

New legislation aims to protect groundwater

By: [Amanda Gokee](#) - October 26, 2021 1:47 pm



The nonprofit Conservation Law Foundation is suing Casella Waste Management over allegations that leachate from the company's Bethlehem landfill contaminated the Ammonoosuc River. (Amanda Gokee | New Hampshire Bulletin)

A proposal to site New England's first new landfill in over a decade in New Hampshire has sparked outrage and some local support – and also legislation.

On the heels of a [failed attempt](#) to create a 2-mile buffer between landfills and state parks, a new proposal instead puts the focus on groundwater and how quickly it could come in contact with nearby bodies of water, possibly polluting it.

Leachate, or the "garbage juice" that comes from landfills, can be highly toxic. The nonprofit Conservation Law Foundation is already suing Casella Waste Management over allegations that leachate from the company's Bethlehem landfill contaminated the Ammonoosuc River.

The proposed bill determines that landfills need to be far enough from any bodies of water so that it would take five years for groundwater that may be carrying pollutants to reach a nearby lake or stream.

The new legislation is a response to some of the main concerns that were raised in 2021 by opponents of House Bill 177, according to the bill's prime sponsor, Rep. Edith Tucker, a Randolph Democrat. The goal of this new legislation is to prevent pollution from contaminating bodies of water.

Instead of a one-size-fits-all buffer zone, the new bill would use groundwater testing to determine an appropriate distance based on the specifics of the site. Groundwater testing can be used to determine how fast groundwater is moving.

The bill would establish a buffer zone that's large enough for it to take groundwater five years to travel from the landfill to the body of water – with the hope that this would be enough time to detect leakage and stop it from polluting New Hampshire's waterways. The 5-year time frame comes from the U.S. Environmental Protection Agency's guidance to municipalities on an appropriate distance to maintain between industrial facilities and drinking water wells. The guidance comes from the EPA's Wellhead Protection Program.

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