

Opinion: It's time for DES to prioritize environment and public health over industry interests



Bethlehem landfill Monitor file

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As a concerned citizen of Whitefield, I have spoken at many public hearings about the need to update our state's solid waste regulations to better protect the environment and public health. Unfortunately, I have not been able to commend the Department of Environmental Services (DES) for their work, and the recent public hearing to discuss updates to the state's landfill rules and siting requirements was no exception.

Despite many appeals for the needs of the environment and public health to be prioritized or at least given equal weight alongside the recommendations of the waste industry and political interests, DES has seemingly become steadfast against stronger environmental protections. Quite simply, DES needs to realign with its stated mission: "to help sustain a high quality of life by protecting and restoring the environment and public health in New Hampshire."

With the proposed new rules, the agency has strayed far from this mandate.

Experts committed to independent analysis, free from industry bias, testified that regulatory standards have been repeatedly lowered throughout the review process. The current draft of the regulations is shockingly lax regarding safe landfill siting. We have heard testimony before the House Energy and Agriculture Committee that protections were diminished following consultations with waste industry representatives. This raises a critical question: why do industry and political interests now dominate DES proposals, when the welfare of these stakeholders is not included in the mission of DES?

The lack of balanced influence in the agency's decision-making process is evident. Members of the House Environment and Agriculture Committee have expressed frustration over DES's unresponsiveness to their suggestions for stronger protective regulations. The thorough recommendations of a highly qualified independent hydrogeologist and a former federal regulator and scientist have been ignored, as have the concerns of skilled conservation organizations and the general public.

Over the years, thousands have engaged with DES and the legislature, pleading for respect, responsibility, and accountability from the Waste Management Bureau. I speak for them. We were assured of greater safeguards as part of the long-awaited update of landfill rules. Yet, eight months in, we find ourselves faced with a biased process that disregards all input except that of the industry and the governor's office. Public comment, including expert, evidence-based testimony, has become a mere formality, a joke among those of us dependent on this process to engage with DES.

The current draft shows no signs that DES is prioritizing the welfare of the environment or the people who are asking, "What is significantly improved in the new regulations?" The answer is very little. The "updated" rules are feeble and dangerous.

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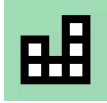
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Nearby states successfully implement significant, protective siting rules and regulations for landfills, and commercial operators comply. New Hampshire can do the same. We must not be intimidated by corporate developers or ineffective leadership. It is not too late to redeem this process.

Let's slow down. As many critics of DES assert, it is also noteworthy and unconscionable that a new landfill permit is being considered now, at the same time DES is revising our protective rules. This raises questions of propriety and accountability alongside charges of reverse-engineering of regulations to meet the needs of the developer.

Ultimately, DES will be held accountable for its decisions. I urge the agency to abandon the facade of representing public interests and, instead, to work earnestly to safeguard our environment and health. The public will not relent in demanding adequate protection from our regulators and legislators. Should DES continue to favor industrial advancement and environmental degradation, it will face the challenge of defending that position in court.

Because we know New Hampshire does not need a new landfill for decades, there is no need to rush this rulemaking. Let's pause and draft a truly protective set of regulations that is above reproach.

I urge DES to find the will and integrity to meet this challenge. The citizens of New Hampshire need conscientious, trustworthy action from our landfill regulators. The proposed rules show no sign that DES is prioritizing the welfare of the environment or the people. The agency can and must do much better.