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## Both sides claim victory in landfill defamation suit

By John Koziol Union Leader Correspondent  
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Both sides declared themselves pleased after a judge ruled on an activist's critical comments about Casella Waste Systems' plans to build a landfill in Dalton.

Judge John C. Kissinger Jr. said that when Jon Swan called Casella "greedy," "predatory" and compared the company to the Nazis, he was being hyperbolic, not defamatory. But in an order posted Monday in Merrimack County Superior Court, the judge wrote that nine other statements Swan made might be actionable.

In April, Casella sued Swan, founder of Save Forest Lake, and 20 "Doe" defendants alleging that they had defamed the company and that their actions were preventing both the expansion of the Bethlehem landfill on

Trudeau Road and construction of the Dalton facility near Forest Lake State Park.

In an e-mail about the ruling on Tuesday, Swan made reference to “coming out of this on top,” while Joe Fusco, vice president of Casella, also in an e-mail, said that Casella was “pleased with this ruling.”

Casella, which at its North Country Environmental Services (NCES) landfill in Bethlehem accepts waste from 150 New Hampshire communities as well as several states, wants Kissinger to grant it a jury trial, damages and equitable relief against Swan.

Swan has argued that the Casella lawsuit is an attempt to silence him.

Swan was one of dozens of protesters outside Casella’s Bethlehem facility on Saturday.

Rutland, Vt.-based Casella recently filed an application with the N.H. Department of Environmental Services to enlarge the NCES on Trudeau Road by six acres.

If approved, the expansion would let the NCES operate through 2026 and dovetail with the opening of the Granite State Landfill in Dalton, said John Gay, an engineer with Casella.

To be located on 1,900 acres west of Forest Lake State Park, the Granite State Landfill would measure 137 acres, Gay said, and serve the state's solid-waste disposal needs "for 40 years plus or minus."

In addition to founding Save Forest Lake, Swan was a principal in Dalton's adoption of emergency zoning regulations, ostensibly to stop Casella from building a landfill in the town.

Casella officials are expected to present the landfill proposal to the Dalton Board of Selectmen on Aug. 24.