Transfer Station Committee Zoom meeting

April 20, 2021

Present: Nancy Stand, Barry Zitser, Andrea Bryant, Chris Jensen, Julie Seely, Katherine Darges

Public: Margret Gale, Stephen Yancey, Serena Hallowell, Betsey Phillips, Fred Anderson

Barry: In order to know the timeline of our tasks it is important to keep updated on the situation with lawsuits and permits that will affect the timing.

Barry presented an update on CLF lawsuits. The first lawsuit was brought in Grafton Superior court, and is seeking an injunction to stop the Stage VI expansion from going forward while CLF pursues its appeal of the stage VI permit before the Waste Management Council. Arguments and evidence have been submitted, and the Court can issue a decision at any time. Andrea mentioned that DES gave an operating permit to NCES to start using stage VI.

CLF vs NHDES commissioner In Merrimack Supreme Court. Asking for injunctions and other relief to stop any further permits going forward until they update solid waste management plan that is overdue since 2010 so in violation of the statue.

April 9 hearing legal issues, variety of issues were presented to dismiss the lawsuit by DES attorney. They said things like the issues are speculative and CLF doesn’t have standing to bring the lawsuit and that the alleged damages are speculative. Judge took arguments under advisement and will make a decision. Judge also inquired of CLF whether it could have raised DES’s failure to update the solid waste management plan in its appeal to the NH Supreme Court in its opposition to the Turnkey expansion. CLF had raised this issue before the Waste Management Council, but did not include it as part of its Court appeal after the Council refused to accept this issue.

Evidence was offered by CLF expert as to what might have happened if DES had an updated solid waste plan. Defendants objected because it was a surprise witness. The Judge requested the parties to determine by April 23rd if they can reach an agreement as to whether the CLF expert can be deposed, and whether the Defendants should have the opportunity to submit counter experts. The court is acting as a Court of equity, which is based on principles of fairness. Even if the Court finds a violation of the statute concerning the updating of the State's solid waste management plan, the Court does not have to grant the relief requested.  The Defendants noted that the statute in issue does not set forth a remedy for its violation, and that the legislature has been made aware that the statute is not being complied with, but has not taken any action. DES has acknowledged that it has failed to comply with the statute due to lack of funding.  However, the Defendants are arguing that this failure does not justify essentially preventing DES from performing most of its duties, since many of its proceedings require a finding of a public benefit. The Mt. Carberry landfill has also intervened

, and has submitted an affidavit alleging that there would be an adverse impact if an injunction is granted. The hearing will likely be continued after the parties reach an agreement as to expert testimony.  Thus, it is unclear when a decision will be issued in the Merrimack case."

House Bill 177 is to have no new landfill can be located within 2 miles from State Parks. Barry read the Bill to be sure that it will not affect our Rt 116 Location of the town transfer station. And it won’t and Fred Anderson verified that. HB117 has passed the House.

Nancy Strand stated that the charter of this committee is not to take a stand on the lawsuits or the landfill but to keep up with what is happening so we are prepared for whenever NCES does close.  The committee's main task is to be ready to deal with the Towns solid waste and make recommendations to the Select Board.  When the committee was started we thought that NCES closure date was supposed to be April 2021.

Julie: Agreed with Nancy and added that the town is mandated by law to take care of the towns solid waste.

**"Just Be Greener Newsletter**. Nancy Strand indicated the 1st issue was posted on FB with the Town Newsletter and separately on the Bethlehem Chat page. These newsletters are part of an education effort to make new transfer station successful. She called Staples 200 copies of one double 1.07 a sheet, so over $200 to print one issue. Discussion followed and it was agreed to wait before trying to print general distribution copies. For the second issue, Nancy took Barry’s document he presented last month and made it easier to read. Some suggestions for revisions were discussed.

Barry moved to approve issue with the agreed upon revisions and authorize her to publish.  Seconded by Andrea.    All in favor.

A future issue idea could be all about bringing food waste to Meadowstone.

Barry will print a few copies to put in library, Chris into the Post Office, Bulletin Board in Mia Papaya.

Betsey wonders if it is ok to send copy through the school.  We discussed coming up with a special issue for elementary school aged children, but first we should check with the school if that is ok. Andrea sent contact info to Nancy and she will find out if the school is doing something already. "

Betsey Phillips and Steve Yancey are interested in being on the committee. Chris will bring their names to the Select Board. Stephen Yancey has a background in waste management.

Barry: Discussion of the parameters of the TS committee. He read it.

The purpose of Bethlehem’s Transfer Station Committee (Solid/Hazardous Waste and Recycling) is to advise the Board to develop and implement environmentally sound solutions and best practices for soldi waste disposal and recycling management on behalf of the town.

**Objectives:**

* To plan and forecast expenditures and revenues pertaining to the reopening of the Bethlehem TS including future warrant articles for the capital reserve fund.
* To determine current DES rules and regulations regarding the operations and equipment of the transfer station.
* To establish a time line of implementation
* To obtain options of differing levels of service to be evaluated
* To consider all options
* To take public input

Chris Jensen brought up the trees growing up to ask select board to check it out and mow what is needed . Barry motioned asking Board to have town garage check the site and report to the Select Board if anything is needed to keep trees from growing and making it harder. Nancy seconded. All in favor. Barry moved to accept minutes from last two minutes,( February and March). Chris seconded. All in favor.

Barry: Update on Seminars: NRRA April 1 he, attended was on waste diversion beyond recycling. NH residents produce 5 pounds person a day. So there is lots we can do for waste diversion to lower costs. Lancaster has a high diversion rate 60-65%. Lebanon had a Pilot program to for food waste diversion they used compost on cemeteries and ball fields. Estimates for costs of equipment. Compactor 50,000 needs three phase powers.

"Nancy has found truck scales on line for relatively little, but then there is installation. NOTE: She later confirmed pricing for a portable, easy-to-install new scale for $12,000 and many other options for new and used scales for under $20,000."

Upcoming June 2 seminar on recycling. Tell Chris Jensen if you want to attend cause the town is a member and you can attend for free.

Barry notified the Committee of an interesting site on food waste diversion that can be found at [savethefood.com](http://savethefood.com/).  He also noted that the Department of Corrections has the ability to make signs for transfer stations

We discussed it takes two years to prepare/educate people for Pay as you throw.

Signs from NH the Beautiful that we already got are in Chris’ garage. We should think about new ones for the next cycle.

New London uses Sticker program. Sticker goes on bags. Some use punch card.

Plastic recycling market is recovering.

Nancy asked if any one registered May 10-11 NRRA conference. How do you not pay…put in member in box. Nancy is going to send them an email. Chris said NRRA is happy to have TS members participate.

Nancy: recontacted Apparel Impact to pick up textiles, shoes, belts, clothes, sheets, towels, pillows. The items do not have to be useable. In a bin they provide. They told Nancy that the company is excited to service our area.

Motion by Nancy: Ask the Select Board does the company have permission to put their recycling bins for donations. They provide the pick up, zero cost to the town. And ask Board to figure out a place for it. Seconded Barry, all in favor

Nancy found guy in FB who provides free book pick up, as few or as many as you have. She could approach Library. This would keep books out of landfill. Nancy is going to reach out to the guy and then see if the library would be willing to be drop off.

Nancy asked: Has anyone heard that there is a danger to dogs and cats from the mushrooms/microtoxin growing in compost pile? Maybe something we want to look into if we are going to encourage composting to others. Maybe a topic for future issue of Just be greener.

Barry: May 8 is cleanup day by Conservation Commission. They are meeting on Thursday.

Next meeting date: Tuesday, May 18 Its going to be zoom.

Nancy Motion to adjourn second Barry all in favor