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ENERGY + ENVIRONMENT

## Lawmakers argue landfill applicants should be required to assess costs to host communities

BY: **CLAIRE SULLIVAN** - JANUARY 22, 2025 5:00 AM





Reps. Kevin Scully, center, a Nashua Republican, and James Gruber, an Alstead Democrat, right, listen to testimony from Michael Wimsatt, the director of the Department of Environmental Services' solid waste bureau on Tuesday, Jan. 21. (Photo by Claire Sullivan/New Hampshire Bulletin)

People often evaluate whether the pros outweigh the cons before making a decision.

“Why on Earth would we not do the same thing when we are considering whether or not to site a landfill that will impact the community for generations?” argued Rep. Nicholas Germana, a Keene Democrat, before the House Environment and Agriculture Committee Tuesday.

The committee is the first checkpoint for [House Bill 215](#). If passed into law, it would require landfill permit applicants to pay for an independent third party to assess potential costs of a proposed facility, including “noise, odor, traffic, groundwater pollution, surface water pollution, greenhouse gas, and other emissions emanating from the facility,” including emissions caused by transportation of waste and its byproducts to and from the landfill.

That assessment is meant to help the Department of Environmental Services determine whether a proposed landfill would result in a net public benefit. To justify the need for their projects, applicants would also have to show that the state would have a capacity shortfall for at least half the lifespan of the proposed landfill.

The bill also “states explicitly that an applicant cannot combine multiple projects as they make their case for potential benefits,” Germana said. “For example, one could not use the possibility of opening a recycling center for location B to support the case for the potential benefits of landfill location A.”

Germana is sponsoring the bill along with five other Democrats and three Republicans. He and several other sponsors serve on the House committee where the bill was heard Tuesday.

Landfill issues have garnered bipartisan support among residents and lawmakers, though related bills have often been halted by the Senate. A proposal by Casella Waste Systems to build a landfill near a lake and state park in the small northern town of Dalton has been

a flashpoint for the issue at the State House, with Gov. Kelly Ayotte vowing in her inaugural address that the project would not go forward. Casella has tied the permitting of the landfill to the creation of a recycling facility in southern New Hampshire.

This bill is about more than one landfill, though, Germana said.

“This is not about any one project,” Germana said. “This is saying that when we are siting landfills, our current process is inadequate.”

Germana anticipated a line of criticism from the solid waste industry: that the assessment would be too costly. He rebutted it by pointing to the multibillion dollar valuations of some of the major companies operating in the state.

“These companies are asking for the right to operate extraordinarily lucrative businesses in our communities,” Germana said. “The added cost of maybe \$50,000 to assure the state and potential host communities they can provide a genuine public benefit while making enormous profits is not too much to ask.”

An executive from an engineering and geosciences consulting firm whose clientele includes several landfill operators in the state, as well as DES and the Department of Transportation, raised such concerns.

“As presented, HB 215 would add significant unnecessary burden to both the regulating and regulated communities to a (statute) that is already protective of the human health, property, values, tourism,

outdoor recreation, and wildlife,” said Eric S. Steinhauser, a professional engineer with Sanborn, Head & Associates, in [written testimony](#) to the committee.

He also argued the bill “introduces additional subjectivity to the permitting process that will significantly delay an already lengthy and expensive permitting process without adding to the protection of human health, property, values, tourism, outdoor recreation, and wildlife.”

Henry Veilleux, a lobbyist for Waste Management, questioned the benefit of requiring this analysis for the expansion of an existing facility, such as the company’s landfill in Rochester.

“They’ve existed at that site for 40 years, and so just questioning the utility and the value of doing this assessment on an existing facility,” he said. “The noise will probably be the same. The odor will probably be the same. The traffic, transporting the waste, will be the same.”

Rep. Linda Haskins, an Exeter Democrat, said an expanded landfill could bring new impacts because of its increased footprint.

Michael Wimsatt, director of DES’ solid waste management bureau, said the agency was not taking a position on the bill. He suggested that the Legislature study the issue further, pointing to its complexity.

“That’s why I think the study committee is necessary, because it’s not easy, it’s a very difficult thing,” Wimsatt said. “It’s gonna – if it’s not done well, it’s going to probably engender a lot of appeals and a lot of controversy.”

Haskins opposed the idea of delaying the bill by sending it to a study committee, as did an attorney representing the North Country Alliance for Balanced Change, a citizen group that advocates for solid waste reform.

“I would personally hate to see the study committee,” Haskins said, “because I think the time is urgent, and I would like to see us move forward with this bill.”

Nancy Morrison, a member of NCABC, cautioned committee members about what she has seen as the undue influence of the solid waste industry over state policy.

“I believe they do not have our best interest at heart,” Morrison said, “and I believe it is time for the Legislature to call this out for what it is and implement protective measures that New Hampshire citizens and their environment need based on good regulation, not industry speculation.”

Michael Wright, a Littleton resident, called it a “common sense” bill that seeks to create a fair, objective process. He highlighted the everyday realities for neighbors of landfills.

“I would imagine that you wouldn’t want to wake up every day to the smell of rotting stench of decomposing waste. That’s what happens with a lot of people around these landfills, and they have to get up and they worry about their water and perhaps worry about the traffic,” Wright said. “Even if they’re the poorest location, like northern New Hampshire, they’re going to worry about what kind of depression this means on tourism.”

Amy Manzelli, an attorney for NCABC with BCM Environmental & Land Law, said the bill would enable the department to give weight to those factors.

“There’s a lot that is worthy of consideration that the department is not, under current law, arguably empowered to consider,” Manzelli said.

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