

Top Stories of 2023: State solid waste oversight grows



Conway public works staffer Tim Shackford oversees the pouring of dirt over the garbage dumped in the city landfill on Wednesday, January 18, 2023.

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Growing concerns over landfill siting and state regulations became a focal point in communities around the state and in the legislature as more people learned about New Hampshire's status as a dumping ground for out-of-state trash.

The catalyst for increased awareness around these issues was Casella Waste Systems' proposal to establish a landfill near Forest Lake in the North Country community of Dalton. The move sparked widespread apprehension among residents, who rallied against the state's rules.

At this year's legislative session, more than a dozen bills addressing various aspects of solid waste management, including landfill siting, surface water setbacks, reduction of food waste and measures to prevent leachate contamination of water sources were discussed.

But only two bills passed.

One bill introduced additional requirements for background investigations and criminal records checks for permit applicants of solid waste and hazardous waste facilities. The second bill establishes a committee tasked with studying the potential implications of future permits for landfills and the influx of out-of-state waste into New Hampshire.

These legislative developments served as a crucial starting point for a much-needed dialogue on the issue, advocates said.

"A few years ago, not many people were talking about this, and now it's a much bigger issue," said Wayne Morrison, president of the North Country Alliance for Balanced Change, a nonprofit environmental group.

"There are many more bills, some of these are controversial. But the only way you get change is when you get people aware," he added.

The Department of Environmental Services also began the process of updating its outdated solid waste administrative rules set to expire in July.

One of the proposed changes is the increase of setbacks for landfills to be located no less than 500 feet from bodies of water, more than double the current 200-foot barrier.

The change was welcomed by some, but others wanted the state to take more robust measures.

"I felt confident that DES acknowledged publicly in those hearings that a distance is fairly arbitrary," said State Rep. Nicholas Germana, who is a member of the committee tasked with examining out-of-state trash issues. "One of the questions I want to ask them is how they determined 500 feet. Why is it 500 and not 800 or 1,200?"

Germana was pleased to see the agency increase its protection efforts, but in several instances, it appeared state officials increased various distances without much explanation.

For instance, the setback between the landfill's footprint and the property line was extended from 100 feet to 150 feet.

Adam Finkel, an environmental scientist who has been pushing for the state agency to prioritize environmental protection, expressed satisfaction with the recent changes to setback requirements.

"I would say they finally heard us and they're agreeing that it's important to locate a landfill such that if and when it fails there's going to be enough time to detect, assess and remediate prior to polluting the water," said Finkel. "But, how much time is subjective."

While all these efforts were made to increase environmental protection related to solid waste, this year also revealed the influence of the private waste industry and lobbyists on state policies.

Email exchanges between DES and Casella lobbyists regarding bill language on landfill siting raised concerns about industry influence.

Michael Wimsatt, the Waste Management Division Director at DES, and Mark Sanborn, the Assistant Commissioner at DES, who resigned recently, consulted with Bryan Gould, a lawyer and previously a lobbyist for Casella on edits being made to the bill language related to landfill setback, the emails showed.

Wimsatt said it's not uncommon for the agency to work with all stakeholders and legislators to work on the content of the legislation.

"I don't know how it's an ethical issue for the agency; I think we have a role in answering people's requests for technical assistance, trying to understand bills, it's very common for legislators to be working with a number of parties, including lobbyists on the content of legislation," explained Wimsatt. "We, in fact, exchanged ideas and had things run by us from all the parties that have an interest in this particular bill and on all sides of the issue."

Casella has filed multiple applications with the state to build a landfill in the North Country. However, the permitting process could extend over several months, and the implications of the state's new rules on this process remain unclear.

"I think for too long, we have let the pendulum swing too far in the wrong direction and we need to change course," said Morrison. "We need to get the Department of Environmental Services really focused on a more balanced way between protecting the environment and supporting and helping applicants. We need actively to be thinking about what's the best long-term interests of the state and protecting the health and safety of the citizens."