

MY TURN

Your lake could be next



COURTESY

The Ingerson tract, a typical sand/gravel operation, seen in early 2022, is the site of the one application that was filed with DES in 2019 and recently withdrawn.

The recently-vetoed HB 1454 is needed to protect NH waters from landfill leaks

By ADAM FINKEL

Governor Sununu has thrice earned the right and the responsibility to make the tough choices to balance competing interests as he sees fit. But in vetoing the landfill safety bill (HB 1454), I presume based on misinformation from staff or lobbyists, he offered a page of unscientific and misleading rationalizations for his decision, considering only one narrow set of special interests.

He thereby told two-thirds of the Senate, and a resounding voice-vote majority in the House, that a bipartisan bill written to their specifications by experts and fellow legislators, whose language was carefully negotiated with DES itself, was “a solution in search of a problem.”

The opposite is true. The problem of toxic substances, PFAS, metals, solvents, and the like, leaking from solid waste landfills and polluting our surface water and private wells are staring our region in the face. All landfills will leak. The peer-reviewed literature says nothing to contradict this. But in some locations, underground pollution moves at speeds of a few inches per year — in others, at more than 10 feet per day. And this looming problem has a proven solution: use science to identify and avoid the worst possible geologic locations for burying millions of tons of trash.

ABOUT THE AUTHOR

Dr. Adam M. Finkel of Dalton, is or was a professor of environmental health sciences at Princeton, Penn, Rutgers, and Michigan. He was an appointee at OSHA and EPA in the Clinton and GW Bush administrations and drafted the initial versions of HB 1454 for sponsors in the House and Senate.

Let's start with a quick tour of how the other states in our region solved their problem decades ago, and have steered landfills towards sensible locations.

Massachusetts has had a de facto moratorium on building a new landfill anywhere. And why shouldn't it, since it has a willing partner (the Granite State) to accept much of its exported trash? As for New York and Maine, they've told developers to forget about digging anywhere where the soil is hyper-permeable, as in a sandy area or gravel pit. Maine then disallows additional sites, those where polluted groundwater could reach a nearby lake or river within six years. HB 1454 mimics this Maine provision but uses a less strict five-year setback. Other states outside New England have long used time-to-pollute setbacks based on local groundwater speed, ranging up to 10 years (WA) and 12 years (NJ).

According to DES itself, fully 86% of the land area of New Hampshire is underlain with relatively impermeable soils that likely are ideal for landfilling. A developer who had no idea about soil

(that company shouldn't be in the landfill business) could still find a decent site 6 times out of 7 just by throwing darts at a map.

But DES stands by its archaic, one-size-fits-all, 200-foot setback to lakes and rivers, which allows for as little as two weeks from inevitable leak to irreversible pollution if the soil is sand/gravel.

The veto message, unfortunately, also misstates other key facts, of which these are but two examples:

■ Current landfill regulations are “already rigorous and robust.” While DES has written 44 pages of landfill regulations, 41 ½ of these pages concern the design, operation, and closure of the facilities. But the section on where a landfill can be put is brief, vague, and noncompliant with federal law (DES has failed to triple the distance of the setback to airports, as Congress required 22 years ago!)

■ HB 1454 “would likely have prevented construction of some of the seven lined landfills” in New Hampshire. Unfair, untrue. Yes, some might have been built elsewhere, perhaps nearby, but not “never built at all.” Indeed, the data show that the Carberry (50 feet/year local groundwater speed), NCES Bethlehem (365 ft/yr), and Turnkey (580 ft/yr) landfills are already located in excellent or good soils. (NCEs is polluting the Ammonoosuc, according to a lawsuit just settled, but that's only because a drainage ditch runs right from it into the river). In stark contrast, at the proposed “Gran-

Protecting all NH bodies of water from landfill leaks

LANDFILL FROM A7

ite State Landfill” in Dalton/Whitefield/Bethlehem, the erstwhile applicant measured the local groundwater velocity at an incredibly fast 5,840 ft/yr.

So let’s please put this lie that “safer landfills mean no landfills” to rest once and for all.

Here’s an exact analogy. At

every public pool in the nation, there’s a sign saying “No diving in shallow end.” Can anyone sanely interpret that warning as “no one will ever dive anywhere ever again?” Or would you walk 20 steps to the deep end, where you can enjoy your dive and not risk breaking your neck?

It’s true that as of today, there are no active applica-

tions to build a new landfill in New Hampshire, nor should there be, given that DES projects ample in-state capacity until at least 2041.

But there is one company that spent three years trying to put together a credible proposal and has now withdrawn all its pending applications. But even Casella Waste Systems will not be harmed by

this legislation. Now that they are starting from scratch again, all they need do, if they value the expressed will of the House and Senate, is to look anywhere in New Hampshire other than a sandpit 2,800 feet from a pristine lake.

HB 1454 is needed to protect all the water in our state; to protect every New Hamp-

shire town from any company that insists on a location that any scientist or engineer should know is a non-starter. I urge the House and Senate to replicate their earlier votes and override this veto. The next leachate pouring through gravel, a stone’s throw from a lake or river, could be yours.

Aquifers in New Hampshire

Only 14% of the state is covered by stratified drift aquifers.

Transmissivity less than or equal to 2,000 ft²/day

Transmissivity greater than 2,000 ft²/day



BRANDON KERNEN / NH DES

“Assessment of Water Level Trends in Bedrock Wells in NH,” 2011.