

https://www.caledonianrecord.com/news/local/local-landfill-control-preserved-after-house-rejects-budget-amendment/article_acced9f0-d715-5ea0-9514-de61a9b9a6f5.html

Local Landfill Control Preserved After House Rejects Budget Amendment

Robert Blechl rblechl@caledonian-record.com Staff Writer

Jun 23, 2025



The Bethlehem Select Board has sent a letter to the governor imploring her to publicly speak out against a budget amendment that seeks to let the state override local control in the siting of major landfills, specifically expansions to existing landfills. Pictured here is the NCES landfill in Bethlehem. (Photo contributed by NHDES)

A New Hampshire Senate amendment that sought to override local control regarding major landfill expansions was removed from the 2026-2027 state budget last week by the House of Representatives.

Area residents, though, are staying vigilant and watching for a return in the form of future legislation or another amendment.

On June 2, state Sen. Howard Pearl, R-Loudon, submitted an amendment to House Bill 2 that would have stripped local control when it comes to the expansion of major landfills like the Casella Waste Systems landfill in Bethlehem that is expected to reach capacity soon and close after 2026 or 2027.



In addition to possibly voiding existing legal agreements — such as the 2012 settlement agreement between the town of Bethlehem and Casella in which Casella agreed to not expand beyond 61 acres and not to buy new land for expansion — it would have established a new Site Evaluation Committee that would have been the sole siting authority, with little to no say by town boards.

The amendment would have left in place local control and existing law for the siting of new landfills, such as Casella's proposed new commercial landfill by Forest Lake State Park in Dalton.

Although some North Country residents were buoyed by the removal of the language seeking to preempt local control, they were dismayed that Gov. Kelly Ayotte's proposed one-year moratorium on the siting of new landfills was also removed from HB2.

"It is deeply disappointing that the governor's strong and forward-thinking proposal to implement a landfill siting moratorium — along with the creation of a new landfill Site Evaluation Committee — did not pass," said Tom Tower, vice-president of the North Country Alliance for Balanced Change.

That group and others oppose a new landfill in Dalton, which they argue is a poor site on poor soil that would cause problems if there were a leak or spill, and oppose an expansion in Bethlehem, where the landfill there has incurred hundreds of violations for leachate management and other issues and has contaminants showing up in monitoring wells.

"We are sincerely grateful to the governor for her leadership and bold vision, as well as to Senator Rochefort and the members of the House Environment and Agriculture Committee, led by chairwoman Aron for their tireless effort to advance this critical legislation," he said. "Once again, the Senate has thwarted much-needed solid waste reform. The Senate amendment led by Senator Pearl would have stripped local communities of their ability to weigh in on landfill expansions and was a step in the wrong direction. The people of Bethlehem have consistently and firmly opposed further landfill expansion, and removing their voice from the process was simply unacceptable. Local control matters, and we remain committed to protecting our communities from poorly-sited landfill projects."

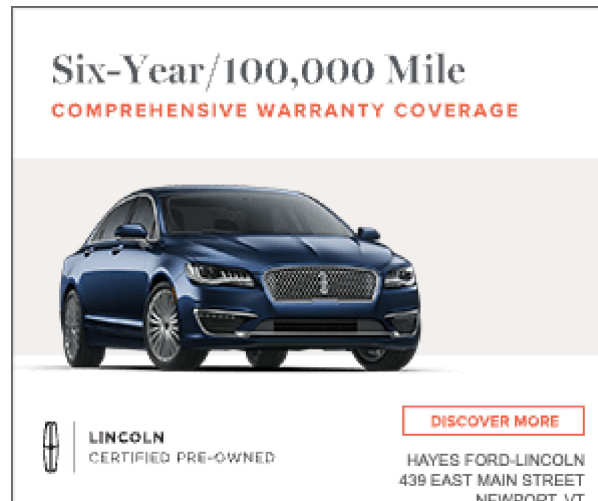
On Monday, state Sen. David Rochefort, R-Littleton, said the Senate amendment would have had statewide impacts and one of his concerns about the version that came out of the Senate revolved around the possible unwinding of existing legal agreements, like that in Bethlehem, and the overturning of a community's voice.

"As the process went along, some people got answers on that, and the answer is it's not clear cut," he said.

The governor was on board with a new Site Evaluation Committee, said Rochefort, who added he's disappointed lawmakers couldn't set aside their differences and make it happen and have something to begin with next session instead of having to start from scratch.

"It's a slow process, but I'm encouraged we got this far and we will go for a Site Evaluation Committee next year and get it to the finish line," he said.

That committee, as the governor and others envision it, would emphasize local control, said Rochefort.



"Traffic, noise, odor, all the stuff local communities are concerned about," he said.

Among those staying vigilant for future bills and budget amendments is Adam Finkel, an environmental scientist from Dalton, who said the Senate amendment was put forth without any public hearings.

"We dodged a bullet," he said. "The 'Gould amendment' was a thinly disguised 15-page litany of special interest giveaways for one company. I've never seen pork barrel quite this porky."

During the June 18 statehouse discussion on the amendment, state Sen. James Gray, R-Rochester, said in the House version “a single municipality can kill any new landfill site in the state” for projects that go beyond the municipality.

Under the House position, “there will never ever be, in my opinion, another landfill site in New Hampshire ... [and] it will be very difficult, if not impossible even, to expand the cells, and so in 2037 you can expect that we’re going to be spending millions and millions and millions of dollars on incineration or sending that trash out of state,” said Gray.

But for decades, the state has not allowed municipalities to outright kill landfills, said Finkel, who cited a 2003 superior court case, North Country Environmental Services v. town of Bethlehem, which concludes that “State law preemption of local regulation of solid waste management facilities must be the norm, not the exception.”

The ruling, though, does put some power in the hands of communities, which can influence the location of a landfill, such as Bethlehem’s sole landfill district, called District V, on the east side of town and Trudeau Road.

“Towns have a limited ability to say where in town, but can’t stop it,” said Finkel.

The 2025 legislative session was mostly a wash for landfill legislation, with most of the nine bills seeking to enhance regulations and siting being retained in committee or killed, among them a proposed 3-year moratorium on the approval of new landfills, a requirement that applicants list all potential and harms benefits, and new site setback rules.

In April, though, in a win for opponents of the Dalton proposal, the New Hampshire Department of Environmental Services denied Casella’s standard permit application. The company has since appealed that decision and sued the state.

The Dalton proposal was not mentioned by company representatives during Casella’s May 2 first-quarter 2025 earnings call for investors.

During the call, Casella president Ned Coletta, speaking about “risk mitigation,” said the company is running at 30 percent excess capacity through its business model, with a vast majority at its landfills in New York State, as well as capacity at a landfill in Pennsylvania.

“We have opportunities, of course, to drive more volume to our Hakes C&D landfill in New York, more volume to our Hyland landfill in Ontario in New York as well,” he said. “If we see further market constraints, those sites are ready to ramp further. The McKean [landfill in Pennsylvania], if you bring that into equation, there’s even more capacity, 1.5 million tons a year that’s virtually untapped ... And as we’ve talked about over the last number of quarters, McKean is mainly a defensive strategy for us as we look to the Northeast ... It’s not like we’re putting our foot to the floor and trying to ramp up McKean. It’s a 10-year, 20-year strategy for us from a risk mitigation standpoint.”