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Casella Fined \$2 Million In N.H.'s Largest-Ever Penalty For Landfill Violations

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As an environmental attorney argues that a zoning ordinance and settlement agreement in Bethlehem prohibit a proposed commercial landfill in Dalton, recent public documents include disclosure of a quarter-inch hole discovered in April in the primary liner at NCES in Bethlehem, the location of which is pictured here. (Photo contributed by NHDES)

The New Hampshire Department of Justice has fined Casella Waste Systems nearly \$2 million in what is the state's largest solid waste civil penalty for documented violations and mismanagement at its NCES landfill in Bethlehem.

After several years of investigation by the New Hampshire Department of Environmental Services and subsequent negotiations between the NHDOJ and Casella, a resolution was reached on Friday and a consent decree was filed at Grafton Superior Court.

An announcement of the settlement and decree was issued at 8 p.m. Monday by the NHDOJ.



The complaint underlying the consent decree contains several categories of violations spanning multiple years and includes potential supplemental environmental projects with a connection to solid waste landfills, said state officials.

Casella, a company worth about \$7 billion, agrees to pay the state \$1.9 million in penalties, including for mismanagement of leachate, colloquially known as “garbage juice,” for drilling through the landfill liner, operating the facility with a quarter-inch hole in the primary landfill liner, failing to report incidents or conduct its own investigations, and for other violations.

In May 2021, NCES was the site of a 154,000-gallon leachate spill that state officials said was not discovered by the company until days later and was the largest leachate spill in New Hampshire history.

“This consent decree constitutes the largest civil penalty ever obtained by the State for violations related to New Hampshire’s Solid Waste Management Act,” New Hampshire Attorney General John Formella said in a statement. “Landfills are highly regulated and are designed and built to ensure safety to the public and the environment. This case demonstrates our commitment to holding accountable those that violate our statutes and rules created for the purpose of protecting the State’s environment and natural resources.”

The decree settles claims related to the placement of waste beyond permitted landfill limits, leachate discharges from the leachate collection system, prohibited storage of leachate within the primary leachate collection system, prohibited flow rate exceedances within the secondary leachate collection system, facility damage reporting, drilling of gas management wells through the overlay landfill liner, failure to appropriately apply adequate daily cover at the end of the business day, incident reporting failures, and other related rule and permit violations, said NHDOJ officials.

Violations outlined in the decree include failure to maintain the leachate collection system and failure to operate the system as required, resulting in a leachate discharge on site; storage of amounts of leachate on the primary landfill liner greater than allowed; causing secondary landfill liner flows in excess of limits; and failure to conduct required investigations and report such incidents.

Failure to place adequate daily cover at the end of a working day is a repeat violation occurring during the course of years and often found when NHDES representatives visit NCES for an on-site inspection, according to public records.

“While we strive for waste reduction and diversion, NH residents and businesses will always generate some quantity of solid waste requiring disposal,” said NHDES Commissioner Robert Scott. “For this reason, landfills are a necessary component of NH’s integrated solid waste management infrastructure, and must be managed properly to protect public safety, human health, and the environment. NHDES takes landfill mismanagement very seriously, as demonstrated by this significant and appropriate civil penalty.”

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For years, Casella representatives have publicly referred to NCES as a “state of the art” landfill and, while pursuing expansions in Bethlehem or a new commercial landfill in Dalton, have made comments on the record to the effect of the facility being well-run with no significant problems and Casella having the knowledge and expertise to run it or operate a new landfill in the North Country.

On Tuesday, local opponents of expansion in Bethlehem and a new landfill in Dalton weighed in on the company’s repeated violations and \$1.9 million fine.

“This enforcement action reinforces what we have long known, landfills leak, operators make mistakes and where these generational sites are located have serious and long term impacts on a community,” Wayne Morrison, president of the North Country Alliance for Balanced Change, said in a statement. “There should be no surprise that the same company agreeing to a million-dollar settlement for solid waste violations is now asking the New Hampshire State Senate to tear up its legally binding settlement agreements with the Town of Bethlehem in order to force another landfill expansion.”

NCABC members noted what they said is the magnitude of the penalty, one that “reflects not a one-off lapse, but a pattern of chronic noncompliance.”

“Public records document repeated violations by NCES and other Casella subsidiaries over decades, including failures to cover waste, illegal placement of waste outside permitted boundaries, leachate spills, delayed and incomplete incident reporting, and permit violations in New Hampshire and other states,” they said.

“We believe this pattern of non-compliance and lack of operational control demonstrates that Casella is an unfit operator for either a new landfill permit in Dalton or any further expansion in Bethlehem,” said Tom Tower, vice-president of NCABC. “Casella’s record is not an accident or a misunderstanding, it is a long history of violations, enforcement actions, and settlements across multiple states. When a company demonstrates this kind of track record, lawmakers should strengthen oversight, not weaken it.”

NCABC members say they applaud the NHDOJ and NHDES “who investigated these violations over multiple years and pursued meaningful enforcement.”

The NCES case was managed in the NHDOJ by assistant Attorney General Joshua Harrison, senior Assistant Attorney General, and Environmental Protection Bureau chief Christopher Aslin. NHDES worked extensively over multiple years to investigate the violations and collaborated with the NHDOJ to ensure accountability, said officials.

Casella, however, is not required to pay all of the \$1.9 million, but, according to the decree, can partly satisfy the civil penalty through a combination of “supplemental environmental projects.”

They include remediation of erosion of landfill debris into the Saco River at the town of Bartlett’s former landfill, for up to \$219,000 credited against the \$1.9 million.

The fine comes at a time when company representatives, in October, told the Bethlehem Select Board they are agreeable to opening up new talks about landfill expansion in Bethlehem and when the company, on Jan. 6, 2026 at the Coos County Registry of Deeds, filed an amendment to its 2018 option to purchase real estate in Dalton that extends the option to Dec. 31, 2027.



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