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Residents wonder how to stop NCES landfill expansion

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BETHLEHEM—Is there anything that can stop proposed expansion of the North Country Environmental Services landfill?

This question, and many posed less overtly but all aimed at grave concerns about a potential 6.5-acre addition to the Trudeau Road facility, were posed to state regulators and waste industry representatives at a public hearing last Tuesday evening.

Dozens of speakers addressed questions and comments to the panel of Department of Environmental Services staff and NCES officials. Not one vocalized support for the expansion, which if approved by DES, could be open to accept garbage as early as this fall.

However, written comments were also accepted by DES; their content is not known. The public has two more weeks to submit such comments.

In response to questions about the state's outlook on the issue, DES Waste Management Bureau head Richard Reed stated the purpose of the hearing was to take comments the department could consider during its decision-making process on permitting the Stage III expansion. "There have been many substantive comments offered tonight," he remarked several times. And while the landfill application has been deemed complete, he said, the "adequacy has not been judged" of all the application's components.

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Landfill hearing

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Questions and comments from the public generally centered around several key points, especially the longevity of the liner system and environmental risks, and what happens if there is a leak. Questions were also raised about the importation of out-of-state garbage, and the financial stability of NCEs and its parent company, Casella Waste Systems.

Pressed by resident Nancy Van Houten about whether the liner system (double layers of 60-mil high density plastic) carries a warranty, Casella representative Larry Lackey explained that the liner is covered by "the standard contract from the contractor of one year."

A company consulting engineer pointed out that high-density plastic liners "have held up very well" in tests over 15 to 20 years. However, double-lined landfills have not been around long enough to offer any real evidence of liner longevity, another Casella official said.

"As long as we own the site, we have responsibility for it," Lackey stated. Casella's "responsibility" extends 30 years beyond the "active life of the landfill," he added.

Reed explained that Casella was also responsible for posting over \$2 million in funds that will be used for landfill closure and post-closure monitoring and "repair." The fund is not intended to cover landfill failure. But, Reed said, if post-closure water tests, landfill gas monitoring, and other indicators suggest the

facility has "not stabilized," the owner may be required to post additional funds and extend its monitoring time.

While several members of the public raised issues about the inevitability of liner leaks, and cited the U.S. Environmental Protection Agency as stating that eventually, liners will leak, there was little comment from either the state regulators or the Casella/NCEs representatives about what would happen if that occurred. Their presumption was that it will not.

A failure could lead to leachate (the liquid that accumulates at the bottom of a landfill—"not something you would drink," a Casella official noted) seeping into the groundwater.

"The whole theory of modern landfilling," Casella Chief Financial Officer Jerry Cifor said, is to prevent quantities of leachate from pooling by pumping it out and removing it. Reed agreed, specifying that the landfill is designed to prevent leaks.

Casella representatives noted that the company carries \$10 million of environmental pollution insurance, but only for off-site incidents. If the contamination is on their own property, this insurance does not apply.

In response to a question, Lackey clarified that only 6.5 acres will be permitted under proposed Stage III. However, more acreage could be sought under subsequent permits. Casella

is operating under the assumption that a total of 51 acres at the site has local approval for landfilling, as defined in a 1998 Superior Court decision. (However, it should be noted, while Bethlehem is claiming that ruling is incorrect and will have its case heard by the state Supreme Court, Casella is also claiming, in a counter appeal to the court, that landfilling is legal on the entire, 80+ acre site.)

Several speakers questioned the wisdom of DES going ahead with the permitting process while the legality of the current active cell of Stage II (and by extension, Stage III) is under appeal to the Supreme Court. Jack Yazinski, an attorney for Environmental Action of Northern New Hampshire, urged the department to put the application on hold until the legal appeal is resolved.

Homeowner Rita Farrell hammered away at the Casella representatives on several points, including whether assets of the parent corporation are protected if one of its subsidiaries (like NCEs) declares bankruptcy.

"Yes, but our ability to get permits in other states in the future would be impacted," Cifor answered.

Resident Judy Wallace recounted the history of town zoning and planning action on the site, including correspondence that appears to indicate an understanding of a size limit shared by landfill owners and the town. DES's Reed agreed the record "should be reexamined." Other speakers raised similar questions about whether the department is accepting as accurate the landfill permit application statement that local approvals have been received.

One man, who identified himself as State Representative Gary Johnson, was greeted with silence when he asked the panel, "How many of you men live in Bethlehem?"

But Casella's Cifor was drowned out with laughter when he asserted, a moment later, that while none of them live there, "NCEs owns a lot of real estate in Bethlehem."

(A Casella subsidiary has bought up several homes adjacent to the landfill in recent years.)

"The perception is that DES is concerned with the letter of the law, and promoting the welfare of companies over the interests of communities and people," one woman said.

Bethlehem resident Jody Blaney asked the panel whether they had seen the movie "Erin Brockovich." Like a woman depicted in that story of groundwater contamination in California, Blaney said, "I have lost two breasts and my uterus to cancer. There is no question in my mind that (environmental pollution) is causing cancer in this society."

"I note that you are all drinking bottled water," she continued, looking at the DES and Casella representatives.