

Casella subsidiary sues NH over Dalton landfill denial

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Annie Ropeik / NHPR

This 2019 NHPR file photo shows the area in Dalton that was a proposed site for a landfill.

A subsidiary of Casella Waste Systems is suing New Hampshire environmental regulators, arguing that the

state's denial of a controversial landfill permit was premised on faulty rules.

At issue is the state's decision to issue a "denial by dormancy," rejecting Casella's bid for a landfill permit in Dalton, a North Country town near Forest Lake State Park, because the company's application was not updated for more than a year.

Granite State Landfill LLC argues in their lawsuit that the New Hampshire Department of Environmental Services does not have the authority to deny a permit application based on "dormancy." The company's lawyers argue that rule gives the agency powers beyond what they're allowed in state statutes, and violates the constitutional separation of powers.

They're asking a New Hampshire judge to declare that the state agency's rules are void. The lawsuit also argues that Granite State Landfill was submitting new material to regulators throughout the past year.

"In no way could GSL's application be considered "dormant" within the ordinary meaning of that word," the lawsuit says.

State regulators consider an application dormant if it is not completed within 12 months of the date they alert the applicant it is "incomplete."

Granite State Landfill LLC, owned by the Vermont-based Casella Waste Systems, first applied for the permit in October 2023. That application came after a previous attempt to get state permits, which Casella abandoned in 2022.

Over the course of more than a year, state regulators sent the company four letters requesting more information needed to complete the application. The letters warned that if the application was not complete within a year, it would be considered "dormant" and could be denied.

State regulators followed through on those warnings last week, issuing a denial by dormancy on April 3. The

denial said that the company had not provided a site report that demonstrated the facility complied with state requirements, which were updated in December 2024. Regulators also said the company didn't demonstrate that they have a legal right to use the proposed site.

Department of Environmental Services officials declined a request for an interview on the denial.

Wayne Morrison, who leads the North Country Alliance for Balanced Change, an advocacy group that has opposed the Dalton landfill proposal, said he hopes the company changes course.

"At some point they have to recognize that they picked a terrible site, and despite the aggressive nature of pursuing this, that there's probably a time to rethink and move on," he said.

Morrison said he's seen support for the project waning in recent years, with Gov. Kelly Ayotte speaking out against the landfill proposal and state lawmakers

considering efforts to make the state's waste laws more protective of the environment.

Over the past six years, Morrison said he's become concerned about the big picture around New Hampshire's solid waste system, beyond the Dalton proposal.

"At the start of this, it was certainly very much about a specific project in a site that we thought was totally inappropriate," he said. "At the end of the day, this is much more than about a single project in a specific site. We have learned that our rules and regulations, our processes, are not where they need to be."

The landfill proposal has divided the community of Dalton for years, with many residents opposed to the construction of a landfill near Forest Lake and others excited about the prospect of more tax revenue in town and eager to protect the rights of property owners and businesses.