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NH landfill oversight has become infrequent and less thorough



Conway public works employee Tim Shackford oversees the pouring of dirt over the garbage dumped the in the city landfill on Jan. 18. GEOFF FORESTER / Monitor staff photographs » Buy this Image Conway Public Work:



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On a crisp winter morning in the scenic winter town of Conway, the odor of rotten eggs wafted through the air at the Lower Mount Washington Secure landfill, which overlooks the White Mountains.

To mask the smell of decomposing waste and to keep pests at bay, two large yellow bulldozers pushed dirt mixed with septic sludge from a nearby wastewater treatment plant over piles of garbage ranging from worn-out baby car seats to plastic bags filled with thrown-away food.

The state Department of Environmental Services requires that landfills place a soil cover over the compacted trash at the end of each day, after the trucks have dumped waste from nearby towns, in addition to maintaining groundwater monitoring wells, leachate collection systems, gas management systems, landfill liners and much more for the safe operation of landfills.

However, the Solid Waste Management Bureau of the New Hampshire Department of Environment Services, which is in charge of inspecting, regulating and enforcing compliance with the state's landfills, is struggling when it comes to the scrutiny of landfills.

The state's lack of oversight is largely attributable to the waste department's limited funding. The department has only one inspector who is in charge of inspecting the 270 operating solid waste facilities, which include transfer stations, recycling centers and collection areas across the state.

"We haven't been able to pay a lot of attention to regulatory and planning programs just through sheer lack of resources," said Leah McKenna, administrator of the Solid Waste division. "One of them is the inspection program."

Inspectors no longer conduct full-facility inspections of the state's seven operating landfills. Instead, the solid waste bureau only performs targeted or focused inspections. Their primary focus is on daily cover inspections, like the layer of dirt pushed over the trash at the Conway facility. When inspecting landfills, inspectors typically go there early in the morning to make sure the trash is completely buried under the soil. Additionally, the state may review a facility's recordkeeping and note the presence of trash, insects or wildlife at landfills, as well as access controls like signage and fencing, along with stormwater systems.

The entire department had to be revamped over the last year, explained McKenna. More than half of the department's employees are relatively new, and they are working to restore some of the regulatory and planning programs that have been stalled due to a lack of funding.

The solid waste program was given \$4.3 million (<https://www.gencourt.state.nh.us/LBA/Budget/OperatingBudget.aspx>) in the most recent biennial budget, which is an 8.6% reduction from the previous two-year budget.

The bureau has 17 employees and spends a little more than \$2 million per year, most of which goes to payroll and benefits. By contrast, the State Police watercraft safety division has 14 employees and twice the budget.

"This program over a number of years hemorrhaged a lot of resources," said McKenna. "What's now happening is that inspectors are going out and doing unannounced targeted inspections or focused inspections to sort of get our name out there and let folks know that we're out doing inspections."

Inspecting compliance

During an annual inspection last summer, the state checked the Conway landfill for proper signage, soil cover, odor control, leachate management and paperwork. The landfill failed to control windblown waste and odor, have the appropriate signage at the entrance, have a principal operator at the facility or adhere to leachate disposal regulations, according to DES inspection reports (<https://www4.des.state.nh.us/DocViewer/?ContentId=5016023>).

Focused inspections like this one don't take long, but a full facility inspection for a relatively larger landfill can take a day or even two to complete.

Inspections are intended to review compliance with the regulations that solid waste facilities are required to follow. A full facility inspection, explained McKenna, would cover both the department's current focus areas, such as soil cover and odor, as well as others that they are yet to determine. She said that they were actively working to rebuild an inspection program that would cover all solid waste facilities, including landfills, transfer stations, recycling centers and waste storage facilities.

Later in the spring or summer, the solid waste bureau intends to start conducting full-facility inspections.

The public risks associated with operating landfills, according to Heidi Trimarco, an attorney with the Conservation Law Foundation, are plentiful, and without proper inspections, the landfills can violate their permits. Drain system failures, contaminants leaching into groundwater, height and noise violations and other issues could go unchecked.

“Landfills could even be accepting waste that they're not supposed to be accepting,” said Trimarco. “Each landfill has a specific permit, with conditions, and any one of those conditions could be violated.”

Without routine inspections, landfills are often left to operate on an honor system.

‘You're never going to know’

Each landfill in the state is allowed to accept a specific type of waste, with restrictions on where the waste comes from. Commercial landfills, such as Casella's in Bethlehem and Turnkey landfill in Rochester, can accept waste from all over New Hampshire as well as from out-of-state sources like Massachusetts, Vermont and Maine. However, landfills classified as limited service are unable to accept waste outside of their designated service area.

At some limited-service facilities, such as the Mount Washington landfill in Conway, which services only three towns – Eaton, Albany and Conway – it is easy to keep track of the waste coming into the dump.

Every trailer truck that arrives at the Conway landfill comes from the transfer station, where residents from all three towns sort their trash and recycle, according to Andrew Smith, director of public works for the town of Conway. Waste haulers do not dump waste at this landfill; only town trucks with permit stickers do so.

“The trash coming in has already been scrutinized at the transfer station,” said Smith. “So we have employees that are watching right out the window (at the transfer station), and presumably every trash bag is looked at.”

There are instances when waste that shouldn't go to the landfill, such as recyclables or hazardous materials, do end up at the dump, but the likelihood is slim because everything should be sorted at the transfer station across the street first, explained Smith.

Conway's pre-sorted waste stream prevents most prohibited items from ending up in its landfill. It is, however, impossible to ensure that all waste being dumped in landfills belongs there. Only if every single item thrown away by the public is inspected by state inspectors, transfer stations and facility operators will this be possible.

“If somebody sneaks a paint can in a trash bag, you’re never going to know when it ends up here unless you are going to bust all the bags apart and go through them,” said Smith.

‘Self regulate’

To a degree, landfills must trust that residents are following the rules.

Checking every bag of trash, or even every truck, for violations becomes even more difficult at larger landfills, like the Four Hills Landfill in Nashua. Over the past year, Nashua’s Solid Waste Department has revoked 58 permits at the Four Hills Landfill, a limited-service facility. According to the department, they were canceled because of violations related to the trash source.

To comply with source regulations, the staff at the landfill checks the address where construction debris is coming from, said Jeffrey Lafleur, Superintendent of Nashua’s Solid Waste Department.

“We do spot checks,” said Lafleur. “We check addresses and license plates, and if the staff have an idea that a vehicle is coming in from another city, we check (the trash).”

It is not possible to physically inspect all the bags of trash, he said.

McKenna said that the only way the state will be aware that a landfill is accepting unpermitted or illegal waste is if it occurs while inspectors are present or if they receive a complaint. Since the facilities are the ones requesting to run either an unlimited or limited-service landfill, she said, they are required to abide by the terms of their permit.

“We permit what they request, and so we expect that the facility itself is going to self-regulate that,” said McKenna.