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Locals Turn Out To Statehouse To Support “Garbage Juice” Bill

NHDES: Casella Facing Penalties For Leachate Violations

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Tom Tower, a Whitefield resident who serves as the vice-president of the North Country Alliance for Balanced Change, turned out to the New Hampshire statehouse on Tuesday to voice support for legislation that would strengthen the state's landfill leachate management rules.

Measures are already in place to regulate a landfill's "garbage juice," or leachate, but lawmakers and residents say heavier rains and operator mismanagement in the North Country and elsewhere compel stronger rules.

Passing the New Hampshire House of Representatives and now under consideration by the Senate is House Bill 566, which would require all permit applications for new landfills to include detailed plans for managing leachate.

It went to a public hearing on Tuesday before the Senate's Energy and Natural Resources Committee.



"We've heard a lot and read a lot about problems managing leachate in the state of New Hampshire in recent months," said state Rep. Nicholas Germana, D-Keene, SB 566's prime sponsor.

"In the first half of 2024 at the Casella landfill in Bethlehem ... they failed hundreds of times to keep leachate to its required levels and to file mandatory reports, data, and investigations with the state," he said. "On one occasion, the facility failed to manage the leachate system so badly that the measured amount of toxic substance in the liner system was almost 10 times the minimum level allowed by rules. In 2021, 154,000 gallons of leachate overflowed at the Bethlehem facility, in the largest leak in New Hampshire history. Similar problems, though on a smaller scale, have occurred at the Waste Management Turnkey facility in Rochester and also at the municipal landfill in Lebanon."

Weather has become a large factor, said Germana.

"With the increased frequency of major storms over the last few years, you get 50-year storms every three years or so," he said.

"We're seeing major problems with leachate management, more so than we've ever had in the past."

HB 566 is a bipartisan bill with input from Mike Wimsatt, director of the Waste Management Division of the New Hampshire Department of Environmental Services, he said.

The bill would require landfill applicants to provide detailed plans regarding how leachate is managed, collected, and stored on site, as well as how it is treated on site, if applicable.

It would also require details on transportation and disposal to any off-site location, as well as plans in the event of unforeseen circumstances.

The bill also requires facilities to have contracts with at least two treatment facilities, in case one cannot accept leachate at a given time.

HB 566 sponsors met with representatives from the solid waste industry to ensure there would be no undue burdens on operations, Germana said.

The bill, which would provide enhanced enforcement by DES, has nothing to do with the proposed moratoriums on the permitting of new landfills, he said.

State Sen. Kevin Avard, R-Nashua, who chairs the Senate committee, asked how the violations occurred at Casella's landfill in Bethlehem and suggested they might relate to the previous operator.

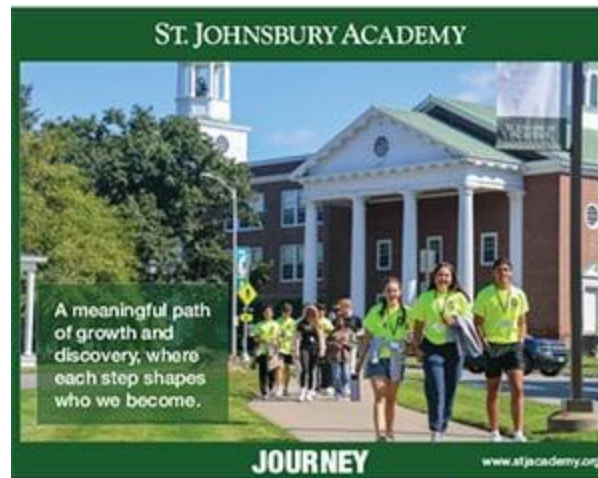
Casella has owned the Bethlehem landfill for three decades.

Heavier rains have been producing leachate at much higher rates, said Germana.

"We get these very heavy rainstorms that drop several inches of rain very quickly," he said. "That challenges the leachate management systems at a number of facilities."

"Over the years, we've talked about solid waste reform bills, but in all honesty, I don't think there's one that's more urgent than this one," Tom Tower, a Whitefield resident who serves as vice-president of the North Country Alliance for Balanced Change, said to the committee.

Odor, mountains of trash, and other impacts pale in comparison to what goes on beneath a landfill, he said.



"Leachate, or garbage juice, if you will, I knew nothing about it four or five years ago," said Tower. "I think the average person knows nothing about leachate. This is really bad stuff. Two years ago, the EPA listed certain PFAS chemicals as toxic in trace amounts. Leachate is riddled with PFAS."

"From the second half of 2021 to the first half of 2023, the landfill in Bethlehem pumped out 2.8 million gallons of leachate per quarter, he said.

"That skyrocketed from the second half of 2023 to the beginning of 2024 to 5.2 million gallons," said Tower. "At the same time ... there was an inordinate amount of leachate that collected in the bottom of the bucket ... DES can also speak to the seriousness of this. By rule, only 12 inches, or a foot of leachate, should happen at any one time. That's the maximum. During this situation, where all of the water had come down in abundance, there was over 10 feet of leachate in this facility."

There is a reason why DES specifies it should only be one foot, he said.

"You can talk technology all you want, but when you look at a landfill liner system, even that infrastructure is not designed to take 10 feet of leachate," said Tower. "DES corresponded with the landfill operator and characterized it as a pretty significant situation. I think that the state is fortunate that it didn't end up in a catastrophic event."

That's why it's important in the future to have contracts that detail storage, transportation, and treatment, said Tower.

Currently, about 50 percent of the trash landfilled in New Hampshire comes from other states, he said.

"For every ton of trash that is landfilled in New Hampshire landfills, it generates almost a one-for-one ton of leachate," said Tower. "That puts an inordinate burden on our wastewater treatment plants ... If we are going to continue to take out-of-state waste, you better ensure that you have contracts in place that avert anything like what happened in Bethlehem. You'd be putting Granite Staters at pretty significant risk."

Untreated PFAS can end up in drinking water supplies, he said, urging the committee to support HB 566.

When asked by Avarad if DES has leachate concerns, Wimsatt, who also gave testimony, said, "Yes, we've been having a number of problems with leachate management at a number of our facilities."

For its alleged violations in Bethlehem, Casella is facing civil penalties and fines.

"We have referred the conditions there to the Department of Justice for enforcement," said Wimsatt. "That's pending ... We have enforcement authority and exercise that authority when we think it is appropriate, and thought it was appropriate in that particular case."

In its third-quarter 2024 10-K report filed with the U.S. Securities and Exchange Commission, Casella told its investors that it received a letter of deficiency from DES regarding leachate management and reporting violations and the company "has entered into preliminary discussions with the New Hampshire Department of Justice concerning an administrative order and associated penalties relative to the deficiencies."

Leachate is created through the decomposition of waste and the interaction of rainfall and precipitation with the waste, which picks up contaminants and travels to the bottom of the liner system.

"The increased frequency and intensity of rainfall poses a real challenge for landfill operators," said Wimsatt.

State Sen. Howard Pearl, R-Loudon, asked Wimsatt if DES needs HB 566 to strengthen regulations or if it has sufficient leachate rules in place.

"We feel we can adequately regulate these facilities under our current rules, but I will say that because leachate has become an increasingly difficult problem at these facilities, having explicit language in the statute always helps us from a regulatory standpoint," said Wimsatt. "It's not uncommon for a regulated party to question our interpretation of a rule or our application of a rule. When it's in the statute, it kind of eliminates a lot of that argumentation that might occur between us and a regulated party."

No representative of the solid waste industry spoke at Tuesday's hearing.