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Landfill bills to get public airings this week in NH House

By: [Hadley Barndollar](#) - February 12, 2024 1:36 pm



Much of the proposed legislation in Concord has been inspired by Casella Waste Systems' proposal to construct a new landfill in Dalton near Forest Lake State Park. (Amanda Gokee | New Hampshire Bulletin)

The House Environment and Agriculture Committee this week will hear testimony on several bills related to landfills, perhaps one of the more hot-button topics in the state over recent years.

Despite many attempts, the state Legislature ended last year with no meaningful action on landfills, specifically the siting process that's used for newly permitted ones. Much of the proposed legislation in Concord has been inspired by Casella Waste Systems' proposal to construct a new landfill in Dalton near Forest Lake State Park – a project that has caused division in the small North Country town and prompted a statewide policy debate over solid waste.

The Department of Environmental Services is in the throes of its [mandatory rulemaking process](#) associated with its Waste Management Division. In October, the department released a draft proposal of changes to its landfill requirements, a notable one being a required 500-foot setback from bodies of water that would be more than double the current setback – [a point of contention the state Legislature was unable to reach a consensus on last session](#).

The proposed rules also take “time” into account, meaning DES would have to be able to detect and remediate a discharge, spill, or leachate release “prior to contamination reaching any perennial water body.”

Meanwhile, state lawmakers are looking at several changes to New Hampshire's waste management regulations. Here are four examples.

Landfill bills being heard this week

On Tuesday, a public hearing is scheduled for [House Bill 1620](#), which would suspend the approval of new landfill permits by DES until 2031. The prime sponsor is Rep. David Rochefort, a Littleton Republican.

According to the moratorium bill, the suspension of new permits would be “to ensure that any new landfills are sited properly, meet the need of public benefit, and are aligned with New Hampshire's solid waste goals.” DES would be able to continue accepting and investigating applications during that time frame.

That same day, the House Environment and Agriculture Committee will hear [House Bill 1632](#), also sponsored by Rochefort, which would prohibit newly permitted solid waste facilities from accepting more than 15 percent of solid waste transported from out of state.

According to the state's 2022 Solid Waste Management Plan, nearly half of the waste being disposed of in New Hampshire comes from out of state.

HB 1632 may face some challenges, particularly the federal Interstate Commerce Clause that says commercial landfills must accept waste from other states. The bill would not apply to the state's existing landfills.

Also on Tuesday's docket is [House Bill 1132](#), sponsored by Littleton Democrat Rep. Linda Massimilla, which would require any person siting new landfills to identify brownfields within the state "that may serve as the site of a new solid waste landfill as part of the public benefit requirement analysis."

[Brownfields](#), which are managed by the U.S. Environmental Protection Agency, are properties that are abandoned or underutilized due to pollution from industrial use. Examples can include old factories, mills, warehouses, and gas stations.

On Wednesday, [House Bill 1145](#), sponsored by Dover Democrat Rep. Peter Bixby, will get a public airing – and perhaps try to get around obstacles posed by the Interstate Commerce Clause. The bill, supported by both Democrats and Republicans, would prohibit private ownership of landfills in the state, specifically "new solid waste landfill permits in the state for facilities owned by any person other than the state of New Hampshire or a political subdivision thereof."

According to the bill, which would allow for restricting certain types of waste in a publicly owned landfill, the state, county, town, or city owning a landfill would still be able to contract with private entities to operate it.

In its interpretation of the bill, DES wrote: "To the extent the state, county or municipal entities, including solid waste management districts, elect to become landfill permittees, they will become responsible for design, construction, operation, closure and post-closure care of a landfill. Such public entities will incur significant indeterminate expenditures."

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