view.jpg

Dear Committee Members,

I listened to the hearing yesterday and it occurred to me that the one thing you may not have is a picture of what we as homeowners know is at stake. The two photos I have sent you were taken from my families patio and a boat in front of our dock. We are one of those five generation families spoken of yesterday. Our parents bought our home in 1961. You can clearly see what a landfill would look like from our patio and dock. All I can do is pray that you will ask yourself if this were my home would I want what God gave us or what Casella wants to give us. I hope for all the families who live within 2 miles of all of our New Hampshire State parks you will choose to do what I think is the right thing for all the citizens of this state, vote yes on HB177.

Thank you for your time,
Bonnie Boswell
Whitefield

--
Bonnie Boswell
Bonnie Boswell Antiques <http://www.rubylane.com/shops/bonnieboswellantiques>



FAQ FACTS

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- ✦ Why don't we have incinerators instead of landfills to produce energy?
- ✦ Will the landfill liners break down and leak?
- ✦ How many trash trucks can we expect per day?
- ✦ How big will the landfill be?
- ✦ How tall will the landfill be? Will it be visible from the lake and other surrounding areas?

The site will be constructed within the natural contours of the surrounding environment. Because the site is located within a large valley, below a ridge line and at a lower elevation than Forest Lake, the landfill will not be visible from most surrounding areas.



Griffin Roberge

From: Eliot Wessler <eliot.wessler@gmail.com>
Sent: Saturday, May 15, 2021 10:39 AM
To: Kevin Avard; Bob Giuda; James Gray; Rebecca Perkins Kwoka; David Watters; Griffin Roberge
Subject: Important information about Casella's landfill operations
Attachments: State Investigating "Significant" Landfill Leachate Spill Local News caledonianrecord.com 5 14 2021.pdf

Dear Chairman Avard and Members of the Committee:

On behalf of the Board of Directors of NCABC I want to thank you again for your participation in the Committee hearing on HB177, and for giving supporters of the bill a chance to make their case. As additional information pertinent to consideration of this bill is uncovered, we think it important that we make it available to you.

Attached is an excellent summary of a recent accident at Casella's NCES facility in Bethlehem. At the time of the hearing this information was known to Casella and to DES, but not to the general public-- but now it is.

We think this accident underscores a number of important considerations with respect to HB177, namely:

1. Despite Casella's claims, using the most-advanced double liner technology WILL NOT prevent leachate accidents.
2. And despite Casella's claims, Casella has a spotty (at best) track record in operating its landfills and other facilities.
3. Once a landfill is built, leachate spills cannot be prevented before-the-fact; the best that can happen is that they can be remedied some how after-the-fact.
4. This leachate spill at the NCES facility may not result in significant or long-lasting harms--but the next leachate spill (and there will be a next leachate spill!) may.
5. Putting a new, giant landfill right next to a state park makes no sense because of the risk that a leachate spill may make the park unuseable. There are other locations in NH and throughout New England where Casella could site a new landfill where the consequences of a leachate spill will not be so dire.
6. And there are lots of other environmental hazards (in addition to leachate spills) that argue that landfills and state parks are not compatible abutting land uses, e.g., odors, toxic surface water runoff, scavenger animals, sightline/scenic impacts, noise, blowing trash, etc.



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https://www.caledonianrecord.com/news/local/state-investigating-significant-landfill-leachate-spill/article_f7c325bc-c57d-5b77-a331-654e2eae202d.html

State Investigating "Significant" Landfill Leachate Spill

Robert Blechl rblechl@caledonian-record.com Staff Writer

May 14, 2021



The state is investigating a landfill leachate spill of up to 154,000 gallons at the Casella Waste Systems landfill, in Bethlehem, Pa., the entrance to which is pictured here. (Photo by Robert Blechl)

As Casella Waste Systems tries to drum up support and obtain permits for a new landfill in Dalton, the state is investigating what officials are calling a "significant" leachate spill - up to

154,000 gallons - at the company's North Country Environmental Services landfill in Bethlehem.

"We would describe that as a significant release of leachate," said Michael Wimsatt, director of the New Hampshire Department of Environmental Services Waste Management Division. "We were notified more or less in real-time when the folks at NCES discovered this. We are doing an investigation to understand what the magnitude was."

Leachate results mostly from rain and precipitation entering and passing through a landfill, but also from the decomposition of some organic materials and from other liquids that are land-filled, and it contains the materials, pollutants and chemicals, some toxic and carcinogenic, from the materials it has percolated through.

As they investigate the extent of the leachate spill in Bethlehem, DES officials visited the landfill site this week.

In an incident report that the company submitted to DES on May 7, Casella engineer John Gay cited equipment and human errors as the cause of the spill that lasted off and on for nearly 48 hours, from the morning of May 1 to the morning of May 3, at the landfill's Stage IV, Phase II.

The stage's sump pumped leachate to the on-site storage Tank A while Tank A was at capacity, wrote Gay.

"The pump did not receive an 'inhibit' signal from the system control and resulted in intermittent pumping after tank storage were full," he said. "The continued pumping from Stage IV Phase II resulted in leaching flowing to a former valve box '401' that is no longer in service. Over this

period and intermittently, valve box 401 filled with leachate and over-topped."

Leachate flowed over the ground surface into the forebay of a stormwater detention pond, he said.

The landfill stage has a master supervisory control and data acquisition system electronic unit (SCADA) that collects and transmits electrical signals to various electronic control units at the NCES site, he said.



"Radio communication from the master SCADA control unit and the subordinate State IV Phase II control unit was under repair because the control signal had been lost," wrote Gay. "There was discussion between our SCADA controls vendor and our electrician on the necessary repairs, components were ordered, and a replacement of parts occurred on Tuesday April 27. After the parts were replaced, it was determined that the new parts had not resolved the communication error and therefore the issue was not resolved. The electrician inadvertently left the controls system in 'automatic' mode and left the site. NCES was not aware of this situation. On the morning of May 1 when the incident began, Stage IV Phase II control unit was not able to receive a pump inhibit signal."

Remediation measures include managing all stormwater in the detention pond as wastewater to be taken to a municipal wastewater treatment facility as well as removing the sediment underlying an area of the pond, said Gay.

Measures to reduce or prevent a reoccurrence include ensuring that any vendor who has performed site maintenance checks in with NCES staff before leaving the landfill facility, he said.

Soon after the spill discovery, NCES took a number of remediation measures, including pumping off much of the release discharged to the stormwater detention pond to the leachate containment system and excavating subsoils and sludges from the bottom of the pond, said Wimsatt.

"There will be further work to evaluate the nature of the release and the extent of any releases into the ground," he said. "We're not aware of any direct impacts to surface water, but again, we're still in the beginning of our investigation stages."

With the investigation ongoing, it was undetermined Friday if the incident will constitute a violation of NCES's permit from the state to operate the landfill.

The incident drew reactions from opponents to the proposed Casella landfill beside Forest Lake State Park in Dalton, among them members of the North Country Alliance for Balanced Change.

"All systems, no matter how well designed, will fail at some point in their life cycle," said Dalton resident and NCABC board member Erik Johnson. "Any system failure at a landfill means the impact can last forever in the environment and the surrounding community."

NCABAC board member Gary Ghioto said, "Leachate is a nasty byproduct of industrial landfills, a polluting soup of chemicals, garbage and other wastes that rainwater percolates out of what's dumped in that mountain of trash over in Bethlehem next to the Ammonoosuc River. Can you imagine a 154,000-gallon spill of that stuff next to your favorite state park. Like Forest Lake State Park?"

Robert Blechl

Griffin Roberge

From: Adam Finkel <adamfinkel424@gmail.com>
Sent: Sunday, May 16, 2021 7:25 PM
To: James Gray; Bob Giuda; David Watters; Rebecca Perkins Kwoka; Griffin Roberge
Subject: as you prepare to vote on HB 177
Attachments: AM Finkel letter to Sen Avard.pdf

Dear Members of the E&NR Committee,

I've imposed on you in writing and in oral testimony already, so I'll be very brief: please consider the attached note I sent to the Chair earlier today. It is personal with respect to issues I believe he takes an interest in, but it might be useful to you as well.

If you are still concerned about supporting this bill, let me suggest that I can imagine one sensible, though ultimately incorrect, reason to oppose it. Perhaps you believe NH DES should continue to have the latitude to approve the siting of a landfill within 100 feet of one of our state parks, as at present. As a logical matter, if you think no agency in its right mind would do so, then I suggest it does no possible harm to the system to legislate this constraint.

But if you can imagine a situation where this is a good idea, *especially in light of the 2-day undetected leachate spill in Bethlehem that none of the Casella witness saw fit to mention at the May 10 hearing*, then please try to give my independent and unbiased scientific testimony some credence. I've spoken at some length with one of you who believes that there may be situations where 2 miles is too much of a buffer. Please take a look at the last page of my written testimony, showing that "prevailing winds" means just that-- odors and noise travel for miles in every direction.

As a former regulator at OSHA and EPA at the federal level, I have great respect for agencies that wish to preserve their discretion to make scientific and economic judgments. But these judgments

must have limits. Please help DES "build a bridge to the 21st Century" and modernize its siting criteria. The needs of the many, around every one of the NH state parks that may be the next setting for a "willing landowner" and a developer with severe myopia about the environment, outweigh the desires of the few.

thanks and best regards,
Adam Finkel

--

Adam M. Finkel, Sc.D., CIH

Clinical Professor of Environmental Health Sciences

University of Michigan School of Public Health

Webpages: <https://sph.umich.edu/faculty-profiles/finkel-adam.html> ; <https://sites.google.com/site/afinkelarticles/> ; <http://lullaby-cd.adamfinkel.com/>

cell: 202-406-0042

May 16, 2021

Dear Senator Avard,

You ran a terrific hearing last Monday, under a combination of difficult circumstances, which is all a voter can ask for. I know your time is precious, so I'll be as brief as I can given how important I regard your vote tomorrow on HB 177 for the future of New Hampshire's environment and economy. Please feel free to reach out anytime via email or cell (202-406-0042) if I can answer any questions for you, from my POV as an environmental scientist, former appointee in the Clinton and GW Bush administrations, and author of several books and reports on how regulatory agencies can become "best in class" worldwide.

I am heartsick at the thought that anyone would vote against this bill based on false or misleading information. I've already submitted testimony about the science (speed of groundwater flow, radius of odor impacts, likelihood of birds causing eutrophication of nearby lakes, especially when *deliberately* "scared away" from the landfills themselves, towards the parks and lakes) behind the two-mile (or more) buffers many other states have set by statute. I also commend to your attention the masterful legal analysis by Ovide Lamontagne, which amply demolishes all the vague and unsupported claims the bill has constitutional problems or implicates "spot zoning." Here, I'd like to briefly correct a few more misimpressions that I'm told are still influencing the minds of Senators on the Committee. Again, please pardon the hubris, but these explanations are simply unimpeachable; if you doubt that, please ask any opponent of the bill to refute what's here and watch them flounder.

1. *HB 177 does not usurp "local control."* I frankly don't understand how anyone can make this argument. State legislatures set uniform rules of conduct for the entire state almost every time they do anything, and if "usurping local control" was actually a legitimate concern, few bills would ever pass. This is a state-wide bill, so the views of Dalton are only peripheral to it, but I assure you that there are many (I believe a very clear and large majority) voters there who are *awaiting with gratitude* a Senate decision to set a state-wide policy for landfill siting. And, of course, anyone who claims that Dalton somehow "deserves" to attract a landfill is simply running roughshod over the *more severely impacted, but not in any way recompensed*, citizens of Whitefield (closer to the landfill) and Bethlehem/Littleton ("beneficiaries" of the inevitable surface water impacts into the Ammoonosuc). What about *their* control over their own lives?

But beyond that, just consider: what are some things the people of Dalton don't have "local control" over TODAY? We can't build a casino. We can't declare that in our town, possessing more than an ounce of marijuana is legal. We can't set a 100 mph speed limit on roads within "the Commonwealth of Dalton."

Most importantly for this argument, what is one thing that the people of Dalton COULD STILL DO if HB 177 passes? We could approve a private or public landfill within our borders! -- just not in the portion of the town within 2 miles of Forest Lake State Park. *Please don't vote against this bill because you somehow believe that every locality should be immune from public policy.*

2. Only one developer in the region claims that “only we can fix your problem” and (an even wilder claim) that “only next to Forest Lake can we fix it.” Suppose, contrary to fact, I and others decided to concede that NH has a “landfill crisis” this decade (DES says not until 2034, and clearly told you at the hearing that it is not *allowed* to assume existing landfills will be allowed to continue operating far beyond that date, but that *of course they will*). Fine; suppose we WILL need about 200 acres of capacity online by 2034. *How can anyone possibly believe that 175 feet from a state park, a developer has magically “found” the ONLY parcel left in the state suitable for trash disposal? Every single claim* about the “harms” this simple bill will wreak depends on your believing that without the FSLP site, we will all have to let trash pile up on our sidewalks and lawns. This is laughable and outrageous.

This analogy explains how you are being gaslit here. I've always wanted to play in the NBA, for my hometown Philadelphia '76ers (just to be clear, I'm 62 years old with a surgically repaired left knee). But I could lobby the Sixers that “you won't ever win without one more player to make you great,” *and if I had enough chutzpah*, I could “prove” that only I can save them, by sending them film of other players who are clearly worse than me. But to do that, I'd have to find footage of, say, Robert Reich (4'11" tall), Jimmy Carter (96 years old), and my late father. *This is the fantasy that the DES permit process encourages*: “here's the site we want, and here are three *hand-picked sites* that are worse, and we dare you to say they are as good.”

Let's be honest here: when Casella Waste Systems first met with DES (April 2019), they presented a Powerpoint whose first slide was entitled “Dalton Has No Zoning.” They perennially refer to the “willing landowner” next to the Park. These are fine reasons for *the buyer and the seller* to tout their site, but they are NOT reasons for the Legislature to be fooled into thinking this is the only conceivable solution to the “crisis” we may or may not have.

Let's set good public policy via HB 177, policy that hamstring the search for sensible landfill locations NOT AT ALL.

3. I apologize—a little bit—for my Mr. Spock meme that pitted “the needs of the many against the whims of the few.” I think I saw you smile at this during the Zoom, and I hope my word choice wasn't off-putting. Of course a large financial transaction is more than a “whim,” but I couldn't find a

better word to contrast with a “need.” The buyer and seller simply do not “need” to transact in any particular location. If they are thwarted by public policy, their losses are small and their wants may be fully satisfied in another way. Again, we are all used to saying that a property owner next to a hospital can’t build an outdoor rock-concert stage there; the would-be stadium builder can easily live with that tiny constraint, and the site owner can rent or sell to almost anyone else. But the environment has **needs**—it can absorb some pollution, but not an inordinate amount. The nearby homeowners *need* to be able to sell their homes when they are too old to live there anymore.

That is why I continue to insist that HB 177 is about science and policy, not about rights, but if Senators insist on bringing up rights, only one side in these controversies truly has *rights in jeopardy*; the other side has wants, and not all wants get fulfilled in exactly the way special interests choose. And yes, there are far more of us looking to you to protect our rights than there are those hoping you will cater to their whims, but it’s not primarily about numbers, but about the *quality* of what each side stands to lose.

Finally, I hope you won’t mind a personal appeal from someone you’ve never met but who has looked at your record and passions. I admire your work against the death penalty. I wouldn’t presume to infer where your conscience is leading you here, but *if you realize that a big problem with the death penalty is that it allows for irreversible mistakes*, I hope you can see the parallel here. We will make mistakes in landfill siting during the rest of the century. We may be “too careful” and rule out a site that appears to be horribly unsuitable, only to learn later that a modern landfill *could* have been operated safely there and without ruining the lives and wealth of homeowners and turning a tourist attraction into a nuisance. *Such mistakes are reversible*. But when we are not careful enough, we need to avoid making an error that can never be reversed.

I assume you will consider that the easiest way to take irreversible error off the table here is to require a minimal distance to our most sensitive environments. *The substantial and long-duration leachate spill earlier this month in Bethlehem should serve as a wake-up call* to the central inescapable fact here: while the Senate can’t prevent these incidents from occurring, it can place them somewhat further away from voters and environments that truly represent “the needs of the many.” Thanks again for all your hard work and careful attention to this issue.

Best regards,



Adam M. Finkel, Sc.D., CIH

Griffin Roberge

From: Pam Kathan <pam.kathan@gmail.com>
Sent: Monday, May 17, 2021 6:14 AM
To: Bob Giuda; Jeb Bradley; David Watters; Suzanne Prentiss; James Gray; Harold French; Ruth Ward; Denise Ricciardi; Jay.khan@leg.state.nh.us; Gary Daniels; Kevin Avard; Cindy Rosenwald; Sharon Carson; Rebecca.whitley@leg.state.nh.us; Kevin Cavanaugh; John Reagan; Donna Soucy; Regina Birdsell; Lou D'Allesandro; Rebecca Perkins Kwoka; Chuck Morse; William Gannon; Tom Sherman; Joseph.D.Kenney@nh.gov; Griffin Roberge; Smith, Jennifer
Subject: IMPORTANT FROM CITIZENS OF DALTON NH OPPOSING HB177

We, the undersigned citizens of Dalton, NH wish to provide the following testimony in opposing HB177.

This bill takes away local control and silences the voices of Dalton, our voices!

NHDES has testified that they have a rigorous siting process when it comes to landfills. They provided in detail exactly how the process works and it is based on fact and science. This bill is not backed by study or science. The distance is an arbitrary number. We feel that this legislation is designed by a group of people for a specific project, and the fact that it is only aimed at State Parks, and excludes state historic sites and recreational trails and applies only to new landfills shows in our opinion that the bill is targeted specifically at one project. Especially since the supporters and sponsors have spoken about the Dalton project when referring to the bill.

If the project makes it through DES, it will then be up to Dalton voters and elected officials to decide whether to accept the landfill sponsor's proposal to the town. There is a host community agreement proposal to the town.

We as citizens in our town have submitted a petitioned warrant article to be presented for vote at our upcoming town meeting that directs the start of negotiations with Casella on this project.

The current host community proposal put forth to our town with the landfill paying 100% of all property taxes plus additional investment into our community could beneficially transform the futures of many Dalton families who struggle financially. Putting HB 177 into law would tell Dalton families that their needs, their opinions and their voices mean nothing. We, the citizens of Dalton would have no say at all.

Thank you for accepting our testimony-

1. Annabelle Brown – 273 Whitefield Rd, Dalton NH
2. Keanna Solmon – 273 Whitefield Rd, Dalton NH
3. Kathy Barden – 407 French Rd, Dalton NH
4. Theron C. Barden – 407 French Rd. Dalton NH
5. Theron Barden III – 407 French Rd. Dalton NH
6. Marilyn Nadeau – 20 Achorn Hill Rd. Dalton NH
7. Richard Nadeau – 20 Achorn Hill Rd. Dalton NH
8. Thomas D. Kathan – 241 Harriman Rd. Dalton NH
9. Pamela J. Kathan – 241 Harriman Rd. Dalton NH
10. Scott Kleinschrodt – 59 Bush Rd. Dalton NH
11. Donald F. Mooney – 232 Miller Rd. Dalton NH
12. Nancy Mooney – 232 Miller Rd. Dalton NH
13. Kevin M Whittum, Jr – 15 Winter Lane, Dalton NH

14. Tanya L. Whittum – 15 Winter Lane, Dalton NH
15. Eva Martin – 15 Winter Lane, Dalton NH
16. Shawn St. Cyr – 26 Buckshot Rd, Dalton NH
17. Kevin Whittum, Sr – 462 French Rd, Dalton NH
18. Bonnie Whittum – 462 French Rd, Dalton NH
19. George Bell – 762 Miller Rd (mail: 434 Blakeslee Rd) Dalton NH
20. Bryan Glidden – 38 Faraway Rd, Dalton NH
21. Victor St. Cyr – 434 Blakeslee Rd, Dalton NH
22. Tammy St. Cyr – 434 Blakeslee Rd, Dalton NH
23. Earl Henry – 295 Harriman Rd, Dalton NH
24. Linda Henry – 295 Harriman Rd, Dalton NH
25. Sharon Tupper – 20 Ridgeview Terr. Dalton NH
26. Russell Burt – 496 Harriman Rd, Dalton NH
27. Mary Brocuglio – 866 Dalton Rd, Dalton NH
28. Rodney D. Rexford – 194 French Rd, Dalton NH
29. Nancy J. Rexford – 194 French Rd, Dalton NH
30. Robin Pilotte - 194 French Rd, Dalton NH
31. Eric Pilotte - 194 French Rd, Dalton NH
32. Doris B. Mitton – 449 French Rd, Dalton NH
33. Norman Gardner – 27 Ridgeview Terrace, Dalton NH
34. Paul Cummings – 25 Ridgeview Terrace, Dalton NH
35. Richard Dirsá – 2 Ridgeview Terrace, Dalton NH
36. Paul C. Poulin – 18 Meadow Dr. Dalton NH
37. Peter Kappler – 961 Whitefield Rd. Dalton NH
38. Kyle MacBean – 40 Blakeslee Rd, Dalton NH
39. Dave Dillon – 397 Ridge Rd, Dalton NH
40. Anna Gilbody – 578 Dalton Rd, Dalton NH
41. Gary Greenwood – 255 French Rd. Dalton NH
42. Linda Greenwood – 255 French Rd. Dalton NH
43. Martha Mason – 394 Dalton Rd. Dalton NH
44. Roland Day - Follies Rd, Whitefield NH
45. Rose Bishop - Follies Rd, Whitefield NH
46. Anthony Daisey - 499 Whitefield Rd. Dalton NH

The Concerned Citizens of Dalton

Griffin Roberge

From: Pam Kathan <pam.kathan@gmail.com>
Sent: Monday, May 17, 2021 10:09 AM
To: Bob Giuda; Jeb Bradley; David Watters; Suzanne Prentiss; James Gray; Harold French; Ruth Ward; Denise Ricciardi; Jay.khan@leg.state.nh.us; Gary Daniels; Kevin Avard; Cindy Rosenwald; Sharon Carson; Rebecca.whitley@leg.state.nh.us; Kevin Cavanaugh; John Reagan; Donna Soucy; Regina Birdsell; Lou D'Allesandro; Rebecca Perkins Kwoka; Chuck Morse; William Gannon; Tom Sherman; Joseph.D.Kenney@nh.gov; Griffin Roberge; Smith, Jennifer
Subject: IMPORTANT FROM CITIZENS OF DALTON NH OPPOSING HB177 More Signatures

Here are more signatures for opposition to HB177

Wayne Lambert - 400 French Rd, Dalton NH
Angela Currier - 400 French Rd, Dalton NH
Vanessa Hines - 104 Douglas Dr. Dalton NH
Doug Ingerson - 104 Douglas Dr. Dalton NH
Douglas Ingerson III - 104 Douglas Dr Dalton NH
Hayden Ingerson - 104 Douglas Dr, Dalton NH
Tylor Thompson - 104 Douglas Dr, Dalton NH
Brian Fuller - 24 Meadowmist, Dalton, NH

Griffin Roberge

From: Pam Kathan <pam.kathan@gmail.com>
Sent: Tuesday, May 18, 2021 9:51 AM
To: Bob Giuda; Jeb Bradley; David Watters; Suzanne Prentiss; James Gray; Harold French; Ruth Ward; Denise Ricciardi; Jay.khan@leg.state.nh.us; Gary Daniels; Kevin Avard; Cindy Rosenwald; Sharon Carson; Rebecca.whitley@leg.state.nh.us; Kevin Cavanaugh; John Reagan; Donna Soucy; Regina Birdsell; Lou D'Allesandro; Rebecca Perkins Kwoka; Chuck Morse; William Gannon; Tom Sherman; Joseph.D.Kenney@nh.gov; Griffin Roberge; Smith, Jennifer
Subject: Re: IMPORTANT FROM CITIZENS OF DALTON NH OPPOSING HB177 More Signatures

Jesse Libby - Whitefield
Cassie Libby - Whitefield
Jared Paterson - 156 Faraway Rd, Dalton NH

On Mon, May 17, 2021 at 10:09 AM Pam Kathan <pam.kathan@gmail.com> wrote:
Here are more signatures for opposition to HB177

Wayne Lambert - 400 French Rd, Dalton NH
Angela Currier - 400 French Rd, Dalton NH
Vanessa Hines - 104 Douglas Dr. Dalton NH
Doug Ingerson - 104 Douglas Dr. Dalton NH
Douglas Ingerson III - 104 Douglas Dr Dalton NH
Hayden Ingerson - 104 Douglas Dr, Dalton NH
Tylor Thompson - 104 Douglas Dr, Dalton NH
Brian Fuller - 24 Meadowmist, Dalton, NH

Voting Sheets

Senate Energy & Natural Resources Committee

EXECUTIVE SESSION RECORD

2021-2022 Session

Bill # <i>HB 177</i>

Hearing Date: 05/10/2021

Executive Session Date: 05/17/2021

Motion of: ITL Vote: 3-2

Committee Member	Present	Made by	Second	Yes	No
Sen. Avard, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Giuda, Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gray	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Watters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Perkins Kwoka	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Avard, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Giuda, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gray	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Watters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins Kwoka	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Avard, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Giuda, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gray	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Watters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins Kwoka	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Avard, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Giuda, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gray	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Watters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins Kwoka	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Avard

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Monday, May 17, 2021

THE COMMITTEE ON Energy and Natural Resources

to which was referred **HB 177**

AN ACT prohibiting the siting of a landfill near a state park.

Having considered the same, the committee recommends that the Bill

IS INEXPEDIENT TO LEGISLATE

BY A VOTE OF: 3-2

Senator Kevin Avar
For the Committee

Griffin Roberge 271-3042

ENERGY AND NATURAL RESOURCES

HB 177, prohibiting the siting of a landfill near a state park.

Inexpedient to Legislate, Vote 3-2.

Senator Kevin Avard for the committee.

Docket of HB177

Docket Abbreviations

Bill Title: prohibiting the siting of a landfill near a state park.Official Docket of **HB177**.

Date	Body	Description
1/4/2021	H	Introduced (in recess of) 01/06/2021 and referred to Environment and Agriculture HJ 2 P. 38
1/26/2021	H	Public Hearing: 02/03/2021 01:00 pm Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/95965527325 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
2/18/2021	H	Majority Committee Report: Inexpedient to Legislate (Vote 10-9; RC) HC 18 P. 72
2/18/2021	H	Minority Committee Report: Ought to Pass with Amendment #2021-0353h
4/9/2021	H	Special Order to next order of business (Reps. Osborne, Cushing): MA DV 282-72 04/09/2021 HJ 7 P. 89
4/9/2021	H	Lay on Table (Rep. Stapleton): MF DV 174-183 04/09/2021 HJ 7 P. 90
4/9/2021	H	Inexpedient to Legislate: MF RC 171-187 04/09/2021
4/9/2021	H	Amendment #2021-0353h : AA DV 251-104 04/09/2021 HJ 7 P. 92
4/9/2021	H	Indefinitely Postpone (Rep. Dolan): MF DV 156-201 04/09/2021 HJ 7 P. 92
4/9/2021	H	Ought to Pass with Amendment 2021-0353h: MA RC 197-159 04/09/2021 HJ 7 P. 92
4/9/2021	H	Reconsider (Rep. Cushing): MF DV 144-209 04/09/2021 HJ 7 P. 94
4/13/2021	S	Introduced 04/08/2021 and Referred to Energy and Natural Resources; SJ 12
5/6/2021	S	Remote Hearing : 05/10/2021, 01:00 pm; Links to join the hearing can be found in the Senate Calendar; SC 23
5/17/2021	S	Committee Report: Inexpedient to Legislate, 05/20/2021; SC 24A
5/20/2021	S	Inexpedient to Legislate, RC 14Y-8N , MA === BILL KILLED ===; 05/20/2021; SJ 16

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 177

Senate Committee: ENR

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: (Legislative Aides)

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

N/A Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: (Legislative Aides)

All amendments considered in committee (including those not adopted):

N/A - amendment # _____ - amendment # _____

_____ - amendment # _____ - amendment # _____

Executive Session Sheet

Committee Report

Floor Action Documents: (Clerk's Office)

All floor amendments considered by the body during session (only if they are offered to the senate):

_____ - amendment # _____ - amendment # _____

_____ - amendment # _____ - amendment # _____

Post Floor Action: (if applicable) (Clerk's Office)

_____ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

_____ Enrolled Bill Amendment(s)

_____ Governor's Veto Message

All available versions of the bill: (Clerk's Office)

_____ as amended by the senate _____ as amended by the house

_____ final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Committee Aide

Date

Senate Clerk's Office AK