

BUSINESS & ECONOMY

DES: Nothing Nefarious Going On With Casella, Info Session Wednesday

By THOMAS P. CALDWELL, InDepthNH.org 13 hours ago



Residents worry that a proposed landfill in Dalton will be harmful to nearby Forest Lake State Park. (Thomas Caldwell Photo)

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CONCORD — Two officials with the state Department of Environmental Services said the department’s extended review of Granite State Landfill’s applications for a solid waste landfill near Forest Lake State Park in Dalton demonstrates that they are being diligent in their work.

In a telephone interview ahead of Wednesday evening’s scheduled public information session on the project, Mike Wimsatt, director of the Waste Management Division, and Phil Trowbridge, administrator of the Land Resources Management Bureau, said it was a lack of critical information that prompted the Wetlands Board to ask Granite State Landfill — a division of Casella Waste Systems — for an amended wetlands application.

DES registration link for information session Wednesday, Sept. 9 at 6 p.m.: <https://www.des.nh.gov/.../venue-change-public...> (https://www.des.nh.gov/news-and-media/venue-change-public-information-session-proposed-granite-state-landfill-project?fbclid=IwARo_QbkX-ouEoIysPBJXji_InqHRr7doVRv6td3SOg4oSQI8llRorlayn1U)

Contrary to speculation that the Wetlands Board would have had to turn down the project as originally proposed, Trowbridge said they could not make a decision because they didn’t have enough information.

“We’ve been very clear that we won’t approve filling in wetlands that may be needed 20 years down the line,” Trowbridge said, “and therefore we would need to see an application that clearly delineates those impacts that would occur in a tight 10-year timeline, but ... we haven’t had enough information [from the applicant] to say yes or no.”

“What I see as just a DES official looking at a sister program,” Wimsatt said, “is that it’s frustrating for us, because people when they see a change, like they were going down one road and now they’ve lengthened the permitting process, they think there’s something nefarious going on. The reality is what I see is an organization that is being very diligent and careful and wants to very carefully and deliberately do its work, and look at all of these facts and issues and various permitting scenarios in an integrated fashion. ... The agency is taking great care to do this work very carefully and in strict compliance of the law and the intent of the law.”

The department has received a lot of criticism for asking Granite State Landfill for an amended wetlands application so late in the process when, during a July 14 public hearing, officials stated that public comment would be accepted for an additional 60 days, after which the department would have 45 days to make a decision.

“We had expected to receive some more information in that timeframe,” Trowbridge said, “particularly about the hydrology on the site. We got near the end of the comment period and we hadn’t received that information. Then there was also this disconnect between the area of impact with the solid waste application and the wetlands application that needed to be resolved.”

The solid waste application provided information on the first phase of the project, while the wetlands application outlined a three-phase project that would be built out over a 40-year period. Wetlands Board Assistant Director Rene Pelletier asked Granite State Landfill for an amended application that reduced the scope of the review to the first phase of the project “[i]n order to align the proposed areas of impact between the Solid Waste application and the Wetlands application....”

Asked why DES did not instead seek to expand the scope of the landfill application to include all three phases to provide a better sense of the cumulative impact of the project, Trowbridge said the Wetlands Board can issue a permit for only a 10-year period, and Wimsatt explained that, by statute, the Waste Management Division needs to look at the current capacity of landfills in the state to ensure that New Hampshire’s needs are being met.

“We can’t make a public benefit determination for the period beyond 20 years,” Wimsatt said.

Wimsatt went on to explain that it is up to the applicant to demonstrate the need for more solid waste capacity. “Right now we have an application before us and as part of our evaluation the agency will project that needed capacity ... and if we determine there’s a need, we would determine whether that facility provides the capacity to help fulfill that need.”

That evaluation is based on a “snapshot” of the current solid waste capacity, Wimsatt said, and the agency cannot consider potential expansion at other landfills. The agency also does not consider the needs of other states, basing its findings only on what is needed to handle New Hampshire’s solid waste, he said.

“We understand there’s a concern about segmenting the project,” Trowbridge said, “and we can certainly understand that concern. What I can say is that what we’re dealing with right now is the state process, which mainly deals with direct impacts. There will be a decision the federal agencies need to make about whether or not just phase one can be reviewed on its own or whether there’s a need to look at the cumulative analysis.”

The U.S. Army Corps of Engineers defers to the state's decisions on small projects, but it becomes involved in more complicated projects encompassing more than three acres. The DES works closely with the Army Corps in reviewing applications.

"They will review all the same things we look at," Trowbridge said, "but because it's a federal permit, it will trigger the National Environmental Policy Act review as well, where they're looking at alternative analyses and making some determination relative to the cumulative effect issue."

He added that Granite State Landfill has not yet submitted an application to the Army Corps of Engineers, and he said the state has never made a decision without taking into consideration the federal review process. "I guess theoretically we could, but I don't think that's a hypothetical that's likely to happen," he said.

In response to the request for an amended application, Granite State Landfill is asking for an extension of its review to December 2022. Attorney General John Formella has said there would be further opportunity for the public to weigh in if the application period is extended.

Wimsatt also addressed the complaints people have raised about Casella Waste Systems' record of transgressions at other facilities.

"We do have a responsibility to evaluate the track record of the company's compliance when we determine if they have the necessary skills and abilities to safely operate a landfill," he said. "That would be part of our analysis of this application, as it is with any application, and all the information that's available to us about the company's past compliance records will be in consideration."

Trowbridge, who manages both wetlands and alteration of terrain applications, pointed out that the state also will be looking at stormwater management to ensure the project would not be changing the hydrology of the site, and at the handling of post-construction runoff.

"It also puts the requirements for best management practices to treat stormwater so you don't have erosion and sedimentation problems, and it also has a wildlife habitat assessment," he said. "We have engineers who are looking at all this detailed stormwater and modeling."

He said that not having received an alteration of terrain application from Granite State Landfill has left the department with "a bit of a challenge" and "that's one of the things that we're trying to sync up. There's some solid rationale behind that, and it's not just timeframes and location."

T.P. Caldwell is a writer, editor, photographer, and videographer who formed and serves as project manager of the [Liberty Independent Media Project](https://www.libertymedianh.org/) (<https://www.libertymedianh.org/>). Contact him at liberty18@me.com (<mailto:liberty18@me.com>).
