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As New Hampshire looks to reshape its solid waste future, all eyes are on the state Senate

By: [Claire Sullivan](#) - April 17, 2025 5:00 am



Under the bill, landfills would be required to always have at least one person on site. (Photo by Benjamin Rondel/Getty Images)

The New Hampshire Senate has often trashed landfill bills. But with growing political attention to solid waste issues, including from the governor, advocates hope this year will be different.

An early test came Tuesday, when the Senate Energy and Natural Resources Committee heard one bill to pause new landfills in the state for three years and another that seeks to rewrite recently updated regulations that some say are far too weak.

The bills — [House Bill 171](#) and [House Bill 707](#), respectively — complement one another in ways. Advocates say the state should need only one new landfill in the next century. They argue taking a pause on new development will allow the state time to consider issues like the ones raised in HB 707 related to siting landfills, as well as others like managing the “trash juice” several landfills have failed to handle properly, or addressing the fact that half the waste dumped in New Hampshire comes from out of state.

Both bills proved uncontroversial in the House, passing on the consent calendar, where lawmakers approve a host of committee recommendations on legislation all at once and without debate. Solid waste issues in the state have garnered bipartisan support, with bills being led by both Republicans and Democrats.

“Landfills should be the last resort, and we only really need one in the next 100 years,” Rep. Kelley Potenza, a Rochester Republican leading HB 707, told committee members. “And let’s do it in a perfect place that’s got good soil, clay, and we can make it happen.”

In the backdrop of the legislative debates is a proposal for a new landfill that many — including Republican Gov. Kelly Ayotte — have criticized for its close proximity to a pristine lake and state park. Casella Waste Systems, the Vermont company that has fought for years for the landfill in the northern town of Dalton, is now fighting the Department of Environmental Services in court over the agency’s recent denial of a solid waste permit application for the project.

HB 707 seeks to address criticisms against the state’s updated landfill regulations, which went into effect in December. The body that gave the final green light to those changes, the Joint Legislative Committee on Administrative Rules, had approved them even as some members were concerned they weren’t adequately protective. Lawmakers on the panel argued, though, that those issues were policy ones for the Legislature to decide. This bill aims to take up that mantle.

For one, it would establish stricter setback standards for new landfills from “any existing drinking water well, perennial river, lake, or coastal water of New Hampshire.” Landfills would have to be 1,500 feet from those waters or be set back far enough so that groundwater from the site would take more than five years to reach those waters in the event of a leak or failure. Whichever of those two setbacks is the greatest would be what is required of the site.

Additionally, it would strengthen the state’s requirements for the hydraulic conductivity of the soil at the site of a landfill, a metric that helps describe how quickly contaminated water would move through the soil in the event of a leak or failure. Some types of earth, like sand or gravel, are more permeable than others, like clay.

This standard — which would require a hydraulic conductivity of 0.0001 centimeters per second or less — would apply to the natural soils 20 feet below the landfill and under leachate storage and transfer stations. The current standard is 0.001 centimeters per second or less for the natural soil of the landfill going down 5 feet in depth. (The lower the rate, the slower pollution would move through the soil.)

Or, in what critics have called a “loophole” in the current regulations, a landfill can import a 2-foot base of soil with a hydraulic conductivity of 0.0001 centimeters per second or less. The bill would eliminate that option, stating explicitly that “no amount of imported soil can overcome such deficiency” in the hydraulic conductivity of a site’s natural soil.

The bill would also require that applicants for new landfills and expansions to investigate the sediments and bedrock beneath and adjacent to the proposed site, “at least to the depth of any aquifers currently used to provide drinking water to residents.”

Under the bill, landfills would be required to always have at least one person on site. It also directs the department to incorporate the Ford Act into its landfill permitting requirements, “specifically the provision limiting the construction or establishment of municipal solid waste landfills within 6 miles of certain smaller public airports.”

Current law says the department “may” deny a permit if a person “fails to demonstrate sufficient reliability, expertise, integrity, and competence to operate a solid waste facility.” It may also deny a permit if a person or a company’s “officers, directors, partners, key employees or persons or business entities holding 10 percent or more of its equity or debt liability” were convicted or pleaded guilty or no contest to a felony within the past five years in state or federal court.

This bill would change that “may” to a “shall,” making it a requirement that the department reject permits under those conditions instead of an option.

The legislation would also make what advocates say is a key change to the statute governing the department’s rulemaking. Instead of simply saying the commissioner has the responsibility and authority to adopt rules, it adds that those rules “are necessary to protect the public health and the environment with an ample margin of safety relative to this chapter.”

Some lawmakers on the panel, as well as a representative of Waste Management, which intends to expand its Turnkey facility in Rochester, indicated they would like more clarity in the language of the bill about how broad its exemption for expanding landfills is.

Henry Veilleux, a lobbyist for Waste Management, said the standard for the 20 feet of undisturbed soil beneath the landfill “would be problematic” and could create issues for the landfill starting in 2028. If the bill was changed so the landfill was allowed to bring in other material to be compliant, “then it would be OK,” he said.

He also raised issues with part of the bill that would strengthen existing references to storm events in permitting requirements to apply to 100-year storms “with a 50% margin of safety,” arguing the department’s current model makes more sense for the region.

Though he raised concerns about these provisions, Veilleux also told the committee members he had just spoken to Potenza, and that the bill did not intend to impact the Turnkey facility.

Shaun Mulholland, Lebanon’s city planner, said he was concerned that parts of the bill would affect the city’s plans to excavate its unlined landfill “that is leaking into the ground” into a lined one. He said Waste Management had identified a number of those concerns, but also added that he felt it would be challenging for the city to find staff for a guard onsite 24/7, considering it already has “great difficulty in this labor market in hiring people just to work in the daytime at the landfill.” He suggested technology like sensors would be more appropriate and effective.

Michael Wimsatt, director of DES' waste management division, defended the department's rules at the hearing. He said [those rules](#) include a site-specific setback requirement, but critics reject that characterization.

Wimsatt pointed to language that says landfills and associated infrastructure "shall be located only in areas where groundwater monitoring for release detection, characterization and remediation can be conducted prior to a release having an adverse impact on groundwater quality at the property line" and before it has "an adverse impact on a water supply." It also requires the landfills are located so that releases "will be detected and assessed, and remediation initiated prior to contamination reaching any perennial water body."

Current regulations also require more general setbacks of 200 feet from certain streams and 500 feet from other water bodies.

Wayne Morrison, president of the North Country Alliance for Balanced Change, a citizen group that has advocated for more protective waste policies, called the provision Wimsatt cited "a motherhood statement."

"We think it lacks the heat behind it," he said.

On DES' argument that its current regulations are site specific, Potenza was blunt: "They aren't."

"That doesn't give anyone any instruction," Potenza said of the provisions, "and to be honest ... it puts the state in a very precarious position, I believe, for lawsuits and everything like that, because it doesn't have anything, literally, specific."

Under the state's regulations, "you can put a landfill anywhere in the state of New Hampshire right now, as long as you bring in some soil," Potenza said. "Doesn't matter what that ... site is, as long as you're 500 feet back." She called the state's rules the weakest in the world; when asked by a lawmaker if that was the case, Wimsatt said, "I don't believe that for a moment."

The conversation on landfill siting underscored the push for a pause on new landfills in the state. And it's not just the direct neighbors of landfills who are affected, Morrison said.

"What I have found is it's in everybody's backyard," he said. "New Hampshire's a small state. If you mess up a water table, it doesn't just affect Dalton, it affects all the surrounding towns."

He said the state has ample landfill capacity to buy it time to carefully consider how it wants to move forward with its solid waste management.

"We have the time, and ... I think we have the obligation to future generations of people in New Hampshire to step back, do the investigations, find best practices, think differently about what we're doing," Morrison said. "We have to live with these decisions for the next 100 years, and we have the time to fix them. Let's try and get it right."

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