

CONCORD MONITOR

Landfill legislation buried in Senate citing concerns from DES



A refuse truck backs up to dump trash at the Nashua landfill. Non-recycled waste, as well as waste generated in the state and waste from neighboring New England states such as Massachusetts, are disposed of in nine enormous landfills spread across the state. These modern-day landfills are engineered with safety in mind. They are lined with low-permeable materials to keep waste from contacting groundwater or soil. GEOFF FORESTER/Monitor staff, file

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Despite the potential to reshape waste management practices in New Hampshire, the state Senate has decided not to pass two landfill bills, citing concerns raised by the Department of Environmental Services.

One of these bills, [House Bill 602](#), proposed a two-step application procedure for siting landfills within the state. According to the bill, the Department of Environmental Services (DES) would conduct an initial evaluation to determine if a site complies with state regulations and standards before advancing to the complete application process.

“DES expressed concerns about the potential impact on existing regulations and the subjectivity involved in certain criteria,” said Sen. Howard Pearl recommending the bill to an interim study. But the bill only lays down minimum protective standards that the state agency would have to articulate and not specific limits.

Over the months of deliberation, DES has opted to stand against or not endorse most of the landfill legislation.

State Rep. Nicholas Germana, a member of the House Environment and Agriculture Committee who has worked on several of these landfill bills this session, finds the state agency’s position a major letdown.

“There was some frustration by those of us that are involved that the department said on one hand, we take no position but then on the other hand, laid out a series of concerns,” said Rep. Germana.

The same was the case of [House Bill 1145](#), designed to prohibit private ownership of landfills. This legislation would empower the state to regulate the kinds of waste accepted, potentially bypassing conflicts with the Interstate Commerce Clause. But it was referred to an interim study by the Senate on Wednesday.

Sen. Kevin Avarad said the state agency had raised concerns over “potential market impact and financial burden of site selection,” among others.

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This bill could have allowed focused limitations similar to Massachusetts' prohibition on disposing of textiles and mattresses or Vermont's ban on landfill disposal of paints and tires. The broader implications might have even extended to an outright prohibition on out-of-state trash.

But, Michael Wimsatt, DES' waste management division director, said that the department was concerned by the bill's assumption that local entities would be prepared to assume responsibility for solid waste management operations.

"It wasn't clear to us that those particularly municipalities would have an interest in doing so or would be in a position to do so. So we had some concerns about it," he said.

New Hampshire receives nearly half of its trash from out-of-state sources, with 900,000 tons deposited in commercial landfills in 2020. This influx has transformed the state into a dumping ground for New England, rapidly filling up available landfill space. However, environmental advocates argue that the state's current landfill capacity could suffice for another decade or even longer if measures are taken to reduce the intake of out-of-state waste.

The Senate also rejected [House Bill 1620](#), which aimed to impose a moratorium on new landfill permits until 2028. Senators cited the DES' worries about the bill's "economic impacts and regulatory complexities"

“This is a reasonable change to our waste management process that will pause the landfill permitting giving the state the opportunity to gather information and make informed decisions before proceeding with the approval of another landfill,” said Sen. Donovan Fenton in support of the bill.

With DES’s stance on these bills, Rep. Germana struggles not to perceive the agency as unduly swayed by the waste industry.

“It’s hard to reach any other conclusion than that they are working more on behalf of the industry than they are on behalf of the environment or public health,” he said.

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