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Governor signs landfill reform law

By John Koziol Union Leader Correspondent
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John Koziol/Union Leader Correspondent

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Surrounded by lawmakers who helped make it possible, Gov. Kelly Ayotte on Thursday signed into law House Bill 707, which gives communities a say in the siting of landfills.

For several years, Rutland, Vermont-based Casella Waste Systems has sought to build a new landfill in Dalton, about a mile from Forest Lake State Park, saying its landfill in nearby Bethlehem is running out of capacity.

Critics of the Dalton landfill have argued it is not necessary and that much of the solid waste that goes to Bethlehem is from out of state.

Seated at a table on the eastern shore of Forest Lake, Ayotte gave HB 707 her signature and gave some 100 attendees at the signing ceremony, a heartfelt pledge that "There will never be a landfill here at Forest Lake," adding that if there will be one, "It'll be over my dead body."

Ayotte said she was "shocked" to learn that "anyone would think of building a landfill right here," amidst the beauty of the North Country. Earlier, she said she likewise found it "kind of shocking" that there wasn't "a local voice" in the state's landfill-approval process.

Dalton voters in 2019 approved special emergency zoning to address the proposed Casella landfill in their community and extended the zoning for one year in 2021; the zoning failed to win a majority in 2022, however, and expired.

State Sen. Howard Pearl, R-Loudon, who was cited by Ayotte and others for having shepherded HB707 to success in the state Senate, said the law is fair to communities, the state and to would-be landfill developers.

He acknowledged that under the Interstate Commerce Clause of the U.S. Constitution, landfill operators can legally bring in solid waste from out of state. That said, he pointed out that the Legislature in 2025 imposed a \$3.50 per ton surcharge on all solid waste.

New Hampshire municipalities can request quarterly reimbursement of the surcharge payments.

Pearl said HB 707 encourages expanding existing landfills rather than building new ones.

"We tried to put in a fair, balanced process," he said.

Jon Swan, who was recognized as a catalyst behind the Save Forest Lake initiative, concurred with Pearl's public remarks that HB 707 is the continuation of conversations about landfills in New Hampshire, not the end.

Thursday's signing of HB 707, said Swan, "is a culmination of seven years of work but our work is not done."

Swan believes New Hampshire has plenty of existing landfill capacity and he remains concerned that out-of-state waste is driving expansion discussions.

"We're not done," he said. "We have to be vigilant."

Swan very much wants Ayotte to appoint him to the seven-member site evaluation committee created by HB 707.

He questioned whether there was a capacity "crisis" in the Granite State, specifically at Casella's Bethlehem landfill.

Swan said Dalton's adoption of emergency zoning "was huge" in slowing the advance of the Casella landfill there.

Ayotte's signing of HB 707 was also momentous, he said, but when asked if he was going to Disney World to celebrate, Swan replied. "No. We didn't win the Super Bowl but it feels like it."

Whitefield resident Tom Tower of the North Country Alliance for Balanced Change, called HB 707 "one of the most significant landfill-siting reforms in New Hampshire history."

Wayne Morrison, who is also a member of the Alliance, credited Swan for being a "one-man army" whose mission was to engage numerous stakeholders.

"Bravo for all of you who stepped up and made it happen," said Morrison.