

Androscoggin Valley

Regional Refuse Disposal District

March 5, 2020

VIA ELECTRONIC MAIL

Members of the House of Representatives
107 North Main Street
Concord, New Hampshire, 03301

RE: Vote NO on House Bill 1319

Dear Representative,

I am writing on behalf of Androscoggin Valley Regional Refuse Disposal District and its member communities to urge you to vote NO on House Bill 1319 because this bill will do harm to New Hampshire municipalities. Androscoggin Valley Regional Refuse Disposal District (AVRRDD) is a municipal solid waste District incorporated in 1990 under N.H. RSA:53-B. Our member communities consist of the City of Berlin, the Towns of Errol, Dummer, Milan, Gorham, Randolph, Jefferson, Stark, Northumberland and Coos County for the Unincorporated Places. Mt. Carberry Landfill was built and permitted in 1988-1989 by James River Corporation, then owners of the local pulp and paper mills. The landfill became operational in 1989. The landfill stayed in mill ownership with successor owners of the pulp and paper mills located in Berlin and Gorham until Fraser Paper decided to sell the landfill. The District purchased the landfill from Fraser Paper on December 30, 2002. Financing for the landfill was through N.H. Municipal Bond Bank. The AVRRDD Mt. Carberry Landfill, in its eighteenth year of operations, is permitted as a publicly owned commercial landfill which allows us to accept waste from other New Hampshire municipalities and commercial customers.

HB1319 would cause AVRRDD to permanently cease operations at Mt. Carberry within the next five years, leaving its ten member communities and other municipal and commercial customers with no resource for solid waste disposal. Nearly every community in New Hampshire will be significantly impacted as the available landfill capacity at Mt. Carberry runs out and municipalities compete for the diminishing capacity at other landfills and pay higher costs to truck solid waste further distances. As you may know, New Hampshire law requires every NH municipality to provide solid waste disposal for its residents. Under HB 1319, when Mt. Carberry closes in a few years, there could be as few as one remaining "open to the public" landfill available in NH to accept municipal solid waste.¹ The remaining landfill is and will be operated by a private for-profit business.

¹ Two municipalities operate their own landfills, one municipality operates a solid waste incinerator. Every other municipality competes for space in one of three existing landfills including Mt. Carberry, or uses an out of state resource. For reasons unrelated to HB1319, another of the three facilities may conclude its operations as early as

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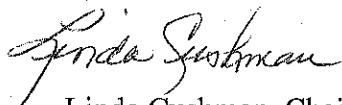
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"How could this happen?" you might ask. House Bill 1319 is a well-intentioned bill looking to avoid siting of "new" landfills near state and national parks. Although AVRDD doesn't oppose this idea, there is an unintended consequence that could block AVRDD from continuing to operate Mt. Carberry Landfill beyond 2025. The Appalachian Trail passes within a mile of Mt. Carberry Landfill, and while there has never been an issue with this nearby location, nor any indication that the federal government seeks this protection for the Appalachian Trail, House Bill 1319 would treat the Appalachian Trail as a national park, and ban new solid waste facilities within 2 miles of it. Nearly all the property owned by AVRDD lies within two miles of the Appalachian Trail.

While you might think that Mt. Carberry, having been in operation for decades, would not be affected by a ban on "new" facilities, that assumption is incorrect. House Bill 1319 does not define a "new" landfill, and by administrative rule, [Env-Sw 103.48] DES considers a landfill to be a "new" facility whenever the actual footprint of the disposal area moves to a new area of the site.² That happens with landfills regularly, when one part of the landfill gets full and the disposal area occupies a different part of the site. At current projections, AVRDD has capacity until 2025 in its current footprint, and will need a permit for a "new" footprint after that. Because of the lengthy design and permitting process and the need for municipalities to have a reliable timeline for planning, the engineering design work for the next phase of development and permitting at Mt. Carberry is already underway. HB1319 would immediately and permanently derail that important work, and block a new permit for the continued operation of Mt. Carberry.

To be clear, we do not believe the closing of Mt. Carberry is an intended consequence of HB 1319. The present language was proposed and adopted as an amendment to HB1319 for the first time after the public hearing was completed, and all public comment was wrapped up. AVRDD had worked carefully and successfully with the prime sponsor of HB1319 to craft different language that would have avoided harm to Mt. Carberry and its member communities. That discarded language is not before you as the house votes on HB1319. As a result, we implore you to vote "no" on the passage of HB 1319. Thank you for your attention to this important request.

Sincerely,



Linda Cushman, Chair

2021. There are no facilities known to be under development on land unaffected by HB1319 which could come online in time to replace Mt. Carberry or any other facility that might plan to close in the coming years.

² Env-Sw 103.48 "New facility" means a facility not existing as of October 29, 1997. The term includes proposed facilities and landfill expansions beyond the footprint boundaries.

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CC: AVRDD Member Representatives

Berlin City Council

Coos County Commissioners

Coos County Delegation

Boards of Selectman:

Town of Dummer

Town of Errol

Town of Gorham

Town of Jefferson

Town of Milan

Town of Northumberland

Town of Randolph

Town of Stark