

ENERGY + ENVIRONMENT

Toxic 'trash juice' a problem at four New Hampshire landfills, state regulators say

Casella Waste's landfill in Bethlehem cited for repeated infractions; company says it will conduct 'significant investigation'

BY: **CLAIRE SULLIVAN** - JULY 19, 2024 5:00 AM



Landfills in Bethlehem, Conway, Lebanon and Rochester cited for mismanaging liquid pollution and other infractions. (Getty images)

Litter in and around the landfill. Waste outside of the permitted area. Releases of liquid pollution. Failure to file mandatory reports.

These are some of the issues found at four of the state's active landfills, documented by letters of deficiency sent by the Department of Environmental Services from January to June. Many of the problems centered around the management of leachate, the "trash juice" created when rainfall mixes with waste that can be highly toxic.

One of those facilities, a subsidiary of the Vermont-based Casella Waste Systems, failed hundreds of times to keep leachate to its required levels and to file mandatory reports, data, and investigations with the state, according to a June letter from DES.

That same company is trying to overcome local opposition to build a landfill half a mile from a lake in the tiny North Country town of Dalton, about a 20-minute drive from Bethlehem, the 2,500-person town that houses its current landfill, North Country Environmental Services.

Other landfills that have received letters this year include ones in Rochester, run by Waste Management New Hampshire; Conway, run by the town; and Lebanon, operated by the city.

Jeff Weld, a Casella spokesperson, told the Bulletin the issues outlined by DES are "unacceptable" and that Casella would conduct a "significant investigation" into their root causes. He said, too, that the issues "are not representative" of the company's "expectations for operational excellence," but that they posed "no potential harm" to people or the environment.

"We have immediately implemented several operational improvements to diminish the production of leachate at the site," Weld said, "while also increasing the number of wastewater treatment and hauling contractors available to help manage the site's wastewater."

Spokespeople for the landfills in Rochester and Lebanon said the issues had been addressed. A representative of the Conway landfill did not respond to requests for comment.

Casella has been the subject of public scrutiny amid its yearslong battle to build a new landfill in Dalton. It has also been criticized before for its management of the Bethlehem

facility.

In 2021, 154,000 gallons of leachate overflowed at the facility in what may have been the largest spill in state history. Weld said the company believed the spill did not extend beyond a surface water detention pond at the landfill.

In 2022, Casella paid \$50,000 in the settlement of a federal Clean Water Act lawsuit brought by environmental groups that alleged the landfill was polluting the Ammonoosuc River, which borders the facility. The company maintains it did nothing unlawful.

The DES letter, sent in June, laid out issues ranging back to last summer.

“Please be aware that leachate storage on the liner in the depths and at the frequency suggested by the currently available data is a significant issue,” DES wrote to the facility. “When this occurs, it is NCES’s responsibility to identify and resolve the issue as quickly as possible.”

That quote stood out to Amy Manzelli, an attorney from BCM Environmental & Land Law who represents North Country Alliance for Balance Change, a group that opposes the Dalton landfill and advocates on solid waste issues.

“When the department explicitly editorializes on an issue,” she said, “identifying it as a, quote, significant issue, end quote, that really jumps out at you as a red flag that this is an unusually important, significant issue.”

Problems abound

A letter of deficiency is “the medium level” of enforcement action that DES can take, Manzelli explained. The ones received by at least four landfills this year laid out a collection of issues.

The landfill in Lebanon, operated by the city, had leachate breakouts in 13 areas, including five releases beyond the facility and into the environment, according to a letter DES sent in April. The facility did not immediately notify DES, as required, and at least some of the issues were not handled in “a timely manner,” the letter said.

DES also observed “large quantities of litter” in and outside the footprint of the landfill. A 2023 review of the facility, which DES said it received in March, found it was placing waste outside of its permitted vertical limits.

Christopher Kilmer, the assistant public works director for Lebanon, said the city has worked to address the violations.

“We’ve worked diligently with New Hampshire DES to return to a level of compliance, which we have done ahead of time,” Kilmer said.

In Rochester, a landfill run by Waste Management of New Hampshire had at least 13 leachate discharges between the end of December 2022 and late April of this year, according to a May letter from DES. The number of incidents within that time period represents “an ongoing operational issue at the Facility,” DES wrote.

In three site visits since December 2022, the facility was found to be “non-compliant on all three occasions” with requirements to cover waste, at a minimum, at the end of each operating day, according to DES.

DES also noted it had not been notified, as required, about elevated levels of leachate at the facility.

Garrett Trierweiler, the company’s public affairs director, said in an email that Waste Management “has complied with all the requirements of the action plan as stated” and will work with DES on any future issues.

In January, a landfill in Conway received an amended letter of deficiency for not yet addressing a problem first identified in August 2022 and for additional issues discovered in an October site visit.

The lingering issue that had not been addressed was failing to properly restrict access to the facility; in the recent site visit, DES staff saw that the main gate was open before the operator arrived to open the facility for the day.

DES also observed uncovered and improperly covered waste at the landfill. The facility was also landfilling liquid waste, which is prohibited, according to the letter. It also failed to make necessary reports around leachate.

In a February response to DES, the town said the unauthorized waste would “no longer be disposed” at the facility until “it can pass the testing requirements.” It also confirmed the gate would be closed when the facility was not open and that it would report the leachate figures as required.

Andrew Smith, the town's public works director, could not be reached for comment.

'The Titanic'

In Bethlehem, Casella racked up hundreds of violations largely by repeating the same infractions over and over again.

In its letter, DES said the facility has not operated "in a manner that controls the production of leachate to the greatest extent practicable," the standard required by state regulations. In fact, it produced – and, therefore, had to pump out – millions of more gallons of leachate in recent months than it did as recently as the start of last year.

Pumps take leachate off of the liner, where it travels through pipes and into a storage tank before getting trucked off the facility to be treated, said Weld, the Casella spokesperson. These systems are "redundant," he said, to prevent leachate from leaking into the environment: dual liners, pipes inside of pipes, and tanks inside of secondary tanks.

From the second half of 2021 to the first half of 2023, the landfill's pumped out up to 2.8 million gallons of leachate per quarter, or every four months. That skyrocketed from the second half of 2023 to the beginning of this year, with the amount of leachate ranging up to 5.2 million gallons per quarter.

Landfills are also required to have systems in place "that will prevent more than 12 inches" of leachate from being stored on the liner, said Leah McKenna, administrator of the DES Solid Waste Management Bureau.

On 450 occasions between July 2023 and June of this year, the Bethlehem facility failed to keep leachate to that required level. In one recent instance, that level was 116.42 inches, or almost 10 times higher than the required maximum.

The facility is supposed to keep leachate below that level even "up to the 25-year, 24-hour storm events," according to the letter. "Precipitation data included in the [facility's] quarterly reports," DES wrote, "indicate that there were no storm events that exceeded the 25-year/24-hour storm."

The landfill also failed to file reports and investigative reports when leachate flowed into its collection system at rates that were supposed to trigger such notifications to the state. Those exceedances occurred 726 times.

McKenna, the DES official, said Casella had submitted the items the department requested in response to its letter. Not all of those documents had yet been made publicly available through the department's online system as of Thursday morning, though McKenna said they would be soon.

McKenna said she could not comment on any potential open enforcement actions, but DES wrote to the facilities that failure to comply with the letters "may result in a formal administrative action."

Andrea Bryant is a retired school teacher of 35 years who lives on 32 acres of land abutting a state park and forest – and about a mile from the landfill.

"I should be in just silence and pureness," she said. "And I'm not."

The smells and noises from the landfill travel to her home. The sounds wake her up by 7 a.m. most days. And many times, she said, she's been "pushed into the house" by "a wave of stench."

"It's destroyed my life," she said, and divided her town in the process of building and expanding.

Bryant wasn't surprised by the letter from the state outlining the hundreds of violations. The company "does what they want to do," she said. She said she was "pleased" to see the list of violations, "because it's about time that they're held accountable."

Bryant and others who opposed expanding the landfill long suspected problems would arise.

"We used to call it the Titanic," she said.