

# Opinion: Lax landfill oversight is just one of many good reasons to limit out-of-state trash

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Congratulations to the *Concord Monitor* for the recent article documenting the lax oversight of New Hampshire's landfills. The article shines a hot light on the problems at the municipally-owned Conway landfill, and makes clear that these problems have been festering for a long time due to the chronic (and continuing) under-staffing and underfunding of NH's Department of Environmental Services (DES).

Even worse problems are popping up at New Hampshire's privately-owned landfills compounded by two additional factors: the lack of any real-time control over the types of and sources of trash that such landfills can accept, and the aggressive litigation by privately-owned landfills that many fear makes DES reticent to take action for permit violations.

A case in point is the NCES landfill in Bethlehem, owned by Casella Waste Systems. DES did recently crack down on NCES a bit, finding that NCES was being overfilled in violation of its permit. Predictably, Casella filed suit against DES but ultimately withdrew the suit. But it's a wide open question how many other violations may have occurred at the NCES landfill that were not flagged by DES due to resource constraints and/or fear of litigation.

One incident that NCES could not make fly under the radar is the recent 150,000+ gallon leachate spill, the largest such accident in New England. Casella didn't even report the spill to DES until two days after it occurred, at which point Casella commissioned what it characterized as an "audit" of the spill. But the "audit" was done by one of Casella's prime contractors with an obvious conflict of interest. So much for self-regulation.

Back to leachate. It's the toxic juice, full of PFAS and other toxic chemicals, that accumulates at all landfills. The best case is all of the leachate is collected at the landfill site and then hauled away in tankers to wastewater treatment plants. From there the wastewater with mixed-in leachate is released, usually into a river (into the Merrimack River in the case of NCES). But sometimes, at the landfill or somewhere along the way, there are accidents.

It would be nice to be able to say that Casella voluntarily tested for PFAS contamination at the NCES spill site, or that DES required it to do such testing. But neither of those things happened. It is truly sad that the people who live near the spill site probably will never know whether their water supply wells were contaminated with PFAS due to the spill.

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All this is backdrop for the fact that the *Concord Monitor* article is getting mentioned and is having a positive effect. At a recent NH Senate Energy & Natural Resources Committee hearing, one bill considered (SB 267-FN) would have required DES to undertake a rulemaking on the permitting and operation of advanced recycling facilities. At the hearing the consensus seems to have been that if DES isn't providing effective oversight of existing landfills because it is understaffed and underfunded as described in the article, then asking DES to take on such a new and difficult challenge is a bad idea.

The other bill (SB 159) would actually lessen the burden on DES' strained resources. It would do this by requiring all newly constructed landfills to serve limited geographic areas, so that going-forward there would be more local control over the amount and type of trash that can be landfilled.

But the main point of SB 159 is to recognize that it is the landfills that serve unlimited geographic areas that are causing our state to be overrun by out-of-state trash. Half of all the waste that is currently landfilled in New Hampshire originates from out-of-state, primarily from Massachusetts. No other state in New England accepts that much out-of-state trash. The fact that New Hampshire has let this situation develop should be an embarrassment to us all.

Other states in New England have already taken sensible measures to control the amount of out-of-state trash that will be accepted for landfilling. We need to do the same.

SB 159 is a common-sense way to ensure that our state has sufficient landfill capacity to meet our own in-state needs, but closes off the wide-open spigot from Massachusetts. It will cost the taxpayers of New Hampshire nothing. Moreover, it reflects New Hampshire values. It will take a lot of the decision-making out of the hands of large out-of-state corporations and put control where it belongs — at the state and local level.

The objections to SB 159 that individual senators and DES have seem trivial compared to the benefits, and in any case are easily fixable. Our state needs to act now because New Hampshire is on a glide path to becoming the dumping ground for all of New England. Nobody in New Hampshire wants that.