

'We'll start from scratch again': Changes to NH's landfill rules will have to wait till next session

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Geoff Forester / Concord Monitor

Conway public works staffer Tim Shackford gets ready to dump of dirt over the garbage in the city landfill on Wednesday, January 18, 2023.

When lawmakers vote on the state budget Thursday, they won't be making any decisions on landfill management policy, though waste issues remain a top concern for communities across New Hampshire.

Legislators seemed to be moving towards consensus about how to manage the long-running issue of landfill management in the state. But disagreement between the House and Senate sank a proposal that would have included a moratorium on new landfills and the creation of a site evaluation committee, a body that would oversee where landfills could be placed.

Those ideas originated with Gov. Kelly Ayotte's [budget proposal](#). But the momentum generated by her opposition to a landfill proposal in the North Country and mounting pressure to revise the state's policies on trash seems to have hit a wall.

"We will start from scratch again," said Sen. David Rochefort, a Republican from Littleton who has been working on landfill policy for several years.

Rochefort said he was disappointed by the inability of lawmakers to agree on the policy. But, he said, he's optimistic that they will continue their efforts next year.

“The reality is we've never had anything advance this far in the Senate,” he said. “We're just going to go back next year and build on that.”

Gov. Ayotte's office did not respond to a request for comment.

How did we get here?

Policy discussions on trash over the past several years have circled around one proposal in particular – a controversial pitch from Casella Waste Systems to build a landfill [near Forest Lake State Park](#) in Dalton.

Efforts to tighten the rules that dictate how close to water landfills can be located, how much trash they can accept from outside of New Hampshire, and other aspects of state trash management have faced pushback from former [Gov. Chris Sununu](#) and [lawmakers](#), particularly in the state Senate.

In 2023, landfill reforms failed because of concerns about the involvement of Bryan Gould, a lawyer and lobbyist who has worked with Casella Waste Systems, in editing legislative language. Gould has worked for Gov. Ayotte during her campaign and time in office.

State regulators have changed rules around how landfills are designed and managed, updating them on a 10-year cycle. They also denied a permit application from Casella Waste Systems, a decision the company later challenged in court.

But advocates and policymakers still felt the need to pause the development of new dumps – and create a more thorough process for considering where they should go.

“Right now, I see some gaps in how we do landfill siting,” said Rep. Judy Aron, a Sullivan Republican who chairs the House Environment and Agriculture committee.

Aron said House lawmakers take the position that the siting process could be more protective of people's health and the environment. The House approved several landfill provisions to be included in the state budget, including a 3-year moratorium on new landfills and the creation of a committee that would evaluate proposals for solid waste facilities.

The Senate made several changes, including changing the moratorium to one year, giving the state sole authority to approve the expansion of landfills in their communities, exempting some kinds of landfill projects from the committee process, and changing the way members of the public could interact with the committee.

Aron said senators also changed the composition of the committee in a way she understood to favor landfill operators.

"They refused to even discuss it or compromise," Aron said. "So here we are. We have nothing in the current

budget.”

How are communities feeling?

The ultimate removal of all landfill provisions from the state’s budget did not come as a total surprise for Wayne Morrison, president of the grassroots organization North Country Alliance for Balanced Change.

The group has been advocating against Casella’s proposal to site a landfill near Forest Lake over the last six years, citing concerns about potential contamination and harm to the tourism industry, and calling for stronger siting regulations before any new landfills are built.

Morrison said the Senate has been resistant to addressing the issue for years, and once more, no compromise was reached with the House.

“The waste industry is powerful with a lot of lobbyists,” he said. “And I think the public is getting the short end

of the stick.”

Meanwhile, Casella continues to push for a new landfill in Dalton, and the company says it’s “confident” its lawsuit to overturn the state’s permit denial will be successful.

According to Jeff Weld, the company’s vice president of communications, the project is necessary to account for the closing of North Country Environmental Services operations in Bethlehem.

“If additional capacity is not permitted ... residents and businesses throughout the state will likely incur additional disposal costs due to increased transportation charges and decreased competition in the marketplace,” Weld said in an email.

But Morrison and other community members challenge the need for additional landfill capacity in the state.

According to a solid waste report from the Department of Environmental Services published in 2023, about

half of the waste disposed of in New Hampshire comes from out-of-state sources.

“The state of New Hampshire does not have a capacity problem,” Morrison said. If the state stopped taking so much trash from out-of-state, “we have more than enough capacity for all of New Hampshire's trash for literally for decades to come.”

Local opposition to landfills and waste-related siting is also taking place in Claremont.

Residents involved with the group A Better Claremont organized against Acuity Management’s proposal to operate a construction and demolition waste transfer station in town.

Beyond concerns over health and safety, community members were worried that the station would be sited too close to homes and the Maple Avenue Elementary School, explained A Better Claremont member John Tuthill.

“It was immediately evident that this was not going to be good for the community,” Tuthill said.

The state’s environmental services department ultimately denied the company’s permit request, which Acuity is appealing. The Conservation Law Foundation has filed a separate **appeal**, arguing DES’ reasoning, though correct, was too narrow.

If legislators had reached consensus on the moratorium or siting board this session, it could impact the legal battle in Claremont, but Tuthill said he is not disappointed with the outcome of this session.

“I was pleased, actually,” he said. “The House stuck to their position. The House bill was a good bill. The Senate bill, in my opinion, was basically an industry bill.”

The topic is likely to come back next legislative session.

“We will continue to work with scientists, lawyers, House representatives, senators,” Morrison said,