

COMMENTARY

It's time to stop coddling Casella in New Hampshire



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Opposition to the Granite State Landfill in Dalton continues to run high. Here, a "Save Forest Lake" sign is planted at the end of a driveway in May 2021. (Amanda Gokee | New Hampshire Bulletin)

Sadly, the two most important things to know about how New Hampshire manages landfills are: 1) Casella's North Country Environmental Services (NCES) landfill in Bethlehem is managed worse (by roughly an order of magnitude) than any other landfill in the state; and 2) the Department of Environmental Services (the state agency with the responsibility to regulate landfills) has failed to use the authority it has to enforce its own rules, and to hold Casella accountable and create incentives for better performance.

The good news about NCES is that it is scheduled to close in about two years. And the good news comes at no cost – whether NCES closes or not our state has more than enough landfill capacity to last for at least the next 10 years, and more likely for about 40 years.

The bad news is that lots of damage has already been done over the 30 years Casella has owned and operated the NCES landfill. Moreover, the problems at the landfill have only gotten worse with time.

Just three years ago there was a more than 150,000-gallon PFAS-laden leachate spill, the worst ever in all of New England. Despite the enormity of the spill, it took the company two days to discover. Why? Because nobody was there at the facility for about 48 hours to see that equipment had malfunctioned or that leachate was spilling onto the ground.

Unfortunately, the problem of inadequate staffing at NCES persists, suggesting Casella is incapable of learning from its mistakes. Casella says it thinks the accident caused no harm to public health, but has so far refused to do some of the contaminant testing that would help determine how much damage was done.

Two years ago Casella paid \$50,000 in the settlement of a federal Clean Water Act lawsuit that NCES was polluting the Ammonoosuc River. In the last year independent water testing has revealed that PFAS-laden seepage is escaping from the NCES landfill site, putting at risk nearby private wells and municipal water supplies.

And just in the last few months there has been the extremely disturbing reveal by Casella that it has discovered a hole in the NCES landfill liner which protects groundwater aquifers from PFAS contamination. Remarkably, the company has concluded that the hole stems from the initial construction of the landfill cell, which means that Casella concludes that it has been depositing trash over a failed liner for 30 years.

And these are just the big problems. According to excellent reporting by Claire Sullivan that appeared in the New Hampshire Bulletin (Toxic ‘trash juice’ a problem at four New Hampshire landfills, state regulators say), DES just last month made public that there have been hundreds of incidents of failure to keep leachate to its required levels at NCES, and to file reports and data. In contrast, DES found only handfuls of small leachate problems at other New Hampshire landfills. This makes Casella’s NCES landfill an extreme outlier, given the hundreds of violations at NCES, and only 13 each at the Waste Management landfill in Rochester and at the Lebanon landfill.

You’d think there would be some serious consequences for Casella for the high number of violations at NCES, especially given Casella’s worst-in-state performance compared with other landfill operators. But you would be wrong. Trying to get information about landfill operator performance from DES is like pulling teeth; but a preliminary review of the data that DES posts online and is therefore publicly available indicates that there has been only one fine (of only \$2,000) levied against NCES in the last 25 years. For a \$1 billion corporation such as Casella, that small of a fine is in the noise, and is way too small to create incentives for safe and efficient landfill management.

DES is at fault here. It has the authority to levy fines against landfill operators that violate their permits. The problem is that it has not demonstrated the will to use that authority, at least when it comes to Casella.

Given the toxic combination of NCES’ operating history and DES’ lack of will to use its authority, it’s entirely reasonable for the public to conclude that Casella is unfit to operate its existing NCES landfill in Bethlehem, let alone be trusted to build and operate its proposed new mega-landfill (the Granite State Landfill project) in Dalton.

The bottom line is DES has coddled Casella, and continues to do so. Unless and until that changes, our state is at heightened risk of yet another PFAS disaster.

Whatever is motivating DES to coddle Casella, it needs to change. Maybe it is a change of leadership that is needed, or a complete remake of the organizational culture. But whatever it is that is needed, until it happens, DES should completely step back from considering – let alone approving – Casella’s proposed GSL landfill.