

# Committee advances bills to restrict out-of-state trash



*A loader moves garbage at the landfill in West Lebanon, N.H., on Feb. 16, 2011. Jason Johns*

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Two bills addressing the [import of out-of-state trash](#) are heading to the House of Representatives with a positive recommendation, offering a solution toward alleviating the strain on the state's landfill capacity.

New Hampshire receives nearly half of its trash from neighboring states such as Massachusetts and Connecticut, making it New England's dumping ground. According to a [report](#) from the state's environment department, in 2020, more than 900,000 tons of solid waste were dumped in three commercial landfills.

During Tuesday's executive session, the Environment and Agriculture Committee narrowly backed [House Bill 1145](#), which seeks to prohibit private ownership of landfills, with a narrow 11-9

majority, despite facing a motion against the bill before the final decision.

Under the proposed legislation, the state would maintain ownership of any new landfills, but still allow private waste management companies to operate the solid waste facilities under contracted agreements.

Representative Barbara Comtois from Center Barnstead, one of the bill's opponents, argued that existing statutes already allow the state to open, manage and regulate the waste intake.

“We have municipalities that have their own landfills and do prohibit trash from out of state and can dictate currently what is taken in and then we have Cooperative State places that have that also so there is nothing prohibiting the publicly owned landfills now,” said Comtois. “So if a county or municipality thinks that this is an important issue, they can take this up on their own without legislation.”

By prohibiting private ownership, the bill's principal goal is to get around the Interstate Commerce Clause and give the state authority to regulate the types of waste accepted, thus avoiding potential conflicts.

This could involve targeted restrictions similar to Massachusetts' bans on discarding textiles and mattresses. The broader scope opens the door to an outright ban on out-of-state trash. Regulations in place in Maine and Vermont restrict out-of-state trash from being dumped there.

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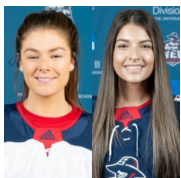
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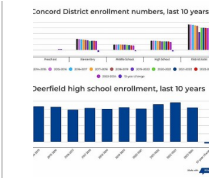
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“The fact of the matter is, we will not need more than one landfill in the state, especially if we get our act together on some of our reduction goals, which I’m skeptical about,” said Rep. Nicholas Germana representing Keene, one of the sponsors of how this bill will change the landfill landscape by limiting out of state trash. “If private companies are allowed to continue to open landfills in the state, it’s not about need. It’s about profit. It’s about being able to continue to take unlimited out-of-state.”

With private ownership, the state can’t even charge different prices for in-state and out-of-state trash when private ownership is involved.

Unlike the bill prohibiting private ownership of landfills, the committee unanimously recommended [House Bill 1632](#) which proposes capping out-of-state trash accepted by landfills at 15%.

The legislation stems from a committee tasked with studying landfills serving unlimited areas; it won’t affect already permitted landfills but would apply to all new landfills, regardless of ownership, if enacted.

This bill also serves as a means to prevent violations of the Interstate Commerce Clause while preserving the environment.

“I suspect that it will likely be the subject of some legal consideration but as I said the recommendation for this legislation came out of that discussion from the AG’s office and I think that it is a worthy effort on our part to limit the out of state waste from coming in,” said Rep. Germana.