

Landfill Landscape: Proposed landfill in tiny North Country town raises environmental justice concerns

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Casella's proposed landfill site near the waters of Forest Lake. Courtesy



A view of the NCES landfill in Bethlehem operated by Casella Waste System's subsidiary company

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For Jeanne Robillard, living on a waterfront property has been a long-held dream that became a reality in 2020 when she purchased a house on the far end of Burns Pond in Whitefield.

Before that, she served four years on Bethlehem's select board and was excited to live closer to the water to indulge in her passion for boating and angling. But now she worries about what the future might hold.

At the time of her purchase, there was a talk about Casella Waste Systems, a Vermont-based waste company, proposing a landfill at the edge of Forest Lake, which is also a part of the watershed that includes Burns Pond.

"I actually thought that the site Casella was proposing for their landfill at the edge of this watershed was so preposterous that DES wouldn't even consider it," Robillard said. "But lo and behold, it happened."

In August 2021, the Department of Environmental Services requested that Casella submit a wetlands impact report for the first phase of the proposed landfill. This was particularly troubling for Dalton residents because it brought the company one step closer to locating a landfill next to Forest Lake State Park, potentially threatening the region's natural resources, tourism, and home values.

"It's just really disconcerting and discouraging," says Robillard.

Dalton's situation is not unique; the North Country region has a long history of being designated as a dumping ground for solid waste from in and out of state. Bethlehem, a small town with about 2,500 residents in the White Mountains region that borders Dalton, has faced a similar battle to prevent the same corporate giant from expanding its operations.

These smaller towns, which have limited capacity to wage legal battles, are pitted against powerful corporations looking to expand their profits and operations. By comparison, Bethlehem's total annual town budget is under \$3 million and Dalton's is less than \$1 million, while Casella, a publicly traded company, is worth nearly \$4 billion.

The looming threat for Dalton residents right now – the town has a population of less than 1,000 – is the vote on warrant articles, which could result in the abolition of the conservation commission and planning board. If these articles pass, the waste company's project will face fewer hurdles and less local oversight.

In 2022, New Hampshire Governor Chris Sununu vetoed HB 1454, which would have prohibited Casella Waste Systems from constructing a landfill near the lake. The proposed legislation mandated that landfills must be situated at a distance that would require at least five years for leachate to reach groundwater.

However, those concerned about landfill siting regulations are trying again, hoping to pass two bills, HB56 and HB 602.

They are similar to HB 1454, except that existing landfills are exempt. If passed, landfill operators would be required to hire hydrogeologists to determine site-specific setback requirements rather than relying on the DES's current 200-foot setback, which is about the length of two basketball courts.

According to Michael Wimsatt, director of the state's waste management division, New Hampshire's siting requirements were last updated in 2014. However, these changes did not specifically address the setback of surface water.

"We have a responsibility and a requirement under the law and rules to ensure that when a landfill is sited, that it is protective of groundwater and surface water, and it's not only cited but constructed and operated to be protective," explained Wimsatt. "The record for that is very good for the lined landfills that we have permitted."

Waste burden on poorer communities

The proposed Granite State Landfill in Dalton by the rapidly growing waste management company follows its successful attempt to dump trash in Bethlehem, which is less than 10 miles away.

Through its subsidiary, North Country Environmental Services, the company acquired a landfill in Bethlehem in 1994.

Moreover, the locations of Casella's existing and proposed landfills in New Hampshire have raised environmental justice concerns, given the socioeconomic factors of the towns of Bethlehem and Dalton.

Both towns have a lower median household income than the state average of \$76,000, a significant 26% disparity. These communities have fewer resources to oppose or influence such projects, which critics say is no coincidence.

Despite facing multiple lawsuits related to its landfill operations, Casella was able to expand its business due to its ability to negotiate with municipalities and local governments to offer tax benefits and incentives.

Jon Swan, chairman of Dalton's Conservation Commission and an outspoken critic of Casella's tactics to gain support in town for the landfill, believes the company is dividing the community and exploiting its disadvantages.

"It is totally an environmental justice issue because the town of Dalton is on the lower end of the socioeconomic ladder and you have a significant population that is lower on the educational ladder," Swan explained, noting that the majority of the town's population has never lived anywhere else. "In essence, they are kind of taking advantage of a group of people that really don't know any better."

The city of Concord has had a 10-year contract with Casella that expires in June 2024, and as part of this agreement, all the waste generated in Concord is transported almost 80 miles to Bethlehem every day. The arrangement is likely to change once the city approves a new contract to burn its waste at the Wheelabrator incineration plant in Penacook.

Bethlehem's dump also receives out-of-state trash. In 2021, more than 13,000 tons of waste, including municipal solid waste, construction and demolition debris and contaminated soil from other New England states, were dumped into landfill.

"North Country is unfairly bearing the burden of the state's trash disposal," said Robillard.

Community division

While landfills generate tax revenue for the town, they also create division within the community.

In 2022, Casella's tax bill to the town of Bethlehem for the landfill was about \$200,000, representing a small portion of the town's tax revenue.

As Dalton rolls into its third year of the fight against Casella, the two warrant articles calling for the abolition of the conservation commission and the planning board were added to the ballot by resident petition.

Opponents of the landfill are concerned that removing these key oversight bodies would be a clear attempt to support the landfill's construction, which could affect wetlands, Forest Lake and the Ammonoosuc River.

In an effort to stop the warrant articles from moving forward, Planning Board alternate member Adam Finkel and Swan filed an injunction, which was denied by a Coos Superior Court judge after a hearing on Wednesday.

The defendants in the case were James Dannis, Pam Kathan, Robin Pilotte and Vic St. Cyr, who publicly announced on Facebook that he works for Casella. This has only added fuel to the fire for those opposed to the landfill, who see this as evidence of collusion between Casella and those pushing for the removal of oversight bodies.

In video attendance at the hearing were Kevin Roy, Casella's division manager, and Rebecca Metcalf, Casella's outreach manager.

Jeff Weld, the communications director at Casella, explained that the company's employees attended the hearing to ensure that the company was aware of any mention of their name by either party.

"Monitoring the outcomes is important," said Weld.

In the days leading up to the hearing, Swan was not surprised to see a sign with his name on his way into town, accusing him of spending approximately \$51,000 in taxpayer dollars for conservation purposes.

The sign was paid for by Kathan, a Dalton resident who supports the landfill.

"It's sad what Casella has done to Dalton, because it's a quiet, sleepy rural town and Casella divided the town," Swan said.

Swan said most people in town don't realize the conservation commission is primarily financed by revenue from land-use penalties.

"We spent to retain three experts in case we were abolished and have experts who can weigh in on Casella's landfill applications if they resubmit them this year," Swan said. "Otherwise, the town will be defenseless against this project. It's like a chess game."

In Bethlehem in 2011, Casella's subsidiary NCES entered an agreement with the town that it would not expand the landfill. However, in 2018 it signed a settlement agreement with the town and ended up purchasing 100 more acres to expand its landfill operation.

The company does not stop there to secure its footing in town, as most of the properties abutting the landfill are owned by its subsidiaries.

According to a statement by Casella, the company's decision to own properties around the landfill is motivated by the desire to create a buffer between the landfill and the surrounding community, as well as to reduce the impact of truck traffic. This approach is motivated by its commitment to being a good neighbor.

The Host Community Agreement proposed by Casella for the town of Dalton stipulates that the company will provide direct financial and other benefits worth \$2.2 million in the first year, with a total commitment of \$71 million over a 25-year period.

However, some Bethlehem residents, who have had previous experience with the company's dealings in their town, are skeptical about the stated rate and believe that it is inflated.

Financial interests aside, residents in Dalton are concerned about the landfill being located on a sand and gravel pit and the potential impact on the environment.

It was a common practice about 30 to 40 years ago to use old sand and gravel pits as landfills because it was seen as a convenient way of disposing of waste. The pits already had a cavity where the waste could be dumped without additional excavation.

"An area with sand and gravel commonly has easy groundwater movement, or you are near water," said Muriel Robinette, a geologist who focuses on contamination sites and remediation plans. "Nowadays, we know better. We know it's going to produce a lot of leachate, and no matter how well we think we compact material and put it in plastic liners and whatever, we know it's not a permanent solution."

However, Casella has said that the site is hydrogeologically suitable.

The future of their town with the two petitioned warrant articles on the ballot is shrouded in uncertainty for the environmentally conscious residents of Dalton, who fear Casella is influencing local decisions by offering financial incentives.

"I think that anybody that's accusing us of paying town officials is categorically false," said Weld, responding to criticism in town.

Residents in the North Country are turning to their elected officials in the State House for support and hope the bills aimed at preserving the state's natural resources through strict siting requirements pass.

As a homeowner of a waterfront property, Robillard is required to follow stringent regulations to protect the watershed, such as limiting the use of fertilizers. But she is left baffled by the fact that DES would even consider a landfill proposal that would be located so close to the watershed.

“The new legislation that’s being proposed to change is a smart idea, and it’s in keeping with the regulations that already exist for homeowners,” said Robillard. “Why wouldn’t those extend to commercial projects?”

Sruthi Gopalakrishnan covers environmental and energy stories in Bow, Hopkinton, Dunbarton and Warner for the Concord Monitor. In 2022, she graduated from Northwestern University with a master's degree in journalism, specializing in investigative reporting. She also has a bachelor's degree in Computer Science and Engineering and is always looking for new ways to incorporate data and visual elements into her stories. Her work has appeared in Energy News Network, Prism Reports and Crain's Chicago Business.

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