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## Governor Sununu Vetoes Landfill Groundwater Bill

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Rep. Edith Tucker (D-Randolph) speaks during a public listening session hosted by the legislative redistricting committee at the Lancaster Courthouse on Thursday, Oct. 7, 2021. (Photo by Paul Hayes)

Supporters of legislation that sought to prohibit new landfills near fast-moving groundwater had their hopes dashed on Friday when the bill that was sponsored by a local state representative and co-written by a local resident was vetoed by Gov. Chris Sununu.

They're hoping, though, that the New Hampshire Legislature will vote later this year to override the veto, or failing that, to bring the bill back in 2023.

In his veto message for House Bill 1454, Sununu said he agrees with the New Hampshire Department of Environmental Services that the bill would have been better suited as a study and that it would have likely curtailed landfill development and the raising of additional fees and taxes on New Hampshire residents for solid waste management.

Not all agree, including HB 1454's prime sponsor, state Rep. Edith Tucker, D-Randolph.

"I am very disappointed by Gov. Chris Sununu's decision to veto the changes to the landfill siting bill (HB 1454) that were overwhelmingly passed by both members of the House and Senate," she said. "Properly designed landfills all across our state are essential to maintaining clean water. Furthermore, changing our state's current law would neither raise property taxes nor increase other costs of living associated with waste disposal."

Bill supporters, including HB 1454 co-writer Adam Finkel, a Dalton resident and environmental sciences professor, said the bill would have prevented landfill development in only certain areas of the state, and in terms of total geography, only a small percentage of New Hampshire.

The spark for HB 1454 was the commercial landfill proposed by Casella Waste Systems near Forest Lake in Dalton, in an area where bill proponents said the groundwater moves fast and any contaminants from a landfill would have reached surface waters in a matter of months as opposed to years as in many other places, and as a consequence would leave little time to remediate an environmental problem or landfill leak before it reached a nearby water body and impacted water quality.

Had it passed, HB 1454 would have effectively eliminated the Dalton location as a landfill site.

The bill, which uses units of feet per year and time as measures and sought a proscribed distance between any new landfill and surface water based on those measurements, would have prohibited new landfills from being built in a location if seepage velocity was below a minimum of two years.

In May, HB 1454 passed the New Hampshire Senate by the minimum two-thirds majority needed to override a governor's vote, but it's currently uncertain if a veto override can be sustained when the Legislature convenes on veto override day, usually in September, to address the governor's vetoes of 2022 bills.

HB 1454 overwhelmingly passed the New Hampshire House of Representatives in a voice vote.

On Monday, Finkel said the governor's veto message was "packed with misinformation," including the claim that existing regulations are "rigorous and robust" when he said they are not and the claim that the bill would have prevented construction of any of the state's seven existing landfills.

"At most, it would have caused some — One or two? No one has provided support for this claim, which comes right from a paid consultant — of the seven to be built elsewhere in the state," he said. "No one of sound mind can possibly confuse 'let's put these things in the right places' with 'let's ban them.' That is the reddest of red herrings and an embarrassing lie."

If the bill doesn't survive a veto override, Tucker on Monday said she would like to bring it back next year and play the same role that former state Sen. Erin Hennessey, R-Littleton, a supporter of the bill, did in 2022 and work closely with the House and whoever will be the main sponsor in the House.

"I think I've learned I need to work even more closely with DES," said Tucker.

For 1454, a coalition of some 25 people, including legislators and scientists, met every few weeks and they studied the science and what other states, like Maine, had been doing successfully with similar legislation, she said.

"It took time," said Tucker. "It was a very diverse group and you learn from people."

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