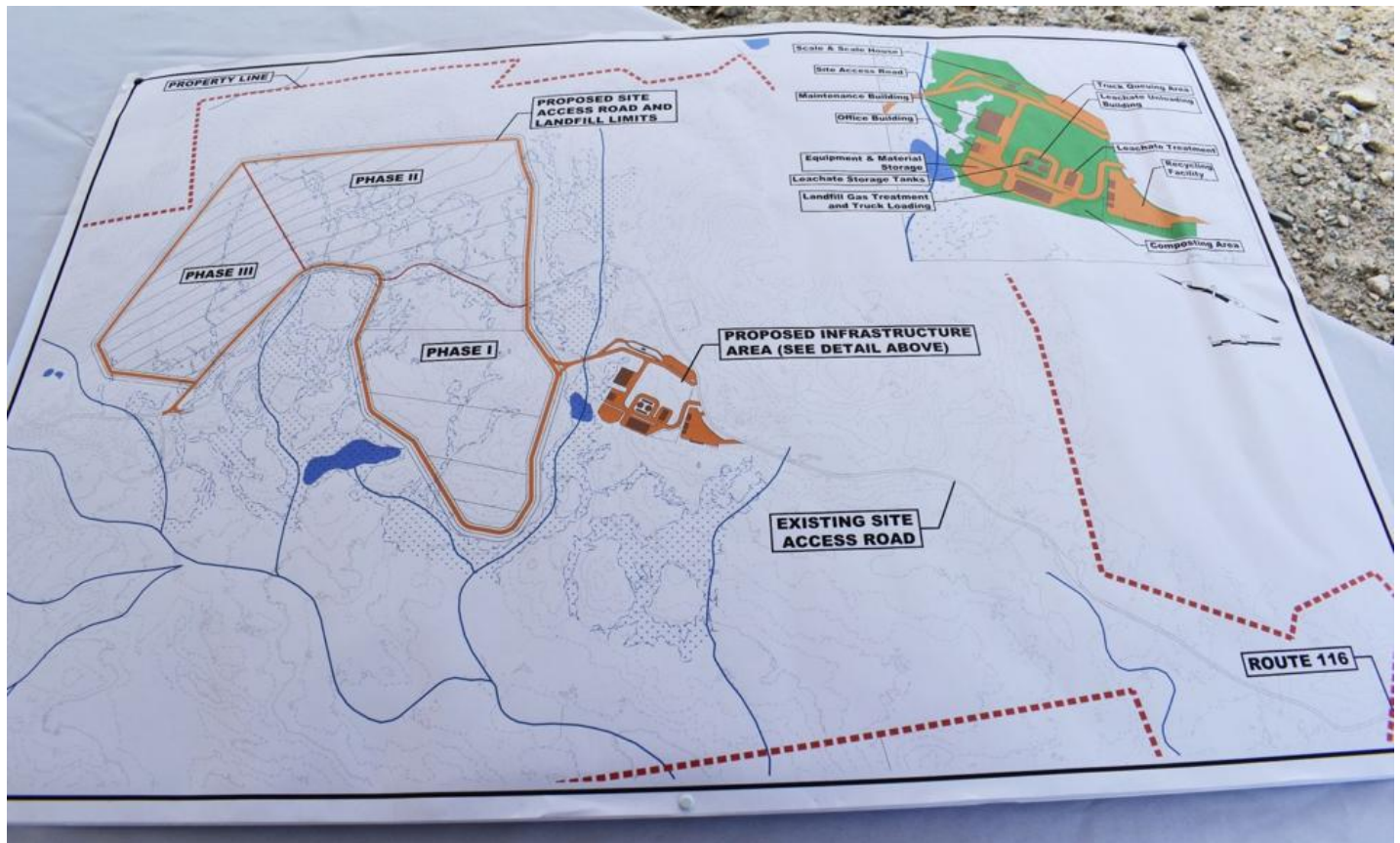


[https://www.unionleader.com/news/politics/state/advocates-seek-new-landfill-setback-standard/article\\_9ebd6e34-0cb4-5c86-bf74-d401d2bbea48.html](https://www.unionleader.com/news/politics/state/advocates-seek-new-landfill-setback-standard/article_9ebd6e34-0cb4-5c86-bf74-d401d2bbea48.html)

## Advocates seek new landfill setback standard

By Kevin Landrigan New Hampshire Union Leader  
Apr 5, 2022



Environmental activists and a group of legislators asked a Senate committee Tuesday to endorse a tougher standard to site new landfills in New Hampshire. Critics say it's singularly focused to block a proposed landfill in Dalton near Forest Lake. Here's a drawing of the proposed Granite State Landfill in Dalton. Casella Waste Systems withdrew a state wetlands permit for the project, but is expected to resubmit its request later this year.

CONCORD — Environmental activists and a bipartisan group of legislators on Tuesday lobbied for a bill to create a tougher standard for new landfills in New Hampshire.

The House-passed proposal would require an independent hydrogeologist to certify that it would take at least five years for any contamination from a new landfill site to flow into a nearby body of water.

Since 1991, the state Department of Environmental Services has required a minimum setback of 200 feet between a landfill and a surface water source.

Adam Finkel, a former administrator with the Occupational Safety and Health Administration who retired to Dalton, assisted lawmakers in crafting the bill (**HB 1454**).

“This bill is pro-landfill; it helps applicants find acceptable sites,” Finkel told the Senate Energy and Natural Resources Committee.

Supporters responded with this proposal after the state Senate last year killed legislation to prevent a landfill from being placed within two miles of a state park.

“It is inappropriate and dangerous to build a landfill where the waste can seep into groundwater,” said Rep. Edith Tucker, D-Randolph, the bill’s prime sponsor.

But opponents insist this plan has the same singular focus as the 2021 version – to block state approval of a landfill proposed in Dalton near Forest Lake.

“This is nothing more than a project killer masquerading as an environmental protection bill,” said Bryan Gould, a Concord lawyer.

The only rationale for the five-year time-of-travel standard was to prevent Casella Waste Systems from getting its permit, he charged.

“They backed into this provision to kill this deal without considering what effect it would have on other sites,” Gould said.

“This could very well make it impossible to site a landfill in New Hampshire.”

## The previous proposal

Nikki Delude Roy, chair of the state’s Board of Hydrogeologists, maintained that the current regulations protect the public.

“Three of the current seven lined landfills in the state operating now would not have been allowed under this standard,” Roy said.

Finkel pointed out that the major landfills in Berlin and Rochester exceed this requirement.

Last December, Casella executives withdrew a wetlands permit application critical to its landfill project. The firm is expected to resubmit its application later this year and is taking the state's advice to coordinate this process with other state and federal approvals needed for the proposal.

As written, the bill would not apply to existing landfills or any plans to expand those projects.

Rep. Timothy Egan, D-Sugar Hill, said the soil in Dalton is so porous that contamination could flow to Forest Lake in three weeks.

Supporters said Maine and four other states use time-of-travel standards for siting landfills.

Roy countered that while Maine has a six-year standard, it permits landfill developers to get a much shorter window of travel time if the project has added upgrades, such as thicker linings.

Officials with the state Department of Environmental Services did not testify on the bill.

**[klandrigan@unionleader.com](mailto:klandrigan@unionleader.com)**

---

**Kevin Landrigan**