

House Takes On DES

Approves Two-Step Process For New Landfill Approval



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Sergeant-at-Arms JB Cullen, foreground, stands as lawmakers in the House of Representatives prepare for the first session of 2024 on Jan. 3. (Paula Tracy Photo)

As the NH House of Representatives took up the first of about 200 bills that were left over from the 2023 session on January 3, members approved House Bill 602 on a 226-145 vote,

establishing a two-step application process for the siting of new solid waste landfills. It calls for a preliminary assessment of a proposed site to ensure it complies with Department of Environmental Services' criteria before the applicant may proceed with the full application process. The bill is intended to avoid wasting time on improper proposals, saving both the state's and the developer's time and money.

Representative Kelley Potenza (R-Rochester) said the process is similar to that of other states around the country, but Representative Kevin Verville (R-Deerfield) said the legislature should not be adopting new legislation until the DES updates its rules and regulations. Verville complained that all of the bills concerning landfills arose from complaints about a single proposed site in Dalton that has a new application in progress.

Last year, Representative Timothy Egan (D-Sugar Hill) — one of several North Country legislators who opposed the landfill proposed for property near Forest Lake State Park in Dalton — said, “[B]uilding a landfill in a neighborhood isn’t just a North Country problem, it’s going to be everybody’s problem.”

Discussion: Verville is forgetting that executive branch agencies are there to carry out policies established by the legislative branch, not to set policies that the legislature then acts upon. Mike Wimsatt, the director of the DES' Waste Management Bureau, has worked behind the scenes with Casella Waste Management, the company proposing the Dalton landfill, to see that the project moves forward, and he has managed to scuttle many legislative initiatives to address solid waste concerns with claims that “although the DES takes no position on the bill,” there are unresolved questions that need further study. HB 602 was one of them. The Waste Management Bureau also approved an expansion of Casella's landfill in Bethlehem, despite a history of violations and the largest leachate spill in the state's history. The NH Supreme Court recently ruled that the DES acted lawfully in approving the expansion permit. Perhaps lawmakers are beginning to see through Wimsatt's game and will be taking environmental concerns more seriously. Of course, he still may prevail when the bill crosses over to the Senate.