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FEATURED

North Country Reps Sponsor Landfill Siting, Solid Waste-Related Legislation

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Rep. Linda Massimilla checks in before casting her ballot in Littleton, N.H., on Tuesday, Nov. 8, 2022. (Photo by Paul Hayes)

The 2023 legislative session that began on Wednesday will see several bills related to landfills and solid waste management, some sponsored by local lawmakers.

One piece of legislation is modeled on a bill introduced last year that failed in a veto override vote.

House Bill 1454, a site-specific bill, sought to use time and units of feet per year to measure a proscribed distance between any new landfill and a perennial river, lake, tributary, or other surface waters based on how fast the groundwater flows between them.

The intent was to have a sufficient amount of time to mitigate contaminated groundwater from a landfill leak or spill before it reaches surface water.

Under the bill, if the groundwater flowed above a certain speed, such as where it can move fast in sand or gravel (as opposed to clay), the proposed landfill site would have been prohibited.

This year, a new bill relative to landfill siting is being sponsored by two-term state Rep. Matt Simon, R-Littleton, and co-sponsored freshman state Rep. David Rochefort, R-Littleton, and state Rep. Rosemarie Rung, D-Merrimack.

“It’s taking a slightly different approach to 1454 and is modeled after the laws that they have in the state of Maine,” said Simon.

Last year, Simon was called on by his House colleagues to speak on behalf of 1454 from the House floor for the veto override.

“After that, people thought it might be beneficial to bring it in earlier as part of the conversation,” he said.

One of the things Simon said he heard when 1454 was being deliberated was that New Hampshire should approach landfill siting relative to groundwater the way Maine approaches it.

“My legislation, as far as setbacks, containment and things like that are concerned models much more closely at what Maine is doing at present,” he said. “It seems to have worked fairly well for them. It’s the same as 1454, in that it has to do with the rate at which groundwater travels, but some of the setbacks and restrictions are a little bit different than what 1454 was.”

As the language to his bill is being drafted, Simon said he doesn’t think it will be more restrictive overall than 1454, but it does take certain types of soil compositions either more seriously or less when comparing it to 1454.

“Ours is more restrictive when it comes to sandpits, because you might as well just open up the floodgates because the travel time is super-fast,” he said.

The goal of the legislation is to protect the groundwater and protect people's drinking water.

"We're primarily concerned with drinking water," said Simon. "Secondarily, we're obviously concerned because our economy is based off of tourism, fishing and things of that nature, and we want to protect our natural resources. It's tougher to get people to come up and fish in your lakes and streams if they're contaminated. That is what we're concerned about. We're not trying to stop landfill siting in the state of New Hampshire. That's not the goal of it. The goal is to make sure the sites we're choosing are solid as far as soil composition so that if there is a problem, if there is a leak, it's not getting into groundwater and people's drinking water before we have time to recognize the problem and find a solution and mitigate it."

To increase their odds, other state representatives, including state Rep. Linda Massimilla, D-Littleton, have signed on to House Bill 56, a similar site-specific bill that seeks to establish a formula for determining the distance for which a new landfill can be located from a perennial river, lake, or coastal water.

The text of that bill states that protection from contamination is in the public interest of New Hampshire and a setback, therefore, is needed from a proposed landfill to such a water body to prevent groundwater contamination by a leak, spill, or other failures before remedial action can begin.

HB 56 seeks to use a five-year distance of travel or setback, calculated by multiplying maximum seepage velocity, in units of feet per year, by five years.

Bill sponsors say that the amount of time should be sufficient to detect and map a failure, assess what needs to be done, and implement the remedy.

Additional control technology, monitoring programs or funding guarantees, however, could reduce that five-year time, though no qualifying project shall receive more than three additional years added to its travel time.

The issue of landfill siting has grabbed the attention of lawmakers across the state.

In the New Hampshire Senate, state Sen. Donovan Fenton, D-Keene, is sponsoring a bill relative to permits for the siting of new landfills. (The text of that bill was unavailable Wednesday).

State Sen. David Watters, D-Dover, is sponsoring a bill relative to the assessment of solid waste facility setback requirements and making an appropriation.

Beyond landfill siting, a House bill seeks to enable New Hampshire municipalities to regulate the distribution and disposal of certain solid waste within landfills. (The text of that bill was also unavailable).

Massimilla and state Rep. Troy Merner, R-Lancaster, are co-sponsors of a bill that would prohibit the disposal of certain food waste.

“If we can work to decrease that then our landfills won’t get clogged up and we won’t have to worry about them needing to be expanded in the near future,” Massimilla said Wednesday.

According to the U.S. Environmental Protection Agency, food is disposed of in landfills more than any other single material in everyday waste, making up 24 percent of municipal solid waste.

“If there’s some way we can address it, why not?” said Massimilla.

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