

CONCORD MONITOR

(<https://www.concordmonitor.com>)

News > State (/News/State/)

Sides disagree over bill adding landfill siting regulations

By [SRUTHI GOPALAKRISHNAN \(/byline?byline=By SRUTHI GOPALAKRISHNAN\)](#)

Monitor staff

Published: 4/25/2023 7:54:08 PM

Environmentalists and the New Hampshire Department of Environmental Services are at odds over a proposed bill aimed at improving landfill safety regulations.

While environmentalists are in favor of the bill, they are pushing for changes to be made before lending their full support. Officials with NHDES, however, warn that any changes to the bill could jeopardize its chances of being passed before the end of the legislative session.

“I have every confidence and expectation that it would make it through and be signed into law,” declared Mark Sanborn, assistant commissioner of NHDES in support of Senate Bill 61 during the House hearing on Tuesday. “Any changes to it, I fear would derail that and we’d end up with another session with no direction forward.”

The bill directs NHDES to review and revise rules governing the setbacks of newly sighted landfills from water bodies to impose site-specific requirements to prevent groundwater contamination. In addition, the bill would allocate funds to the NHDES to hire an external consultant to conduct a study on landfill siting standards.

Environmental advocates and legislative members in favor of passing the bill have concerns over some aspects of the proposed legislation that need to be addressed to ensure its effectiveness. They believe that further amendments are required to make the bill more comprehensive and robust in its approach to protecting the environment.

If the bill passes, NHDES will have 24 months from the effective date of the bill to establish new setback regulations. During this time, landfill permit applications will be placed on hold until the new guidelines are in place. If, for any reason, NHDES fails to establish new rules within the given time frame, the current setback rules of 200 feet from water bodies will apply to permit applications.

State Representative Kelley Potenza criticized the provision in the bill that allows NHDES to revert to the existing setback rules in the event that the 24-month deadline is not met.

“I just feel as if we’re saying it has to be done in 24 months; I don’t understand why we can’t remove that,” said Potenza, a Strafford Republican. “We shouldn’t have a what if.”

At the hearing, NHDES officials said certain stakeholders may oppose the removal of the clause that enables the agency to revert to the existing 200-foot setback regulation.

When asked by members of the legislative committee who the stakeholders were, Sanborn said one of them was the governor.

“I was nominated by the governor, so, he is my boss,” said Sanborn. “Of course, he’s one of my stakeholders.”

In addition to the governor, Sanborn said other stakeholders include the legislature, executive council, residents, businesses within the state, and the communities that the department regulates.

During the hearing, Nora Bosworth, a staff attorney for the Conservation Law Foundation's Zero Waste Project, put forth three proposed amendments to the landfill bill.

One of the amendments sought to maintain the minimum 200-foot setback requirement, regardless of any potential rule changes that NHDES may propose that would reduce the distance between landfills and water bodies.

Another proposed amendment aimed to address a concern shared by many environmental advocates regarding the potential for conflicts of interest to arise with the hiring of a contractor.

Bosworth suggested that the legislation should contain a clause stating that the chosen contractor must possess the necessary qualifications and independence, including expertise in hydrogeology, demonstrated capability in determining suitable landfill setback requirements, and substantial experience in environmental and health risk assessment.

The third amendment was to require that the moratorium on new landfill permits remain in place until new and improved laws are enacted, even if the process goes longer than the existing 24-month period.

“The abeyance does not work for everyone despite what we've heard,” said Bosworth. “It does not work for residents who live near landfills, or future landfills.”