

# CONCORD MONITOR

(<https://www.concordmonitor.com>)

Politics > State-House (/Politics/State-House/)

## NH landfill setback bill killed after ethical concerns

By [SRUTHI GOPALAKRISHNAN \(/byline?byline=By SRUTHI GOPALAKRISHNAN\)](#)

Monitor staff

Published: 6/29/2023 4:35:00 PM

Modified: 6/29/2023 4:31:52 PM

After six months of heated debate over a bill aimed at revising landfill siting regulations, the New Hampshire House of Representatives voted to kill the bill, maintaining the responsibility of strengthening the state's landfill regulations within the purview of the state agency, rather than entrusting it to a private consultant.

At the House session held on Thursday, the bill was rejected by a margin of 238-134, as many legislators expressed concerns about the advancement of the bill through the legislature after revelations of [questionable email exchanges \(https://www.concordmonitor.com/Email-exchanges-between-DES-and-lobbyist--SB-61-51445724\)](https://www.concordmonitor.com/Email-exchanges-between-DES-and-lobbyist--SB-61-51445724) between the Department of Environmental Services and Bryan Gould, the lawyer representing Casella Waste Systems.

The primary objective of the unsuccessful [SB 61 bill](#) was to [update the state's existing rules and regulations \(https://www.concordmonitor.com/SB-61-Hearing-50750442\)](https://www.concordmonitor.com/SB-61-Hearing-50750442) pertaining to the protection of groundwater and surface water from spills of landfill leachate.

Its key provision called for the Department of Environmental Services to revise setback regulations for newly sited landfills by hiring the services of a consultant to conduct a comprehensive study on landfill siting standards.

Additionally, the bill allocated \$200,000 to hire the consultant and imposed a two-year moratorium on permitting new landfills in the state.

Despite undergoing amendments, the bill failed to meet the expectations of environmental advocates who expressed concerns regarding landfill safety. However, the primary reason for many lawmakers to vote against the bill was the involvement of industry groups in the legislative process.

The emails obtained through a right-to-know request brought to light the extent of lobbying and industry influence on the legislative process, even to the point of dictating legislation language.

“This is not Casella's body,” declared Representative Jonah Wheeler, Hillsborough County Democrat, showing support to residents in the North Country weary about the effects the bill will have on the proposed [Casella-operated Dalton landfill \(https://www.concordmonitor.com/Landfills-in-the-North-Country-50047910\)](https://www.concordmonitor.com/Landfills-in-the-North-Country-50047910). “We are the New

Hampshire House of Representatives and we are elected by our constituents and none of us could go to our constituents after passing a bill such as this and say that we protected our environment.”

---

The way industry groups pushed for revisions to the bill behind closed doors had many lawmakers testifying against the bill during the session.

“There are problems with the process and getting us to where we are today. The process is entirely weighted on one side,” said Representative Linda Haskins, Rockingham County Democrat, echoing the concerns of the other Energy and Agriculture Committee members who testified at the session, with the exception of Representative Judy Aron. “With the evidence in hand, we now see why the bill does not reflect the wishes of the people who will be most affected by it. The process was neither fair nor transparent.”

Regardless of the passage of the bill, the solid waste rules will be revised by the state’s environment agency as they are set to expire in July 2024.

Until the rules are revised, any permit application will be evaluated based on the current regulations, which mandate a minimum setback distance of 200 feet between landfills and water bodies.

Following the defeat of the bill, in a joint email statement, Sen. Kevin Avar and Sen. David Watters, the bill’s sponsors, expressed disappointment with the outcome.

Sen. Avar highlighted the consequences of the decision, stating, “As a result, the current statute allowing landfills within 200 feet of bodies of water will remain in effect, and the permission for any landfill in the North Country will be granted without a two-year delay that was initially proposed.”

Meanwhile, Sen. Watters expressed his disappointment with the House’s disregard for the collaborative process and the missed opportunity to reach a fair and responsible solution.

In its ongoing efforts to revise the rules, DES will hold an online public input session on July 11 in advance of the formal rulemaking process to obtain public comments on the proposed amendments to the Solid Waste Rules pertaining to Permits.