Bethlehem Transfer Station Committee

Bethlehem, NH

Minutes of the Meeting

February 16, 2021

Note: Virtual via “Zoom”

Committee members participating Nancy Strand (host), Barry Zitser, Andrea Bryant, Chris Jensen, Julie Seely, Katherine Darges. Guest: Margaret Gale

The meeting was called to order at 6:35 pm.

The first item on the agenda was the final approval of the “Just Be Greener” recycling newsletter. Nancy Strand prepared the first edition and encouraged collaboration from the rest of the Transfer Station Committee (TSC) and the Town as a whole. Each edition will have a box on the front page that says that the newsletter is produced by the TSC, and public participation is encouraged.

Nancy asked if the Committee agreed that “Just Be Greener” is ready to publish, and where she should send it so that it is published. Chris Jensen said that it should be able to go into the next Town newsletter, and he will try to get it on the Town’s Facebook page as well.

Barry made a motion to approve “Just Be Greener” for publication. It was seconded by Andrea Bryant and passed unanimously.

Barry reported that the Northeast Resource Recovery Association (NRRA) “Recycle with Results” annual conference will occur on May 10-11, 2021 as a virtual event. Conference attendance is free for members. Non-members pay $75 to attend. Barry noted that, since Bethlehem is a member, it may get a free admission that someone on the TSC or the Bethlehem Conservation Commission could use. Chris will check will let the Select Board know about this opportunity. Anyone from either Committee who would like to attend should talk with Chris.

Nancy gave an update on pay-as-you-throw (PAYT) bags. She contacted both Waste Zero and Bags & Boxes but has not gotten a reply from either of them. These are the only two sources that NRRA could suggest that we contact.

Barry raised a couple of questions regarding bags. First, what is the minimum order we can order? Second, does this purchase require we get competitive bids?

Katherine Darges asked what the sizes are for “large” and “small” bags. Barry said that large bags are 30 to 33 gallons, and small bags are 20 gallons. Katherine also asked if we wanted clear or partially opaque bags or black ones, pointing out that we cannot see what’s inside the black ones so some people might “cheat” and put things in the bags that really shouldn’t be there. (We could have “trash police”.)

Apparently, many towns used Waste Zero in the past but have switched to Bags & Boxes for some reason that we do not know. We also don’t know who we got our bags from the last time we needed them.

Margaret Gale confirmed that Nancy had contacted NRRA for possible sources for bags. Nancy also said that Littleton previously used Waste Zero bags but has switched to using Bags & Boxes bags.

Nancy wants to talk with a rep to learn more about the various bags they sell and what might be the best for PAYT, and what other companies use. She is having trouble getting a response from either company.

Rita Ferrell may have some of Bethlehem’s bags left that we can look at, but they may not give us information about where they were purchased. Franconia switched bag providers not too long ago and had some problems with bursting bags but that seems to have been settled. Julie will ask Jennie Monahan, Franconia’s administrative assistant, what bags they use.

Barry says that we need several thousand bags based on 80 bags per ton and 300 tons a year. It equals 24,000 bags per year. We should plan to put bags into some local stores to sell. Julie said that the bags are usually packaged in tens and people probably would want a pack at a time.

If we use Littleton’s transfer station, we pay a certain amount per person to use it. Do we use our own bags, or do we have to use Littleton bags? Barry thinks we use Littleton’s bags. The per person charge is for the extra labor involved in handling our trash and recyclables.

Nancy said that she talked with people in Franconia and Littleton about what bags they use. Both said that they have switched to Bags & Boxes because of some quality issues.

Chris will check if we can just purchase bags without having to go through a bid process, so that we can get them quickly if we need to.

The next item on the agenda was the lawsuits regarding the Bethlehem landfill brought by the Conservation Law Foundation (CLF).  The first lawsuit was brought against NCES, with a hearing scheduled for March 10th, seeking an injunction to prevent the Stage VI expansion from beginning operation until after the resolution of the CLF appeal before the Waste Management Council.

The case against NHDES involves a statute adopted in 1998 requiring the State of New Hampshire have a solid waste plan, and it must be updated every six years. It was last updated in 2003. Since 2010 there has been no update thus, it is alleged, violating the statute. The complaint alleges that DES cannot lawfully render a “substantial public benefit” determination without having an updated solid waste plan by which to measure “benefit”.

The plaintiffs are asking for a Declaration by the Court that the NHDES is in violation of the statute and that there will be irreparable harm if there isn’t an updated plan. Further, they are asking for injunctions from ruling on any applications until an approved solid waste plan is in place. Also, the DES may not rule on permits remanded to the NHDES from the Waste Management Council. If the injunctions are in place, Stage VI in the Bethlehem landfill and the permitting process in Dalton would come to a halt until the updated solid waste plan is in place.

Barry will keep a close eye on the progress of these cases.

Chris will look into virtually attending the upcoming hearings.

Margaret Gale said that in November 2019 a study committee spoke directly to the question of NHDES failure to address solid waste management issues in the State.

In 2018 Bethlehem entered into an arrangement with Casella that the Town would not oppose Stage VI expansion of the landfill. As members of the TSC we should not oppose the expansion, even though we are an advisory Committee that does not represent the Town.

Margaret asked if she would be able to express personal opinions freely if she were not on the Conservation Commission (CC). Barry answered that she shouldn’t have to resign from the CC in order to express herself but should be conscious of the fact that some people might misinterpret things. The Bethlehem Select Board should not take a position; the CC should not take a position; individuals may take positions.

Nancy asked if the injunction holds , will NCES still have to pick up our trash while the legal cases get sorted out? Chris answered that the Town’s position, based on the same 2018 agreement that prevents Bethlehem from opposing the Stage 6 expansion requires NCES to remove trash and recyclables at no cost to the town just as they have done. Chris also said that NCES may not agree with the Town’s position, so we need to be prepared. Nancy expressed her dismay at the entire tangled legal situation. Barry echoed Chris’ statement that we must be ready for whatever may happen.

Chris said that the Select Board continues to appreciate the hard work the TSC has been doing to prepare for the Town’s future with trash removal and making sure that we have a backup plan if things all go bad.

Barry said that he spoke to Michelle at the North Country Council who said that there is nothing going on regarding a food waste diversion program.

Barry learned from Michelle that Mr. Patnoe of Littleton is moving to the Lancaster transfer station and will no longer be associated with Pemi-Baker. Michelle probably is our best source of information regarding Pemi-Baker.

There was no news on recruitment for the TSC.

Barry updated the group on the Contingency Plan. Chris has prepared the “Permit by Notification” for a temporary transfer station. It still needs to have dates added to the permit based on the starting date.

Chris obtained from the NRRA some sample requests for proposals (RFPs) from NRRA for services for private contractors and transfer stations. Barry prepared two drafts for TSC members to review: one for private contractors, the other for a transfer station. We also have the draft that Mr. Patnoe prepared an estimate for charges in Littleton.

If Bethlehem can work out a deal with a full-service transfer station – recycling, appliances, auto tires, etc., it may be a good short-term solution to our problem. We should talk with the people at NRRA about other facilities and services that we may need or want.

Any proposals selected to be providers are given a contract for services which spells out all details and requirements.

Barry suggested that we send any ideas we might have on this subject to Chris.

Correction to last month’s meeting minutes, “The Contingency Plan was developed by the TSC and submitted to the Bethlehem Select Board.”

With that one change Barry made a motion to accept the minutes. Andrea seconded. The minutes were approved unanimously.

Barry talked about a date for the next meeting. With all that is going on in the courts we should plan to get together in mid-March.

Katherine asked if Bethlehem would get a notice if our service from NCES was stopping. Barry said that we probably would find out pretty quickly, and there would be a lot of other towns affected also.

Chris asked if it is likely that there will be an appeal after the court renders its decision on Stage VI expansion. Barry answered “probably” but noted that he is not a New Hampshire attorney, so he is not familiar with all of the state’s laws. If there is an appeal, it will probably first be with the Waste Management Council (approx. 1 yr), then go the NH Supreme Court (approx. 1 yr.). If preliminary relief were granted it would be a much “iffier” situation.

Margaret told the group about House Bill 413 – Solid Waste – about a meeting on February 17 to discuss forming a working group on solid waste management planning. Information is available on the State Legislative website where you can also get a Zoom link to the meeting.

The group discussed the next meeting and settled on Wednesday, March 17, 2021.

The meeting was adjourned at 7:55 pm.