

Oct. 8, 2002

NCES

Bethlehem has a problem. NCES is expanding like cancer and they are not a benign tumor. In recent times they have proved, by their blatant hostility, to be as malignant a growth as one could imagine in this town. But it could have been stopped so many places along the way.

Casella has resolved through NCES and their high-priced lobbyists and attorneys, to stick it to the town of Bethlehem.

I remember when Jim Bohlig promised to close the dump if the town voted against them. Well, the town voted against them and they expanded anyway.

Since then they have waged lawsuits, outspent the town on lawyers ten to one, gotten state laws changed in their favor, cancelled the host community agreement, raised our tipping fees, used sludge for closure, and shoved an incinerator up our noses. And now they want to expand even beyond where the ill-fought Supreme Court case said they had no permission!

DES

But they have done none of this without help.

Their buddies the regulators have bent over backwards for them at every turn!

The good doctors of the environment, the DES, have been in a position many times to slow, arrest, or send this cancer into remission. They could have responded to this

invasive tumor with strong measures on many occasions when it broke their rules. They could have identified NCES as a criminal for all who care about the law and the environment to see, and who could have acted like antibodies and sent it into remission. But instead, not wanting to tarnish their partner the dump, the DES chose a policy of "compliance rather than enforcement". For NCES it became a policy of "We break the rules and occasionally someone catches us, and then we say we won't do it again." No dis-incentive whatsoever!

But it didn't work. Some journalists and some genuine environmentalists and, I believe, even the EPA, got on their case and revealed the inadequate enforcement. So the next blatant rule infractions received a \$134,500 fine. But DES, apparently not needing the money, and concerned for the welfare of their \$500 million buddy the dump, reduced the fine by \$117,000 to \$17,500, a factor of 8.

Some treatment for an out of control malignancy!

What if your doctor decided to cut your standard chemotherapy by a factor of 8 because he thought you couldn't afford the full course?

Doesn't instill confidence, does it?

DES allowed an expansion of the dump with no permit at a time when they were still required to verify town permission. Then in 1996 they eliminated this embarrassing situation, not by revoking the dump's permit, but by cooperating with the landfill lobbyists to get the legislature (more accurately their buddies on the Environment Committee of the legislature - the legislature never debated this) to change RSA 149M so

they no longer needed anything more than the applicant's assertion that all was OK with the town.

When NCES was found to be transporting leachate to the Concord wastewater treatment plant with levels of VOCs too high for them to legally accept, NCES got DES's full cooperation on a three-pronged approach.

First, DES and the landfill lobbyists set about getting their buddies in the legislature to get the VOC mixture rule of the hazardous waste definition changed. Poof! - no more hazardous waste!

Second, the DES allowed the hazardous leachate from one portion of the landfill to be diluted with that from another portion that was less ugly. Poof! - detoxification by dilution!

Third, and most malignant, the DES bent over backwards to cooperate in the creation of an incinerator. The incinerator takes the leachate, contained in tanks, and burns it, wasting precious BTUs of landfill gas, and spewing the percolated and hydrolyzed landfill effluent into the atmosphere.

But at the hearing, it wasn't NCES or their contractor that presented this incinerator. It was the DES. Nor was the contractor required to do the engineering. DES did it for them.

At the hearing not one citizen spoke in favor of it. DES pushed this abomination on the town!

I don't blame NCES. They are no more nasty than the other out-of-control corporations we hear about. Their money and power gets the rules they don't like changed, and, to enhance their profits, they use their money to overpower the appropriate and legal efforts of a small town, in this case the town of Bethlehem.

DES cooperates in obfuscation. DES permitted a device which it called an evaporator, while by Webster's definition it clearly is an incinerator. Then again, in the permit hearing notice for today's hearing, DES refers to a "Development Stage" and a "Stage Four" when clearly by their own definitions and as acknowledged by Mark Harbaugh of DES's legal unit, it is not Stage IV of anything, it is a new landfill.

Call a cancer a sebaceous cyst, and you can claim it's harmless.

But the DES did not and does not have to cooperate! They have options at every step of the way.

DES defends its total support of the landfill by saying, "we have to provide landfill capacity for the state". But when questioned if they are looking for new landfill sites, they say "not my job".

If the DES had a grain of heart, they would use their clout with the legislature not to reduce permit requirements, and not to reduce toxic mixture rules. They would be changing the law so future landfills can't be placed on aquifers. They would be asking the legislature for a mandate to search out appropriate land for new landfills. They would be advocating for municipal landfills that won't be required to take out-of-state trash.

And, most importantly, they would consider the citizens their clients rather than the waste industry.

A handwritten signature in black ink that reads "Stanley Harrison". The signature is written in a cursive style with a large, prominent initial "S".

Stanley Harrison
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