

ENVIRONMENT & SCIENCE

Moratorium on Landfill Permits Would Give State Time to Catch Up

By GARRY RAYNO, InDepthNH.org 4 hours ago



Screenshot of Rep. David Rochefort, R-Littleton, speaking in favor of House Bill 1620, which would place a moratorium on new landfill permits until 2031. The bill had a public hearing Tuesday before the House Environment and Agriculture Committee.

By GARRY RAYNO, InDepthNH.org

CONCORD — The time is right to pause any new landfill permits, a House committee was told Tuesday as the state grapples with new rules, a new 10-year solid waste plan and outdated laws and regulations that have turned New Hampshire into a dumping ground for surrounding states.

The House Environment and Agriculture Committee held public hearings on three bills that either changed or clarified landfill siting and regulations and one that would institute a moratorium on new landfill permits until 2031.

The moratorium, or House Bill 1630, grew out of a solid waste study committee that met last year and from a Department of Environmental Services report that said the state's landfills have ample capacity to continue taking trash until 2034.

“There is not any intention here to eliminate landfills entirely, they are a necessary evil we have to deal with,” said the prime sponsor of the bill, Rep. David Rochefort, R-Littleton. “We have plenty of capacity for landfills ... there is no gun to our head, we have the luxury of time to discuss this and consider this.”

He said the moratorium would allow the state to explore advanced recycling, composting, incineration, and greater utilization of recycled products to decrease the waste going into landfills.

“It’s really a pause to find the most elegant solution to this issue with so many moving parts,” Rochefort said. “We do have the capacity here in New Hampshire.”

The bill would not stop the department from accepting applications or investigating the applications, and as a number of people noted, the department is writing new landfill rules to replace the current ones that expire in July.

Wayne Morrison, president of the North Country Alliance for Balanced Change, said his organization is concerned about reforming regulations around landfill siting and protecting water around the state.

“We need the pause because the solid waste lights have been flashing in New Hampshire for some time,” he said, “some have been flashing yellow, some have been flashing red and now is the time for the Legislature to pay attention and act on them.”

He noted the state went 19 years without updating its solid waste plan, while Massachusetts, Maine and Vermont were, and closed their landfills making New Hampshire an attractive place to dump their trash “and that should concern us.”

New Hampshire’s landfill laws and regulations are behind the times and the surrounding states, he said, noting the state ought to be in the diversion business, not landfilling.

“The last thing we need is another landfill when we don’t need the capacity,” Morrison said, “and not to solve someone else’s problem.”

He said private operators are dictating the state’s solid waste policies and if the state is not careful, 60 percent of the trash could be coming from out-of-state.

“Now is the time to pause and focus and seek policy solutions,” Morrison said, “so by the time we need another landfill, by God we get it right.”

Department of Environmental Services officials objected to all three bills.

Sarah Yuhas Kim, assistant director of the Waste Management Division, said the department opposes the bill because the suspension of new permits would impact the stability of the solid waste market, and have an adverse economic impact on communities and businesses.

While the report may say the landfill capacity is good through 2034, she said, there are other considerations such as location within the state and the amount of out-of-state waste the facilities are seeing.

The potential need for more capacity is much sooner, 2026 or 2027, she said, and the existing landfills may not be positioned to expand and take additional solid waste for the state to reach 2034.

Committee member Rep. Molly Howard, D-Hancock, asked Kim why all the reasons she gave for opposing the bill were economic and not about public health or protecting the environment.

Kim said her agency is also concerned about protecting the environment and public health, but also that there is enough landfill capacity to meet its obligation.

She said her agency is also concerned that landfills be affordable to communities. “We have no authority over out-of-state waste,” she said.

Rep. Kelley Potenza, R-Rochester, tried to question Kim several times about New Hampshire’s priority over out-of-state waste in New Hampshire landfills, before finally asking Kim “Do they truly have an obligation to guarantee capacity for New Hampshire,” and Kim said “Yes.”

The bill was also opposed by the Business and Industry Association’s Kirsten Koch, vice president of public policy, who said the bill is unnecessary and arbitrary.

She said the bill would allow the DES to hold applications until there is a shortfall in capacity and its members would have to send their waste out-of-state which will be more expensive and add to their carbon footprint.

She said receiving approval for a landfill would take six to 10 years which could affect capacity.

“You should kill this bill,” Koch said. “If it is passed, it would do damage to New Hampshire’s business climate, the state’s future economic development and have unintended environmental impacts as disposal capacity is scarce.”

Committee chair Rep. Judy Aron, R-South Acworth, asked Koch if the moratorium were shortened to 2028 would the bill be acceptable, and Koch said it would be an improvement but not necessarily acceptable.

Several members wanted to know how the BIA determines its position, if she read the agency’s report or how it was determined a landfill application would take 10 years to complete.

The committee meets Wednesday at 3:30 p.m. to work on the bill. The bill had 341 supporters and 7 opposed.

Public Benefit

House Bill 1170 originally would require DES to include public benefit, and a community impact assessment in deciding all permit applications, but sponsors introduced amendments to limit the requirement to landfills.

The bill’s prime sponsor, Rep. Wendy Thomas, D-Merrimack, said the bill grew out of concerns at the air permit for Saint-Gobain in Merrimack, when DES officials said their only permit concern was if it meets their rules and regulations, that they did not need to consider people or the environment.

The bill lists considerations the agency must take in making a decision, such as public health, property value, tourism, outdoor recreation and wildlife, as well as noise, odor, traffic ground and surface water pollution, greenhouse gases and other pollution.

Another amendment addresses a state Supreme Court decision that said the DES has a good deal of flexibility in determining the need for a project.

The amendment would allow a permit to be approved but operations of a landfill would not be allowed until there is a need for it.

Rep. Sherry Dutzy, D-Nashua, favored the slimmed down bill, noting she attended the public hearing on the proposed asphalt plant in a residential area of Nashua.

She said the people at that hearing were told the only issue was meeting requirements and there would be no consideration on the plant’s impact on residents’ quality of life, noting the plant was going to operate from six in the morning to five at night, six or seven days a week, in an area where people live and children walk to school with diesel trucks coming and going.

“I find that unconscionable,” Dutzy said.

Kim said the DES opposes the original bill but had not seen the two amendments and did not want to offer an opinion.

Seventeen people supported the bill and two opposed it.

Brownfields

Rep. Linda Massimilla, D-Littleton, proposed that anyone seeking to site a new landfill would first have to consider using one of the state’s brownfield sites.

She said her proposal would minimize damage to wetlands and pristine environments by using the sites that already have been contaminated.

There is also federal money available for rehabilitating and using the sites, Massimilla told the committee.

Her proposal was backed by Tom Tower of Whitefield, who is the vice president of the North Country Alliance for Balanced Change.

He said the brownfield sites should be considered for landfills, noting the chemicals are already in the ground, unlike a greenfield site that has no contamination.

He said the brownfield sites are considered almost dead for any other use, while using them for a landfill would give them some value.

“This bill may not be perfect, but it should be considered,” Tower said. “A greenfield site going to a landfill is just plain wrong.”

Kim told the committee the state has 313 brownfield sites, but none would be appropriate for a landfill.

A landfill usually needs 100 acres or more and only a handful of the sites are that large, and only one is 1,000 acres, she said.

All of the sites would not fit the needs of a landfill or meet the requirements such as water setbacks and proximity to residential dwellings.

The bill had 24 supporters and two opposed.

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