

CONSERVATION **MATTERS**

THE JOURNAL OF CONSERVATION LAW FOUNDATION | www.clf.org



ZERO WASTE

No 1
SPRING
2017

TALKING TRASH

CLF Launches the Zero Waste Project to Tackle Massachusetts's Trash Problem

On a Monday night in February, more than 100 people crowded into the Sturbridge, Massachusetts, town hall for an emergency meeting of the town's Board of Health. Nineteen wells in the Sturbridge neighborhood closest to the massive Southbridge Landfill had just tested high for lead – a dangerous neurotoxin proven to do irreversible harm to young children. Recent tests had also revealed a possible carcinogen, 1,4 Dioxane, in six wells in the same testing area.

CLF launched the Zero Waste Project to protect my family, your family, and all the families in Massachusetts and beyond. — Kirstie Pecci, CLF Senior Fellow

The residents in the town hall that night were tired, frustrated, and angry. This wasn't the first time that wells near the landfill had tested positive for contamination; more than 15 dangerous toxins were found in home wells in nearby Charlton in 2015. Like their Charlton neighbors, these Sturbridge residents would now be forced to use bottled water for drinking, cooking, and brushing their teeth, while still having to bathe their children in the contaminated water.

Though the landfill's owner, Casella Waste, denied any links between its facility and the well contamination, residents knew of no other source of such industrial pollution near their homes. With Casella Waste now seeking approval from the Massachusetts Department

of Environmental Protection (DEP) to dramatically expand the state's largest landfill for the second time in 10 years, residents were fed up. One by one, they stood up that night to demand of the DEP's Regional Director, "What is it going to take for you to shut down the Southbridge Landfill?"

Among those standing up was Kirstie Pecci, a Senior Fellow with Conservation Law Foundation, whose own home – and those of many of her family members – sits barely a mile from the landfill. Pecci has fought for nearly a decade to shut down the facility that is polluting her family's air and water. The fight to close this one landfill, however, has turned her into a crusader against *all* landfills – and with good reason.

While landfills hide garbage from plain sight, they are responsible for dangerous levels of pollution in the communities where they are located. All landfills inevitably release toxic gas into the air and leak contaminated water into the surface and groundwater. Even the best ones start to break down after 25 years – and landfill leaks can't be repaired. What's more, waste incinerators emit toxins, including cancer-causing dioxin, and climate-damaging greenhouse gases into the air.

The bottom line is that landfills harm people's health, the environment, and the climate. That reality has led CLF, with Pecci's help, to launch the Zero Waste Project. Its goal: to close down every landfill and waste incinerator in Massachusetts, and to make the Commonwealth a zero-waste state.



PHOTOS: [CLOCKWISE FROM LEFT] The Saugus Ash Landfill spews pollution into a community already overburdened by industrial pollution. Residents pack a Sturbridge Board of Health meeting to express frustration over contaminated wells linked to the Southbridge Landfill. Senior Fellow Kirstie Pecci testifies at a meeting of the Department of Environmental Protection.



them, anyway. New legislation will also help. A bill proposed by state Senator Ann Gobi in the current legislative session will promote programs that incentivize recycle-and-reuse over dump-it-and-forget-it.

Finally, changing behaviors at both the community and individual level will be key. CLF will be looking to both support communities that currently lack city-wide recycling programs and to bolster existing programs across the state.

The road to a zero-waste Massachusetts – and, in the long-term, a zero-waste New England – will be a long and uphill one. But that emergency Board of Health meeting back in February has already put the state one step closer to CLF's goal. Because, despite past decisions that almost always favored the landfill owners, DEP appears to have heard those fed-up residents loud and clear. Just two days after the meeting, the agency issued a determination that the site was not suitable for the expansion proposed. Though that determination was just one step in the approval process for the entire expansion plan, it could sound the death knell for the project.

Kirstie Pecci was elated by this outcome, but she knows there's still much more work to do. Though expansion plans may be scuttled, the Southbridge Landfill remains open, her neighbors' wells are still contaminated, and there's nothing to stop other home wells from being polluted. But that just spurs Pecci and CLF to keep fighting. ♦

Landfills like the one in Southbridge are commonplace in the United States today, with more than 3,500 sites active across the country. In Massachusetts, the 5.5 million tons of trash generated here annually are buried and burned at 11 landfills and 7 incinerators – and all but one of the incinerators is located in an environmental justice community. The waste from the burned trash is then buried at 6 additional ash landfills around the state.

Fixing the Commonwealth's trash problem isn't just about eliminating polluting landfills and incinerators, however. Of that 5.5 million tons of solid waste sent to the state's landfills every year, DEP estimates that 40 percent, or about 2.2 million tons, is made up of materials that are actually prohibited from being buried or burned.

In addition, the Environmental Protection Agency estimates that 75 to 80 percent of *all* materials commonly disposed of in household trash is recyclable or compostable. In Massachusetts alone, then, 2.2 million tons of waste *should* be diverted from landfills and incinerators by law, and another 2.2 million tons *could* be diverted if appropriate programs were expanded and enforced.

But communities in the Commonwealth vary widely in their approaches to trash. In Newton, which has a full-time recycling coordinator and comprehensive curbside program, the average resident generates 480 pounds of waste per year. In other cities and towns, options are more limited, driving up the average amount of trash generated per person to more than 600 pounds annually. Cities above that average include Springfield (739 pounds), Andover (784 pounds), Braintree (828 pounds), and Needham (684 pounds).

CLF is taking a multi-pronged approach to solving the problem, starting with fighting proposed expansions of the state's dirtiest and most dangerous landfills and incinerators, including Casella Waste's Southbridge Landfill and Wheelabrator's Saugus Ash Landfill. While fighting their unlawful expansions is one step, the ultimate goal is to shut down these polluting facilities for good.

At the same time, CLF is leading the charge for more rigorous enforcement of existing regulations around the disposal of waste, to ensure that recyclable and toxic materials already banned from landfills don't end up in



getting smart about energy

THE PROBLEM

For the past two years, Maine Governor Paul LePage and his appointees on the Public Utilities Commission have deliberately tried to undercut the state's money-saving energy efficiency programs.

A legislative directive requires the Commission to fund Efficiency Maine Trust – the entity formed to provide low-risk, high-reward efficiency resources to families and businesses in the state – at a level that maximizes savings for all electricity customers. However, it's no secret that saving energy is also good for the environment, because it cuts greenhouse gas emissions. The LePage administration seems determined to undo anything that might be perceived as helpful for the environment, to the economic detriment of the families and businesses he claims to champion.

CLF IN ACTION

CLF has worked to promote and protect efficiency programs across New England for years. Managing demand for electricity is the cleanest and cheapest way for New England to meet its energy needs. Energy efficiency programs cut the overall demand for electricity – by helping families and businesses switch to LED bulbs or Energy Star appliances, for example.

Every \$1 spent on energy efficiency yields between \$2 and \$3 in savings that are felt at all levels of the economy. Costly infrastructure investments such as new transmission lines can be delayed or

avoided altogether, and expensive polluting power plants don't have to produce as much electricity. That saves everyone money on their electric bills while also cutting the use of the dirty, outdated fuels that cause climate change.

PROGRESS

LePage's Public Utilities Commission last tried to slash Efficiency Maine Trust's funding in 2015, but, with support from CLF and its partners, the state Legislature stepped in to stop the effort. Undeterred, in 2016, the Commission tried again. CLF was at the table during this latest round of negotiations on the Trust's three-year budget. Counter to recommendations by CLF, its partners, and Efficiency Maine Trust itself, the Commission's final budget succeeded in cutting the Trust's funding by 30% – robbing Mainers of \$250 million in overall projected savings over the three-year budget period.

NEXT STEPS

CLF is taking the Public Utilities Commission to court over its illegal budget decision, which was driven not by the best interests of Maine's people, but by political ideology. The organization will ask Maine's highest court to find that the Commission failed to incorporate legally mandated best practices for energy savings into its decision, which runs counter to the public interest, economic growth, and environmental resilience. CLF's goal: to send the Commission back to the drawing board and fully fund this critical program. ♦

Energy efficiency is the cleanest and cheapest way for New England to meet its energy needs.

WHY I GIVE



Regina LaRocque

*is a physician scientist who lives in Wellesley, Massachusetts. As a member of our **Champions Club**, Regina supports CLF with a monthly gift. We're grateful to Regina for her ongoing commitment to our work.*

I'm an academic physician scientist, familiar with the science behind climate change. I believe that, in addition to science, we need lawyers advocating for good policy – and CLF's work is essential to local policies that fit the science. Most appealing to me is that CLF is deeply embedded in Massachusetts issues. It's important to take an interest in our own neighborhoods. Gas pipeline issues

first drew me to CLF; but the organization's depth of knowledge and experience in all New England environmental issues is what sets it apart.

I give monthly because I would like CLF to grow into a bigger and stronger organization. I'm taking this work to heart in my personal life as well. I devote a lot of my time and efforts to talking about science. I was just elected as Natural Resources Commissioner for Wellesley, where my priorities will be fixing natural gas leaks, conservation lands, and water resources. I think it's important for people to step up in their own community.

Our donors inspire us to never give up, because so much is at stake. Hear more from Regina and other CLF supporters at www.clf.org/whyigive. We hope their words will inspire you to support our efforts.

JOIN THE CHAMPIONS CLUB

clf.org/champions

Be part of a community of committed members whose ongoing, monthly support provides dependable funding for our work.

OTHER WAYS TO GIVE

Want to give a one-time donation? Or find out if your company will match your gift? Want to give an honorary or gift membership? Or learn more about planned giving?

You can do it all online in a few clicks. It's that easy.

So come visit us online and make your donation today.

www.clf.org/donate/

Contact us today to learn more about giving to CLF.

Rose Waltz-Peters
Development Assistant
617.850.1729
rwaltz-peters@clf.org

Rebekah Weber



Lake Champlain Lakekeeper

As advocate, convener, and watchdog, Rebekah Weber plays a unique role in helping to protect and restore Vermont's most iconic landmark – and all of the state's waters.

1 What drew you to Lake Champlain?

I became interested in water issues through their connection to the food system. Growing up, my family always paid attention to where our food came from and how agriculture impacts the environment. My mother kept a garden, and I was fascinated to learn all of her home remedies for developing healthy soils. Later, when I worked on farm policies at the federal level, it was impossible to ignore the inherent conflicts our food system has created with sustainably managing our natural resources.

I was drawn to work on Lake Champlain because of the intricate role it plays in Vermont's food web. While the lake is an important resource – for drinking water, tourism, and recreation – it is also part of an agricultural framework that concerns many Vermonters. Protecting the lake,

while also promoting sustainable uses for the surrounding lands, serves as a model for communities across New England.

2 What do you like most about your work?

I collaborate every day with a range of individuals and communities throughout the watershed – from farmers and business owners to elementary school kids and retired fishermen. It's heartening to see all Vermonters take ownership of this challenge and fight to clean up our lake.

3 What is the biggest concern you hear from Vermonters about their water?

The saddest stories to me are from Vermonters who remember what it was like to swim and play in Lake Champlain growing up, but who now warn their kids to stay away from the water. They're concerned because they never know when it's a safe day for the lake and when the levels of bacteria and toxins are too high. It's not something parents should have to add to their list of worries. But, unfortunately, we've allowed our lake to become polluted from the way we use our landscape – how we treat our sewage, farm our land, and build our cities is impacting the health of our lake.

4 What are the biggest issues impacting the lake today?

A big challenge facing Lake Champlain is the overabundance of nutrients, such as phosphorus, entering the lake. While nutrients may not seem like a bad thing, problems arise when there are too many of them. Phosphorus running off of farm fields, parking lots, roads, and eroded stream banks stimulates an overgrowth of algae, including the toxic blue-green algae. Algal blooms have caused human sickness, beach closures, and dog deaths; they've lowered property values and resulted in lost business. As the algae decomposes, it sucks up oxygen, leaving behind dead zones – areas where fish and other wildlife cannot survive.

5 Are you making progress?

We were successful last year at setting limits for how much phosphorus pollution can enter Lake Champlain. Now that we've established a cap, we're working with farmers, developers, cities and towns, and the State to implement best management practices on farm fields, treat stormwater runoff from our developed landscape, upgrade wastewater treatment facilities, and conserve sensitive lands. ♦

LEARN MORE!

Keep up with Rebekah and CLF's work to clean up Lake Champlain at www.clf.org/lakekeeper



AROUND CLF

CONNECTICUT

Thanks in part to CLF's Coal-Free New England campaign, Bridgeport's polluting coal plant is scheduled to shut down in 2021. But now its owner wants to replace it with a natural gas plant that would add more than 1 million tons of climate-damaging emissions to the atmosphere. CLF is calling out the plant's owners for its irresponsible proposal. Such a hike in emissions is illegal under Connecticut's Global Warming Solutions Act, which mandates the state cut its greenhouse gas emissions to 10% below 1990 levels by 2020.

MAINE

The Public Utilities Commission has gutted rules that make it feasible for Mainers to generate local solar power. In its revised rules, the PUC eliminated the financial incentive that made solar arrays affordable for home- and small business owners. The new rules also charge consumers for the solar energy they produce themselves. CLF and its partners are fighting this regressive policy that rewards dirty energy over clean, local power.

MASSACHUSETTS

CLF is taking the next step in its decades-long effort to revitalize Boston Harbor by challenging state approvals of a massive development on the South Boston waterfront. In a lawsuit filed in February, CLF alleges that the Commonwealth overstepped its legal authority by exempting a single private developer from laws designed to ensure Boston Harbor remains protected and that all waterfront development serve proper public purposes.

NEW HAMPSHIRE

Stormwater pollution remains a major threat to the health of New Hampshire's waters, including the Great Bay estuary. CLF is working to strengthen – and defend against attempts to weaken – an important new permit that regulates stormwater discharges from more than 40 cities and towns in the Granite State. At the same time, CLF is tackling a major source of stormwater pollution on the Seacoast by challenging the Pease Development Authority for ongoing Clean Water Act violations.

RHODE ISLAND

CLF has filed a lawsuit to cut off water to a proposed natural gas power plant in Burrillville. The controversial project can't move forward without a reliable water supply. Invenergy, the plant's owner, and the Town of Johnston pushed through a plan to buy water from Providence, but CLF's suit contends that Providence has no legal obligation to redirect water rightfully belonging to city residents in order to power a project that city leadership has vocally opposed.

VERMONT

CLF is taking an active role in reviewing the proposed sale of Vermont Yankee. A New York-based decommissioning company is seeking to buy the closed plant from its current owner, Entergy. CLF wants to ensure that the environment and communities are protected during the 10+ years over which the facility will be cleaned up. Getting the process right in Vermont can help create a model for the future closures of other New England-based nuclear plants.

TAKE ACTION!
Your Voice Matters

Speak up and take action on the issues that matter to you across New England. Sign up for CLF emails so you'll be the first to know when we need your help. www.clf.org/signup

Other ways to keep up to date:

- CLF's blog: clf.org/blog/
- Twitter: @clf
- Facebook: facebook.com/TheCLF

CONSERVATION
MATTERS

THE JOURNAL OF CONSERVATION LAW FOUNDATION | VOLUME XXII, NO. 1 | SPRING 2017 | ISSN 1521-9941

LETTER FROM THE PRESIDENT



We are still in the early days of the Trump administration, but it's clear that the new leadership is set on an unprecedented rollback of public health and environmental protections.

Coming up on its first 100 days, the Trump administration has reopened streams to the dumping of mine waste; opened the door to more smog, soot, and greenhouse gases from our cars; and proposed a more than 30 percent cut to EPA's budget – and an even bigger cut to funding for scientific research.

CLF is working to oppose these measures and to ensure that our elected officials understand how these rollbacks will impact all that we treasure here in New England. But we are not just sounding alarms – we are taking action at home and in court to blunt the impact of what happens in Washington and protect our shared values and priorities through progress at state and regional levels.

CLF continues to propel New England's transition to a clean energy future. As Trump tries to resurrect dirty, coal-fired power plants, CLF is establishing policies at the regional and state level that will transition New England from coal free to carbon free.

As Trump slashes EPA enforcement efforts, we are ramping up our use of citizen suits to keep an environmental cop on the beat protecting clean air and clean water.

As senior Trump environmental officials dither and deny the urgency of climate change, CLF is crafting new tools and policies to ensure our communities are resilient to current and future climate impacts.

And as extremists in the Capitol try to undermine science, CLF is holding both federal and state governments accountable for public health and environmental risks that have been ignored for too long.

There's no overstating the challenges ahead. But with your strong support and CLF's vigilance, New England will continue to overcome the headwinds created by this grim political moment – and CLF will continue to win the battles on which our communities, our economy, and our environment depends.

Sincerely,

Bradley Campbell
President

Bradley Campbell
President

Sara Molyneaux
Chair, Board of Trustees

David W. Ellis, Ph.D.
Vice Chair, Board of Trustees

Peter Nessen
Vice Chair, Board of Trustees

Gordon Hall III
Vice Chair, Board of Trustees

Andrew Falender
Treasurer, Board of Trustees

Thaleia T. Schlesinger
Clerk, Board of Trustees

Daniel Amory, Esq.
Chair, Maine Board

Whitney Hatch
Chair, Massachusetts Board

Robert King
Chair, New Hampshire Board

Kate Kilguss, Esq.
Chair, Rhode Island Board

Crea Linthilac
Chair, Vermont Board

CLF Maine / 53 Exchange Street, Suite 200
Portland, ME 04101 P: 207.210.6439

CLF Massachusetts / 62 Summer Street
Boston, MA 02110 P: 617.350.0990

CLF New Hampshire / 27 North Main Street
Concord, NH 03301 P: 603.225.3060

CLF Rhode Island / 55 Dorrance Street
Providence, RI 02903 P: 401.351.1102

CLF Vermont / 15 East State Street, Suite 4
Montpelier, VT 05602 P: 802.223.5992