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# North Country:Advocates RallySenate Support For State Parks-Landfill Buffer Bill

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State Sen. Erin Hennessey, R-Littleton, was a guest speaker at a remote Sierra Club meeting on Wednesday that sought to enlist New Hampshire Senate support for legislation that would prohibit new landfills within two miles of any state park boundary.

After rising from the ashes to pass the New Hampshire House of Representatives in April, advocates of the bill that seeks to prohibit any new landfill within two miles of any park boundary are now working to enlist state senators for support.

House Bill 177, put forth after the proposal by Casella Waste Systems for a commercial landfill beside Forest Lake State Park in Dalton, goes to a New Hampshire Senate hearing on Monday.

Among its local co-sponsors is state Rep. Dennis Thompson, R-Stewartstown, who spoke on Wednesday during a virtual meeting hosted by the Sierra Club that drew 70 bill supporters from across New Hampshire to rally support in the New Hampshire Senate and be part of an effort to reduce the amount of out-of-state trash buried in New Hampshire.

“Although this has been pushed as an anti-landfill bill, my thoughts from the beginning, when I asked [state Rep.] Edith [Tucker, D-Randolph] if she’d let me co-sponsor it, is that this is a state park bill,” said Thompson. “This is not a landfill bill. If someone wanted to build a junkyard next to Forest Lake State Park, there’d be the same uprising ... I also know we need to have capacity to get rid of our trash. But the key word there is our trash.”

Thompson, too, said there has to be a place to dispose of solid waste.

“I just would like it to not be in the White Mountains of New Hampshire,” he said.

Jerry Curran, chairman of the New Hampshire state chapter of the Sierra Club, thanked the volunteers for their thousands of hours of enlisting support for HB 177.

“As far as HB 177 ... it’s a no-brainer,” he said. “A buffer two miles from a state park – why wouldn’t we do that? This is New Hampshire. This is why we’re here ... Some of the most beautiful state parks in the world are in New Hampshire and people come from everywhere to see them so it’s really our job to make sure it stays like that.”

Following the House's passing of the bill on April 9, Casella spokesman Joe Fusco said the company continues to believe HB 177 is bad legislation, would lead to a significant decline in disposal capacity if no new capacity is permitted, and would drive up waste disposal costs.

Not all lawmakers agree.

### Supporter Arguments

State Rep. Andrew Bouldin, D-Manchester, a bill supporter, pointed to the core arguments against HB 177.

Casella claims New Hampshire is running out of places to put its trash and a landfill in Dalton is needed or the state will be in a trash crisis and disposal costs would skyrocket, he said.

"Here's the problem with that argument – it just isn't true," said Bouldin. "We have no immediate issue with this local capacity in New Hampshire. The Turnkey landfill in Rochester has permitted capacity to least 2034. Mt. Carberry [outside Berlin] has permitted capacity to at least 2049. On top of that, almost 50 percent of the trash that we end up burying in the ground here in New Hampshire is from out of state. If we stopped importing trash from other states, our capacity timeline would almost double. It is a complete false statement to claim that unless we have this particular landfill next to this particular state park we're going to run out of places to put trash and it will be chaos."

Another argument, said Bouldin, is that the two-mile measurement is "arbitrary" and not derived from any scientific study.

"A two-mile buffer may not be the result of a peer-reviewed scientific study, but I would argue that it's far from arbitrary," he said. "Just a casual Google search about landfill odor complaints will uncover a plethora of articles from all areas of the country, including New Hampshire. Residents experience negative landfill impacts such as odor, noise, and scavenger birds for miles. It seems like the worst of the effects are within three miles, but some have reported issues as far away as 20 miles."

New Hampshire would not be the only state with a park buffer, said Bouldin.

"North Carolina has a two-mile buffer around their state parks," he said. "Georgia has a 3.2-mile

buffer around their parks and New Jersey has a 6.25-mile buffer around their protected areas. If anything, two miles is a compromise. The fact of the matter is that HB 177 is a bipartisan and common-sense piece of legislation that balances the property rights of individuals with the shared property rights of all of us and our ability to enjoy our unique natural resources.”

A bill co-sponsor is state Sen. Erin Hennessey, R-Littleton, who said she received numerous letters, emails, and phone calls about HB 177, and other senators are receiving them as well.

“It’s not going to be easy sailing in the Senate,” she said. “We have some opposition in my party and we may have opposition in the Democratic party as well.”

If senators need a reason to support it, however, there are many, said Hennessey.

Adverse impacts include Forest Lake water quality; wetlands, nuisance animals, visual, noise, and odor impacts; the number of trucks going by three elementary schools, two of which have dangerous intersections; and impacts to property values for those Dalton-Whitefield residents who live around Forest Lake when the landfill would begin to grow and become visible, she said.

In its notice to abutters, Casella said up to half of the waste buried in Dalton would be imported from other states.

“One of the worst parts is what it will ultimately leave behind and the poison that will leach out of the landfill,” said Hennessey. “It’s not if it will leak, it’s when it will leak. It would just be very devastating to the entire area ... There are many reasons to support this bill and I will need all of your help in convincing my fellow senators to support this bill.”

Fred Anderson, Whitefield resident and president of the Forest Lake Association, said the issue is being pushed by NIMBYs (acronym for Not In My Backyard).

“We have been called a NIMBY organization,” he said. “But remember, NIMBY can mean ‘next it might be you.’ If this landfill doesn’t happen in Dalton, it could happen anywhere in this state. You can be sure they’ll be looking for some place to put that 49 percent out-of-state trash ... We are trying to protect our state parks, one of our most important natural resources, and we are also trying to protect our state’s economy, which is so dependent on tourism ... This is good public policy for New Hampshire, its citizens, its businesses, and its visitors ... This protects the property rights of the citizens of New Hampshire against outside corporate interests.”

### Imported Trash, Leak Concerns

Wednesday’s meeting also elicited questions about out-of-state waste and why it has to come into New Hampshire.

Peter Blair, staff attorney for the Conservation Law Foundation’s Zero Waste project, said the Commerce Clause of the U.S. Constitution led to a Supreme Court of the United States decision that determined that waste is commerce and states cannot prohibit landfills from accepting it.

But there is a way around it, he said.

“Right across the border in Maine, they realized they were having a large problem with out-of-state waste entering their areas, so what they did is prohibited the new development of any privately owned landfills and they decided to prohibit any out-of-state waste in their state-owned landfills,” said Blair. “They decided that if the public, the taxpayer, is going to fund these landfills, if it’s truly state-owned, they should not have to accept any out-of-state waste. It should just be for Maine-generated waste, and that’s perfectly legal.”

Thompson, who has been in the construction business for 45 years, has worked on landfill closures across New England and in the last 15 years has done about 75 percent of his work for the New Hampshire parks division, said the answer might be reverting to the smaller municipal landfill model instead of allowing large companies to drive the state’s solid waste management

He also voiced concerns about landfill leaks, a topic he said brought up two decades ago at a landfill conference in Boston to the then-administrator of the U.S. Environmental Protection

Agency when he asked what will happen in 30 years time to all of the landfills in New England that had closed.

“I’ve seen the material they use to line these with, I’ve seen the way they’re welded together with a plastic welder, and the covers,” he said. “Everyone says it’s only guaranteed for 30 years, so the closed landfills we have in New England and probably all over America are nothing but a storage facility. They are not a final resting place for this trash. Sooner or later, we will have to come up with a solution, as these liners and caps fail. I know of a couple of caps in New England that have already failed and they’ve only been in there 10 or 12 years. It’s a huge problem.”

Hennessey said the issue of landfills “is not just a North Country thing.”

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