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Future of landfill in Bethlehem debated at state Supreme Court



NCES Landfill in the North Country Monitor file

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The long history of disputes over what to do with trash in New Hampshire came before the state Supreme Court on Tuesday, as has happened before and undoubtedly will again, this time concerning a proposed expansion of the large landfill in the North Country town of Bethlehem.

The arguments pitted the state Attorney General and an attorney for North Country Environmental Services, which operates the Bethlehem facility owned by Casella Waste, against an attorney for the Conservation Law Foundation. The state Department of Environmental Services says the 50-acre site can expand by a few acres to allow continued operation through 2026 to help meet the state's solid-waste needs. The CLF and a number of other groups oppose the idea, arguing that it would be used mostly to hold out-of-state trash, which makes up about half the material put into private state landfills.

The permit was blocked last year by the Waste Management Council, which ruled that it did not meet state criteria for public benefit, including fulfilling a need for capacity to get rid of waste generated in New Hampshire.

The council's decision was appealed to the state Supreme Court by Casella and the state, leading to Tuesday's oral arguments.

The Bethlehem landfill has continued operating as the issue is litigated.

Most of Tuesday's discussions and questions from the three court justices in attendance revolved around specifics about the public benefit requirement in the state law (<https://www.gencourt.state.nh.us/rsa/html/X/149-M/149-M-11.htm>) on solid waste management, especially the definition and timing of projected landfill capacity and shortfalls. This is important because projected shortfalls of landfill capacity within 20-year planning periods are part of the argument for expanding landfills or creating new ones, as Casella is proposing to do in the town of Dalton.

Senior Assistant Attorney General Allen Brooks argued that uncertainty about need complicated the issue, pointing to this year's disastrous floods in Vermont that produced vastly more solid waste than was predicted, and said that he "looked forward to the court providing more guidance about certain provisions in the law."

Attorney Heidi Trimarco for the Conservation Law Foundation argued that the case was relatively straightforward in that the solid waste statute was designed to prevent the situation where "New Hampshire excess capacity becomes a dumping ground for other states that are closing down their landfills."

That last point has been central to the landfill debate. Federal interstate commerce laws prevent states from outright banning trash being imported from outside their borders, but Vermont, Maine and Massachusetts have all tightened landfill regulations in recent years. This has often made it cheaper and easier to haul trash to New Hampshire landfills.



David Brooks is a reporter and the writer of the sci/tech column Granite Geek and blog granitegeek.org (<http://granitegeek.org>), as well as moderator of Science Cafe Concord events. After obtaining a bachelor's degree in mathematics he became a newspaperman, working in Virginia and Tennessee before spending 28 years at the *Nashua Telegraph*. He joined the *Monitor* in 2015.

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