

**From:** Bertocci, Cynthia S  
**To:** Tarbuck, Kathy  
**Subject:** FW: Juniper Ridge Expansion (#S-0120700-WD-BI-N and #L-024251-TG-C-N)  
**Date:** Wednesday, October 19, 2016 3:32:17 PM  
**Attachments:** [casella.pdf](#)

---

[Information for the JRL Expansion record.](#)

---

**From:** Andy Jones [mailto:[andy@toxicsaction.org](mailto:andy@toxicsaction.org)]  
**Sent:** Tuesday, October 18, 2016 10:27 PM  
**To:** Bertocci, Cynthia S  
**Subject:** Juniper Ridge Expansion (#S-0120700-WD-BI-N and #L-024251-TG-C-N)

Hi Cynthia,

I am sending you the report that Toxics Action Center wrote about Casella.

I think it's a bad idea to grant an expansion permit without a clear plan to reduce the waste stream going into Juniper Ridge. It goes against the waste hierarchy.

Thank you for your time.

Andy Jones  
Community Organizer  
[andy@toxicsaction.org](mailto:andy@toxicsaction.org)  
207 615 8275

casella



# ***Coming to a Community Near You?***

A Report by Toxics Action Center



# ■ Table of Contents

Acknowledgements.....	2
Executive Summary.....	3
Chapter One	
Casella Waste Systems: A History of Rapid Growth.....	6
Chapter Two	
Solid Waste in New England: The Throw Away Society Still Rules.....	9
Chapter Three	
A History of Sneaky Entrances and Major Expansions.....	17
Chapter Four	
Locals Fighting Back to Protect their Communities.....	22
Chapter Five	
The Environmental and Operational Problems at Casella Facilities .....	28
Chapter Six	
Casella and Anti-Competitive Activity.....	34
Chapter Seven	
Recommendations and Strategies to Protect our Communities.....	37
Appendix.....	40
Casella Subsidiaries and Internet Resources	
Endnotes.....	43

# **Acknowledgements**

The authors express his gratitude to the individuals from the following towns which host, have hosted, or may soon be hosting a Casella facility. They have all provided insight and information relevant to this report. Their perspectives helped us pull together this document that we hope will be invaluable to residents concerned about the operations of Casella Waste Systems.

Pat Kaake of Angelica, New York  
Members of AWARE in Bethlehem, New Hampshire  
Members of Environmental Action for Northern New England, New Hampshire  
Bill Lippencott of Hampden, Maine  
Kyrill Schabert of Hardwick, Massachusetts  
Andy Bell of Holliston, New Hampshire  
Members of We the People from Old Town Region, Maine  
Margaret Perry of Rockingham, Vermont  
Monique Lefabve of Southbridge, Massachusetts  
Bob Mitchell of Templeton, Massachusetts  
Mike and Linda Raymond of Woburn, Massachusetts

Toxics Action Center interns Emilee Mooney, Leslie Perry and Caitlin Inglehart spent innumerable hours not only earning course credit, but researching and interviewing residents about Casella's practices. We are grateful for their time and effort.

We would like to thank Toxics Action Center members who support us financially. Thanks to the John Merck Fund, the Massachusetts Environmental Trust, the Greater Worcester Community Foundation, Harris and Frances Block Foundation, and the Public Welfare Foundation which also supported this project.

For 17 years, Toxics Action Center has assisted residents and neighborhood groups across New England address toxic pollution issues in their community. For more information about Toxics Action Center, please contact our main office at 617-292-4821 or visit [www.toxicsaction.org](http://www.toxicsaction.org).

Reduce, Reuse and Recycle.

Matthew Wilson, Author  
Toxics Action Center  
April, 2005

For additional copies of the report, send \$10 to:  
Toxics Action Center  
44 Winter Street  
Boston, MA 02108

© Copyright 2005

## ■ Executive Summary

Over the past decade, Casella Waste Systems (Casella) has grown to become one of the largest solid waste collection and disposal firms in the Northeast. Casella employs both clever and aggressive expansion strategies and has grown to own and operate more than 45 landfills and trash transfer facilities as well as 39 recycling facilities across the region. Many of these facilities are operating despite the opposition of municipal officials and residents who are concerned about the threats these facilities pose to public health and the environment.

Over the past decade, Casella's typical business strategy is to enter a community, expand dramatically and fight off attempts by local municipalities to control their expansion plans and operations. The result is that a number of municipalities across New England now host large Casella solid waste facilities whose operations threaten the health and safety of the community.

Casella seems to have developed a history of working under the radar screen to get a toe hold in a town by purchasing small solid waste facilities. The company purchases landfills from private operators, keeping out of the public eye. They also negotiate with municipal or state officials out of the public limelight to purchase or arrange to operate municipal landfills. Once Casella owns the property and landfill operation, it often initiates major expansions of these facilities upon the host municipalities. This pattern has repeated itself in municipalities across the Northeast in such towns as Hardwick, Massachusetts, Old Town, Maine, and Bethlehem, New Hampshire, among many others.

Throughout New England, state

environmental regulatory systems have the authority to approve or reject construction of expansions of solid waste facilities. While residents and municipal officials may oppose these expansions, state bureaucracies and the regulatory structures are often quick to approve the construction and expansion of solid waste facilities. While all states have made claims to prioritize the reuse and recycling of waste over the burning and burying of trash, state officials have made landfill expansion and construction the preferred method of waste management.

Over the past two decades in New England, state officials rarely reject solid waste facility construction or expansions. As a result, recycling rates have stagnated as goals to reduce and recycle are not being attained with states on average 30-50% behind their recycling goals. Casella has capitalized on this lax implementation of state solid waste master plans to dramatically expand their solid waste landfilling operations.

Depending on the particular state, municipalities have limited ability to reject, regulate or even monitor landfill

operations. Without protection from state officials, municipalities have had limited success in defending themselves against Casella's expansion plans. Municipalities often turn to zoning and public health regulations in an attempt to regulate expansions. The regulations often are ineffective, however, when faced by expensive legal challenges and public relations moves.

The towns of Hampden and Old Town, Maine, and Bethlehem, New Hampshire have all tried to stop Casella expansions by using local regulatory controls, but have lost to Casella's legal tactics. Residents have so far successfully halted plans for Casella in Templeton, Massachusetts to reopen and expand a closed dump it and to build a new dump in Rockingham, Vermont.

Over the past decade, Casella's operation of solid waste facilities has caused major environmental concerns. Through operating without proper permits, polluting the air with its incinerators and contaminating water with its leaking landfills, Casella has impacted public health and the quality of life in municipalities across New England.

- In Hardwick, landfill operations release pungent odors posing a nuisance and potential health threat to the community. Town officials have also recently discovered that two-thirds of the landfill is operating on residential zoned land.
- In Hampden, the town engineer has detected toxic chemical contamination of the groundwater surrounding the landfill. Vinyl chloride, dichloroethene, benzene, arsenic and other inorganic/metals have been identified.

- In Biddeford, dangerous emissions from the MERC incinerator threaten the residents of Biddeford and Saco with exposure to mercury, volatile organic chemicals and dioxins.
- In Bethlehem, the Casella landfill sends an orange trail of leachate into the Ammonousic River. Furans (related to dioxins) have been found in test wells, and leachate too toxic to transport, is now burned on the site.

Casella's rapid growth has also created anti-competitive situations in certain states where they operate causing economic hardships for consumers. As they continue to receive their expansion approvals, Casella has amassed a record of anti-competitive activity in Maine and Vermont.

Casella is not done yet. According to John Casella, Chairman and CEO of Casella, over the next four years the company wants to continue its expansion into more towns throughout the Northeast. These expansion plans pose increased environmental and public health threats to the residents of the Northeast.

State and local governments must be made aware of Casella's history of buying small landfill operations and working for dramatic expansion. Proposals and initiatives by Casella to purchase a solid waste facility should serve as a yellow flag to any potential host community. State officials and residents need to be proactive in their efforts to protect public health and the environment by stopping expansions and refocusing our region's trash management plans on reducing, reusing and recycling.

- Municipalities need to confront Casella at the point of entry and stop them from buying landfills and getting a toe hold in the town. Without ownership of property, Casella will be unable to expand and create mega landfills which soon pose major environmental hazards.
- Where possible municipal governments need to aggressively exercise their rights of local control to limit growth and control the operations of dangerous landfills.
- Municipalities also need to devote resources to defending their efforts to control expansion plans in the face of the inevitable lawsuits from Casella.
- State governments need to stop the automatic approval of these landfill expansions that pose threats to public health and the environment. They must strictly implement their solid waste master plans to prioritize reuse and recycling over the burning and burying of trash.

## Chapter One:

# ■ Casella Waste Systems: A History of Rapid Growth

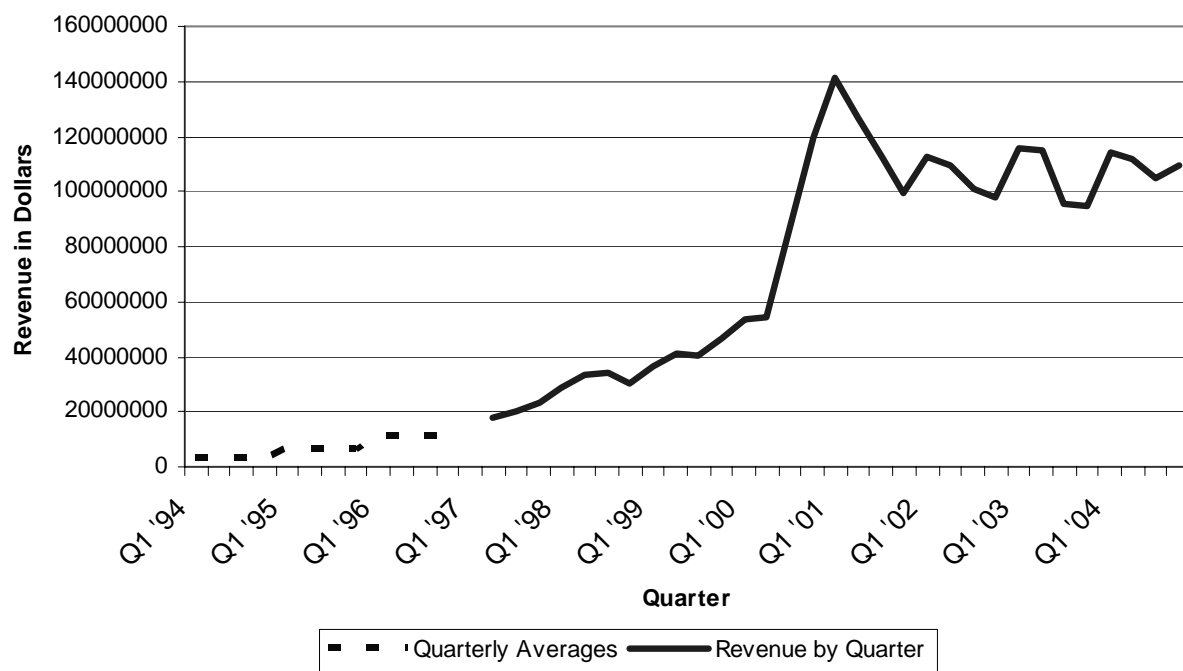
According to its 2004 annual report, Casella Waste System's, Inc is "a vertically-integrated regional solid waste services company that provides collection, transfer, disposal and recycling services to residential, industrial and commercial customers, primarily in the eastern United States."<sup>1</sup>

In the last ten years, Casella has expanded to be "the number one or number two provider of solid waste collection services in 80% of the areas served by [its] collection divisions."<sup>2</sup> After a brief lull in the company's expansion since 2000, Casella wants to resume its growth saying that it "aims to double in size over the next five years throughout the Northeast."<sup>3</sup>

Casella began with a single truck in

Rutland, Vermont in 1977. Less than twenty years later, it owns and/or operates eight municipal solid waste landfills, two construction and demolition landfills, 37 solid waste collection and hauling operations, 34 transfer stations, 39 recycling facilities, one trash incinerator and a stake in a venture that manufactures insulation from recycled fiber.<sup>4</sup> As the waste industry consolidated, Casella bucked the tide and expanded. In 1995 it

Figure 1: Casella's Revenue by Quarter





## Waste Management Incorporated

Waste Management Incorporated is the largest trash disposal company in the world. With Casella, they are the two major players in New England's trash industry. Headquartered in Houston, the company's network of operations includes 429 collection operations, 366 transfer stations, 289 active landfill sites, 17 incinerators, 138 recycling plants and 85 landfill gas projects. Its 2004 revenues were \$12.5 billion and its after-tax profit was \$939 million.\*

The waste industry is and always has based itself on a crude "more waste equals more profit" business model. This translates into landfilling or incineration, not reduction and recycling, and expansions and new facilities are often sited over the protests of local communities. Waste Management facilities across New England have been repeatedly cited for contamination of groundwater and soil.

In Danbury, New Hampshire WMI's Turnkey Landfill has long been the source of organic and metal contaminants. Although the landfill was closed and lined in 1986, The New Hampshire Water Resources Research Center concluded that despite the preventative measures, leachate is still being generated in groundwater, and contaminating the local stream and brook. In the conclusion of their report on this landfill, the Center's research suggests "that the landfill contaminants still exist in quantities in the upper portions of the lake sediments to pose a significant concern should environmental conditions change sufficiently to cause re-mobilization of these contaminants."\*\* WMI also operates the Gardner, MA landfill, which releases noxious fumes that are a major nuisance for local residents.

\*<http://www.sec.gov/archives/edgar/data/823768/000095012905001427/h22314210vk.htm>

\*\*1

[http://www.wrrc.unh.edu/past\\_research/fy90.htm#anthro](http://www.wrrc.unh.edu/past_research/fy90.htm#anthro)  
*Land Applications of Municipal Sludge in New Hampshire Forests: Minimizing the risks to Groundwater Quality.*

entered Maine, and later in the 90s entered Massachusetts, New York and Pennsylvania. The company's growth rate is impressive. From May 1, 1994 through December 30, 1999, it acquired 171 solid waste businesses, including five landfills.<sup>5</sup> In 1997 and 1998 it raised a total of \$91.5 million in stock offerings, which allowed it to finance further expansion. From 1998 to 2001 the company experienced a dramatic growth in revenue. (See Figure 1, on page 6)<sup>6</sup>.

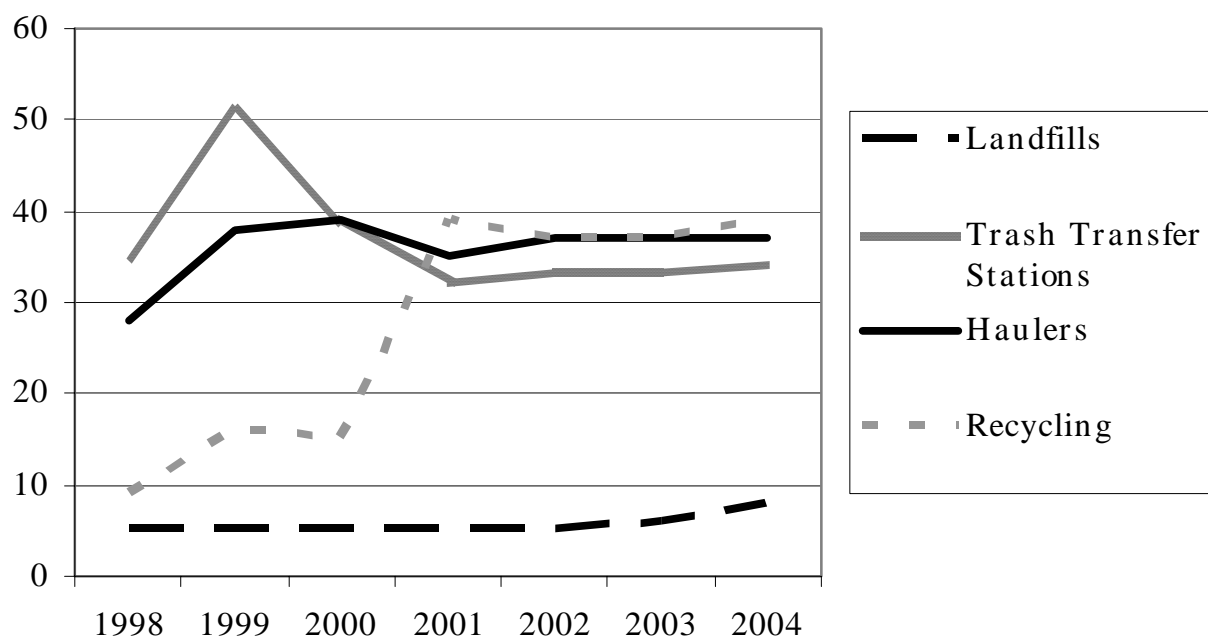
The peak in 2001 represents the period immediately after Casella acquired KTI a firm based in New Jersey, which had established itself as a leader in waste-to-energy facilities and a consolidator of recycling companies scattered throughout the country, particularly in Maine. The company's primary waste and recycling subsidiaries were KTI Biofuels, Inc, KTI Recycling of New England, KTI Specialty Waste Services, and KTI Transportation Services. The major companies with which it was involved were Zaitlin and Sons, a recycling plant headquartered in Biddeford, Maine, that owned three recycling facilities in the state, and two others in Massachusetts.

Soon after the purchase of KTI, Casella sold off some of its assets while increasing its

recycling facilities. For many years the company had five municipal solid waste (also known as Subtitle D) landfills, but in recent years that number has increased to eight. In the past eight

years Casella has grown its company five fold to rank as one of the leading corporations in the Northeast trash business.

**Figure 2: Casella's Facilities<sup>7</sup>**



**Haulers** collect waste from commercial and residential properties.  
**Recycling** facilities collect recyclables.

## Chapter Two

# ■ Solid Waste in New England: The Throw Away Society Still Rules

Municipal solid waste, commonly referred to as garbage or trash, is an issue that every community must address. The United States generated 229.2 million tons of municipal solid waste in 2001, which amounts to 4.4 pounds per person per day.<sup>8</sup> While some is recycled, the majority of our nation's waste is burned and/or buried. Trash transfer stations, landfills or incinerators are not desirable neighbors. They look bad, they smell bad and they pose threats to public health and the environment.

While the path from garbage bag to landfill or incinerator varies from town to town, the basics are the same. In urban or suburban areas, solid waste is usually collected by a private or municipal crew and brought to a transfer station or directly to a landfill or incinerator. At a transfer station recyclables are sorted out and the waste is compacted, consolidated and loaded onto large trucks. These trucks take the waste to the final disposal site -- either at the recycling center, landfill, or incinerator. In rural areas, residents often bring waste to the landfill or transfer station themselves. In some areas that are close to a landfill or incinerator, there is no transfer station and waste is taken directly to the disposal area.

The management of the waste stream did not always operate this way. In the past, towns built dumps that were little more than pits in the ground, lacking the lining or capping technology of modern landfills. These pits, often built in wetlands, were undesirable properties in town and became sources of pollution with leachate and

contaminants flowing off site onto properties and into water supplies. In response, Congress passed the Resource Conservation and Recovery Act (RCRA) in 1976. Under the provisions of the RCRA, the federal Environmental Protection Agency (EPA) set minimum standards that municipal solid waste landfills must meet. These landfill regulations are adapted and regulated by officials at the state level.<sup>9</sup> The provisions of RCRA and other solid waste disposal laws dramatically changed how trash is managed.

In 1986, RCRA tightened restrictions on landfill operations, prompting many smaller rural landfills to close. Currently, most unlined landfills are closed or are under order to be closed. Between 1988 and 1999, the number of active landfills in the United States dropped from 8000 to 2300.<sup>10</sup>

Larger, regional landfills with more pollution controls opened in their place.<sup>11</sup> RCRA dictates that these landfills adopt additional measures in the attempt to contain toxic leachate and fumes from polluting the air and

ground water by mandating lining and capping requirements. Unfortunately, the new regulations have not stopped the pollution.

On July 26, 1982, the EPA again put its opinions into the Federal Register, emphasizing that all landfills will inevitably leak:

“A liner is a barrier technology that prevents or greatly restricts migration of liquids into the ground. No liner, however, can keep all liquids out of the ground for all time. Eventually liners will degrade, tear, or crack and will allow liquids to migrate out of the unit. . . Some have argued that liners are devices that provide a perpetual seal against any migration from a waste management unit. EPA has concluded that the more reasonable assumption, based on what is known about the pressures placed on liners over time, is that any liner will begin to leak eventually.”<sup>12</sup>

Total landfill and incinerator capacity has increased slightly since the closings. Today, however, more waste is concentrated in a smaller number of large regional landfills. This allows the landfill operators to reap the benefits of economies of scale.<sup>13</sup> The economies of scale are significant because running a landfill imposes very high fixed costs – ranging from 25 to 65 percent of total per-ton costs for landfills.<sup>14</sup> These costs remain even if there are small amounts of trash to be disposed. It takes a relatively large volume of trash to break even.

Both economies of scale and the difficulties involved in siting a landfill because of stricter regulations and diminishing land space, have forced the industry to build less and build bigger. Landfill proponents try to go through the trouble of siting less frequently and rely on large, regional landfills or

expanding already existing landfills. This trend towards a few mega-landfills and incinerators creates major “sacrifice zones” in communities across the region and imposes a heavy burden on the quality of life, public health and environment in these municipalities.

As all landfills will eventually leak, these facilities pose a threat to public health and the environment. In addition to threats to groundwater, landfills give off potentially harmful gases, and odors that often permeate nearby neighborhoods. One particular concern with landfills is the post-closure period, in which many facilities are used as base for athletic fields, playground, parking lots or other facilities after their active period is over. Post-closure uses such as this can lead to cracks in the cover, and subsequent leakage and exposures.

In addition, waste industry companies are responsible for the liability for such problems for often no more than 30 years. People living near landfills suffer loss of quality of life during operation: the facilities cause horrific odor, decreased property value, and high traffic in their neighborhoods.

Waste incineration is a technology that is virtually impossible to regulate. Incinerating our waste releases toxic chemicals, such as lead and mercury, from the smoke stacks and produces additional byproducts in the stacks at certain temperatures (dioxins and furans). Because of a constantly changing waste stream and the need to maintain very high temperatures, incinerators can rarely maintain a specific consistent combustion rate over time. They may pass a stack test one

day and be out of compliance the next day. In addition, incinerators produce toxic ash. Toxic chemicals and heavy metals in the trash concentrate in the ash at the bottom of the stack. This waste then has to be disposed of in a landfill. Incineration does not eliminate waste; it simply redistributes toxic chemicals into the air and produces another form of waste (ash) to be landfilled. Quality of life is also impacted by incinerators, as these facilities release foul odors, increase truck traffic in communities and reduce property values.

As a result of fewer, bigger landfills and incinerators, many towns now host trash transfer stations (TTS). In principle, TTS can help in recycling efforts- many have bins at these sites where residents can separate paper, glass and metal. But TTS can also bring problems to communities. For example, a giant Casella-owned TTS in Holliston, Massachusetts, brings in 850 tons of trash a day. That facility is suspected of contaminating an aquifer with heavy metals.

Trash transfer stations introduce large volumes of trash into neighborhoods that would otherwise not be affected. Rodents, odors, heavy truck traffic and run-off are some of the issues that can affect the neighborhoods that host these facilities. As with other solid waste facilities, other nearby towns are often affected as truck traffic is often diverted through other towns as a concession to the host community. This can make enemies of formerly friendly towns.

## **Market Structure**

Waste collection is expensive. Collection costs account for about half of total

waste management costs. Collection can be provided by either municipal crews or by a private contractor. Often, contracts used in the solid waste industry favor the hauling company or landfill operator at the expense of the municipality. In this method, typically referred to as the “OR” or “Operating Ratio,” profits are determined by a formula that includes the total cost of the operation. Higher costs of operation lead to higher profits.<sup>15</sup> This creates an incentive for firms to spend more money, because they will get more profit. Some communities have achieved dramatic rate decreases with the introduction of a competitive bidding process. Other communities, however, have contracts and rules that exempt solid waste haulers from bidding processes. Also, as the solid waste industry continues to consolidate, competition decreases, and it is harder for communities to find a reasonable price. In the Northeast, this has become a problem as Casella grows and dominates the market structure in many areas.

Landfills and incinerators make money by charging by the ton of waste dumped, which is commonly referred to as a “tipping fee.” In the Northeast (CT, MA, RI, VT, NH, ME, NY) tipping fees averaged \$69.07 a ton in 2002.<sup>16</sup> Waste can be transported great distances, if the destination tipping fee is less expensive than a nearby tipping fee even while accounting for transportation costs. Typically, haulers can pick the disposal facility with the lowest tipping fee plus transportation cost, which creates market pressure for lower tipping fees.

As recycling became more and more

common, the volume of waste being sent to landfills decreased. Although waste decreased, fixed costs remained at landfills and incinerators remained the same. This put pressure on tipping fees to rise to compensate.<sup>17</sup>

## State Solid Waste Plans: Good On Paper, Poor on Follow Through

The EPA waste management strategy, outlined in the agency's 1989 *Agenda for Action* calls for integrated waste management that focuses on three major steps in the process. They are reduction, recycling, and combustion or land disposal in the least harmful manner.<sup>18</sup> The EPA says that waste has been "generated" if it is put out for curbside pickup or brought to a municipal waste facility. The first step in the hierarchy -- reduction -- prevents waste from being generated. For instance, waste is reduced when people use reusable cloth bags for grocery shopping instead of one-use plastic bags. Another way to reduce and reuse waste is to compost food scraps in one's backyard instead of putting them in the garbage can for pickup. The next step is recycling whenever possible. Every state in New England has set up a plan which prioritizes the 3 R's: reduce, reuse and recycle.

According to the EPA, reduction and recycling cannot eliminate all of our

waste, so the remainder must be handled through "environmentally sound disposal." Without dramatic increases in recycling and waste reduction, we will continue to be dependent on landfills and incinerators, placing additional burdens on communities that host solid waste disposal facilities.

While each New England state prioritized the reduce, reuse and recycle principles of waste management when setting goals for waste management, none of these states have actually met those goals. States set recycling goals and/or diversion goals as to how much trash is kept out of the waste stream.

- In 1993, the Connecticut Legislature set a goal of 40% recycling by 2000. As of 2001-2002 the actual recycling rate was 26.4%.<sup>19</sup>
- In 1989 the Maine Legislature set a 50 percent recycling goal for municipalities. Maine's recycling rate in 2003 was 35.5%, a decrease from a 41% rate in 1995.<sup>20</sup> Looking at state documents, it is difficult to determine the target date to reach the 50% goal.
- According to the *Beyond 2000 Solid Waste Master Plan – A Policy Framework*, the state of Massachusetts had a goal to recycle 46% of its waste by 2000. The

### All New England States Fall Short of Waste Reduction Goals

State	Waste Reduction Goal	Actual
Maine	50% of waste recycled	35.5% of waste recycled in 2003
New Hampshire	40% of waste recycled	27% of waste recycled in 2002
Vermont	50% of waste diverted (reduced at source or recycled) by 2005	34.6% of waste diverted in 2003
Massachusetts	46% of waste recycled by 2010	34% of waste recycled in 2004
Connecticut	40% of waste recycled by 2000	26.4% recycled in 2001-2002
Rhode Island	70% of waste recycled	23% of waste diverted in 2002

recycling rate in 2000 was 34%.<sup>21</sup>

- In 2000 the state of New Hampshire set a goal of 40 percent waste reduction, but the date was not immediately specified and the program has been slow to get started. As of 2002 the state had a 27% recycling rate.
- The state of Rhode Island has an ambitious recycling goal of 70%, but without a deadline or specific plan. In 2002 the recycling rate was about 17% and the diversion rate (the amount of materials diverted from the waste stream through reuse, reduction and recycling) of 22.5%.<sup>22</sup>
- The State of Vermont's *Revised Solid Waste Management Plan* established a 50% diversion goal for municipal solid waste by 2005. The diversion rate for municipal solid waste was 34.6% in 2005.<sup>23</sup>

Recycling rates and landfill and incinerator capacity are intrinsically linked. As the adage goes, "If you build it, they will come." If more landfills and incinerators are built, the increased storage supply creates a demand for trash, limiting the incentive to reduce trash. To keep these trash facilities economically viable, some towns are contractually obliged to send a certain amount of trash to incinerators, or face financial penalties.

State policy makers and regulatory officials are eager to site landfills. It is rare that a landfill expansion is rejected. If state officials would abide by their solid waste goals and meet their diversion and recycling rates, they would not approve new storage space, create a supply squeeze, and force recycling rates up.

## Regulating the Construction and Expansion of Landfills

In most states, state environmental agencies decide the fate of a landfill proposal or expansion. The amount of power that a municipality has in the regulatory proposal varies widely state to state. In Maine, municipalities have limited ability to control and regulate siting issues. In Massachusetts, local Boards of Health have the authority to approve a site assignment for a proposed facility.

### Vermont

In Vermont, the Agency of Natural Resources (ANR) grants permits for solid waste facilities. Landfill proposals must conform with ANR regulations and to plans established by the state's Regional Planning Commissions and Solid Waste Districts. ANR environmental officials often work with the landfills proponents to ensure their proposals will abide by state standards. Solid Waste Districts can also apply for a landfill permit and would also need a permit from ANR.

A proposal also needs to go through the Act 250 process to review criteria which pertains to air/water pollution, water availability, the burden on existing water supply, soil erosion, traffic, educational facility burden, municipal governance burden, aesthetics conformance with the Capability and Development Plan, and conformance with the local and regional plans.

The District Environmental Commissions can reject a solid waste facility if it does not meet the criteria laid out in Act 250. The District Environmental Commissions have denied landfill proposals in East

Montpelier, Morrisville and Thetford.

A town must develop a town zoning plan to designate areas where solid waste facilities can be built. Towns cannot develop plans that make it impossible to build a landfill in their town. Local communities have limited control over the construction and expansion of landfills.

- Zoning Boards cannot ban landfills but can regulate them by enacting conditional use permits, variances, which control height, setbacks, and landscaping.
- The Planning Board needs to designate area for landfills, even if they are bringing trash elsewhere and aren't planning on siting a landfill in their town.
- Select Boards can declare a moratorium on landfills in the short term, while the municipalities develop new parameters of looking at landfill projects and zoning regulations.

### **New Hampshire**

The Department of Environmental Services (DES) approves new landfills and landfill expansions in New Hampshire. In the past 10 years, no expansions or new landfills have been denied. A new landfill expansion requires a public hearing or notice. Towns have limited ability to control landfills. The decade long fight over the power of the town of Bethlehem's ability to control landfill operations is currently being decided in the New Hampshire court system. The Town has voted thirteen times to prevent further landfill development and has been in litigation with Casella regarding expansion since 1998. (See narrative on

the Bethlehem situation in Chapter Four). Through zoning regulations and permit processes, municipalities can maintain some degree of local control, including setbacks, perimeter vegetation, and road specifications. These regulations need to be set up in a municipality before the landfill is proposed. Not every town has proactively put zoning or local ordinances in place to stop new landfills or landfill expansions.

### **Maine**

In Maine, the state Department of Environmental Protection has the authority to approve new solid waste facilities and expansions. Municipalities have only limited local control. Although some towns such as Hampden have enacted local zoning ordinances against landfills, recent court decisions have rejected a municipality's ability to control these expansions.

Maine Law, section 38 § 1310-U states that "Municipalities are prohibited from enacting stricter standards than those contained in this chapter and in the solid waste management rules adopted pursuant to this chapter governing the hydrogeological criteria for siting or designing solid waste disposal facilities or governing the engineering criteria related to waste handling and disposal areas of a solid waste disposal facility. Except as provided in section 2173, municipalities are further prohibited from enacting or applying ordinances that regulate solid waste disposal facilities owned by the office or a regional association." [1995, c. 656, Pt. A, §26 (amd).]



## The Landfill Saga in Old Town, Maine

The process of expanding the Old Town landfill shows the control that Maine state officials have over the process and highlights their desire to create more landfill space. Here is an excerpt from “More Out of State Waste”, a February 11, 2005 *Portland Phoenix* article written by Alex Irvine.

“The Old Town landfill saga gets more bizarre by the day. New documents uncovered by area activist group We the People provide more examples of the DEP caving to political pressure, despite the best efforts of DEP scientific staff to make sure that the permit process followed established practice. One of the best examples: On September 3, 2003, DEP commissioner Dawn Gallagher asked DEP Site Investigation and Remediation officer Mark Hyland, “Are there other things we need to give up to ensure this gets done, but done in a way that we ensure protection of the environment?”

If you had to read that twice, you’re not the only one. Let’s unpack this a little. The state’s commissioner of environmental protection is stating that her department needs to not only ‘ensure’ a giant landfill project gets done, but is letting her staff know that they will ‘need to give up’ the typical permitting process — and then she tacks on some *pro forma* environmental sentiment that runs exactly counter to the imperative to speed up the permits and “ensure this gets done.’ In short, Gallagher is exhorting her staff to give up environmental review processes in order to protect the environment.

At another point during the process, DEP geologist Dick Behr records in his notes that Gallagher called public hearings on the landfill a ‘deal breaker’ — and Gallagher also ran over Behr’s conclusion that the landfill was the cause of local deterioration in water quality, in part because of G-P’s poor management of leachate. It’s clear that the political leadership at DEP abrogated its responsibility; in Behr’s notes from a December 18, 2003, meeting, he states that project movers and shakers ‘obviously made some decisions about the project w/o technical input’ and that the DEP leadership was ‘going to accept this’.

We the People are now suing the DEP to overturn the award of the permit, primarily on the grounds that the public should have been allowed an evidentiary hearing (which the DEP, at the urging of Casella and G-P lawyers, refused to grant). We the People’s lawyer Marcia Cleveland notes that the DEP has introduced a bill that would demand that vertical landfill expansions go through the same permitting process as footprint expansions — in direct contradiction of one of their arguments against We the People’s request for a full hearing. ‘The only thing that’s preventing a hearing in this case’ is the DEP’s rule, Cleveland says. ‘If they want to change it, they could change the regulation and have done with it.’ Introducing a bill to do something that could be changed by administrative fiat, Cleveland says, is a political maneuver ‘to make them look like good guys.’”

This statute has made it difficult for municipalities to pass their own environmental, public health and quality of life standards regarding landfills.

### **Massachusetts**

In Massachusetts, municipalities have the regulatory authority to stop a landfill project or expansion that does not meet criteria laid out in Massachusetts law.

In the Commonwealth, an applicant must seek a site suitability determination from the DEP. Often times the proposal needs to go through what is known as a Massachusetts Environmental Policy Act (MEPA), a review process which provides the DEP with information necessary for them to make their site suitability decision. The DEP decides whether the landfill meets criteria regarding the landfills impact

on water supply, air quality, traffic congestion, wildlife populations, and agriculture. The DEP also has to consider whether the proposal will cause a nuisance or a concentration of facilities in one municipality.

If the DEP issues a favorable site suitability report, the local Board of Health then holds a public hearing in which it also must determine whether the proposal meets the criteria. The state's decision is not binding on the local community. Although a municipality often uses the data and analysis that the state has developed, they have the regulatory authority to approve or reject a site assignment for the landfill. If a municipality decides that a landfill does not adhere to the criteria set out in state statute, they can reject the proponent's request for site assignment.

## Chapter Three

# ■ A History of Sneaky Entrances and Major Expansions

“It bugs me that the company being sued all over the place is the same one that wants to expand here... They weren’t complying in those other towns. What would make them comply in Holliston?”

-John Luczkow, a Holliston, MA resident who lives near a Casella site.<sup>24</sup>

The key to Casella’s corporate growth seems to be its ability to purchase closed or operating landfills and then gain approval for significant expansions. Casella approaches both private owners and town officials who are looking to rid themselves of their own landfill responsibilities. Once the landfill is purchased or an operating agreement is signed, Casella often pushes immediately for major expansions. Most often the proposals call for a doubling or tripling the facilities original size. In some case, the purchase of the site is linked to approval of the expansion request.

### Hampden, Maine

In 1997, shortly after it bought the Sawyer Environmental Recovery Facility (SERF) a landfill in Hampden, Casella announced plans to expand it.<sup>25</sup> The proposal would double the size of the landfill and extend its useful life by 22 years.

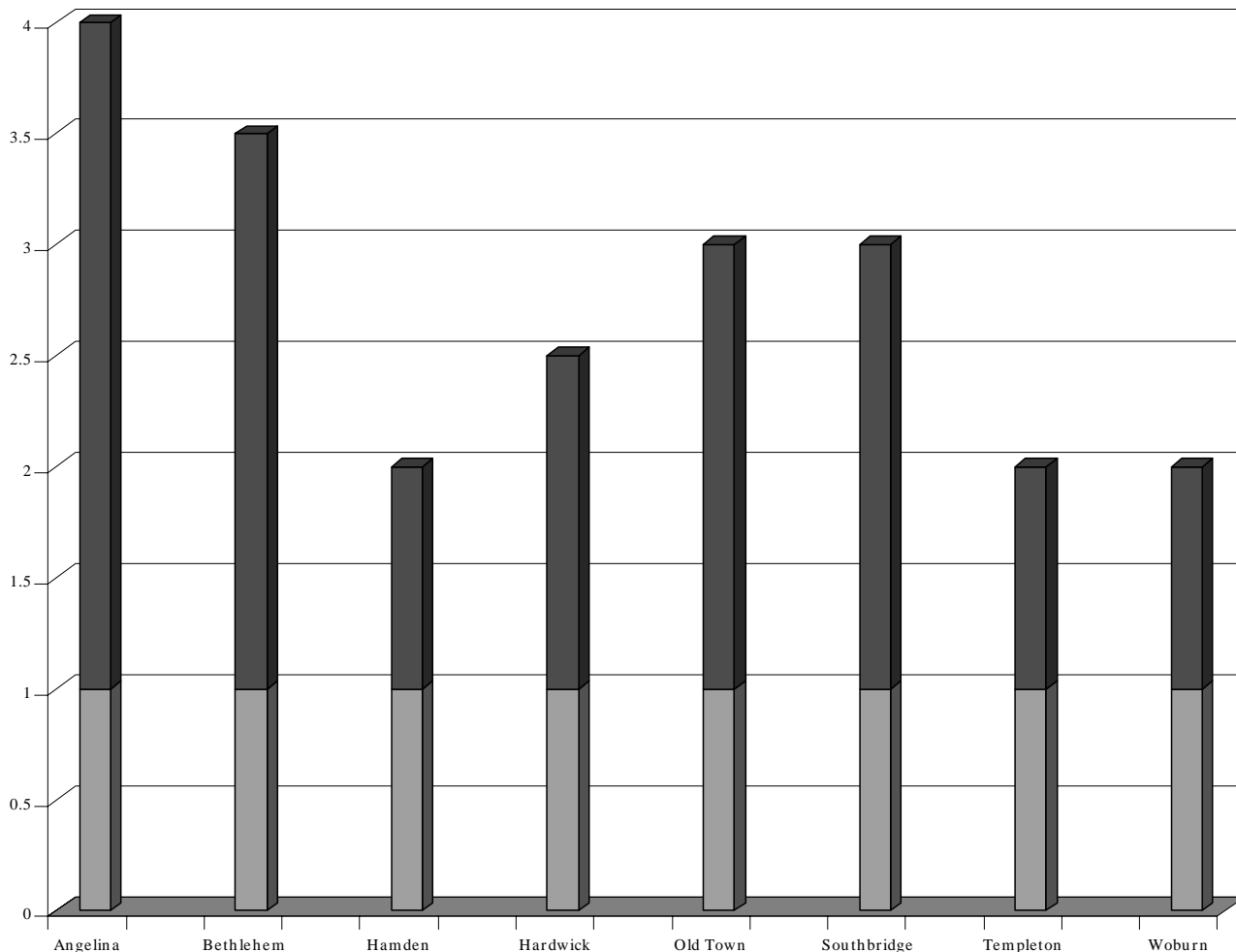
Before Casella, the landfill was expanded at least two different times in the 1980s. Originally it was 14 acres and in 1981 it was expanded to 19.8 acres. In 1998, Casella received a license from the DEP to expand over the course of three different phases,

providing an additional 3.3 million cubic yards. This expanded the landfill to 40.6 acres with two peaks over 100 feet high.

### Old Town, Maine

In Maine, because of a moratorium on new commercial landfills and incinerators, Casella has pursued opportunities there where it can manage, but not own, government run landfills. For example, Casella approached the Southern Aroostook Solid Waste District (SASWD) in late 1999 to ask them to open a new landfill in the town of Hammond, near Houlton. Casella told the District that it would take care of all the applications (which would be in SASWD’s name) and the management of the landfill. SASWD was initially open to the idea. Yet citizens organized in Houlton and Hammond to convince the district to drop the project.

In November 2004, the State of Maine bought Georgia-Pacific’s West Old Town landfill for \$26 million. Casella provided the money for the transaction.<sup>26</sup> The landfill was originally used to dispose of waste from the paper-making process from that Georgia Pacific mill. The deal took the financial pressure off of Georgia-Pacific and provided cash for



the company to keep its mill open. Casella purchased a new landfill and received approval for a major expansion that will most likely keep the dump open for another thirty years. The state of Maine secured more landfill space to make up for its stagnated recycling program.

The landfill is owned by the state, yet operated by Casella. It is a beneficial arrangement for Casella as there is a ban on new commercially owned landfills. Instead of issuing a new license, the state amended the existing license to increase the types of waste accepted at the landfill and the vertical elevation of the landfill.

From the beginning, Casella moved to dramatically increase the landfill's size and begin accepting municipal solid waste. The landfill was originally licensed to hold 3 million cubic yards, and Casella proposed an expansion to 10 million cubic yards.<sup>27</sup> The agreement allows the landfill to accept up to a million tons of waste a year. If the next expansion permit, which is already in the planning process, is approved, the Old Town landfill will be accepting waste for the next 30 years.<sup>28</sup>

### **Bethlehem, New Hampshire**

In the mid 1990s, Casella wanted to expand its 14-acre landfill, yet the town

of Bethlehem had a zoning ordinance passed in 1992 that prohibited expansion of the facility. In 1998 when the town voted against repealing the expansion beyond the fourteen acres, Casella brought the town to court. Bethlehem has been in litigation over expansion ever since. In 2001, a New Hampshire Supreme Court ruling allowed the facility to 51 acres, more than three times its original size. Casella wants to expand the landfill to 87 acres so the lawsuits continue. A decision is expected in 2006. The town has spent over \$300,000 in legal fees battling Casella.

### **Coventry, Vermont**

The Coventry landfill has recently received expansion permits, increasing its tonnage to 370,000 tons of garbage a year, up from past limit of 240,000 tons. The Coventry landfill will become the largest landfill in Vermont and the 4<sup>th</sup> largest landfill in New England. Casella worked to come up with an expansion plan and agreement with the community. This agreement included a water monitoring program that the community designed. Residents in Canada were concerned about the expansion as the landfill is close to Lake Memphremagog, a drinking water source.

### **Rockingham, Vermont**

In Rockingham, Thornton Lilly, a local Select board member approached Casella and offered his land to be developed as a 20-acre dump. Casella met with the local Select Board and Lilly did not recuse himself from some of these meetings. At least one of these meetings was held privately, between Casella and the Select Board. A local community group, Friends and

Neighbors of Missing Link Road, reported this meeting to the Secretary of State as illegal. After 30 public hearings Casella withdrew its proposal at a January 16, 2005 hearing because of strong opposition by the community.<sup>29</sup>

### **Hardwick, Massachusetts**

The Hardwick landfill had been open since the late 1960s and primarily disposed of construction and demolition debris. It was forced to close in 2002 when the owners failed to obtain the proper state permits before constructing the new landfill cell that holds the waste.<sup>30</sup> After behind the scenes negotiations with the Hardwick Board of Selectmen, Casella bought the Hardwick landfill in March 2003 and reopened it that May. The company immediately proposed rezoning adjacent land for a major expansion and raising the daily tonnage from 300 to 750 tons.

Soon after it reopened in 2003, it was discovered that the existing landfill was operating without the correct local zoning approval, a condition that Casella has publicly denied. In March 2004, the DEP approved an application for a major modification to the landfill despite community protests and the Board of Health's objections. The major modification allowed Casella to increase the life expectancy of the landfill by some 50% and to convert the landfill from a primarily construction and debris facility to one that accepts primarily municipal solid waste - all without any local approvals.<sup>31</sup> Facing community opposition led by Study Landfill Options Wisely (SLOW), Casella backed down on their large expansion and rezoning proposal. Casella has recently sent the town an "Open Letter to the Townspeople of

Hardwick” with “promises” to limit the area of the future expansion and to increase the daily waste to “only 600” tons per day. Casella and the town are still working on a Host Community Agreement.

## **Holliston, Massachusetts**

In 1972 Raymond Lawrence received a permit to build a recycling center at a sand pit. He was permitted to receive 105 tons of glass and newspaper per day. He was limited to no more than 20 trucks per day and could not accept any household waste. Within a few years BFI bought the facility and operated it from the mid-70s to late eighties BFI slowly increased tonnage. They started bringing in solid waste and used the facility as a transfer station. In February 2000, BFI sold the transfer station to Casella. At that point the facility was accepting 550 tons per day and Casella proposed to increase it to 850 tons.

## **Southbridge, Massachusetts**

In 1981, the Massachusetts Department of Environmental Protection approved a 23 acre landfill for the Town of Southbridge to run with a maximum allowable capacity of 80 tons of trash per day. In 1996, Wood Recycling took over operation and management of the landfill. The operation of the facility was plagued by mismanagement and fires at the recycling facility and landfill. In November of 2003, Casella agreed to buy Wood Recycling and assume control of the Southbridge landfill. In February of 2004, the DEP granted a permit to Casella to accept 500 tons a day of construction and demolition debris and 80 tons per day of waste from Southbridge. Soon after, Casella submitted an application to the DEP to

nearly triple the average daily waste to 1,500 tons per day.<sup>32</sup>

## **Templeton, Massachusetts**

The Templeton landfill was ordered closed and capped under state orders in 1996 because it was an unlined landfill. The dump is located on a 12-acre site between Trout and Crow Hill brooks, adjacent to the Birch hill damn flood plain. It is also just behind the regional high school in a Zone II water protection area upstream from town wells. The Templeton Board of Health teamed up with Casella to propose a new, lined landfill to transfer the waste from the old landfill into the new one. The new landfill would take out of town trash with an original expansion to 26 acres. With the original 26 acres unable to hold the old landfill and twenty years of importing waste, residents assumed the town intended to use the clause in the contract that states that the “town will support the taking of land by eminent domain” and that if there is one cell open at the end of twenty years the contract will be renewed.

At a special town meeting, the Templeton Board of Health created an enterprise and rewrote a bylaw that restricted outside trash from entering the town. The Board then signed the contract before they were granted the authority by the selectmen. Templeton Citizens Against the Dump (T-CAD) charged that the contract was illegal because it was signed without authority and the use of town land for this purpose was not brought to town meeting for approval. T-CAD started petitions and collected over 1,500 signatures to force a successful recall of all three of the elected board of health members.

## **Woburn, Massachusetts**

Massachusetts state officials ordered the city to cap the town landfill in 1996. The capping process went out to bid and Erico Environment received the contract in 1999. Casella then purchased Erico. The landfill remained city owned, but Casella became the new contractor. At the site, Casella stockpiled 150,000 tons of coal ash, street-sweeping sand, Big Dig debris, and construction and demolition debris. Through their operation they doubled the footprint from 20 acres to 40 acres. The original contractor said it would take 350 thousand cubic yards to ready the landfill for closure. After Casella bought the landfill, they ended up taking 1,100,000 cubic yards.

## **Angelica, New York**

Casella acquired the Hyland landfill in Angelica, NY when it purchased KTI in 1998. It soon applied to expand the landfill from just accepting ash to one that accepted municipal solid waste. In March of 1998, New York state officials granted the modification. In August 2000, the state granted the landfill a permit to increase its allowable annual tonnage by 50% to accept 234,000 tons of trash annually.

Although the town had a host community agreement with Casella that did not permit landfill expansion, in June of 2001, Casella received permission by state officials that increased the landfill's vertical capacity to accept an additional 210,000 cubic yards of trash. Lawsuits ensued and the town eventually voted on the expansion of the landfill (see Chapter 4).

## ■ Locals Fighting Back to Protect their Communities

With state solid waste reduction and recycling numbers falling 30-50 percent behind their projections, state regulators have focused on finding new capacity to store waste as the preferred method for dealing with New England's trash issues. State's tendencies have been to approve the vast majority of proposals that come to them to address their needs of dealing with an ever increasing waste stream.

In response, municipalities, which have to deal with the environmental and quality of life impacts of new and expanded landfills are using the regulatory tools at their disposal to try to stop unsafe facilities from being built or expanded. In some cases, municipalities have successfully stopped the expansions. In other cases, Casella's legal and political strength have been too strong to overcome.

### **Biddeford, Maine**

The initial fight to prevent the construction of the Biddeford incinerator was unsuccessful. Since then this trash incinerator in downtown Biddeford has been a public health and quality of life problem, with residents and businesses complaining of odor, toxic chemicals emissions, and increased truck traffic. The city responded to the community's concerns by enacting an air quality ordinance that is much stricter than the state regulations.<sup>33</sup> In October 2003, the city of Biddeford, ME sued Maine Energy Recovery Corporation, the Casella subsidiary which owns and runs the plant for releasing more than the allowed amount of volatile organic compounds (VOCs). Although the state was working on its

own study at the time, Biddeford officials thought that the situation was too urgent to wait for those results because the volatile organic compounds presented a threat to health and safety. Volatile organic compounds contribute to ground-level ozone, which can cause respiratory problems.<sup>34</sup> Many VOCs are also toxic.

### **Hampden, Maine**

In the summer of 1998, Town Council proposed to amend the town zoning ordinance making landfills a conditional use in the Industrial Zone (presently a nonconforming use) to allow Secure III Phases 6, 7, & 8 to be used as a landfill. This zoning change would allow the landfill to double its capacity. The local community group, Hampden Citizens Coalition (HCC) requested a referendum on the issue. In the meantime, the DEP had approved the landfill expansion. Despite push polls, TV & newspaper ads, slick mailings, and huge amount of money spent by Casella, the residents of Hampden voted against changing the ordinance in an attempt to block the expansion.

Casella argued it had a right to expand, even though when it bought the landfill,



Hampden's position and zoning laws were clear. Soon Casella filed a number of lawsuits against the town, saying that town zoning laws should not override the state's ability to site landfills where they deem appropriate. The Town of Hampden defended its right to have its own local planning. The Maine Supreme Court sided with Casella stating that landfills were a nonconforming use. They cited Maine law saying that a town regulations can't be stricter than the DEP's.

With their local ordinance overturned, Casella stated in its Host Community Benefit Contract that:

"Pine Tree [Casella] will terminate this Agreement (tipping fee prices for the town) if the Town fails to issue any required local approval for *any future expansion* of the Facility, in *substantial* conformance with the applications as submitted and *without conditions, ordinances, regulations, restrictions or the like that would limit capacity or adversely impact the continued operation of the Facility during the expansion* or if the Town imposes, through *policy, ordinance* (whether enacted by the Council or adopted as a result of a citizen initiative or referendum) or other act or failure to act, a substantial and material limitation on the ability of Pine Tree to continue to operate the Facility as licensed by the DEP during the term of this Agreement."

Any condition or regulation the town should choose to add could be interpreted to "adversely impact the operation" of some future expansion. Casella's position would severely discourage the town from making any serious kind of regulation on the landfill, if the town had a problem with any future Casella expansion plan. The clause essentially concedes any ability of the town to have a say in future landfill development without

terminating their host benefits.

## **Old Town, Maine**

In a fight over the sales and expansion of the Old Town landfill in Maine, residents were frustrated because of the limited opportunity for public input on the project. Old Town residents made five requests for a public hearing on the landfill transfer proposal, yet the DEP repeatedly denied their request.<sup>35</sup> In April of 2004, without a public hearing, the DEP approved Casella's permit to accept municipal solid waste and raise the permitted elevation for an existing 60 feet to a new height of 180 feet over 68 acres. We the People appealed the decision to grant a permit, and has appealed the state's refusal to hold a hearing (see Old Town sidebar on page 15).

## **Bethlehem, New Hampshire**

Residents in the town of Bethlehem, New Hampshire have been frustrated with the lack of regulatory authority municipalities have over landfills in the state. Casella's use of aggressive and persistent litigation has drawn the town into an eight year fight over the fate of the company's mega-landfill in the community.

In 1992, the town passed a zoning ordinance prohibiting expansion of the company's landfill. In October 1998, Casella sued, asserting that it "requires no further approvals from the Town to expand the landfill throughout its 87-acre parcel and that certain financial exactions imposed by a 1986 Town land-use approval are invalid."<sup>36</sup> The town, in turn, sued Casella because it believed that the proposed construction of Stage II Phase II would have violated the anti-expansion ordinance. Grafton Superior Court held that Casella had

“appropriated a 51-acre tract of land comprised of a 10-acre and a 41-acre parcel for landfilling purposes” before the ordinance had been passed, so the ordinance does not apply to activities conducted there. It did not decide whether or not the ordinance would apply to the additional 36-acre parcel Casella owned and hoped to develop. Stage II Phase II was on the 51 acre tract, so it was allowed to go forward.

In April 1999, the town filed an appeal in the New Hampshire Supreme Court, arguing that there “were implied limitations upon the size of the landfill that could be operated by NCES [North Country Environmental Services – Casella’s local subsidiary] and its predecessors under the land-use approvals granted by the Town in 1976 and 1986.” Casella cross-appealed, saying that it had the “local approvals necessary to landfill throughout the entire 87-acre parcel, that the Town’s restrictive zoning ordinance is unlawful for several reasons, and that the Town’s attempted enforcement of the zoning ordinance was in bad faith, entitling NCES to its attorney’s fees.”<sup>37</sup>

In May 2001, the New Hampshire Supreme Court denied the town’s appeal, “and the boundaries were drawn: 51 acres, and no more.”<sup>38</sup> The problem with this plan, however, was that this parcel was reaching capacity and Casella still wanted to expand. Again, the town wanted to limit Casella’s power as to what it could do with the 51-acre parcel. The town asserted that its “height ordinance and building permit process” would apply to Stage III construction, and Casella filed for declaratory relief. The town filed a counterclaim, seeking “authorization to

assert site plan review over Stage III..., as well as the methane gas utilization/leachate handling facility operating in Stage III, and also an order declaring that an ordinance prohibiting landfills applies to Stage IV expansion.” Grafton Superior Court held that the ordinance prohibiting landfill expansion applies “to any part of Stage IV that goes beyond the 51 acres.” It also held “that the Town’s height ordinance is valid within the 51 acres” and that “the methane gas utilization/leachate handling facility is not subject to the Town’s ordinance forbidding incinerators.”<sup>39</sup> It did say, however, “The Court finds it reasonable for the Town to require site plan review in a project as large as the NCES landfill. NCES should apply for site plan review in the same manner as any other industrial site.”

Casella argued that the town has no basis to regulate landfills because the State’s position as the regulator of landfills preempts town authority. In the most recent ruling, the New Hampshire Supreme Court agreed with the town on some points and with Casella on others. “As the trial court aptly ruled, and as the town concedes, the landfill’s structure, which includes its footprint, content and final grade slope, is regulated exclusively by DES.” They agreed that the ordinance prohibiting expansion was potentially valid by saying that “as the trial court noted, the 1992 amendment reflects ‘the choice a town is permitted to make under the general parameters of municipal responsibility established in RSA [New Hampshire law].’” There were some questions about it that the trial court had not addressed, however, so it was remanded back to Grafton

Superior Court. A final decision on the Bethlehem case and the fate of a New Hampshire municipality's ability to control of landfill expansions will come sometime in 2006.

### **Rockingham, Vermont**

A strong local organizing campaign by the local group Friends and Neighbors of the Missing Link Road forced Casella to unexpectedly withdraw its proposal at a local public hearing during the siting process. The landfill proposal never began the state review process.

### **Hardwick, Massachusetts**

Hardwick is preparing for a town vote that will decide whether the town will allow the expansion of the landfill, through rezoning the property from residential to industrial use.

### **Holliston, Massachusetts**

Although Massachusetts towns have the authority to control the expansion of solid waste facilities, it is hard to battle the legal and political resources that Casella pours into the fight.

After lengthy hearings in front of the Holliston Board of Health where neighbors battled against teams of up to seven of Casella's lawyers to make their case against the expansion of a trash transfer station, Casella received expansion approval from the Board of Health with several conditions. Casella will have to meet Class B surface water standards and have to hire a compliance officer, chosen by the Holliston Board of Health.

The abutting town of Sherborn opposes the proposal, and in August 2003 they submitted letters to Holliston town

officials discouraging them from allowing it. Sherborn Selectman Paul DeRensis said, "We will do all things necessary and proper to make sure that this expansion does not move forward. We are very vigilant and very careful to make sure that our aquifer does not become contaminated. We are determined to protect the safety of our residents."<sup>40</sup>

### **Templeton, Massachusetts**

In Templeton, residents have successfully (so far) stopped the town from entering into an agreement to allow Casella to run the landfill. On February 19, 2004, a record 876 people came to the Templeton Town Meeting, most of whom were there to protest the landfill expansion. The community voted to abolish the landfill enterprise fund, and "resoundingly" voted "not to allow commercial haulers to bring in garbage from outside Templeton to the town landfill on Route 202."<sup>41</sup> Casella would not give up and shortly after the vote company chairman and CEO John W. Casella said that the company "will continue to work through the process and with town officials to fully explain to citizens the long-term benefits of the project and resolve any doubts."<sup>42</sup> In the spring, the anti-dump group succeeded in its campaign to recall and replace the members of the Board of Health that had permitted the expansion.<sup>43</sup> In the company's 2004 Annual Report, Casella said that it was "seeking to discuss the agreement with officials from the town to determine the appropriate next steps."

### **Woburn, Massachusetts**

In Woburn, local residents pressured state and town officials to force Casella to finish the closing of the landfill and

stop the continued expansion of the landfill.

## **Angelica, New York**

The town of Angelica, New York suffered the consequences of a permissive statewide regulatory agency firsthand. In 1989, Hyland Facilities Associates, now a Casella subsidiary, but then under the auspices of KTI, proposed building a municipal incinerator ash landfill in Angelica. In 1988, a local Town bylaw passed that prohibited any landfill but the existing Allegany County Landfill to operate in the town. It was hoped that a town law prohibiting all new landfills would prevent the development from going forward, but Hyland sued. The Town of Angelica, Concerned Citizens of Allegany County and Angelica Booster Citizens, Inc. were granted “party status” in the DEC/Hyland permit hearings. Citizen’s participation in that process necessitated the hiring of lawyers, engineers and soil scientists, and cost approximately \$200,000 of private money. A DEC Law Judge recommended against the issuance of a permit, due in part to the high water table at the site. The fight went on, however, with an amended hearing, and a permit for the ash was awarded in 1995 by a short-tenured DEC Commissioner (Michael Zagata) who was later removed from his office because of numerous ethical violations.

Casella purchased Hyland following judicial approval of Angelica’s host community agreement. Soon thereafter Casella applied for a modification of the Hyland permit, to accept municipal solid waste.

On March 6, 1998, Casella’s Hyland Landfill was granted the modification. The modification did not change the design capacity of 500 tons per day for 19 years in two landfill cells on 28 acres, and lifetime volume of 2.5 million cubic yards. In August, 2000, NYSDEC granted the landfill another modification to its permit, increasing the allowable annual tonnage by 50 percent, to 234,000 tons from 156,000 tons annually.

In June, 2001, Casella received permission for yet another expansion at Hyland from NYSDEC. This time the landfill was allowed to increase vertically, by increasing its side slopes, increasing waste capacity at the landfill by approximately 210,000 cubic yards. This adds to the landfill’s previously permitted design capacity of 2.5 million cubic yards.

In Angelica, the 1996 host community agreement between the Town and Hyland Landfill did not permit expansion of the landfill. Casella sued the Town in 1998 when the Town Board enacted a local law limiting additions to the landfill beyond what is already permitted. A settlement of the lawsuit in 1999 provides that further expansion is subject to four town-wide referenda.

As part of the agreement, Casella had 4 chances, via town wide vote, to expand the dump. In its 2002 annual report Casella says, “The Company expects to seek and receive a permit for an additional 38 acres, representing in excess of 5.0 million tons of additional capacity.”

Casella pursued an aggressive public relations campaign to win the town

over. The company hosted chicken barbeques, lasagna dinners, and fish fries. It also contributed money to the Angelica Hose Company (money toward a new fire truck), funded athletic uniforms for local sports teams, and paved the Legion parking lot. Despite the PR campaign, Casella lost the first two town-wide votes on the issue.

In preparation for a third town-wide vote, Casella seemingly attempted to divide residents through class warfare rhetoric. They portrayed the local residents who opposed them as an elite environmental group that was out of touch with everyone else in town. Hyland/Casella sent out mailings talking about how much in property taxes residents would save, and the Town Board implied there would be a huge tax increase should the referendum fail. In letters to the editor and phone calls, Hyland claimed those

who opposed the expansion were retired or wealthy, with no financial worries. They also pitted “simple country folk” against people “from the city” who had moved to Angelica. The vote passed, by 30 votes out of more than 600 cast. Now, with state and local approval, Casella can expand an additional 38 acres with 5 million tons of trash.

Casella now owns over 600 acres of land, of which 38 acres is currently landfill cell area. Under the expansion proposal, the 38-acre site will double in size. The Hyland land holdings abut the Allegany County landfill to the south, giving rise to fear that this expansion will not be the last. It is understood that Casella has approached the County Legislature recently with an offer to operate the County landfill, and they have begun to put pressure on the county about operations and cost of the County Facility.

## Chapter 5

# ■ The Environmental and Operational Problems at Casella Facilities

“Our North Country air and water, property values, health, and right to self-determination are not up for grabs to a company that steals our views and replaces majestic vistas with mountains of garbage and millions of tons of contamination.”

--Susan Stith, President of AWARE and coordinator of the David and Goliath Trust of Bethlehem, New Hampshire

Casella's operation of landfills and incinerators has brought public health, environmental and quality of life problems to a number of communities across the Northeast.

### **Biddeford, Maine**

The trash incinerator in downtown Biddeford has been a problem since it opened in 1997, with residents complaining of odor, toxic chemical emissions, and increased truck traffic. The city responded to the community's concerns by enacting an air quality ordinance that is much stricter than the state regulations.

“I certainly wouldn't consider Casella a good corporate citizen,” said James Grattelo, the former mayor of Biddeford. “They wait to get caught, then they argue it's not a problem. Only as a last resort and after constant fighting will they attempt to correct the problem.”<sup>44</sup>

Saco and Biddeford, along with the citizen's group, Twin Cities Renaissance, are working to more accurately monitor the level of volatile organic compounds (VOCs) and mercury generated by the plant. Testing in 2003

revealed that the incinerator released 82.8 tons of VOCs in the month of August alone. Maine Energy's state permit allows the facility to emit 65 tons of VOCs *per year*. Jeffrey Meyers, an environmental consultant hired by the city, said the plant has never reported its excess VOC emissions to the state.<sup>45</sup>

### **Hampden, Maine**

In September of 1999, Hampden citizens discovered a crack in the cover of the landfill that was 150 feet long, due to uneven settlement of asbestos and other material. According to Casella's August 1999 application before the DEP, the crack was first noticed in 1997.<sup>46</sup>

Richard Wardwell, the town of Hampden's environmental engineer, wrote that “the secondary compression of the waste with the increased loadings is more than 10 times the magnitude initially anticipated in the 1994 and 1996 reports....”<sup>47</sup>

Four years later Wardwell wrote: “It has become evident that the landfill impacts to both groundwater and surface water quality have not improved since the Conventional Landfill was capped with the Secure III liner construction. If

anything, water quality has degraded based on the increasing parameter trends in some sampling locations.”<sup>48</sup> In an official report in 2004, Wardwell stated “groundwater contamination has been detected in all quadrants surrounding the landfill.” He reported vinyl chloride, dichloroethene, benzene, arsenic and other inorganic/metal contamination of the groundwater surrounding the landfill. Casella provides bottled water for anyone who lives within 2,000 feet of the landfill.

Wardwell stated in the report that groundwater contamination discharges into the Souadabscook and Cold Brook Streams.<sup>49</sup> This constitutes an unlicensed discharge, in the case of the Souadabscook, to a Class A water body.

From 1999 to 2002, there were five separate fires at the landfill, one of which fire officials believed was burning for six months.<sup>50</sup>

## **Old Town, Maine**

On Dec. 16, 2003, after the period for the public to request hearings based on “credible conflicting technical evidence” ended, the DEP’s hydrogeologist Richard Behr issued an internal memo stating that there were “statistically significant water quality changes” not explained by the consultants’ reports. Two weeks later, on December 30<sup>th</sup>, Behr recommended an improved Environmental Monitoring Plan be put into place. Although the water quality changes were hypothesized to be from the leachate pond, evidence has never been conclusive as to the source of leaks.

During a site visit, on January 29, 2004, again after public period to produce conflicting evidence had closed, Behr

notes in a memo to his own file:

“John [Sevee, Casella’s engineering consultant] told us that Joe (I can’t recall Joe’s last name), the GP Landfill Operator, told him that over the years leachate has occasionally been pumped directly into both of the unlined detention ponds. Apparently this occurred when the leachate pond was full and they needed to get rid of accumulated leachate within the landfill. Apparently there is no record of how much leachate was pumped into the detention ponds during these events. In response to this information, I replied that if this occurred, it would help explain some of the observed water quality trends, including the results of Woodard & Curran’s recent GeoProbe Transect. Why hasn’t the DEP been informed of this practice? John indicated that Mike Curtis, a GP Environmental Engineer, was afraid as John put it ... ‘that he would go to jail.’”<sup>51</sup>

In a memo dated March 26, 2004 obtained via a Freedom of Information Act request, Behr stated at page four of the memo: “SME uses this information as evidence that the leachate pond liner is not leaking. However, this is contradictory to Woodard & Curran’s October 2003 data, which revealed higher concentrations of indicators parameters in the leachate pond’s leak detection system than in the underlying under drain. The leak detection system contains higher concentrations of several important indicator parameters. Clearly, the two data sets provide conflicting information about leakage through the leachate pond liner system.”

A permit to operate is not supposed to be issued if there are existing leaks. This permit was issued two weeks after this memo was written, with the condition that the source of the leaks be determined.<sup>52</sup>

## **Bethlehem, New Hampshire**

Casella's "North Country Environmental Services" landfill in Bethlehem, New Hampshire has had a history of environmental issues since it was purchased by the company in 1993.

Since Casella purchased the landfill, which is located over an aquifer, there have been many spikes in contaminants -- especially Volatile Organic Compounds (VOCs) detected in monitoring wells. Residents have been told that the contamination is due to the excavation of an unlined portion of the landfill. Later contamination was attributed to "gas condensate" contaminating the insides of the monitoring wells. The company has never acknowledged the possibility of a liner leak, despite many occasions at which secondary leachate was collected at higher rates than allowed.

Odor has also been a persistent issue, and again, excuses are numerous, but conditions rarely improve. Hydrogen sulfide gas, which smells like rotten eggs and is a product of rotting gypsum wallboard from construction and demolition debris, is pervasive. Often, the increased odor is attributed to ongoing work at the landfill, but even when there is no work ongoing, the odor persists.

Leachate, the liquid that is collected at the bottom of the landfill, has also been a problem. In 1999, the leachate from one phase of the landfill tested hazardous under New Hampshire Hazardous Waste Rules, and NH DES ordered Casella to have the leachate treated at a hazardous waste facility. Despite this order, Casella continued to transport it as non-hazardous waste,

and DES eventually fined the company over \$130,000 for the violations. DES found that Casella failed to use or collect hazardous waste transfer manifests for landfill leachate 55 times and illegally discharged this leachate into a municipal sewage treatment plant six times.<sup>53</sup> Casella has now built a consolidation tank so that leachate from the various phases of the landfill could be mixed to dilute the toxicity.

In addition, Casella has built an "enclosed flare with leachate injection system", or leachate incinerator. Landfill gas is burned from the landfill, while five gallons per minute of leachate is sprayed into the flare. The water portion of the leachate evaporates; the VOCs are burned, with about half of the byproduct falling to the floor of the flare, and the other half being emitted to the environment. The incinerator is located within yards of the White Mountain National Forest. The incinerator has had numerous operational issues over the years, including frequent malfunctions involving low burning temperatures (which causes incomplete destruction of the contaminants), leachate spills, and flames spewing out the top (resulting in numerous false alarms for Bethlehem's fire department).

As in Biddeford, Casella has protested their property bill, both by filing a formal request for abatement, and also by filing for tax exemption as a "Pollution Control Facility" under a New Hampshire law which provides tax breaks to manufacturing facilities that add pollution control devices to their plants. After initially turning down the request, DES reversed their decision and declared that 85% of the landfill is



indeed tax exempt. The Town has appealed this finding.

## **Newbury, Vermont**

Casella bought a landfill beside the Wells River in Newbury, Vermont in 1988. In 1993 the company had not yet capped it, so the state took them to court. In 1994 a settlement was reached that “required the company to pay a \$68,500 fine” and “to take all actions necessary” to stem the pollution. Instead, the company proposed to merely keep monitoring the landfill and wait for the pollution to decrease, even if that meant that toxics seeped into the river. That was not acceptable for nearby landowners, whose property was contaminated by the landfill.<sup>54</sup>

At the landfill, an orange “seep” emerged from the ground and ran into the Wells River. At monitoring wells “water samples also showed elevated levels of volatile organic compounds, including trichloroethene, benzene and methyl tert-butyl ether, according to 1999 state records.”<sup>55</sup>

## **Hardwick, Massachusetts**

In March of 2005, Selectmen sent a letter to Casella to ask them to voluntarily shut down their landfill until the rotten egg-like stench problem caused by hydrogen sulfide gas at the landfill was fixed. Despite installing a gas flare system and being fined by the DEP, the gas continues to permeate many homes in western Hardwick and along Greenwich Road in Ware.

Hardwick Zoning Enforcement Officer Ralph Brouillette has stated that two-thirds of the active Casella landfill is operating on residentially zoned land

and that the facility does not possess grandfather rights to operate on that portion. Casella is appealing this ruling. In another matter, during one Board of Health meeting, Casella engineer Richard J. Spieler said the company is bound by a DEP consent order to fix the air pollution (hydrogen sulfide and other gases) problems by May 1, 2005. The state fined the company \$18,000 in March and threatened daily fines up to \$1,000 should problems persist. According to the DEP, a September 30<sup>th</sup> inspection also revealed Casella accepted banned wastes, allowed odors to escape the landfill and needed to fix storm water flows. The DEP also cited Casella for lacking a storm water management permit.

## **Holliston, Massachusetts**

The residents of Holliston and neighboring Sherborn fear the continued operation and expansion of the Atlantic North Transfer station threatens its aquifer and the local groundwater. The facility is situated close to wetlands and a certified vernal pool, and is within 700 feet of Holliston’s Town Well #6.

Holliston gets its water from public wells, while Sherborn residents use private wells, but both towns draw from the same aquifer.

Tests by the Town Water Department show levels of cadmium and manganese in excess of the legal limit in test wells near the town drinking water wells. The concentrations of these heavy metals was highest near Casella’s facility and lower further away, leading engineers to believe that the source of the pollution is Casella’s transfer station. Other contaminants such as lead and mercury

were also high, but not over the limits.

On March 16, 2004, Casella's subcontractors were at the facility to flush the oil-water separators. The correct procedure is to pump effluent into a truck for offsite disposal, but instead they simply ran the hose over the bank and into wetlands that feed into the aquifer. What was described as a smelly dense black sludge gushed into the wetland.<sup>56</sup> The Conservation Commission held an emergency meeting at which the subcontractor said that the sludge levels at the bottom of the oil/water separator was 30-31 inches. The correct procedure is to flush the separator when sludge levels reach 12 inches. Besides dumping into the wetlands, Casella had allowed the separators to go without maintenance long enough for sludge to reach three times the allowable limit.

In November of 2003, a sewage treatment plant near Worcester refused to accept wastewater from Casella because of excessive levels of lead, iron and zinc. Fecal coliform and E. coli bacteria accumulated in the trucks at the site has been measured at levels that are literally off the charts. These and other instances have made residents very concerned, and according to the *Boston Globe* Real Estate section, if one drives around Holliston, "it's impossible to miss the lawn signs around town declaring, 'it's all about the water.'"<sup>57</sup> A final decision in Holliston has not yet been reached.

Members of the Holliston Planning Board believe Casella is not complying with current town zoning permits as the increase in waste handled at the facility in recent years is not covered by prior

permits. "It would appear that the focus of the operation as well as the operational capacity has far exceeded these local zoning permits," Town Planner Karen Sherman wrote in a memo dated Jan. 27, 2005, to the Planning Board prior to Thursday night's meeting with Casella. "It's pretty clear that they're not permitted to do what they're doing right now."

In another memo, dated Aug. 19, 2003, Building Inspector Peter Tartakoff told the Planning Board, "It is my opinion that due to the tremendous increases in waste materials handled at the facility, the change in contents within the waste stream over the years, and due to the modification made within the DEP permits...the facility at this point may be in noncompliance."<sup>58</sup>

## **Southbridge, Massachusetts**

In March, a worker at the Casella Landfill was killed as he was crushed in a conveyor belt.<sup>59</sup>

## **Woburn, Massachusetts**

The doubling of the Woburn landfill created nuisances and public health concerns.

In 2002, the Woburn Neighborhood Association claimed they found medical waste and other potentially hazardous materials being dumped at the landfill. After much pressure, state officials finally came to investigate the site. The residents found corked vials of blood, hazardous material safety gloves and mounds of coal ash.<sup>60</sup> Leachate from the landfill was allowed to seep into wetland and Hall's Brook.

### **Angelica, New York**

During the time Casella has operated in Hyland, they have been cited more than 44 times by the New York DEC.<sup>61</sup> On March 31, 2005, Hyland received a formal Notice of Violation for non-compliance in several areas, including lack of cover of trash, leachate breakouts, and mechanical breakdowns.

### **Wellsboro, Pennsylvania**

On March 17, 2005, The Pennsylvania Department of Environmental Protection permanently revoked Casella Waste Management of Pennsylvania's Wellsboro transfer station permit and ordered the facility closed because the

company repeatedly violated the Pennsylvania Solid Waste Management Act and its DEP permit. The DEP found the transfer station exceeded its daily allowable waste receipts on 197 days. DEP Regional Director Robert Yowell said: "The company has accumulated 112 violations since August 1997. They have been fined three times. They have shown that they simply cannot comply with our regulatory requirements, and that's inexcusable." According to Casella's third quarter SEC report (p. 40), "The Pennsylvania Attorney General's Office is also conducting a criminal investigation of the allegations."<sup>62</sup>

## ■ Casella and Anti-Competitive Activity

Not only does Casella's operation threaten public health and the environment but there may be economic consequences of its aggressive growth, expansion, and business model. Casella describes itself as a "vertically integrated" solid waste firm – an accurate and potentially troubling description. As of 2000, the last year for which data was available, "approximately 67% of the waste volumes received by the Company's [Casella's] landfills were from the company's hauling divisions or transfer stations."<sup>63</sup>

Vertical integration of this degree is of great concern. Haulers have no incentive to seek out lower tipping fees when the extra money is going to a division of the same company. Casella's trucking companies, for example, might bring waste to Casella's landfills no matter how high the tipping fee, because the money is staying within the company and the higher cost gets passed to the consumers.

In addition to being vertically integrated, Casella is also horizontally integrated in some of the places where it does business – that is, the company controls a very large share of the market. The states of Vermont, New Hampshire, and Maine have all expressed concern over the lack of competition in the solid waste industry, and over Casella's market share.

In 1999, Casella merged with KTI, a major solid waste firm in the Northeast. KTI owned the Penobscot Energy Recovery Co. (PERC) incinerator in Orrington and Casella owned the Sawyer Environmental Recovery Facility (SERF) landfill in Hampden where the incinerator ash was disposed.

Assistant Attorney General Francis Ackerman expressed concern over the merger of the two companies, saying that "under existing contracts, that disposal price could be passed along to the customer."<sup>64</sup>

Community leaders like Gerry Kempen of Orono said "we only seek to get some assurance that the merger won't adversely affect our interests, that PERC will be getting the best price."<sup>65</sup> In order to be allowed to merge, KTI and Casella had to ensure that disposal for waste from PERC would be procured through a competitive bidding process handled by their partner ENI-NRG. The penalty for terminating a trash-hauling contract with Casella was also reduced from \$300 to \$75 to "make sure that smaller companies can compete" while so much of the waste stream in Maine is controlled by Casella.<sup>66</sup>

Yet, in January 2000, over a hundred Maine communities operating under the Municipal Review Committee (MRC) sued Casella and its partner Energy National Inc. of Minnesota (ENI). They complained that PERC charged unnecessarily high tipping fees and

failed to seek out the lowest cost way to dispose of incinerator ash. According to the Maine Attorney General's office, "ENI, the other partner in PERC, essentially supported the MRC's claims."<sup>67</sup> The worries of the Maine Attorney General's Office and town managers had come true, with the towns paying higher-than-warranted prices for disposal as a result of Casella's vertical integration.

The suit was settled in March 2001. The settlement required Casella to sell its share of PERC to resolve the conflict of interest issues. As a result of the sale, PERC paid "33 percent less for ash disposal," and tipping fees went down by \$3 to \$4 per ton.<sup>68</sup>

A 2002 report from the Maine Attorney General's Office stated:

"The owners of Maine's two commercial landfills, Casella and WMI, together provide over half of the curbside collection contracted by municipalities, or slightly more than one-third of total collection (when municipal employee collection is included)... Casella accounts for slightly over 50% of municipal contracted curbside collection in eastern and northern Maine."<sup>69</sup>

In 2005, a Hermon waste disposal business has filed a lawsuit in Penobscot County Superior Court against Casella Waste Systems Inc., alleging that the company violated state antitrust laws by entering a preferential bid to haul waste for a Maine biomass plant. The Environmental Exchange Inc. also alleges that Casella, which operates the West Old Town Landfill and owns Pine Tree Landfill in Hampden, conspired to monopolize trade in the waste-hauling market in Penobscot County. The suit further alleges that the state's operating

services agreement with Casella allows the company to charge its competitors higher tipping fees for dumping waste at the West Old Town Landfill and Pine Tree Landfill, therefore creating a monopoly in the trash-hauling market in Penobscot County.<sup>70</sup>

In 2002, the Vermont Attorney General's Office and Casella reached an agreement to stop engaging in behavior that the attorney general found to be anti-competitive. At issue was the fairness of so-called "evergreen" or self-renewing contracts that decrease opportunities for competition. Contracts for small-scale commercial waste hauling had an initial term of three years that was automatically extended if they were not cancelled 60 days before the term expired. If the customers wanted to break the contract at any other time, they were charged for six months worth of hauling as a penalty. The Attorney General said that these terms hampered competition, and a settlement was reached to shorten the term of the contract and reduce the cancellation fee that the company could charge.<sup>71</sup>

The Governor's Solid Waste Task Force of New Hampshire found that Casella and Waste Management together controlled "approximately 80% of the available landfill disposal capacity, and a significant percentage of transfer station capacity" in that state. This was cause for alarm because

"...the potential for exploitation of market power by the dominant firms is an unavoidable component of analysis of the solid waste industry. Such potential exploitation could take one or both of two primary forms: monopolistic pricing of access to capacity through tipping fees; and the extension of the dominant firms "horizontal" market power

over capacity to other market segments, including in particular, the waste hauling sector.”<sup>72</sup>

In its 2001 Solid Waste Management Plan, the state of Vermont expressed similar concerns:

“An estimated 44% of Vermont’s solid waste

that was disposed in 1999 was transported by one company [Casella], and an estimated 48% of Vermont’s solid waste was disposed of in landfills owned by this same company. County by county percentages may be higher.

Continued consolidation creates the potential for reduced competition, fewer choices for consumers, and increased prices for solid waste management services.”<sup>73</sup>

## Chapter Seven

# ■ Recommendations and Strategies to Protect our Communities

“I think the message is don’t let them in, period.”

--George Manupelli, retired Selectmen from Bethlehem, New Hampshire.<sup>74</sup>

Casella’s track record of environmental violations, litigation, relentless expansion, and anti-competitive activity should serve as a yellow flag for any community approached by the company or one of its affiliates (see Appendix, page 41).

Over the past decade, Casella has grown to become one of the largest solid waste collection and disposal firms in the Northeast. Casella has employed both clever and aggressive expansion strategies to now own and operate more than 45 landfills and trash transfer facilities as well as 39 recycling facilities across the region. Many of these facilities are operating despite the opposition of municipal officials and residents who are concerned about the threats these facilities pose to public health and the environment.

Casella’s growth has coincided with the aggressive manner in which it enters communities. The company has, in many instances, entered a community, expanded dramatically, and fought off attempts by local municipalities to control its expansion plans and operations. The result is a number of municipalities across New England now host large Casella solid waste facilities many of whose operations threaten the

health and safety of the community. Throughout New England, state environmental regulatory agencies have the authority to approve or reject construction of expansions of solid waste facilities. While residents and municipal officials may oppose these expansions, state bureaucracies and the regulatory structures are often quick to approve the construction and expansion of solid waste facilities. While all states have made claims to prioritize reuse and recycling of waste over the burning and burying of trash, officials have made landfill expansion and construction the preferred method of waste management.

Over the past two decades in New England, state officials have rarely rejected solid waste facility construction or expansions. As a result, recycling rates have stagnated as goals to reduce and recycle are not being attained with states at least 30-50% behind their recycling goals. Casella has capitalized on this lax implementation of state solid waste master plans to dramatically expand their solid waste landfilling operations.

Depending on the particular state, municipalities have limited ability to reject, regulate or even monitor landfill operations. Without protection from the

state officials, municipalities have had limited success in defending themselves against Casella's expansion plans. Municipalities often turn to zoning and public health regulations in an attempt to regulate expansions. The regulations often are ineffective, however, when faced by expensive legal challenges and public relations moves.

Over the past decade, Casella's operation of solid waste facilities has caused major environmental concerns. Because it has operated without proper zoning authority, because its incinerators have polluted the air, and because some of its landfills have leaked and contaminated water, Casella has had an impact on the public health and quality of life in municipalities across the Northeast.

- In Hardwick, landfill operations release pungent odors posing a nuisance and potential health threat to the community. Town officials have also recently discovered that two-thirds of the landfill is operating on residential zoned land.
- In Hampden, the town engineer has detected toxic chemical contamination of the groundwater surrounding the landfill. Vinyl chloride, dichloroethene, benzene, arsenic and other inorganic/metals have been identified.
- In Biddeford, dangerous emissions from the MERC incinerator threaten the residents of Biddeford and Saco with exposure to mercury, volatile organic chemicals, and dioxins.
- In Bethlehem, the Casella landfill leaches an orange trail into the Ammonousic River. Furans (cousins to dioxins) have been found in test wells, and leachate, which has been

found too toxic to transport on the highway, is now burned on the site. Casella is not done yet and has sights on further expansion throughout the Northeast. According to its president and CEO, over the next four years the company wants to continue its expansion into more towns throughout the Northeast. These expansion plans could pose increased environmental and public health threats to the residents of the Northeast.

State and local governments must be aware of Casella's history of buying small landfill operations and working for dramatic expansion. Proposals and initiatives by Casella Waste Systems to purchase a solid waste facility should serve as a yellow flag to any potential host community. To stop the expansion of landfill and incinerator capacity, and refocus the region's trash management plans on reducing, reusing and recycling, state and municipal officials and residents need to be proactive in their efforts to protect public health and the environment.

- Municipalities need to fight Casella at the point of entry and stop them from buying landfills and getting a toehold in the town. Without ownership of property, Casella will be unable to expand and create mega- landfills which soon pose major environmental hazards.
- Wherever possible, municipal governments need to aggressively exercise their rights of local control to limit growth and control the operations of landfills.
- Municipalities also need to devote resources to defending their efforts to control expansion



plans even if Casella threatens or brings legal action.

- State governments need to stop the automatic approval of these landfill expansions where they pose threats to public health and the environment. They must strictly implement their solid waste master plans to prioritize reuse and recycling over the burning and burying of trash.

By stopping the construction and expansion of unsafe waste facilities we can protect our communities and focus our waste management strategies on reducing, reusing and recycling our waste.

# ■ Appendix

## Casella Subsidiaries

All Cycle Waste, Inc.  
Alternate Energy, Inc.  
American Ash Recycling of Tennessee, Ltd.  
Atlantic Coast Fibers, Inc.  
B. and C. Sanitation Corporation  
Better Bedding Corp.  
Blasdell Development Group, Inc.  
Bristol Waste Management, Inc.  
Casella Insurance Company  
Casella NH Investors Co., LLC  
Casella NH Power Co., LLC  
Casella RTG Investors Co., LLC  
Casella Transportation, Inc.  
Casella Waste Management of Massachusetts, Inc.  
Casella Waste Management of N.Y., Inc.  
Casella Waste Management of Pennsylvania, Inc.  
Casella Waste Management, Inc.  
Corning Community Disposal Service, Inc.  
Culchrome LLC  
CWM All Waste LLC  
Data Destruction Services, Inc.  
Fairfield County Recycling, Inc.  
FCR Camden, Inc.  
FCR Florida, Inc.  
FCR Georgia, Inc.  
FCR Greensboro, Inc.  
FCR Greenville, Inc.  
FCR Morris, Inc.  
FCR Redemption, Inc.  
FCR Tennessee, Inc.  
FCR, Inc.  
Forest Acquisitions, Inc.  
Grasslands, Inc.  
Green Mountain Glass, LLC  
Hakes C & D Disposal, Inc.  
Hardwick Landfill, Inc.  
Hiram Hollow Regeneration Corp.  
Hyland Facility Associates  
K-C International, Ltd.  
KTI Bio Fuels, Inc.  
KTI Environmental Group, Inc.

KTI New Jersey Fibers, Inc.  
 KTI Operations, Inc.  
 KTI Recycling of Illinois, Inc.  
 KTI Recycling of New England, Inc.  
 KTI Specialty Waste Services, Inc.  
 KTI, Inc.  
 Maine Energy Recovery Company LP  
 Manner Resins, Inc.  
 Maple City Refuse Corp.  
 Mecklenburg County Recycling, Inc.  
 Natural Environmental, Inc.  
 New England Landfill Solutions, LLC  
 New England Waste Service of ME, Inc.  
 New England Waste Services of Massachusetts, Inc.  
 New England Waste Services of N.Y., Inc.  
 New England Waste Services of Vermont, Inc.  
 New England Waste Services, Inc.  
 Newbury Waste Management, Inc.  
 North Country Composting Services, Inc.  
 North Country Environmental Services, Inc.  
 North Country Trucking, Inc.  
 Northern Properties Corporation of Plattsburgh  
 Northern Sanitation, Inc.  
 PERC Management Company, LP  
 PERC, Inc.  
 Pine Tree Waste, Inc.  
 Portland C & D Site, Inc.  
 R.A. Bronson, Inc.  
 Resource Optimization Technologies  
 Resource Recovery of Cape Cod, Inc.  
 Resource Recovery Systems of MOSA, Inc.  
 Resource Recovery Systems of Sarasota, Inc.  
 Resource Recovery Systems, Inc.  
 Resource Transfer Services, Inc.  
 Resource Waste Systems, Inc.  
 Rochester Environmental Park, LLC  
 Rockingham Sand & Gravel, LLC  
 Schultz Landfill, Inc.  
 Sunderland Waste Management, Inc.  
 Total Waste Management Corp.  
 U.S. Fiber, Inc.  
 Waste-Stream, Inc.  
 Westfield Disposal Service, Inc.  
 Winters Brothers, Inc.

## Internet Resources

To keep up to date on Casella's activities in communities across the Northeast, visit these websites:

Angelica, NY: <http://www.homestead.com/concernedcitizens/Casella.html>

Bethlehem, NH: <http://www.davidandgoliathtrust.org>

Hardwick, MA: <http://www.hardwicksaysslow.org>

Holliston, MA: <http://www.hsrg.info>

Old Town, MA: <http://www.commoncoordinates.com/oldtowndump/>

Woburn, MA: <http://www.woburnneighborhoodassociation.com/>

For stories about Casella written by Danielle Williamson:  
<http://www.southbrideeveningnews.com/051104>

Casella's corporate website: <http://www.casella.com>

For general information on waste management and concerns about the environmental and public health impacts of waste facilities visit these websites:

Web Resources for Environmental Justice Activists provides a basic landfill primer:  
<http://www.ejnet.org/landfills/>

Rachel's Environment and Health Weekly, an environmental archive that provides a cornucopia of publications on environmental issues including incinerators:  
<http://www.monitor.net/rachel/rehw-home.html>

Sierra Club is America's oldest, largest and most influential grassroots environmental organization. This site is very informative and contains a powerful search engine which will bring up many pages on landfills:  
<http://www.sierraclub.org>

Zero Waste America contains a great deal of landfill information:  
<http://www.zerowasteamerica.org/Landfills.htm>

## ■ End Notes

---

- <sup>1</sup> Casella Waste Systems, Inc. "FORM 10-K, FOR ANNUAL AND TRANSITION REPORTS PURSUANT TO SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934" For the fiscal year ended April 30, 2004. [http://www.edgar-online.com/bin/edgardoc/finSys\\_main.asp?dcn=0001104659-04-018050&nad=8/12/2004](http://www.edgar-online.com/bin/edgardoc/finSys_main.asp?dcn=0001104659-04-018050&nad=8/12/2004).
- <sup>2</sup> Ibid.
- <sup>3</sup> Alan Elliot, "Casella Waste Systems Inc. - From Bags to Riches." Bangor Daily News, February 7, 2004.
- <sup>4</sup> Casella Waste Systems, Inc. "FORM 10-K, FOR ANNUAL AND TRANSITION REPORTS PURSUANT TO SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934" For the fiscal year ended April 30, 2004. [http://www.edgar-online.com/bin/edgardoc/finSys\\_main.asp?dcn=0001104659-04-018050&nad=8/12/2004](http://www.edgar-online.com/bin/edgardoc/finSys_main.asp?dcn=0001104659-04-018050&nad=8/12/2004).
- <sup>5</sup> IBID.
- <sup>6</sup> Data taken from the quarterly and annual reports found on Edgar Online <http://www.edgar-online.com/brand/yahoo/search/?cik=911177>
- <sup>7</sup> IBID
- <sup>8</sup> Philip R. O'Leary and Patrick W. Walsh. Decision Maker's Guide to Solid Waste Management, Volume II. 2001. p 1.
- <sup>9</sup> EPA "Basic Facts About Waste" <http://www.epa.gov/epaoswer/osw/facts.htm> accessed 6/15/04.
- <sup>10</sup> IBID.
- <sup>11</sup> Dave Traeger and Dick Sprague, "Developments and trends in municipal solid waste management." Public Works, May 15, 2003.
- <sup>12</sup> The Federal Register page 32484.
- <sup>13</sup> Andrew G. Keeler and Mitch Renkow, "Public vs. private garbage disposal: the economics of solid waste flow controls" Growth and Change, Summer 1999.
- <sup>14</sup> IBID.
- <sup>15</sup> William Curry, "Operating Ratios Needlessly Favor Solid-Waste Companies." Public Management, Summer 2003.
- <sup>16</sup> Ed Repa, "Tipping through Time." Waste Age. November 2002.
- <sup>17</sup> Michael Terrazas, "Going with the flow of flow control." Waste Age Oct 1995.
- <sup>18</sup> Philip R. O'Leary and Patrick W. Walsh. Decision Makers' Guide to Solid Waste Management. 2001, p17-18.
- <sup>19</sup> American Forest and Paper Association, "State Recycling Goals and Mandates" [http://www.afandpa.org/Content/NavigationMenu/Environment\\_and\\_Recycling/Recycling/State\\_Recycling\\_Goals/State\\_Recycling\\_Goals.htm](http://www.afandpa.org/Content/NavigationMenu/Environment_and_Recycling/Recycling/State_Recycling_Goals/State_Recycling_Goals.htm) accessed July 27, 2004.
- <sup>20</sup> American Forest and Paper Association, "State Recycling Goals and Mandates" [http://www.afandpa.org/Content/NavigationMenu/Environment\\_and\\_Recycling/Recycling/State\\_Recycling\\_Goals/State\\_Recycling\\_Goals.htm](http://www.afandpa.org/Content/NavigationMenu/Environment_and_Recycling/Recycling/State_Recycling_Goals/State_Recycling_Goals.htm) accessed July 27, 2004.
- <sup>21</sup> Massachusetts Department of Environmental Protection, Beyond 2000 Solid Waste Master Plan - A Policy Framework.
- <sup>22</sup> American Forest and Paper Association, "State Recycling Goals and Mandates"
- <sup>23</sup> Vermont Agency of Natural Resources. State of Vermont Revised Solid Waste Management Plan. November 1, 2001.
- <sup>24</sup> Eun Lee Koh, "Trash Station Owner Faced Complaints Neighbors are Fighting Proposed Expansion." Boston Globe, July 6 2003.
- <sup>25</sup> Susan Kinzie, "Panel to 'digest' plans for Hampden landfill." Bangor Daily News, July 8, 1997.
- <sup>26</sup> Aimee Doloff, "Landfill expansion called for in pact Old Town site capacity may triple." Bangor Daily News February 12, 2004.
- <sup>27</sup> Aimee Doloff, "Old Town landfill deal awaits DEP approval." Bangor Daily News, January 9, 2004
- <sup>28</sup> Aimee Doloff, "Landfill expansion called for in pact Old Town site capacity may triple." Bangor Daily News February 12, 2004

- 
- <sup>29</sup> Danielle Williamson, "Town Succeeds in keeping Company Out" Southbridge Evening News. May 2004.
- <sup>30</sup> Jennifer Lucarelli, "Hardwick Landfill owners fined; Dump is shut down for lack of permit." Worcester Telegram and Gazette, December 6, 2002.
- <sup>31</sup> Final Permit, CERO-SWM - Hardwick Landfill, Inc., Transmittal Number: W041069, Application for BWP SW 11, Landfills-Major Modification, March 19, 2004.
- <sup>32</sup> Danielle Williamson, Southbridge Evening News. May 2004.
- <sup>33</sup> Grace Murphy "He blows the whistle on toxins, not odors; Biddeford, notorious for its trash incinerator, now has an environmental watchdog to enforce its new air quality standards." Portland Press Herald. February 1 2003.
- <sup>34</sup> Grace Murphy "Biddeford to sue MERC on emissions; City officials say the trash-burning plant releases too many pollutants, but a state study isn't finished." Portland Press Herald, October 9 2003.
- <sup>35</sup> Aimee Doloff, "Residents denied hearing on Old Town landfill." Bangor Daily News, January 29, 2004
- <sup>36</sup> Casella Waste Systems, Inc. "FORM 10-K, FOR ANNUAL AND TRANSITION REPORTS PURSUANT TO SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934" For the fiscal year ended April 30, 1999. [http://www.edgar-online.com/bin/edgardoc/finSys\\_main.asp?dcn=0001047469-99-029080&nad=8/12/2004](http://www.edgar-online.com/bin/edgardoc/finSys_main.asp?dcn=0001047469-99-029080&nad=8/12/2004).
- <sup>37</sup> IBID.
- <sup>38</sup> David and Goliath Trust, [www.davidandgoliathtrust.org](http://www.davidandgoliathtrust.org). 8/12/2004.
- <sup>39</sup> Casella Waste Systems, Inc. "FORM 10-K, FOR ANNUAL AND TRANSITION REPORTS PURSUANT TO SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934" For the fiscal year ended April 30, 2003. [http://www.edgar-online.com/bin/edgardoc/finSys\\_main.asp?dcn=0001047469-03-024983&nad=8/12/2004](http://www.edgar-online.com/bin/edgardoc/finSys_main.asp?dcn=0001047469-03-024983&nad=8/12/2004).
- <sup>40</sup> Eun Lee Koh, "HOLLISTON; Sherborn Challenges Trash Plan Safety of Water Supply, Worries Some Officials" Boston Globe, August 3 2003.
- <sup>41</sup> Mary Jo Hill, "Anti-dump forces win in Templeton; Vote is to abolish landfill fund." Worcester Telegram and Gazette, February 22, 2004.
- <sup>42</sup> Mary Jo Hill, "Firm still has hope." Worcester Telegram and Gazette, February 24, 2004.
- <sup>43</sup> Mary Jo Hill, "Override defeat may force Templeton layoffs." Worcester Telegram and Gazette, May 5, 2004.
- <sup>44</sup> Alan Elliott, Casella Waste Systems – From Bags to Riches. Bangor Evening News February 4, 2004.
- <sup>45</sup> Chris Churchill, "MERC Ignores State Limits" Biddeford Journal Tribune September 30, 2003
- <sup>46</sup> Sevee and Mahar to DEP: Revised Application for Expansion of Secure III, August 13, 1999 Appendix F-2, Settlement Load Test Data. (available at Hampden town office).
- <sup>47</sup> Richard Wardwell June 9, 1999 letter, Landfill Oversight Committee Town of Hampden Consent Agenda July 12, 1999 (available at Hampden town office).
- <sup>48</sup> Richard Wardwell - Feb 3, 2003 letter to the Hampden Environmental Trustees on Water Quality at the Pine Tree Landfill (available at Hampden town office).
- <sup>49</sup> Richard Wardwell. Executive Summary [of Water Quality at the Pine Tree Landfill] no date, issued for presentation to the Hampden Environmental Trustees meeting of June 1, 2004
- <sup>50</sup> Danielle Williamson, Southbridge Evening News series on Casella. May 2004.
- <sup>51</sup> Richard Behr's "Memo to File -- January 30, 2004". The note identifies John as follows – "we asked Casella's consultant, John Sevee about the drainage way and received an earful about past leachate practices. What follows is my recollection of that conversation.
- <sup>52</sup> "Solid Waste Order: Amendment" (Maine DEP April 9, 2004) Conditions 4-7.
- <sup>53</sup> Settlement agreement between Casella Waste Systems and the New Hampshire Department of Environmental Services May, 2000.
- <sup>54</sup> IBID.
- <sup>55</sup> John Dillon "Casella fighting order to end landfill leakage." Rutland Herald, December 3, 2000.

- 
- <sup>56</sup> Gretchen Weber, Plan Discharge Raises Concerns Testing Shows Trace Chemicals.” Boston Globe, March 28 2004.
- <sup>57</sup> Boston Sunday Globe, February 1, 2004, Real Estate section, c/o SLOW.
- <sup>58</sup> [www.metrowestdailynews.com](http://www.metrowestdailynews.com) Casella violates permit, Tyler B. Reed / News Staff Writer Tuesday, February 1, 2005
- <sup>59</sup> Bill Fortier “Man Crushed to Death at Southbridge Recycling Plant Accident” Worcester Telegram & Gazette News Saturday, March 19, 2005
- <sup>60</sup> Phil Santoro “Neighborhood Group pushes for Answers” Boston Globe March 24, 2002
- <sup>61</sup> Protect our Children: Dump Facts -- Green earth committee Angelica NY.
- <sup>62</sup> <http://www.homestead.com/concernedcitizens/Casella.html> for their list of violations by Casella
- <sup>63</sup> Casella Waste Systems, Inc. “FORM 10-K, FOR ANNUAL AND TRANSITION REPORTS PURSUANT TO SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934” For the fiscal year ended April 30, 2000. [http://www.edgar-online.com/bin/edgardoc/finSys\\_main.asp?dcn=0001072613-00-000765&nad=8/12/2004](http://www.edgar-online.com/bin/edgardoc/finSys_main.asp?dcn=0001072613-00-000765&nad=8/12/2004).
- <sup>64</sup> Rich Hewitt, “Waste collectors agree to state plan.” Bangor Daily News, August 25, 1999.
- <sup>65</sup> Ruth-Ellen Cohen, “Proposed SERF, PERC merger worries some.” Bangor Daily News, May 12, 1999.
- <sup>66</sup> Rich Hewitt, “Waste collectors agree to state plan.” Bangor Daily News, August 25, 1999.
- <sup>67</sup> Ackerman and Townsend, 2002.
- <sup>68</sup> Cheryl A. McMullen “Changes brew in New England; Settlement means disposal cost break for 136 Maine towns.” Waste News, March 12 2001.
- <sup>69</sup> Ralph Townsend and Francis Ackerman. An Analysis of Competition in Collection and Disposal of Solid Waste in Maine. Office of the Attorney General of the State of Maine, December 31, 2002.
- <sup>70</sup> Jackie Farrell Bangor Daily News
- <sup>71</sup> Press Release, Office of the Attorney General of the State of Maine, June 10, 2002.
- <sup>72</sup> New Hampshire DES, Report of the Governor’s Solid Waste Task Force. July 2001.
- <sup>73</sup> State of Vermont, Revised Solid Waste Management Plan. August, 2001.
- <sup>74</sup> Doug Kesseli, ‘Residents of landfill towns urge Old Town to fight Casella plan.’ Bangor Daily News, February 16, 2004.