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SOLID WASTE

‘Weak’ rules prompt proposal

Lawmakers step in to
strengthen landfill regulations

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Frustrated by what they see as years of reluctance by the state environmental agency, New Hampshire lawmakers are taking matters into their own hands to ensure that landfills are kept a safe distance away from water sources.

Instead of imposing a setback distance, bipartisan House Bill 707, focuses on the time it would take for leachate — a toxic mix of liquid from landfills — to reach nearby groundwater, lakes, aquifers, or rivers in the event of a leak, spill or failure.

Rep. Nicholas Germana, one of the sponsors, said the Department of Environment Services has had plenty of opportunities to revisit the rules to make them safer and it has reached the point where the legislature must take action.

“There is real frustration on both sides of the aisle,” said Germana, a

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Keene Democrat. “We think the legislature needs to intervene here because DES is not going to do it, no matter how many times we tell them that New Hampshire should do it the way other people do it.”

According to the new rules that were approved in December, landfills must not be located within 500 feet of any perennial surface water body and set a standard that leachate must not move more than three feet per day through the surrounding soil.

But critics have called this standard “the weakest in the entire nation.” It is 100 times weaker than the standard in Maine.

Over the years, legislators and envi-

ronmental advocates have slammed the Department of Environmental Services for failing to strengthen these rules. In November, the Joint Legislative Committee on Administrative Rules issued a preliminary objection to the proposed regulations.

If the bill passes, it would require landfill sites to ensure leachate moves no more than 10 feet per year through the soil in case of a leak, offering far better protection against potential contamination.

Although the bill doesn’t specifically target Casella Waste Systems’ proposed landfill in Dalton, it could have a major impact on the project. The landfill project is planned to be located in a sand pit, and sand allows liquid to move much faster than other soil types.

Currently, DES rules allow landfill de-

velopers to import 24 inches of soil from other areas to create conditions that meet hydraulic conductivity requirements. But the new bill would prohibit this workaround.

Adam Finkel, a professor of environmental health sciences at the University of Michigan, criticized the current rules, saying they could allow landfills to be built “in sand on a beach.” Finkel explained that imported soil provides only temporary protection — about “eight days” in some cases.

“This legislation is important,” said Finkel. “It would be impossible to locate a landfill there in Dalton.”

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