

New Hampshire General Court
Committee to Study Recycling Streams and Solid Waste Management

October 23, 2019

HB 617: A STATEMENT ABOUT ONE TOWN'S EXPERIENCE WITH LANDFILLING AND
NEW HAMPSHIRE'S LOW RECYCLING RATE

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Dear Committee Members:

I am writing to this committee to provide information about one town's experience with landfills, waste management and recycling.

I am writing as a private citizen. However, I have served on the Bethlehem Conservation Commission since 2007, much of that time as chair or co-chair. I have participated in 12 annual roadside clean-ups and testified in a number of NH Department of Environmental Services public hearings opposing landfill expansion in Bethlehem.

I have scanned the minutes of the committee online and want to thank you for spending your time on these important issues. I want to make sure the committee understands that towns like Bethlehem with landfills bear the consequences of New Hampshire's poor recycling efforts.

I have been disappointed that the state has failed to tackle solid waste and recycling issues by failing to pass a ban on plastic bags or a bottle-deposit bill. We all see the consequences of this daily on our roadways. I would like to think that the legislative charge to your committee signals a change in direction. These and other types of legislation are long overdue to conserve New Hampshire's natural resources for future generations.

I would ask the committee to look into whether zero-sort recycling is beneficial or whether it results in fewer items actually being recycled once they are delivered to a transfer station or landfill for sorting. That seems to be an important issue.

From my experience, it seems the mindset has not been to reduce waste and divert as much as possible from landfills – because landfills are there and the solid waste lobby is a powerful one. I also understand that diverting food waste, plastics, etc. from the waste stream is not going to be easy. It involves changing people's minds and habits, both those of the public and state agencies. We should learn from the experience of others to start the hard work of reducing waste. Vermont, for example, has adopted a Universal Recycling Law that should be given serious consideration by this committee.

I hope that the formation of this committee is a positive sign that New Hampshire now is up to this challenge.

I see recycling as a source of jobs for the North Country and as a way to draw young people who are concerned about these issues to our part of the state. There may also be jobs in manufacturing new items out of recyclables.

Below are several points of concern – given my experience of living in Bethlehem -- over the impact of current state policies regarding landfills and low recycling rates on towns that currently have landfills.

1) Concerns over landfills, pollutants and water quality:

A majority of residents in Bethlehem do not want Casella's NCES landfill here; we have voted 18 or 19 times in opposition to the landfills, most recently in 2017 and 2018. And now there is a move underway by landfill supporters to make the town vote on this once again.

We are not alone in opposing the idea of endless, larger and larger landfills and their environmental impacts.

In Vermont, at the Casella-operated landfill, there are concerns on both sides of the border with Canada about pollution and Lake Memphremagog.

We, in Bethlehem, are concerned about polluting the Ammonoosuc River. In fact, the concerns of a number of Bethlehem citizens were taken seriously enough that last year (2018) the Conservation Law Foundation and Toxics Action Center filed a federal lawsuit against Casella Waste for alleged violations of the Clean Water Act. It has now gotten somehow entangled with a similar lawsuit in Hawaii so it hasn't yet been resolved.

Casella Waste is now threatening that, if it can't expand in Bethlehem, it will build a new landfill in Dalton. Again the majority of Dalton residents were so opposed that they voted after many, many years to finally adopt zoning, which had been anathema to the town. They are concerned about a landfill that would be in such close proximity to Forest Lake.

Again, we should be trying to keep plastics, glass food and recyclables out of landfills instead of expanding them.

We also object to taking trash of all kinds from outside of New Hampshire. The state needs to be able to stop this.

2) DES and aquifers

The NCES landfill in Bethlehem is also sited on an aquifer and is close to the Ammonoosuc River. I can't tell you the number of times that the NH Department of Environmental Services has downplayed the importance of that aquifer because it is not a "high-yield" aquifer. It's too bad this state does not have the foresight to be aware of future dwindling water resources and the necessity to keep our waters clean no matter what their "yield" and then there is the proximity of the aquifer, above which the landfill is sited, to the Ammonoosuc.

Below is an excerpt from a 2008 public hearing held in Bethlehem over an NCES landfill expansion. These are notes that DES sent out after the hearing. I've copied the heading and DES personnel present. Below that is the exchange over the aquifer. I've put all of this in italics. I considered the comments highlighted in yellow below to be unnecessarily dismissive of residents' concerns:

Record of Questions and Issues Raised at the July 15, 2008 Public Meeting for the Permit Modification Application at North Country Environmental Services

Taken by Executive Secretary Liz Modesitt

DES Personnel Present: Michele Andy, Paul Currier, Mike Guilfooy, Pam Hoyt-Denison, Sherry Godlewski, Karlee Kenison, Liz Modesitt, Pam Monroe, Todd Moore, Wayne Wheeler, and Mike Wimsatt.

Ms. Jensen of the Bethlehem Conservation Committee spoke about her concerns that the NCES landfill is located on an aquifer. She brought up the model ordinance that exists as guidance for towns, and said that because the model ordinance prohibits such a thing, DES should not allow further expansion of the NCES landfill. She also said that VOC's have been found in test wells in the landfill, and wanted to know the status of that remediation and why DES would allow more trash given that VOC's exist.

Mike Guilfooy responded that according the US Geological Survey (USGS), the aquifer under the landfill was not a potential high yield aquifer, that it is the lowest class of aquifer, and under state law a new landfill would be allowed there. Also, he said that there is a difference between the model ordinance and state law, and applications follow state law and not the model ordinance.

Mike Wimsatt raised the point that almost anywhere in New Hampshire could be called an aquifer, due to the definition of an aquifer, and that what the USGS maps are concerned with and show are high yield aquifers, which is NOT what the aquifer by the NCES landfill is.

3) Bethlehem's Transfer Station Committee:

Bethlehem is currently operating under agreements, which we hope mean the landfill (Casella Waste's North Country Environmental Services) will close in 2024. In anticipation of that, the Selectboard appointed a committee to look into options for the town to address our solid waste and recycling needs.

By appointing this committee, our town has shown it is concerned about these issues. I hope the appointment of this committee shows that New Hampshire is concerned as well and ready to do something about it. I hope that, instead of falling back on landfills, the state will assist New Hampshire towns in diverting recyclables, plastics and food waste from those all-too-convenient landfills.

4) DES, conservation commissions and various permit applications

When it comes to DES, it has been frustrating at times to deal with that agency over the years. There are unrealistic deadlines in which conservation commissions are supposed to comment on permit applications, for example, and there is the exchange on aquifers #2 above as well.

I am aware that some of this is not the fault of DES but the result of legislation. Here is a recent bill HB 682-FN (again in italics below) that the NH Association of Conservation Commissions is supporting:

2/21/19 NHACC Supports Funding for DES

The NH Association of Conservation Commissions supports HB 682-FN an Act establishing a water resources fund in the department of environmental services and charging certain application and permit fees. This funding increase will provide the necessary staff and resources to DES so that they may respond efficiently and effectively to the dredge and fill permit review process. Last year the legislature decreased the review period for DES to respond to wetland dredge and fill permits by almost half. In order to continue to protect wetlands and meet the shortened deadlines, DES needs sufficient resources to respond in a timely and thorough manner.

I would also like to ask the legislature to significantly increase the review period for DES to respond to wetland dredge and fill permits, perhaps returning to the prior requirements.

DES has been working to “streamline” some of its permitting processes, which I don’t think is going to help the agency fulfill its mission statement. I am curious to learn about the new wetlands rules being released.

5) Landfill liners leak

There is much information about how landfill liners can leak – for many reasons. However, Bethlehem has heard so many denials about this from NCES. Yet, it is a valid concern based on Bethlehem’s past experience with NCES.

As an example, I am attaching a news article from the Monitor (October 25, 2009) and a New Hampshire Public Radio report (October 21, 2009). The top of the Monitor article says it all.

“Operators of a large commercial landfill in Bethlehem have found leaks in the containment systems meant to prevent contaminants from escaping into groundwater. That acknowledgement comes after months of denials that such leaks were possible.

“North Country Environmental Services, a subsidiary of Casella Waste Systems, has stayed a lawsuit against the state that said the Department of Environmental Services could not deny its application to expand the landfill based on a 'hypothetical liner leak.'”

(Both articles are in the attachment “Leaks at Landfill 2009” attached to this email.) Some residents of Bethlehem deserve a great deal of credit for placing pressure on DES to keep investigating the issue of leaks.

6) Is DES water testing sufficient to catch landfill leaks?

In another interaction with DES back in 2007, the Bethlehem Conservation Commission hired a professor from UNH, Professor William McDowell, to review some of the water testing information from DES about the NCES landfill during the controversy about whether the landfill was leaking.

He had praise for the testing that DES was doing, but said to really get to the bottom of whether the liner was leaking, DES should be requiring additional tests. We passed that information along to DES. Below is its initial answer from notes of a public meeting (Again in italics with whatever typos there were.)

(5) There is concern that DES is not requiring testing for all relevant parameters in groundwater and therefore does not fully understand conditions at the site and the potential impact the landfill may be having on groundwater. Professor McDowell from the University of NH suggests the need to do a broad scan of the inorganics and total dissolved organic matter in selected wells. This would include sodium, potassium, calcium, magnesium, sulfate, and dissolved organic carbon and nitrogen. He indicates that he would like to see these analyses be used as a forensic tool to help understand the nature of contamination with trace organics.

To date, DES's assessment of site conditions has been based on an evaluation of the standard groundwater testing parameters specified in the facility's Groundwater Management & Release Detection Permit. DES determined that the collection of the additional parameters suggested by Professor McDowell would not aid in our current decision for this specific project. Nonetheless, DES intends to further consider Professor McDowell's suggestions to determine whether state requirements (ref. Env-Or 700) for monitoring groundwater quality at lined landfill sites should be amended to include additional parameters for detection and assessment monitoring of the water quality.

Roughly a decade later, I have seen no results from the “further” consideration of Professor McDowell’s recommendations. In fact, I believe there is a letter somewhere in the BCC files from DES that the agency thought it was doing all the testing necessary.

And roughly a decade later I have seen no increase in recycling rates in the state.

7) Quick comment on New Hampshire the Beautiful and a bottle-deposit bill

I see that you interviewed someone from New Hampshire the Beautiful. As a Conservation Commission member in Bethlehem for a number of years I’ve driven from Bethlehem to Epsom to get blue litter bags for our annual roadside clean-ups from Litter Free NH, which is a part of this umbrella group. Below is a description of that group from the web site:

The organization is a non-profit 501 (c)(3) Charitable Trust supported by members of the NH Soft Drink Association, the Beverage Distributors of New Hampshire Association and the New Hampshire Grocers Association. This collaborative effort by food and beverage companies has developed comprehensive programs to address, litter issues, recycling challenges, environmental awareness and education.

In our roadside cleanups the main culprits are soda and beer cans and bottles. I can’t help but wonder how different things would be if the food and beverage companies would help get a bottle-deposit bill passed. That would address litter issues directly.

We could do away with the whole blue bag issue, which of course results in more plastic in landfills, and our roads would look much nicer ALL year instead of just after a spring roadside clean-up. I’ve gone to Michigan on business and have been very impressed to walk into a supermarket and see a wall where people line up to toss in their cans and bottles and get money back! What a concept! I hope the legislature will propose this legislation again. It would be interesting to see who lobbies for it or against it.

Finally, I hope this helps provide a perspective on why we need more recycling and fewer landfills in New Hampshire. I hope this is not just a bill that ends up buried in committee but that a final report will put the state on a new path toward reducing waste of all kinds and that does more than set a new recycling rate but that comes along with a plan to help us all get there.

Sincerely,

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