

Opinion: It's not all about big business, governor

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The NH Legislature has for several years been debating and voting on a number of bills to update the state's rules for siting landfills. These rules, administered by NH's Department of Environmental Services (DES), are a hot mess. They were written not by DES but largely by and for the solid waste industry 30 years ago, with virtually no changes since.

One of the most egregious rules currently on the books requires a setback of only 200 feet between a landfill and a perennial waterbody such as a lake, river, or the seacoast. It's taken a couple of years but finally most everyone in state government now recognizes this is madness, and at least this setback rule has to change.

A number of bills considered by the NH Legislature would have eliminated the one-size-fits-all 200-foot setback rule in favor of a more rational approach, i.e., a site-specific analysis. Last year such a bill (HB 1454) was approved overwhelmingly on a bipartisan vote in both the House and Senate but it was vetoed by the governor, and the veto sustained in the Senate.

This year an even better bill (HB 56) was approved in the House but was killed in Senate committee on a tie vote. Also considered this year was SB 61, a piece of special interest legislation, pure and simple. It was written by Casella Waste Systems and heavily promoted by Casella's lobbyists. It's not a stretch to say that the bill had a single purpose: to grease the skids for Casella to get permits for its proposal to build a huge new landfill in New Hampshire's North Country, only about 5 miles away from Casella's NCES landfill.

It's important to remember that Casella has a checkered record trying to get landfill permits. It failed repeatedly to permit continued expansion at its NCES landfill. And its first application to permit GSL was so ill-conceived it didn't even pass the laugh test when filed at DES. But Casella wasn't about to give up. The GSL project represents the potential of \$1 billion in revenues, with a large portion coming from Casella's stated plan to reserve up to half of the GSL landfill capacity for out-of-state trash. Currently, 47% of all trash landfilled in New Hampshire is from out-of-state, and permitting GSL would almost certainly make the situation even worse and put New Hampshire on a glide path to become the solid waste dump for all of New England.

SB 61 has been something of a morality play right from the start, and every morality play has a villain. The villain in this story is clear but surprising. It's not DES, it's not the overly complacent and compliant NH Senate, and it's not even Casella. Like every other big business, Casella was just trying to take advantage of every possible vulnerability in state government to get its sweetheart legislation passed.

No, the villain in this story is Governor Sununu. He was the puppet master doing whatever he could to try to ram the version of SB 61 most favorable to Casella down the throats of DES, the NH Legislature, and ultimately the public. Every time amendments to the bill to make it less one-sided were proposed, the governor threatened to kill the bill. The governor's position to NH Legislators was clear — it is Casella's bill, and you can't make any changes even if they will make the bill fairer, better, or more logically consistent.

Thank goodness, as described in Sruthi Gopalakrishnan's article in the Concord Monitor (6/29), the NH House told the governor where to get off.

One can only speculate why the governor was so committed to Casella's bill, and so willing to bully DES and the NH Legislature. At bottom the only answer that makes any sense is that the governor is a confirmed technocrat. It's hard to think of a big engineering project that he wouldn't support, no matter the consequences for the environment and the welfare of New Hampshire residents. This is evidenced by the governor's enthusiastic support of one, the Seabrook nuclear plant, which has been and continues to be a financial burden around the neck of New Hampshire residents. Two, Northern Pass, another ill-conceived project that has been superseded by transmission proposals with far greater benefits and lower costs, and three, now Casella's GSL landfill.

In any case, SB 61 is now officially dead and the only thing left to do is to dispose of it. The problem is it is too toxic to recycle or compost it. It could be landfilled and then covered up, but then we would have to worry about it leaching out from the bottom of the pit. Maybe it should be just handed back to the governor as a reminder that the health and welfare of New Hampshire residents should come first, way ahead of big business interests that the governor seems so fond of supporting.