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Rejection of \$200k study a setback for landfill

By Kevin Landrigan Union Leader Staff

Jun 29, 2023



State Rep. Kelly Potenza, R-Rochester, was one of the leaders of a bipartisan coalition that convinced the House of Representatives to kill a landfill setback study after charges a trash company lobbyist had improper influence with state officials over the bill.

Kevin Landrigan/Union Leader

CONCORD — In a condemnation of the political process, the New Hampshire House killed a \$200,000 study into the proper separation between bodies of water and new landfills amid charges that a prominent trash company's former lobbyist had influenced the final language.

The crushing 238-134 vote to reject a conference committee came after confirmation of contact that staffers with the Department of Environmental Services had with a past representative of Casella Waste Systems.

Casella has sought to build a new landfill in the North Country town of Dalton near pristine Forest Lake.

DES staffers denied there was anything improper about their contact with Bryan Gould, a former Casella lobbyist and a former legal counsel to the Republican State Committee.

Through a right-to-know request, environmental activist and anti-Dalton landfill crusader Jon Swan obtained an exchange of emails between the state and private parties that took place as the legislation (**SB 61**) made its way through the House and Senate.

Casella has had four lobbyists on its payroll this year, and Gould was not among them.

Gould did lobby for the company in 2022, for which he was paid a little less than \$70,000, according a report he filed in late October.

“The people in the North Country want us to kill this bill, and that is exactly what we should do,” declared first-term Rep. Jonah Wheeler, D-Peterborough.

In a statement, Swan said House members’ defiance of Casella and state leaders was a “profile in courage.” Gov. Chris Sununu previously warned he would use his veto if the House tried to impose severe restrictions on the siting of new landfills.

“We are happy to see that the New Hampshire House of Representatives realized what was happening behind the scenes, connected the dots, and resoundingly said no to this kind of behind-the-scenes legislative shenanigans from industry, Senate leadership, and Governor Sununu’s office/NHDES executive appointees,” Swan said.

Adam Finkle, an environmental scientist and former federal government official, pushed back on state officials’ claims that the contact with Casella’s representative constituted typical work with stakeholders.

“DES asked permission of Casella for each word change, and took their lead,” Finkle charged.

House vote condemned

House Speaker Sherman Packard, R-Londonderry, admonished two members for violating House rules by naming the company and referring to an unnamed lobbyist during debate.

“I know this is controversial, but we aren’t going to allow anything to be brought in against anybody whether it be state people, private people or a lobbyist,” Packard said.

Senate leaders from both parties condemned the House action.

The bill’s prime sponsor, State Sen. Kevin Avard, R-Nashua, said the compromise measure was reasonable and would have produced a responsible study of landfill setback rules scheduled to expire next June.

“I am extremely disappointed that SB 61, which held both a strong scientific basis and immense bipartisan support, was defeated by our House colleagues,” Avard said.

Sen. David Watters, D-Dover, said the House vote has undone a lot of work aimed at consensus.

“It is truly disheartening that the House has chosen to disregard this collaborative process and eliminate the opportunity for a fair and reasonable resolution,” Watters said.

This was the only one of 18 House-Senate compromise bills rejected by the House on Thursday.

A history of conflict

This outcome is tied to an ongoing feud between the two chambers over landfill legislation.

For many years, the House has passed bills containing tough new restrictions on new landfills, which the Senate set aside.

That changed last year, when the Legislature passed a bill requiring any new landfill to prevent contamination from reaching a nearby body of water within five years (**HB 1454**).

Sununu vetoed that bill, maintaining that it would violate local control and could lead to local property tax increases in towns with new landfill plans.

The House voted **overwhelmingly**, 256-65, to override Sununu’s veto.

Although the Senate vote was 12-11 against override, Senate President Jeb Bradley, R-Wolfboro, was one of two Republicans to oppose Sununu.

Earlier this year, the House approved a similar landfill setback mandate bill (**HB 56**), which the Senate killed on a voice vote.

Rep. J.R. Hoell, R-Dunbarton, a leader in the House Freedom Caucus, said the Libertarian-minded Republicans and most Democrats got together to kill the study proposal.

“This bill stated it would provide adequate environmental protection. Is that really enough in a state that values tourism, water and air quality? I don’t think so,” Hoell said.

Rep. Kelly Potenza, R-Rochester, said the **final compromise** contained a conflict-of-interest provision that she called “meaningless.”

“This bill is bad for public health and it not only kicks the can down the road but kicks it in the wrong direction,” Potenza said.

House Environment and Agriculture Committee Chairman Judy Aron, R-Acworth, made a final vain attempt to rescue the bill.

“This is sound and vetted legislation,” Aron said. “This is possible now. We must not let this important chance slip away.”

DES officials have said they already have begun to rewrite their rules for landfill setback requirements.

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