



For a thriving New England

CLF New Hampshire 27 North Main Street  
Concord, NH 03301  
P: 603.225.3060  
F: 603.225.3059  
www.clf.org

February 2, 2021

*Via Electronic Mail*

The Hon. Howard Pearl, Chair  
Environment and Agriculture Committee  
N.H. State House  
Concord, NH 03301

**RE: HB 177, An act to prohibit the siting of new landfills, excluding expansions of existing landfills, near state parks.**

Dear Chairman Pearl and Honorable Committee Members:

Conservation Law Foundation (“CLF”) appreciates the opportunity to comment on HB 177, an act to prohibit the siting of new landfills within two miles of a state park. CLF is a non-profit environmental advocacy organization working to protect the environment and promote healthy communities in New Hampshire, and across New England. CLF’s Zero Waste Project works to address unsustainable and polluting waste management practices and promotes proven waste management solutions like source reduction, reuse, recycling, and composting.

CLF writes to offer our support for HB 177. HB 177 is a commonsense measure that will protect New Hampshire’s state parks by imposing a minimum two-mile buffer between these important public resources and prospective landfills. This buffer is critical because landfills always negatively impact the surrounding communities and environments.

If landfills are permitted to be constructed and operated within two miles of state parks, visitors to those parks can be expected to endure negative impacts, including noxious odors, airborne dust and debris, and increased noise pollution. An increased amount of truck traffic will service the landfill, with the associated air pollution and traffic impacts reaching well beyond the immediate vicinity of the landfill. Depending on the size of the landfill, upwards of one hundred trucks per day can be expected. In some instances, landfills may even be visible from state parks, greatly reducing the natural viewsheds that are essential to experiencing and enjoying state parks.

Even after a landfill closes, it will still perpetually threaten the surrounding area. Landfills, even those that only accept municipal solid waste, are known to contain dangerous substances like volatile organic compounds (VOCs), polychlorinated biphenyls (PCBs), heavy metals, radioactive material, and pharmaceuticals. There is increasing concern regarding the levels of PFAS in landfills, forever chemicals that must be handled with the utmost care to protect public health and ensure clean and safe drinking water and groundwater. These pollutants are a concern



because all landfills eventually leak.<sup>1</sup> While the liner system placed under the buried waste is supposed to prevent leakage, these systems deteriorate over time. Once these liners fail, the landfill leachate will begin polluting the surrounding groundwater indefinitely, as there is no way to repair the liners after the landfill is constructed.

For these reasons, CLF supports HB 177. However, CLF is concerned that New Hampshire is not responding to the larger waste management issues that are driving attempts to new landfill capacity. In 1990, to “conserve the precious and dwindling natural resources” of New Hampshire, the legislature established two interdependent objectives.<sup>2</sup> First, it created a hierarchy of waste management methods that favors source reduction, recycling, reuse, and composting over waste disposal, and that ranks landfilling as the least preferable option. RSA 149-M:3. Second, the legislature established a solid waste reduction goal, aimed to divert 40% of waste destined for landfills by 2000, through a combination of reduction, recycling, reuse, and composting. RSA 149-M:2. To achieve this goal that is 21 years overdue, New Hampshire must begin to implement policies that disfavor landfills and promote environmentally beneficial methods of waste reduction and management already reflected in state law.

New Hampshire is falling behind our neighbors, and as a result we have become a dumping ground for their waste. In 2019, the six operating landfills in New Hampshire accepted 2,226,041 tons of waste, 49% of which came from out-of-state. Proposals for new landfills and landfill expansions are being fueled by out-of-state waste. The Massachusetts ban on landfilling construction and demolition debris provides a clear example. In 2006, Massachusetts banned several forms of construction and demolition debris from disposal in their landfills. While this has led to increased construction and demolition debris recycling and processing, the ban also resulted in many companies bringing their waste to New Hampshire. This system has increased the amount of out-of-state construction and demolition debris being disposed of in New Hampshire landfills.

As the 2019 Legislative Committee Report Studying Solid Waste noted, it is time to seriously address the waste management crisis and abandon a failed model that relies primarily on disposal. HB 177 represents a reasonable measure that will impose needed siting restrictions on landfills while safeguarding the use and enjoyment of New Hampshire’s state parks. Therefore, we urge the Environment and Agriculture Committee to support HB 177 and vote *ought to pass*.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Heidi Trimarco".

Heidi Trimarco, Staff Attorney  
Conservation Law Foundation

A handwritten signature in blue ink, appearing to read "Peter W. Blair Jr.".

Peter Blair, Staff Attorney  
Conservation Law Foundation

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<sup>1</sup> U.S. Environmental Protection Agency, 1988, Federal Register, v. 53, no. 168, August 30, 1988, p. 33345.

<sup>2</sup> RSA 149-M:1