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Landfill bill loses support, defeated in Senate

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CONCORD—A controversial bill aimed at changing the way solid waste facilities are approved by the state died on the floor of the state Senate last week.

Some town officials feel that, if passed, Senate Bill 122 would have hindered a town's ability to limit the size, location and expansion of landfills in communities. Authority would have shifted to state officials.

Local control is important to towns like Bethlehem, which has been engaged in a series of legal disputes with the owners of the Trudeau Road landfill since the company bought the landfill 10 years ago, including two cases which are still pending in Grafton County Superior Court and with the state Department of Environmental Services. Casella Waste Systems Inc. owns the landfill, through a subsidiary, North Country Environmental Services.

In 2001, the town issued a zoning ordinance banning the landfill from expanding past its current 51 acres. NCES is currently challenging the legality of the ordinance and the New Hampshire Superior Court is expected to rule on the issue within the next few months. "We've spent three years defending our local control and in a matter of a few minutes, it could have been overturned in the legislature," said Bethlehem Board of Selectmen Vice Chair Lon Weston. "This is an excellent example of how important it is to have lobbyists representing the town."

For the last two years, Bethlehem's interests have been represented by the Dupont Group in Concord.

"It keeps us up to date with what's going on legislatively," said board Chair Liz Ward. "They are equipped in a way that the selectmen are not."

Weston added that the Dupont Group, and specifically Judy Reardon, testified in front of the Environment and Wildlife committee and that testimony was instrumental in the bill's defeat.

"This bill was clearly designed to delete language that the supreme court relied on when they sided with the town on the expansion issue," Reardon said. "It would have eliminated local control and there is very little as it is."

Reardon said she argued that, in a "worse case scenario," this bill would have allowed DES to issue permits to landfills with little or no input from the local community. According to Reardon, the bill was sponsored by Sen. Peter Bragdon (R-Milford) by request of the lobbyist for NCES, Mike Dennehy. Reardon said that Dennehy was

previously Bragdon's campaign manager, and though there was nothing improper about it, the relationship may have contributed to the bill's failure.

"I think the senator introduced the bill because he was asked [by Dennehy] and he didn't know how important it was or how far it reached," Reardon said.

After hearing testimony, Bragdon dropped his sponsorship of the bill and it was consequently voted down by the committee, according to Sen. John Gallus (R-Berlin), who serves as the vice-chair of the Environment and Wildlife Committee.

"If the sponsor is not behind it anymore, the bill is gone," said Gallus. In addition to Bragdon withdrawing his sponsorship, Reardon believes the committee was skeptical from the start.

"[Defeating it] was not a hard sell to the committee because the bill was so outrageous," added Reardon, who also credited the testimony of Kent Ortman, the planning director for the town of Rochester. Like Bethlehem, Rochester also has a landfill facility in the community, and Ortman emphasized the need for local control.

Bryan Gould, the Concord lawyer who represents NCES, said the bill was not designed to take away local control, but to enable DES to make the final determination on whether a facility met the needs of the state. The statute would require DES to consult with the community before making a decision, according to Gould.

"Like so many other issues, it's a matter of perspective," Gould added. "I can see it from their side but in a case like this, someone or some agency has to have the final say. That's what this bill was intended for."

According to Gould, the bill was originally sponsored by DES but after the testimony of DES Commissioner Mike Nolin, the agency officials decided to study the issue further. The study will be geared toward the current balance of power between the state and towns on the issue of landfills, and whether or not that balance needs to be altered in order for the state to meet its solid waste disposal needs.