

https://www.caledonianrecord.com/news/local/some-residents-call-to-see-casella-study-on-landfill-need/article_beaf3b46-fcb8-5330-8b1c-060845a126b4.html

Some Residents Call To See Casella Study On Landfill Need

Dalton Residents Prepare For Tuesday's Special Town Vote On Permanent Zoning

Robert Blechl rblechl@caledonian-record.com Staff Writer

Jun 3, 2022



As Dalton voters go to the polls on Tuesday to vote on a permanent zoning ordinance, some North Country residents want to see for themselves the complete Casella Waste Systems study concluding there is a need for additional landfill capacity in New Hampshire. Here, on Friday morning, two MBI waste haulers (red cabs) are parked along the shoulder at northbound I-93 and Route 3 in Franconia as they wait for the gate to open at the Casella landfill in Bethlehem, which is projected to close after 2026. (Photo by Robert Blechl)

As Dalton's proposed permanent zoning ordinance nears a town vote on Tuesday and Casella Waste Systems says it remains committed to a new commercial landfill in Dalton, some North Country residents want to see for themselves Casella's complete study about the costs of eliminating landfill disposal capacity in New Hampshire.

To date, the company has not provided the full report, and some residents are skeptical of the conclusions in its executive summary.

In April, Casella CEO John Casella, in a letter to the editor, said his company had contracted with DSM Environmental Services Inc. to conduct an analysis of the potential economic and environmental benefits of siting waste disposal capacity in northern New Hampshire.

The findings, he said, illustrate a need for more capacity, and to choose to not add additional capacity after Casella's NCES landfill in Bethlehem closes after 2026 would result in an estimated \$75 million in added costs to New Hampshire taxpayers through additional transportation and tipping fees and a loss of more than \$190 million in economic benefits during a 20-year period.

Requesting from the company a full copy of the study, but not receiving one, was Eliot Wessler, a Whitefield resident and member of the North Country Alliance for Balanced Change, which has taken the position that the proposed landfill location beside Forest Lake is a poor site that carries adverse quality-of-life impacts and possible environmental impacts.

On May 10, The Caledonian-Record emailed Casella spokesman Joseph Fusco requesting a complete copy of the DSM study, along with how much the company paid for the study and any and all assumptions Casella provided to DSM in undertaking the study.

He declined to furnish the report.

"The complete study by DSM contains non-public competitive analysis and trade-sensitive data for both DSM and Casella," said Fusco. "This is information about our business, and that of our research vendor, that we never share publicly. As we have over the last two years since we shared the results of the study, we stand by its clear and compelling findings."

He said, "People who are opposed to the Granite State Landfill project should instead stop ignoring the simple fact that eliminating the disposal capacity currently provided by the NCES landfill in Bethlehem will result in an annual capacity shortfall for the state, which will only compound over time. More than 80 percent of the waste accepted at NCES originates in New Hampshire, and while it is convenient for others to say this is an out-of-state waste issue that will simply be solved by those out-of-state tons being managed elsewhere, it is simply not true. The bottom line is that 50,000 New Hampshire customers are in danger of being without a disposal site for their waste, and the consequences for New Hampshire's economy are real."

If Casella receives its permits and approvals for GSL in Dalton, the company has estimated that about half of the waste would be imported from out of state.

Wessler, a retired economist, said he remains dubious about the company's claim that the full DSM study can't be released because of trade-sensitive data.

"It seems unlikely there is commercially sensitive information in the report, but if there is, why don't they redact it and provide the rest of the report?" he asked. "That ought to satisfy people who want to make sure they are not merely asserting out of self-interest and actually have some evidence of what they say is going to happen is going to happen. I personally don't believe it's going to happen."

For Dalton's solid waste needs, he said the town of Dalton (in February 2020) switched from Casella to contracting with the Androscoggin Valley Regional Refuse Disposal District, which runs a municipal waste district landfill near Berlin.

"The only evidence we've seen is the one town that had a switch from a Casella facility to another facility saw their costs went down," said Wessler.

NCABC has looked at the Mt. Carberry agreement because AVRRDD is an association and there is no ban on new member towns joining, he said.

"There's no crisis in landfill capacity in New Hampshire and there's no crisis for the communities that are now being served by Casella," said Wessler. "Even if there were a crisis, the timing suggests that Casella is making this up because it's unfathomable that Casella could have the GSL facility operating by the time the NCES facility closes, so in any case, those Casella customers are either going to have to stay with Casella in providing them with transportation service or they're going to have to look elsewhere. Something has to give."

Wessler called Carberry "a well-functioning landfill" that has "virtually no public opposition."

In April, the state approved an expansion of Carberry that extends its life to at least 2041.

"I assume Casella did not factor Mt. Carberry expansion into its DSM study, but if they did, good for them," he said. "But show us the evidence."

Dalton resident Adam Finkel, an environmental sciences professor and former U.S. Occupational Safety and Health Administration health program director, was co-author of House Bill 1454, which would prohibit a new landfill above any groundwater that could reach surface water within two years, the rationale being that if contaminants leak from a landfill there is enough time for corrective action.

The groundwater at the Dalton site, which flows through sand and gravel, moves at about 10 feet per day, meaning it would reach surface water in six months and HB 1454 would therefore eliminate it as a site.

“Odds are it would be slower almost anywhere else,” said Finkel.

Any company wanting to build a landfill could go 20 miles east of Dalton and find a big clay deposit, said Finkel, who noted the groundwater by Carberry moves at about 1/1,000 the speed as Forest Lake in Dalton.

The whole premise of the DSM study, in one sentence in the executive summary, is based on what will happen if NCES in Bethlehem closes and is not replaced, he said.

“Who’s saying that’s going to happen?” said Finkel. “It’s contingent on a whole chain of events and we certainly don’t think 1454 in any significant way makes the next landfill less likely. It just says it can’t be in the one spot on the map that Casella is proposing ... All of this cost and benefit stuff is based on not having a replacement and we think there will be a replacement, someday, somewhere. No one’s saying there won’t be another landfill. We’re just saying if this bill passes, there’s 86 percent of the state that’s not sand and gravel.”

Finkel and Wessler said most people are confident there will be future expansions of the Carberry landfill and the Turnkey landfill in Rochester.

Wessler said he has an issue with Casella’s decision to keep the DSM study confidential.

“I don’t think Casella has even come close to earning any trust from North Country residents, New Hampshire legislators, or even DES environmental regulators,” he said. “They left a string of broken promises in Bethlehem. They said no to reasonable requests in Dalton to file a zoning application, also to allow Dalton’s wetlands experts to get on site during the critical growing season, they failed to do any soil testing for PFAS after the massive leachate spill at NCES, and they’ve done very hard lobbying against reasonable legislation to regulate landfill siting and operations.”

The Zoning Divide

In July 2019, in response to the proposed landfill, Dalton residents in a special town meeting voted 154-129 to enact emergency temporary zoning.

At the annual town meeting last year, by a closer margin, they voted 135-130 to extend ETZ until June 2022, when the proposed permanent zoning ordinance (PZO) would go before them in another special town vote.

In the lead-up to Tuesday's vote, residents on both sides of the zoning divide have been promoting their views.

Opponents argue permanent zoning won't keep out a landfill and will only make it more difficult for residents to alter their properties and for new and expanding businesses.

One is Dalton resident Jim Dannis, who in April submitted written comments to town officials.

"Variances are not a practical option for a small business," said Dannis. "You need a lawyer and many thousands of dollars sitting around to add to your budget. Once you're forced into a variance, you're essentially denied unless you've got a lot of money, a lot of time, and a high-risk tolerance for the inherently uncertain process of a discretionary land use approval ... Vast swathes of what people would need to do to start up a business are pushed into the complex, expensive, unworkable variance category. This makes Dalton 'very business unfriendly' for small business startups."

Supporters of zoning argue surrounding towns have had it for years and what is proposed for Dalton is not overly restrictive for businesses or residents and is instead designed to protect residents from any project that would negatively impact abutters and neighborhoods with unreasonable noise, odors or other nuisances or impacts to health, safety or property values.

Finkel said what is new from last year is HB 1454, which passed both houses of the New Hampshire Legislature and is now on the governor's desk, though Gov. Chris Sununu has spoken of vetoing it.

"If you're concerned about zoning and you're not sure whether this landfill is a big deal or not and whether the people on the lake are NIMBY and have been raising hysteria for three years because of something that's really not so bad, we now have strong majorities in both parts of the Legislature saying we need to pass a bill whose first impact would basically be to kill that project," he said. "So

it's not just us, it's the whole Legislature saying this is a serious problem and we have to fix it for the long term. [Casella attorney] Bryan Gould said that it's going to kill this project. If you don't think zoning is the greatest thing in the world, okay, but it's not being pushed for no reason."

Finkel said Dalton is one town among a vanishing number of towns in New Hampshire that is without a permanent zoning ordinance.

"It's easy pickings for companies and individuals who want to show up in an unzoned Wild West environment and do whatever they want," he said.

Some zoning opponents argue that town legal counsel Laura Spector-Morgan said that a zoning ordinance would not keep out a landfill.

During the second zoning hearing on April 29, Spector-Morgan said a landfill would not be permitted under the zoning ordinance and would have to apply for a variance and it could be prohibited if it did not meet all of the criteria for a variance.

"A variance is not supposed to be an easy thing to get," she said. "In order to get a variance, you have to meet five statutory criteria, and one of the criteria you have to meet is that there is something unique about your land that makes the zoning ordinance, when applied to it, unfair."

What the landfill would be looking for is called a use variance, to permit a use that's otherwise not permitted, said Spector-Morgan.

"Those tend to be harder to get than dimensional variances because sometimes you have a funky shaped lot and you can't meet the frontage or can't meet the setbacks," she said. "I don't know what that [landfill] application would say ... but they would have to meet those five statutory criteria. If they did not meet those, the zoning board would deny it."

Regarding residential and small business requests, Finkel said there is no "zoning police" and a zoning board "is not some black-booted bureaucracy a thousand miles away."

"It's your neighbors and the ordinance gives them discretion to act reasonably," he said. "You use your judgement. So far, they've never ruled in favor of a complainant, they've ruled in favor of the applicant."

An ordinance doesn't guarantee anything, including that Casella can't "sweeten the deal" and give the town more of the \$1 billion-plus in revenue it is expected to generate from a landfill in Dalton, he said.

For those residents who see the town getting money from a landfill, the only way to get real money is to have leverage over that money, and zoning is leverage, said Finkel.

"You're not going to get it by laying out a welcome mat," he said. "They don't have to pay anything more than the assessed value. If the bill passed and they hadn't picked such a bad spot, they might be able to over-engineer it and make it a little bit safer with the offsets. You could actually negotiate safeguards. But they're not going to do that voluntarily."

Finkel said the proposed landfill site has become an odd situation, with many of its supporters miles away over the mountain, Forest Lake residents in Dalton bearing the impacts, and nearby Forest Lake residents in Whitefield and the abutting town of Whitefield having no voice.

Robert Blechl