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EDITOR'S PICK

Gov. Signs Landfill Bill As Court Rejects Casella's Lawsuit Against State

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On Thursday at Forest Lake State Park in Dalton, surrounded by lawmakers from across the state who were involved in the process, Gov. Kelly Ayotte signed into law House Bill 707, which creates a new solid waste site evaluation committee and gives local communities a voice in the process. At far left is state Sen. David Rochefort, R-Littleton. (Photo by Robert Blechl)

DALTON — To cheers, and after an 8-year fight to toughen landfill siting rules, New Hampshire's governor on Thursday signed into law a landmark siting bill, just days after a judge rejected Casella Waste Systems' lawsuit against the state contesting the state's denial of its permit application for a commercial landfill beside Forest Lake State Park in Dalton.

House Bill 707 will create a new solid waste site evaluation committee and give local communities a voice when considering impacts beyond the traditional environmental permitting review by the New Hampshire Department of Environmental Services.

Those impacts will now include property values, tourism, traffic, noise, odor, recreation, aesthetics, economic impacts, and overall public interest.

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HB 707 also preserves legal agreements between communities and landfill operators, such as the 2012 agreement that the town of Bethlehem has with Casella that ends landfill expansion in that town.

"On behalf of the governor's office and the North Country Alliance for Balanced Change, thank you for joining us as we celebrate one of the most significant landfill siting reforms in New Hampshire's history," said Tom Tower, of Whitefield, vice-president of NCABC.

Tower thanked the roughly 100 residents, community leaders, and officials from local towns who were in attendance, as well as the state senators and state representatives from across New Hampshire who were involved in the HB 707 process and who turned out for Thursday's celebration and bill signing at Forest Lake.

Transformed by the Civilian Conservation Corps nearly a century ago, Forest Lake is one of New Hampshire's original state parks.

"Their hard work created a place where generations of families have gathered to swim, fish, picnic, and enjoy the breathtaking views of the White Mountains," said Tower. "I like to think those CCC pioneers would be proud to know that, nearly 90 years later, people are still coming together to ensure this special place is protected for future generations."

Places like Forest Lake and the White Mountains help fuel New Hampshire's \$4 billion outdoor recreation and tourism economy, he said.

"I can't tell you how gratifying it is to see so many people today," said Wayne Morrison, of Whitefield, the president of NCABC. "When we started this fight, it seemed like we were the Maytag repairman. Nobody was listening. It seemed like we were talking into the wind."

But coalition partners to include the towns that would be impacted, the Forest Lake Association, environmental attorneys, the governor and her legal team who ensured that HB 707 was legally sound and consistent with its original intent, the many lawmakers, Dalton landfill opponent Jon Swan whom Morrison said has served as a "one-man army" in his "tremendous commitment to saving Forest Lake," and many others who worked tirelessly to make the change, he said.

Four words describe the moment, said Morrison — thankful, grateful, hopeful, and committed.

He's grateful that "meaningful, impactful landfill siting reform has been enacted," hopeful that the voice of communities will be heard and given equal weight in reaching "transparent, fair, and smart landfill siting decisions going forward," and is committed with others to protecting the state's environment and managing its waste.

Morrison thanked Ayotte for her leadership and "unwavering commitment to protecting the North Country," state Sen. Howard Pearl, R-Loudon, for amending a bill that cleared the Senate and made it to the governor's desk, and his NCABC colleagues who "moved mountains."

It takes great leaders and many people to do the important work, said Ayotte.

HB 707 not only ensures that Forest Lake is protected, but also puts into place a process to have a larger discussion and ensure that local voices are heard and taken into account when siting a landfill, she said.

"When you think about it, it's kind of shocking we didn't have that local voice heard in the way we do now in this landmark piece of legislation," said Ayotte. "This is an effort with many people who came together."

For his work and dedication, Ayotte and others thanked state Sen. Rochefort, R-Littleton, who in 2023 took Ayotte to visit Forest Lake, where she said she saw the beauty.

During a downtown walk in Littleton, Ayotte, then running for governor, was approached by several area residents who voiced their concerns about a landfill by the lake.

"The fact that you all had to work so hard to stop this — kudos to you," she said. "The minute I saw it, I said no way can we have that happen ... I want to thank everyone who made this possible today."

In addition to Rochefort and Pearl, the lawmakers Ayotte thanked were state Rep. Judy Aron, R-Acworth, who chairs the House's Environment and Agriculture Committee; state Rep. Michael Aron, her husband; state Rep. Karen Ebel, D-New London; state Rep. Lori Korzen, R-Berlin; and the members of the Environment and Agriculture Committee, who include state Rep. Peter Bixby, D-Dover; state Rep. Kelley Potenza, R-Rochester; state Rep. Nicholas Germana, D-Keene; and state Rep. Seth King, R-Whitefield.

"This is a bipartisan group, and the fact that both parties came together to protect the natural beauty of New Hampshire and to protect that local voice says a lot about how we work together in New Hampshire," said Ayotte.

"My commitment remains to this place and remains to protecting the natural beauty of New Hampshire," she said. "This is a process that will help us do that. But as governor, it will always remain my priority, and there will never be a landfill here at Forest Lake. It will be over my dead body."

HB 707 creates a fair process, said Pearl.



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“It puts together a balanced, statewide approach that secures our future without sacrificing our values,” he said.

Rochefort said he and his statehouse colleagues disagreed on many things, but one thing they did agree on was that the state was going in the wrong direction regarding landfill siting.

“Ultimately, the people that I have to thank the most are you,” Rochefort said to those in attendance. “It’s the public, it’s the people that are affected.”

While a lot of issues can peter out over time, this one didn’t, he said.

“You guys for eight years gave us passion, persistence, and most of all, perseverance,” said Rochefort. “This is monumental today. I can’t underscore how important this is ... It’s taken a long time to get here.”

When she began to study the issue, Aron said she was dumbfounded by how lax legislation had been.

"It was then when I was really committed to making some meaningful changes to landfill siting," said Aron. "And let's face it — how we handle trash is not a Republican issue, it's not a Democrat issue. This is an issue that everybody has got to come together on ... I am just beyond thankful and grateful and pleased to see that we've come this far, that we've accomplished this. We do have more work to do on other fronts on how we handle our trash in the state, but for now I'm going to bask in the glory of having this come to fruition."

Many people came to the statehouse to make their voices heard, she said.

"It made a difference, and we thank you for that," said Aron.

After signing HB 707, Ayotte said, "We want to protect this state and do things with care and consideration for the beauty of this state, and this bill is a big step forward."

Judge Rejects Casella Lawsuit Claim

Three times in 2024 and again in January 2025, DES determined that Casella's standard solid waste permit application for its proposed landfill in Dalton, which the company has called Granite State Landfill LLC, was incomplete, on the grounds that Casella repeatedly failed to provide the information that the department requires in order to review the application.

Among the more salient pieces of information sought, DES was seeking to know if Casella has a legal right to use the property, for which it has an option to purchase, as it has proposed.

DES's letters to the company provided notice of an application dormancy deadline, effective Feb. 28, 2025, if the information was not provided.

The information was not provided, and DES denied the application by dormancy in April 2025.

Casella squandered no time suing the state, arguing that DES was acting beyond its statutory authority when it invoked the dormancy rule and the department's decision is therefore unlawful.

In a decision issued last week at Merrimack Superior Court, Judge John Kissinger sided with the state and denied Casella's motion for declaratory judgment.

DES's permit denial is based on New Hampshire's solid waste rules, the language of which is clear, including about timelines for permit applications, the judge wrote in his July 23 order.

“Based on the plain language of these rules, the Court concludes that the rules fit squarely within the plain language of the enabling statute,” said Kissinger. “The statute requires the Department to adopt rules for the administration of solid waste facility permits, including ‘terms, conditions, and time frames’ for their issuance, approval, and, importantly here, denial. The Dormancy Rules at issue do just that, setting the terms and timeframe for permit application approval. That is, an applicant must submit the relevant required information to the Department within one year from the time the Department initially deems an application incomplete.”

Therefore, as a matter of law, Casella’s motion for declaratory judgment fails, said the judge.

Casella can still file a request for reconsideration, and if that is denied, an appeal to the New Hampshire Supreme Court.

Weighing in on the superior court’s decision was Adam Finkel, a former professor at the University of Pennsylvania Law School who lives in Dalton.

“This is an important victory for common sense, and yet another indictment of what poor lawyers Casella hires, or perhaps what a poor client they are hired to defend,” said Finkel. “Casella’s lawyers actually tried to gaslight the Court into misinterpreting the clear language of RSA 149-M:12 — which says that an applicant can only get a permit if the project will comply with various regulations — to somehow mean that he can leave out any information he wishes on the application itself.”

“No government agency could survive if it couldn’t specify what it needs to know from the applicant in order to make a decision,” said Finkel. “We don’t get to go to the DMV, pass a vision test, and then demand a driver’s license but refuse to give them our name. DES gave Casella four separate letters over a 2-year period, pleading with them to simply provide the needed information. Maybe when you’re [Casella attorney] Richard Lehmann, getting \$100-200K annually in taxpayers’ money to advise the NH Senate, while at the same time working against the state for Casella, you think that defying DES is a good strategy.”



Robert Blechl