

NH landfill reform bill fails at final step, driven by concerns over industry involvement

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In this photo from 2021, Berkeley Parenteau stands in front of the New Hampshire Department of Environmental Services during a rally against the development of a landfill near Forest Lake State Park.

At the last minute, state legislators voted down an effort to create new rules for landfill developments in New Hampshire, as state representatives called the transparency of the legislative process into question.

The bill was the latest in a series of attempts to tighten regulations on where landfills can be located in the state.

Ahead of Thursday's vote, emails came to light showing Bryan Gould, a lawyer and one-time lobbyist for Casella Waste Systems, was involved in editing the bill's language. The emails became public through a right-to-know request by environmental activist Jon Swan.

Casella is trying to build a landfill in the North Country — a proposal which has faced dedicated

pushback from environmental groups and some residents in the communities of Dalton and Whitefield. That landfill development has been at the center of landfill regulation reform efforts over the past several years.

On the House floor, legislators pointed to Casella's involvement in developing the legislation as a reason to vote it down. Peterborough Democrat Jonah Wheeler decried the company's efforts.

"Born and raised in New Hampshire, I'm going to be damned if I'm going to let our water be controlled by an industry which has no qualms whatsoever for destroying our land, our environment, and our lakes," Wheeler said.

The state's current laws say landfills must be a minimum of 200 feet away from a body of water.

Instead of creating new rules on how far away landfills should be from bodies of water, as previous efforts have, this bill would have directed state regulators to hire a consultant and develop new rules within two years. Over the course of those two years, regulators would have paused issuing permits for new landfills.

Versions of new landfill regulations have been voted down in past sessions, or vetoed by Gov. Chris Sununu. But Senate Bill 61 gained the support of state regulators, who also indicated the Governor would support a version of the bill.

Mike Wimsatt, the director of the Waste Management Division at the Department of Environmental Services who emailed back and forth with Bryan Gould, the

one-time Casella lobbyist, said the correspondence was not out of the ordinary.

“We work with legislators who are on different sides of the issue in both chambers. We work with folks who are advocating a particular position. We work with industry. We provide technical assistance and comment on legislation to really all of our stakeholders,” he said. “None of that is hidden. There’s no attempt to fool anybody about that. So I really don’t understand the accusation.”

Wimsatt said he received a copy of an amendment to Senate Bill 61 from Gould, suggested changes to the amendment, and sent it back to the attorney.

He also said state regulators had meetings and shared language on the bill with the North Country Alliance for Balanced Change, a North Country advocacy group working to stop Casella’s proposed landfill in Dalton.

“In all cases with whoever we were interacting with, we were representing the executive branch’s position on the bill and the issues,” he said.

Wimsatt said without the changes made by the bill, state regulators are now required to receive and process applications for new landfills under the existing state law.

The House voted down the bill 238 to 134.

The rules that govern landfill setbacks are set to expire next year, when state regulators could revise them through their rulemaking process, which includes a public participation component, Wimsatt said.

Adam Finkel, an environmental advocate organizing against Casella's proposed landfill, said that process provided a silver lining, saying the forthcoming rulemaking process could result in better regulations than the bill's proposed process.

"DES is going to have to write these rules," he said. "So they will, and they should, open the door to everyone. And not give one person the money and the authority to determine the rule. But they have to have the hearing. So we haven't lost anything."

In a joint statement Thursday, state Sens. Kevin Avard and David Waters expressed their dismay with the House's vote.

"I am extremely disappointed that Senate Bill 61, which held both a strong solid scientific basis, and immense bipartisan support, was defeated by our House colleagues," said Avard, a Republican.

Watters, a Democrat, agreed, saying lawmakers "dedicated significant effort to formulating a bipartisan compromise that would have effectively resolved a longstanding issue."

Republican Rep. Kelly Potenza, who introduced an amendment to the bill earlier in the session she claimed was more protective of the environment, Tweeted that she will file a formal ethics complaint.