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## North Country:Landfill Siting Bills Go To Hearing As Casella Expresses Doubts About Dalton

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State Rep. Matt Simon, R-Littleton, presented one of two landfill siting bills on Tuesday during a public hearing before the House Environment and Agriculture Committee.

Two landfill siting bills went to a hearing on Tuesday, four days after Casella Waste Systems told investors that it's doubtful its proposed commercial landfill in Dalton will be fully permitted and operational by its previously projected date of 2027 and posing the possibility it might not be built at all.

Drawing nearly four hours of testimony before the New Hampshire House of Representatives Environment and Agriculture Committee were House Bill 602, sponsored by state Rep. Matt Simon, R-Littleton, co-sponsored by state Rep. David Rochefort, R-Littleton, and based on a method in Maine, and House Bill 56, co-sponsored by state Rep. Linda Massimilla, D-Littleton.

Privacy - Terms

Both bills seek to protect water quality if contaminants, such as leachate or PFAS, leak from a landfill.

The idea of the legislation is to site landfills on solid soil, like clay and bedrock, and not on overly-porous soil or gravel, where groundwater flows faster.

The bills seek setbacks in the basic form of a 5-year distance of travel (or fewer years if improvements are made to a landfill) based on maximum seepage velocity measured in units of feet per year that determine how fast the groundwater flows between a landfill and a surface water so a problem can be detected and remediated before it reaches a lake, river, or other waterways.

Not all were supportive of the bills, including New Hampshire Department of Environmental Services Assistant Commissioner Mark Sanborn and DES's Waste Management Bureau Director Mike Wimsatt, who proposed that DES instead spend two years updating its siting regulations.

"These two bills are fraught with pitfalls that we think make them unsuitable," said Wimsatt.

Others said the 5-year setback and other setbacks in the bills are arbitrary and not scientific.

Not all agreed, including Rochefort.

"Whether we go with HB 56 or 602 or a combination of the two, there's a better way than what we're doing now," said Rochefort. "Looking at these bills, they use modern accepted techniques, they've been around in other states, we're not inventing the wheel. This is not an anti-business bill. If it was, I'd be the last one to sign on to this. In my opinion, it's a pro-development bill in that it encourages smart development and sustainable development. It's not anti-landfill. We all have to throw stuff away. It's just making sure that the stuff we throw away today doesn't come back hurt us 50 years down the road."

Addressing comments, Simon said his bill is site-specific and is not a one-size-fits-all approach and what Maine has had in place for more than three decades has worked well.

North Country residents in support also made it to the statehouse for the public hearing, among them Dalton resident Adam Finkel, an environmental sciences professor and former OSHA health programs director, who said all landfills eventually leak, and if the bills pass, new landfills could still be sited in 86 percent of New Hampshire, on land that has good clay soil and bedrock, which would be suitable for new landfills.

The state, he said, “doesn’t need to go to the worst possible place to look for land-filling,” and “six out of seven random sites in New Hampshire would be good.”

Addressing bill critics, Finkel said gravity is the same in Maine and New Hampshire and measuring velocity and translating it to time is a concept that is the same in both states.

“Don’t be fooled,” he said. “Both of these bills are science-based.”

Wayne Morrison, of Whitefield, who is president of North Country Alliance for Balanced Change, said DES’s current 200-foot setback for landfills was adopted more than 30 years ago and is outdated and the two bills do not apply to existing landfills or the expansion of existing landfills.

Both bills saw much support online, with 423 people in support of HB 56 and two opposed, and 285 people in support of HB 602 and two opposed.

On the blue sign-up sheet at the hearing, 14 people supported HB 56 and one opposed, and nine people supported HB 602 and one opposed.

The bills are scheduled for a full committee work session on Feb. 28.

### Casella Updates Investors

In their required annual 10-K form for 2022 filed Thursday with the U.S. Securities and Exchange Commission, representatives for Casella spoke of a business growth strategy that focuses on buying other companies and expanding its assets, but they noted financial risks.

“We may be unable to obtain or maintain required permits or to expand existing permitted capacity of our landfills, which could decrease our revenue and increase our costs,” they said.

All facilities, including landfills, are required to obtain permits for operation.

“There is no guarantee that we will be able to obtain the requisite permits and, even if we could, that any permit (and any existing permits we currently hold) will be renewed or modified as needed to fit our business needs,” said Casella representatives. “Localities where we operate generally seek to regulate some or all landfill and transfer station operations, including siting and expansion of operations. The laws and regulations adopted by municipalities in which our landfills and transfer stations are located may limit or prohibit the expansion of a landfill or transfer station, as well as the

amount of solid waste that we can accept at the landfill or transfer station on a daily, quarterly or annual basis, and any effort to acquire or expand landfills and transfer stations, which typically involves a significant amount of time and expense. In addition, state laws applicable to certain of our landfills require that the state determine whether acceptance of waste at the landfill not generated within the state provides a substantial public benefit.”

They noted their proposed landfill in Dalton and their existing North Country Environmental Services landfill in Bethlehem.

“Despite our best efforts, we may not be successful in obtaining new landfill or transfer station sites, including a landfill under development by us in Dalton (Granite State Landfill) or expanding the permitted capacity of any of our current landfills and transfer stations,” said company representatives. “Based on currently available information, we believe that it may not be likely that the Granite State Landfill will be fully permitted, constructed and operational by the end of the fiscal year ending Dec. 31, 2027. Given our current expected run rate and remaining available capacity at our NCES Landfill in Bethlehem ... we may consume all remaining permitted capacity at our NCES Landfill during fiscal year 2027.”

If the company is unable to develop additional disposal and transfer station capacity, its ability to achieve economies of scale from the internalization of its waste stream will be limited, they said.

“Our growth strategy focuses on complementing or expanding our business through the acquisition of companies or assets, or the development of new operations,” said Casella representatives.

“However, we may be unable to complete these transactions and, if executed, these transactions may not improve our business or may pose significant risks and could have a negative effect on our operations.”

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