

The NCES Landfill Needs To be Closed, Not Expanded

Once again, the tiny Town of Bethlehem finds itself under assault by multi-billion dollar trash company Casella Waste Systems, aided by political forces in Concord. Casella's controversial and problematic NCES Landfill has reached the end of its permitted life, yet another expansion push is under way.

State Senators Avar and Pearl have introduced legislation (SB593 and HB707, amended) intended to circumvent local control in New Hampshire. This is part of a coordinated effort to keep the controversial NCES Landfill open in order for Casella to truck more out-of-state trash into the North Country from its waste-collection routes in Massachusetts and Connecticut.

As if being thrown under the trash truck by New Hampshire politicians isn't bad enough for Bethlehem and the Granite State, the New Hampshire Department of Environmental Services (NHDES) is doing its part to help Casella keep NCES open for business, despite numerous permit violations and widespread site contamination.

In a series of letters from my attorney to NHDES Commissioner Robert Scott, Governor Kelly Ayotte, and Attorney General John Formella, I have requested an investigation into why NHDES is refusing to enforce the terms and conditions of the NCES Stage VI Operating Permit. NCES has exceeded its permitted capacity, exceeds height restrictions, and is releasing PFAS contaminants into the surrounding watershed of the Ammonoosuc River.

The current NCES Stage VI Operating Permit, approved October 9, 2020, specified that NCES would be limited to an annual fill rate of 175,000 tons of waste, with a maximum of 943,000 tons of permitted life capacity, to last through December 31, 2026, at a minimum.

The reported amount of waste landfilled at NCES from January 1, 2021 through September 30, 2025, totaled 1,012,513.19 tons, according to facility reports and HCA payments to the Town of Bethlehem. NCES also exceeded the maximum annual fill rate of 175,000 tons in 2021, 2022, 2023, and 2024. Each constitutes a violation of the facility operating permit, as alleged in communications from my attorney to Commissioner Scott, Governor Ayotte, and Attorney General Formella.

Despite reporting my findings, these and other permit violations continue to remain unaddressed. Those would include leachate releases, leachate mismanagement, reporting violations, and liner system penetrations.

In 2021, Casella was subject to an Administrative Order for placing waste beyond the permitted vertical limits by up to 16 feet. There was no subsequent fine, penalty, nor required relocation of the waste, despite exceeding the design limits of the facility, a violation of the facility operating permit. Recent meeting minutes reveal acknowledgement by NHDES officials that waste has continued to be placed beyond the maximum permitted and legal height of the facility.

Over the weekend of May 1-3, 2021, 154,000 gallons of toxic leachate was unknowingly released from overfilled NCES leachate storage tanks, the largest such release in New Hampshire history, resulting in a letter of deficiency, with no subsequent fine or penalty on record.

On June 14, 2024, a Letter of Deficiency was issued to NCES for 2,182 permit and rule violations, related to leachate mismanagement and reporting failures, with no subsequent fine or penalty on record.

A September 6, 2024 NCES Incident Report revealed that eleven liner penetrations had unknowingly occurred at NCES over a ten-year period, from 2014 until discovery in 2024. No formal action has been taken by NHDES.

Ongoing, widespread site contamination as a result of the failure of the NCES facility to contain PFAS and other harmful contaminants from escaping into the surrounding watershed, and subsequently into the Ammonoosuc River, has not been addressed in any manner by NHDES. My own testing of surface water discharges from the NCES property into the Ammonoosuc River over a three-year period has confirmed the presence of PFAS contaminants, including PFOA, entering the river at several locations. There is no Corrective Action Plan (CAP) whatsoever to mitigate this ongoing environmental issue.

Should NCES remain operational into 2027, which Senator Pearl has revealed is the plan, NHDES will knowingly allow approximately 270,000 tons of non-permitted, additional waste to be landfilled, in exceedance of the NCES operating permit and approved facility design. Valid concerns about structural integrity, stability, and long-term safety as a result of these permit exceedances have been raised, including the potential for landfill instability, liner and piping damage, and excessive leachate generation.

By abdicating its regulatory and enforcement responsibilities, NHDES has placed the health and safety of the citizens of the Town of Bethlehem, downstream communities, and the surrounding environment at risk. Does the rule of law, local

control, and honoring legal agreements matter anymore in New Hampshire? It would appear not, as long as NCES remains open for business, operating with impunity. The NCES Landfill needs to be closed, not rewarded with expansion at the expense of the Town of Bethlehem and New Hampshire.

Jon Swan
Founder, Save Forest Lake
Dalton, NH
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