

NEW HAMPSHIRE UNION LEADER

Adam M. Finkel: Gov. Ayotte and lawmakers saw through Casella's doomsaying



Adam M. Finkel

8 hrs ago

The applause that rang out over Forest Lake three weeks ago came with gratitude and relief. After watching the Senate kill, with little discussion, nearly a dozen science-based landfill bills over the last six years, 100 of us thanked Gov. Kelly Ayotte for doing what many thought impossible. With help from the House and from scientists and activists statewide, she conceived of and enacted a new process that catapults our state forward into the late 20th Century with respect to how, when, and where we bury municipal solid waste.

Most of the press coverage focused on the opportunities for affected townspeople to testify before the new seven-member Site Evaluation Committee (SEC). This focus makes sense, given how hideous this bill could have been. Last fall, the Senate Energy committee (unanimously!) let lawyers for Casella Waste Systems hijack the House SEC bill. If not for the refusal of House members of both parties to go along with this farce, Casella would have had a golden ticket to tear up any

local zoning ordinance, or even legal settlement agreements it had willingly signed.

However, the best part of the bill is the recognition that our Department of Environmental Services (DES) is content to merely ask “might the new landfill provide needed capacity at some future date?” HB 707 requires the right question finally be asked: “will the landfill do more good than harm?” DES may continue to “help the applicant get to ‘yes’,” but the new SEC is supposed to balance this giant thumb on the scale.

Ayotte and the House were persuaded that comparing benefits and harms is essential, and that experts in risk assessment and cost-benefit analysis have been doing this for a very long time. It was Ronald Reagan, 45 years ago, who mandated that all federal projects pass a basic benefit-cost test, and many states have long since followed suit.

DES has already testified that “important factors (including) property values, human health, tourism, traffic, noise, and odor, are all generally outside of our areas of expertise.” So thank goodness someone will now be asked to consider these rather serious things, and not only the applicant’s whims.

Everyone involved now agrees that expanding existing landfills or remediating “brownfields” makes far more sense than ruining a “greenfield” tract. It’s becoming clear that since we have more than 1.8 million tons of annual capacity, in a state that only generates 1.1 MT of waste, a new site is just a magnet for out-of-state trash that profits the very few at the expense of us all.

Actually, one company disagrees. Casella’s spokesman claims that without the troubled Dalton proposal and the soon-to-close NCES dump in Bethlehem, waste will have to be transported farther, reducing competition, and ultimately driving up costs.

Yes, there are small and sparsely populated portions of NH closer to Dalton/Bethlehem than they are to either Rochester or Berlin. But what a hoot for the highest-price vendor to stoke fears about costs. Even towns close to NCES, like Dalton, SAVED money when they switched to Carberry because of their much lower per-ton fees. It’s like Starbucks threatening ominously that “if we close,

you'll have to buy coffee at Dunkin' for half the price." And Starbucks can at least claim its expensive product is superior, while the operator of the landfill with both the largest set of civil fines and the largest leachate spill in state history is more like Taylor Farms lettuce than Wagyu beef.

Ultimately, the best defense against another ruinous proposal like the Dalton landfill is for the Legislature or the courts to improve the new DES landfill siting regulations. They are the weakest in the civilized (or less-civilized) world, precisely because Casella and the agency reverse-engineered them to allow even a sand/gravel pit near a lake to host a dump. But that is a task for another day; today's task is to recognize the wisdom and courage of the authors and the signer of HB 707.

Adam M. Finkel, Sc.D., of Dalton is an environmental scientist and medicine/law/policy professor. He was an appointee of President Bill Clinton to OSHA and EPA.

[View on unionleader.com](#)