

Codifying Environmental Protection Bill Would Put Into Law Measures To Prevent Leachate Contamination



T.P. CALDWELL

JAN 30, 2025



Share ...

Also on today's menu:

All Believed Dead In Air Crash Over The Potomac

Backlash Over 'Illegal' Missive To Federal Employees



Jon Swan of Dalton, founder of Save Forest Lake, speaks at a legislative hearing on Jan. 28. (Claire Sullivan/New Hampshire Bulletin)

During a legislative hearing on the bipartisan House Bill 566, designed to put into law existing rules regulating leachate disposal, lead sponsor Nicholas Germana (D-Keene) said he planned to introduce several changes that would strengthen the bill by extending the provisions to applications for the expansion of existing landfills. After conversations with officials at the Department of Environmental Services and Waste Management, operator of the Turnkey landfill in Rochester, he said he would remove a requirement that applicants demonstrate that they have long-term contracts running 20 or 30 years into the future, as long as they

demonstrate a plan for meeting the bill's requirements. Those include estimating how much leachate they will generate, how that leachate will be handled, and what procedures are in place to keep leachate levels within a foot of the level that might lead to pollution from a 100-year storm event.

Michael Wimsatt, director of DES' solid waste management bureau, voiced support for the bill without taking an official position on it, saying, "[I]n our experience with respect to doing compliance assurance and enforcement, having provisions directly in statute is powerful.... it's nice to have that clear, explicit authority in the statute."

The bureau has been criticized about its enforcement of rules around leachate, especially as they apply to Casella Waste Systems' Bethlehem landfill, which has experienced several leachate leaks and failed to file mandatory reports. The company now is proposing a new landfill near Forest Lake State Park in Dalton. Wimsatt conceded, without naming the facility, that it had "significant violations" around leachate, but said he was limited in his ability to speak further on the topic. Wimsatt has refused to disclose information about a site visit by the Department of Justice and the DES that occurred last September, responding to a public records request from the *New Hampshire Bulletin* that the DES "cannot comment on the purpose of this meeting and has no responsive documents".

Wimsatt told lawmakers at the January 28 hearing that applicants may request a waiver of specific rules and, if certain criteria are met, the department may approve that request, but that such waivers are granted sparingly.

Discussion: The DES makes it very difficult to obtain public information, responding to a request we had made for documents filed on a particular project, "Our Solid Waste Bureau has asked that you clarify what the term 'filed' refers to. Are you looking for applications submitted to the agency, emails received about the project, etc. If you would like New Hampshire

Department of Environmental Services to proceed with your Public Records Request, please provide clarification within 10 business days. *Otherwise, NHDES will consider your request withdrawn and no further action will be taken.*” (Italics mine)