

Landfill Bill Limiting Siting Near Water Recommended for Passage in House Committee

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CONCORD – A bill requiring the state Department of Environmental Services to establish a site-specific setback distance for proposed new landfills is headed to the House with a recommendation of passage

following a 14-1 vote in the House Environment and Agriculture Committee Tuesday.

House Bill 707, sponsored by Rep. Kelley Potenza, R-Rochester, would establish a formula for determining the distance from a perennial river, lake, or coastal water and would allow for migration to be a five-year period.

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It requires the Department of Environmental Services to establish a site-specific setback distance for proposed new landfills.

There was no discussion on the bill, but an amendment was approved, and the bill will now go onto the House consent calendar for consideration.

It comes at a time when residents of Dalton and the North Country are expressing concern that a proposed landfill is too close to Forest Lake and Forest Lake State Park.

There are a total of eight bills relative to landfills that are making their way through the House and Senate. A link to those bills is here https://gc.nh.gov/bill_status/results.aspx?adv=2&txttext=landfill

Opponents are concerned that chemicals that would be harmful could enter those waterbodies, including PFAS.

Republican Gov. Kelly Ayotte has vowed to oppose the Dalton project, presented by a Vermont company.

If the bill passes, it reads that the “general court finds that the protection of the health and safety of New Hampshire citizens, drinking water sources, and our environmental waters, perennial rivers, lakes, and coastal waters, from contamination is in the utmost public interest of the state of New Hampshire. Therefore, the setback from a proposed landfill to such a water body should be sufficient to prevent

groundwater contaminated by a leak, spill, or other failure from reaching the waterbody before remedial action can be implemented. A period of 5 years should be sufficient to detect and map a failure, assess appropriate remediation, meet engineering and regulatory requirements, and initiate the remedy.”

It also reads that “No permit shall be issued by any division of the department for siting a new landfill that fails to conform with the setback distance...”

It qualifies that “new landfill” excludes any expansion or modification of any landfill facilities on any site which, as of January 1, 2025, a RCRA Subtitle D landfill exists that has been fully permitted and is actively accepting waste.

Senate Bill 227, which is relative to setbacks for new landfill sitings has been laid upon the table in the Senate while Senate Bill 226-FNH suspending applications for new landfills has been re-referred to committee.