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Department of Environmental Services But To Whom? - Cheryl Jensen

Jul 4, 2023

Department of Enviromental Services But To Whom?

To the Editor:

Jon Swan of Dalton where Casella Waste, is hoping to build a landfill next to Forest Lake, filed a 91-A, a right-to-know request. What emails show is that Bryan Gould, a lawyer and previously a lobbyist for Casella, was involved in revisions to Senate Bill 61, as reported in an article in the Caledonian Record. It is an attempt to do a better job of siting landfills and to put them farther from bodies of water. But it is that process is part of the problem.

Michael Wimsatt, the Waste Management Division Director at DES, and Assistant Commisioner, Mark Sanborn, "consulted with Gould on edits being made to the to the bill language, the emails showed."

And it gets worse. Director Wimsatt, doesn't see that as a problem, according to the article: "I don't know how it's an ethical issue for the agency..... We, in fact, exchanged ideas and had things run by us from all the parties that have an interest in this particular bill and on all sides of the issue."

That is not the point. People may run things by DES. However, DES itself should not run a bill's revisions by a company whose livelihood depends on landfills. It is a conflict of interest. Did DES run the changes run by people who live in Dalton? In Bethlehem, our town voted down expansion approximately 14 times over the years. Did DES pay attention to us? No. And at every public hearing DES had about landfill expansion, they discounted most, if not all, of our comments.

As a reporter for many years, I know it is unethical to run an article's wording by the people who were interviewed.

Others think this is unethical, too, including Representative Kelley Potenza, a Strafford Republican, who disapproved of bill's amendment process. She thought that process was ethically wrong and intends to file an ethics complaint with the Senate, House and the Department of Justice, according to the article. I hope she does.

Maybe the name of the Department of Environmental Services should be changed to something like Department of Environmental Services for Corporations. Its mission statement reads: "... to help sustain a high quality of life for all citizens by protecting and restoring the environment and public health in New Hampshire. The protection and wise management of the state's environment are the main goals of the agency."

I ask you how is building a landfill by Forest Lake and, in Bethlehem, over an aquifer and close to the Ammonoosuc River environmentally a good idea? DES has given Casella a slap on the wrist for some of its "deficiencies" so it should know better. Odors emanating from the landfill would probably be a problem for people who wish to recreate at Forest Lake. And tourism is supposed to be an important industry for the state. People who live by our landfill know too well about odors.

And DES tipped its hand about wanting the state to have a healthy economy, when then then-agency director, Thomas Burack, spoke at the annual meeting of the NH Association Conservation Commissions (NHACC) in 2007. He said: "When we are talking about quality of life it means that we have both a healthy environment and a strong economy. We believe that those two are mutually supportive; they are not mutually exclusive." (I have a file titled "What Burack Said" and, no, I am not a hoarder.)

When it came time for questions, my husband asked about his statement above: "A couple of times you mentioned economic growth, but I don't remember seeing that in your mission statement. There are other state agencies that are responsible for that. Can you explain how that became an issue for DES and how do you keep that from being a conflict of interest?" (We recorded Burack's speech.)

Later Burack called us at home and tried to walk back some of the things he said, and that he hadn't thought much about the economic aspect of DES's role being a sensitive issue until the question was raised at the NHACC meeting.

I thought: How could you not?

He said he might have been guilty of either “sloppy rhetoric” or “sloppy thinking.” No, I think he basically just let the truth slip out. Then he said that he and then-Gov. Lynch, agreed that a strong environment and strong economy were not mutually exclusive. He noted that some regulations specify economic considerations. But that “first and foremost” DES is a regulatory agency to protect the environment. Well, watching DES over the years those of us in Bethlehem would disagree.

I told him that a lot of smart, well-informed people in Bethlehem, would argue that DES has been too cozy and worked with a company (Casella Waste) that it should have been regulating. And 16 years later we see the emails about that cozy relationship.

A much better bill had been introduced into the legislature a couple of years ago. It passed both the House and Senate, but was vetoed by our Gov Sununu. At least HB 61 was voted down.

I thought this history was important because it shows that this problem with DES has existed for a long time and, unfortunately, will probably continue in the future.

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