

## **BUSINESS & ECONOMY**

# **Siting New Landfills Near Waterbodies Debated, DES Wants More Study**

By PAULA TRACY, InDepthNH.org 12 hours ago



House Environment and Agriculture Committee is pictured meeting Tuesday.

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CONCORD – Bills to limit the construction of new landfills away from water bodies were opposed by the state Department of Environmental Services, which instead favors further study, which is included in several Senate bills.

There are at least four bills being considered including two heard yesterday before the House Environment and Agriculture Committee.

“The elephant in the room” is the state taking out-of-state waste, said Tom Tower, vice president of the North Country Alliance for Balanced Change, which supports House Bill 602 and House Bill 56 which would limit in law new landfill construction based on ground and soil conditions requiring at least five years for leachate to escape from the liners and enter a nearby water body.

House Bill 602 would replicate Maine’s laws, largely the same standards as in HB 56.

The bills state they would create adequate setbacks to prevent groundwater contamination.

The current rules hold a minimum 200-foot setback required from siting landfills near water bodies.

Mike Wimsatt, director of the DES waste management division, said such a definition in the bills might be hard to establish and no new sites may be found in the state if enacted.

But others who testified before the House Environment and Agriculture Committee,

particularly those who live near Forest Lake State Park in Dalton where there have been proposals for a landfill, said the bill is reasonable and better than the current situation which they feel is unacceptable.

Statutes are laws that are made by lawmakers while rules are set out by departments but cannot exceed statute and can include various points of view.

In this case, the DES has rules to weigh the public's concerns related to the environment with those of businesses and the public's need for landfills but not a law limiting it as the bills if enacted would do.

Assistant DES Commissioner Mark Sanborn said the department supports Senate Bills 61 and Senate Bill 227, which if amended to be combined, would allow for a private consultant to study the issues, including what other states around New England have for landfill siting requirements.

He said it would take about two years and require additional money the department does not currently have.

Currently, there are no new applications for new landfills in the state or ones in the process. A moratorium on new landfills is neither supported nor opposed by the department, Sanborn told the committee.

He said the department would like the tools, timeframe and data to make individual assessments rather than limits in statute, as proposed by both HB 56 and House Bill 602.

A bill similar to HB 56 was vetoed last year by Republican Gov. Chris Sununu. This bill would be different and limited to any new landfill construction said the sponsor, Rep. Megan Murray, D-Amherst.

Henry Veilleux spoke on behalf of his client, Waste Management, which has a permit to operate the Turnkey landfill in Rochester through 2034. He said last year's bill was ambiguous about expansion and whether it related to existing landfills, which they opposed.

Veilleux said there is an amendment now in HB 56 to exempt existing facilities "and we feel this clarifies it a lot better and feel more comfortable with the language."

DES's Wimsatt was asked if the current landfill limits are adequate.

He said he would be interested to hear what a consultant has to say about those setback distances and that is why they support bills in the Senate on that subject.

The department, Sanborn said, does not have the staff and time to do such a study on its own but now is a good time to look at the issue. The results might end in suggested legislation or not and may remain in DES rules rather than statutes.

Sebastian Fuentes, a resident of the North Country said he was aware of the proposed Casella Waste Project near Forest Lake in Dalton.

"I am really concerned," he said. "How can we think about placing another landfill – because we already have one in Bethlehem – in the White Mountains?"

Nikki Delude Roy, a geologist, who has worked with NH DES solid waste for about 25 years, urged the committee to not support the bill saying it is more complicated than the bill requires.

She said the bill uses arbitrary numbers.

“What you need is a robust monitoring standard,” she said.

“These investigations are quite thorough,” she said.

One of the biggest challenges to the bill is the seepage allowances which are hard to do in New Hampshire where the geology is complicated.

Flow underground does not always follow logical thinking.

She said the bill is far more conservative than is likely necessary, meaning that landfills could be cited closer than a five-year seepage.

She also opposed HB 602 saying that terms defined in the Maine rules are not necessarily in state statute and that Maine is geologically not New Hampshire.

She said the bill is “ambiguous” and “impracticable” and that it is better to rely on the DES to determine what the limits should be.

Eric Steinhauser, a Concord engineer and landfill designer whose business has served as a consultant for DES, said HB 56 would not necessarily protect water.

Time of travel requirements eliminate good science and engineering, he said.

The bill, Steinhauser said, is an excessive method compared to existing limits and could lead to more litigation and a lot more work for the DES.

He said the bill might make new landfills impractical to build here.

Erica Perez, read the testimony of Alexa Newton of Littleton who studied Casella’s proposal in Dalton for her school capstone project and said her family has a centuries-old camp on Forest Lake.

She said future generations should be taken into account.

Nancy Morrison read a statement from Haley Jones of the group known as Slingshot, as its New Hampshire state director. It supports HB 56 for its positive public health ramifications.

All landfills leak, Jones said, but move faster on porous soils carrying lead, arsenic and forever chemicals like PFAS which is associated with many health problems including cancer.

Using the five-year setback for leachate would be reasonable.

Wayne Morrison, president of North Country Alliance for Balanced Change, also spoke to support HB 56. He said the bill is about prevention and detection for new landfills only and that the current setback is arbitrary, dangerous, and not site-specific like the bill would allow for.

“We don’t need additional studies and commissions,” he said, referring to DES’s position.

Morrison noted that current state standards were set before PFAS was known as a danger in landfills.

There are currently no new requests for landfills and adequate capacity in existing landfills, he noted.

The next new landfill will have a generational impact, he said, and the state needs to ensure that it is done right.

He said the bill would immediately make New Hampshire safer and the DES can go ahead with more studies in the meantime.

There were 423 people who signed in online in favor of the bill with 2 in opposition to HB 56 and present at the hearing 14 in favor and one opposed.

Wimsatt and Sanborn for the DES said HB 602 not only sets a five-year migration standard but one for “sensitive receptors.”

He said that combined with other lack of definitions, it might be that no land in New Hampshire is suitable for a new landfill under HB 602.

“Words really matter here,” he said.

While Sanborn said the department wants direction as well, “we feel we need more information, more data.”

Murray said the committee has a charge to deal with air and water pollution and “we do have an obligation to get it right.”

HB 602 [https://www.gencourt.state.nh.us/bill\\_status/billinfo.aspx?id=730&inflect=2](https://www.gencourt.state.nh.us/bill_status/billinfo.aspx?id=730&inflect=2)  
([https://www.gencourt.state.nh.us/bill\\_status/billinfo.aspx?id=730&inflect=2](https://www.gencourt.state.nh.us/bill_status/billinfo.aspx?id=730&inflect=2))

HB 56 [https://www.gencourt.state.nh.us/bill\\_status/billinfo.aspx?id=160&inflect=2](https://www.gencourt.state.nh.us/bill_status/billinfo.aspx?id=160&inflect=2)  
([https://www.gencourt.state.nh.us/bill\\_status/billinfo.aspx?id=160&inflect=2](https://www.gencourt.state.nh.us/bill_status/billinfo.aspx?id=160&inflect=2))

Also in the Senate

SB 61 [https://www.gencourt.state.nh.us/bill\\_status/billinfo.aspx?id=936&inflect=2](https://www.gencourt.state.nh.us/bill_status/billinfo.aspx?id=936&inflect=2)  
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SB 227 [https://www.gencourt.state.nh.us/bill\\_status/billinfo.aspx?id=975&inflect=2](https://www.gencourt.state.nh.us/bill_status/billinfo.aspx?id=975&inflect=2)  
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