Bethlehem Transfer Station Committee

Bethlehem, NH

Minutes of the Meeting

December 15, 2020

Note: Virtual via “Zoom”

Committee members participating: Nancy Strand (host), Barry Zitser, Andrea Bryant, Julie Seely, Katherine Darges. Guest: Heidi Tremarco from the Conservation Law Foundation

The meeting was called to order at 6:30 PM.

The approval of the November meeting minutes was postponed until later in this meeting to accommodate other business at this time.

The Conservation Law Foundation (CLF) has appealed the ruling from the New Hampshire Department of Environmental Services that permits Casella Waste Management to proceed on Stage VI expansion of the landfill in Bethlehem.

Heidi Tremarco from the CLF reported that they have not heard from the Waste Management Council. Meetings that had been scheduled for November and December were each cancelled.

Barry Zitser has gathered information so the Transfer Station Committee (TSC) can determine if we should make any changes in our contingency planning for the closing of the Bethlehem landfill.

According to the 2012 judicial settlement between Bethlehem and North Country Environmental Services (NCES), the company is obligated to provide curbside collection of solid waste and recyclables at no charge until the Bethlehem landfill’s current and future capacity is exhausted. Without the Stages 6 expansion, capacity will be reached in April 2021. If the CLF appeal is successful in stopping the expansion, then Bethlehem will have to make changes to its trash removal services at that time.

NCES has publicly stated that it is going forward with its expansion plans pending the appeal, working at its own risk which means that it is assuming all of the costs of its work.

Barry then explained the appeal process with the NHDES in New Hampshire. This appeal is not heard in a court, but rather before a citizens’ committee known as the Waste Management Council. It is heard before an attorney. If either party is not satisfied with the Council’s decision, they can then take the appeal to the NH Supreme Court.

The Council has not met yet on this most recent CLF appeal but there is no reason to suspect that they will not accept the appeal. The notice of appeal is similar to the one the CLF filed based on decision authorizing the turnkey landfill expansion in 2018. The previous case with Turnkey, like the current one, did go forward with the expansion pending the appeal. The case in 2018 also challenged whether the expansion met the “public benefit requirement” to allow the expansion to go forward.

In the 2018 case it took about a year for the Council to render a decision and deny the appeal. The CLF then took the case directly to the NH Supreme Court. The arguments before the NH Court took place approximately a month ago, so a decision may be forthcoming in the next few months. Some of the issues in the 2018 case have been raised in the new CLF appeal such as what constitutes a public benefit and standards to achieve that requirement. This could make the upcoming Supreme Court’s decision highly relevant.

Chris Jensen sent the Transfer Station Committee (TSC) a copy of the 2018 Tax Abatement Settlement Agreement in which the Town agreed not to oppose any Stage VI expansion however the TSC can discuss whether we see any need to change our contingency planning. Barry believes that we should adopt a “wait and see” attitude before recommending to the Select Board that the Town spend any money from the capital reserve fund for contingency plans.

Andrea Bryant said that we had the contingency plan before knowing whether Stage VI would be approved by the NHDES. She has asked if it is okay to use the same plan while we wait to find out about this appeal. Barry replied that we had a lot of dates in the plan that are no longer applicable. The approval of Stage VI gave us time to do longer term planning.

TSC members are looking for a copy of the initial application for an emergency transfer station from 2009. It may provide useful information for a new permit when the current transfer station closes. Julie Seely looked for the application in the NCDES files but was unable to find it but found the document number. She said that NCDES may have purged the document because of its age. Barry commented that we may need the help of someone at NHDES who can provide help in navigating their challenging website.

Nancy Strand said that she believes it may premature to make changes the date of milestones. Andrea agreed.

Nancy then pointed out that the purpose of the plan was to give guidelines and recommendations to the Select Board, so until they direct us to do so, we should leave the contingency plan the way it is. Chris Jensen added that the Select Board was very impressed with the contingency plan and he does not believe that it needs to be tweaked or changed in any way at this time.

Barry confirmed that NCES is going ahead with Stage VI construction without waiting for a ruling. If a final ruling comes back which overturns a portion of the Stage VI expansion decision, and the deficiency found cannot be corrected, then the expansion would not be able to go forward.

Heidi Tremarco said that construction has started as evidenced by the construction reports that NCES files. Andrea said that she can hear the construction. Barry added that there are filings and other things that are part of the project and that the TSC should continue to monitor the activities of the NCES.

Barry then gave a report on his attendance at the Bethlehem Conservation Commission meeting. The Commission discussed the resolution that the TSC sent to the Select Board in November.[[1]](#footnote-1) The Commission voted 3-2 not to endorse the Resolution at this time, but two of the members who voted against endorsement did so because they would like to receive additional information, and the Chair stated that she hopes this will not be the last time they visit this issue.

Barry will go to their next meeting, scheduled for January.

Nancy took up the topic of recruiting new members to the TSC. With Barry’s help, she wrote up a notice for the Town newsletter. TSC members reviewed and commented on a draft of the notice. Contact information was added: amin@bethlehem.org. Chris will send this to the Selectmen for their comment and approval.

Nancy asked if “Trash Talk” (the working title of the newsletter about recycling, composting, and other ways to be good stewards of our environment) should be the product of the TSC. Nancy will do some of the writing. A regular newsletter will help people to better understand what the TSC does and helps to educate them. Many topics can be addressed in this format that will help people to realize that changes are coming to the Town’s trash service. She said that she thinks we need to do some “marketing” so that people know what the TSC’s vision is for the transfer station.

Barry exclaimed that he thinks Nancy’s sample newsletter is “magnificent”. He also said that it is never too early start with an education campaign. It is important to let people know that we have a committee, a plan, and goals. He also acknowledged that it is a lot of work to put the newsletter out so he does not expect it to come out very often; once a month would be wonderful.

Nancy thinks that the first issue of the newsletter should talk about “why we should we care”, why we need to make changes about how we should handle our waste, sections on food waste and plastics. Another section would encourage people to share their own helpful hints on reducing their trash footprints. Andrea suggested that we could have children submit their drawings to illustrate the hints. Nancy emphasized that it is important to continually put something out.

Nancy posed three questions. Can the TSC sponsor the newsletter? Will the Select Board allow us to do that? How can we disseminate it?

Chris said that he thinks that the newsletter is a wonderful idea and that Nancy did a terrific job of putting it together. He will talk with Town Hall to have them post our plan on its website. Unless the newsletter comes from the TSC it cannot go into the Bethlehem News. Chris has sent the mock-up of Trash Talk to his fellow Select Board members to get their opinions, but has only heard from Bruce Caplain, who liked the idea.

Chris said that Mail Chimp doesn’t allow dropping a pdf document into the Bethlehem News, so we can’t do that. What we can do is provide a link to get to go to Trash Talk.

Andrea is worried that some people will see the title “Trash Talk” and think that it is news about the landfill fight that has been going on for so many years. She suggested putting the second line, “Moving Towards a Zero Waste Future” as the title and putting “Trash Talk” second. Chris agreed that people may get the wrong idea.

As a group TSC members started suggesting alternative names for the newsletter: Zero Waste Watchers, Waste Watching, Watch Your Waste…

Nancy suggested that the group think about title suggestions and table the topic for now.

Nancy is very happy that, as a committee, we think a newsletter is a good idea because it is so important that we get the message out to the Town.

Minutes from the November 10, 2020 were accepted with changes suggested by Barry.

The next meeting will be on January 19, 2020 at 6:30 PM.

1. The TSC passed a resolution at its November 2020 meeting requesting the Select Board create a committee to meet with NCES regarding providing assistance to Bethlehem in establishing and improving landfill diversion programs as required by Condition 27(e) of the Stage VI expansion decision. [↑](#footnote-ref-1)