

CONCORD MONITOR

DES' proposed solid waste rules leave many unsatisfied



Conway public works employee Tim Shackford gets ready to dump dirt over the garbage in the city landfill on Jan. 18, 2023. GEOFF FORESTER / Monitor file

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Disappointment echoed throughout the state Department of Environmental Services public hearing on solid waste rules as many environmentally conscious citizens took to the microphone to voice their concerns.

Adam Plourde, a former Maine resident, found it “pretty laughable” that the proposed rules by the DES to protect the environment from landfill operations were [significantly weaker than those in most other states](#).

“Your interactions with [the] industry, getting their take on it, this seems to have gone so far that I’m just here to voice my frustrations,” said Plourde, who added he typically does not attend hearings on solid waste rules and was there solely as a concerned citizen.

New Hampshire’s solid waste rules, unchanged since July 2014, are finally getting an update. However, many critics argue that the new regulations favor the waste industry at the expense of environmental protection.

This concern stems from a statement by Michael Wimsatt, the waste division director at DES: At a House subcommittee meeting in January, Wimsatt revealed that the initial draft was revised because “the industry read these rules and felt like we were trying to put them out of business.”

At Monday’s public hearing, not one attendee voiced agreement with the agency’s proposed rule changes, indicating a consensus that they were not sufficiently protective.

One of the most debated changes since the original draft in October concerns the standards for hydraulic conductivity at landfill sites. Hydraulic conductivity measures how easily fluids can move through the surrounding soil or rock, which is crucial for containing leachate, the toxic wastewater produced by landfills.

At first, the rules required that landfill sites be selected so that leachate would not move more than two feet per day through the surrounding geology. The latest draft, however, has relaxed this standard, allowing leachate to move up to 15 feet per day.

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The measure would permit landfills to be located in areas in the state where the leachate could travel 50% further in one day than what is allowed in Maine over a year.

John Tuthill, a member of Working on Waste, a nonprofit concerned with trash disposal, also expressed dissatisfaction with the safety standards the state was establishing for waste management operations.

“I think there needs to be a red card given and go back to the drawing board,” said Tuthill advocating for stricter rules.

Jon Swan, an environmental activist in the North County, lamented that the state agency tasked with protecting the environment and conserving the state’s natural resources repeatedly opts for actions contrary to its mandate.

During last week’s state Senate Session, bills targeting placing a moratorium on landfill permits, decreasing out-of-state trash, strengthening landfill rules and more were defeated. These bills had previously passed the House of Representatives. In many cases, Senators referenced [concerns raised by DES](#) about the potential economic impact, market dynamics, and waste storage capacity of the state.

“I feel like this is kind of a dog and pony show,” said Swan. “I feel like the past five years you have gone out of your way to oppose our efforts to strengthen the rules and regulations to protect our environment and natural resources, particularly relative to water protections.”