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Landfill Status After Dalton Vote, State's Request For More Information

Local Groups Ask To Suspend Next Week's Scheduled Wetlands Hearing

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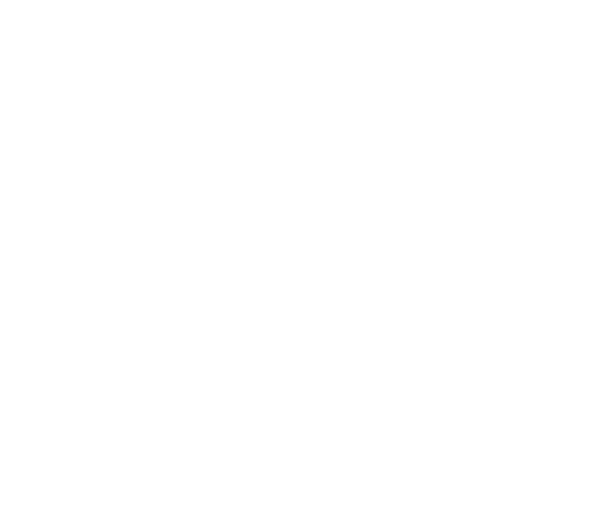


Two local groups are asking the state to postpone a wetlands permit application hearing scheduled next week for Casella Waste Systems, whose proposed landfill in Dalton the company illustrates in this image. (Courtesy image)

Two groups are asking the state to postpone next week's scheduled public hearing for Casella Waste Systems' wetlands permit application on the grounds that the company and property owner denied the Dalton Conservation Commission a site visit this spring, during the wetlands growing season.

One group states that denial of a meaningful site visit before a public hearing could invalidate any wetlands permit approval by the state and pave the way for an appeal.

Meanwhile, the New Hampshire Department of Environmental Services has told Casella that its application for a standard permit to operate its proposed landfill lacks significant pieces of information, among them local zoning approvals from the town of Dalton, whose town meeting voters in June agreed to extend emergency temporary zoning until March 2022.



Wetlands Disagreement

The hearing to receive public comments regarding the 17 acres of wetlands in Dalton that would be impacted by the privately-owned Granite State Landfill is currently scheduled for 3 p.m. Wed., July 14, at White Mountains Regional High School in Whitefield.

On May 24, Casella Regional Vice-President Brian Oliver wrote the Dalton Conservation Commission to say that that company accommodated visits for Nov. 2 and Jan. 8 and it is not necessary for a third visit to the property.

A few weeks earlier, the property's current owner, Douglas Ingerson Jr., also denied a site visit.

On Tuesday, Casella spokesman Joe Fusco was asked specifically if the company would agree to a DCC site visit during the growing season when wetlands are active.

“The role of conservation commissions in state wetlands permitting is limited,” he said. “Their authority is confined to investigation and submission of a report to DES within the time set by statute. The wetlands statute, RSA 482-A, does not empower a conservation commission to compel a visit to the site. Consequently, any site visit is completely within the discretion of the applicant. The two visits conducted by the DCC are two more than it is entitled to by law.”

The statute also requires a conservation commission that wants to investigate a site to notify DES within 14 days of an applicant’s filing of notice, which Casella filed in August 2020, he said.

DCC’s outside deadline to file its report with DES on any investigation was in October, and the DCC submitted no report, he said.

After its request for a third site visit, Casella asked the DCC to explain its purpose for the visit, which the commission did, but it did not respond to a request to explain its authority to conduct the kind of exploratory work it proposed to do, said Fusco.

After receiving Casella’s request for more information, DCC sent its own letter to DES, he said.

The DCC as well as the North Country Alliance for Balanced Change charge the company with putting up roadblocks.

On June 4, DCC members wrote DES to say they have been denied site access by both Ingerson and Casella and they are requesting a postponement in the permitting process and public hearing until they are afforded an opportunity to visit the site.

“We feel the applicant has stonewalled the DCC, yet again, resulting in the loss of opportunity to properly assess the site during the growing season,” said DCC members. “As a result, no site inspections have been able to take place at a time when critical observations need to be made ... Therefore, we feel it appropriate to call for a mandatory halt to the permitting process, along with a resetting of all deadlines, until the site conditions can be verified by the local land use body and its wetlands consultant, most preferably during the growing season, when the occurrence of vernal pools and rare, threatened, and endangered species can be confirmed.”



On June 28, the NCABC made the same postponement request, directly to DES Commissioner Robert Scott.

NCABC attorney Amy Manzelli stated the hearing is premature and lacks baseline data and site visits specifically during growing seasons are crucial and DES must insist that Casella either facilitate DCC's "meaningful completion of its site investigation pursuant to RSA 482-A:11, III or forfeit its application."

"That statute, plus constitutional due process, requires that the Dalton Conservation Commission be permitted to undertake an investigation that is meaningful," said Manzelli. "If the Dalton Conservation Commission is deprived of its legal rights to investigate to obtain such information, not only could the application process suffer from poor design and poor environmental stewardship, but also, legally, the process would be subject to invalidation upon appeal."

State's Request For More Information

On June 1, DES issued a 19-point letter to Casella engineer John Gay stating that the company's initial standard permit application filed Feb. 9 is incomplete.

In Casella's application are inconsistent capacity figures for each facility function expressed in tons and cubic yards, including storage capacity for recyclables and residual wastes, processing capacity for construction and demolition debris, and landfill disposal capacity, wrote Jaime Colby, engineer in DES's solid waste permitting and review section.

Although the project includes excavating and filling, Colby said the application did not specifically address filling in the approximately 17 acres of wetlands areas, leaving DES unable to determine the amount of cut and fill needed and a cut-and-fill figure for the landfill footprint and infrastructure areas.

Based on additional sub-surface information, she also said DES expects that Casella might need to revise the base grades of the liner system, the landfill footprint, and final cap grades, all of which might result in changes to facility capacity.

In a notice to abutters in February, Casella said the landfill would accommodate about 468,000 tons of waste annually, with up to 49 percent of it possibly coming from out of state.

Because of the incomplete application, DES suspended a review until the requested information is received.

If it is not received within one year, the application would be denied.

Also missing, said Colby, are local and federal approvals.

On June 8, Dalton town meeting voters agreed to extend emergency temporary zoning for another year, until the March 2022 town meeting, when a permanent zoning ordinance is expected to be put before voters.

Since ETZ passed in a special town meeting in Dalton in 2019, landfill supporters in town have objected to zoning and they turned out to the June town meeting in an attempt to defeat extending it.

Fusco was asked specifically if Casella intends to go to Dalton for local zoning approval, and if so, when, and when the company expects to provide DES with all of the missing application information and if that date will be before or after March 2022.

“With regards to the current solid waste permit application, it is considered regular course of business to have continued dialogue throughout the application process with the solid waste council,” he said. “Their response was expected and is being addressed through our engineering and compliance team. GSL will be responding to Ms. Colby’s letter in the next 10 days or so. We will address the zoning issue in that response. It would not be appropriate to answer your questions before we have replied to Ms. Colby.”