

HB 1454-FN - FINAL VERSION

16Mar2022... 0894h  
05/05/2022 1938s  
26May2022... 2109EBA

2022 SESSION

22-2237  
08/11

HOUSE BILL

***1454-FN***

AN ACT

relative to permits for the siting of new landfills.

SPONSORS:

Rep. Tucker, Coos 5; Rep. Thompson, Coos 1; Rep. Massimilla, Graf. 1; Rep. Egan, Graf. 2; Rep. Hatch, Coos 6; Rep. Merner, Coos 7; Rep. Laflamme, Coos 3; Rep. Myler, Merr. 10; Rep. Deshaies, Carr. 6; Sen. Hennessey, Dist 1; Sen. Sherman, Dist 24

COMMITTEE:

Environment and Agriculture

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AMENDED ANALYSIS

This bill establishes a formula for determining the distance for which a new landfill shall be located from a perennial river, lake, or coastal water.

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Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struckthrough.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Two*

AN ACT relative to permits for the siting of new landfills.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1        1 Statement of Purpose. The protection of perennial rivers, lakes, and coastal waters from  
2 contamination is in the public interest of the state of New Hampshire. Therefore, the setback from a  
3 proposed landfill to such a water body should be sufficient to prevent groundwater contaminated by a  
4 leak, spill, or other failure from reaching the waterbody before remedial action can be implemented. A  
5 period of 5 years should be sufficient to detect and map a failure, assess appropriate remediation, meet  
6 engineering and regulatory requirements, and initiate the remedy.

7        2 New Paragraph; Landfill Permits; Groundwater Protection. Amend RSA 149-M:9 by inserting after  
8 paragraph XV the following new paragraph:

9            XVI.(a) The department shall establish a site-specific setback distance for any proposed new  
10 landfill from any perennial river, lake, or coastal water of New Hampshire, as defined in RSA 483-B:4, XVI.  
11 The setback distance shall be sufficient to prevent any contaminated groundwater at any part of the actual  
12 solid waste disposal area from reaching any perennial river, lake, or coastal water of New Hampshire  
13 within 5 years. The setback distance shall be calculated as follows:

14            (1) The applicant shall hire an independent hydrogeologist at the applicant's expense, to  
15 estimate based upon adequate and representative on-site field testing, the seepage velocity of  
16 groundwater in both surficial geological deposits and in bedrock. The maximum seepage velocity shall be  
17 the highest rate estimated for any test site in the disposal area.

18            (2) The 5-year distance-of-travel estimate shall be calculated by multiplying the  
19 maximum seepage velocity, in units of feet per year, by 5 years.

20            (3) The setback from any perennial river, lake, or coastal water of New Hampshire shall  
21 be the greater of the 5-year distance-of-travel estimate calculated in subparagraph (2) or 200 feet.

22            (b) No permit shall be issued by any division of the department for siting a new landfill that  
23 fails to conform with the setback distance as calculated using the method set forth in subparagraph (a).

24            (c) Nothing in this paragraph shall be construed to prohibit the expansion of any landfills that  
25 are in operation at the time this paragraph takes effect.

26            (d) The department may adopt rules under RSA 541-A to allow for the use of project  
27 improvement allowances that may enable a project to meet the minimum 5-year setback, even if it is  
28 located less than the 5-year distance-of-travel estimate from a surface water body. One or more  
29 allowances, of one additional year each, may be added to the calculated travel time, based on specific  
30 additional control technology, monitoring programs, or funding guarantees that the department believes  
31 may increase the effective safety of the project. In no case, however, shall any one project receive more  
32 than 3 additional years added to its calculated travel time.

- 1        3 Effective Date. This act shall take effect upon its passage.
- 2        VETOED June 24, 2022
- 3        SUSTAINED September 15, 2022

**HB 1454-FN- FISCAL NOTE**  
**AS AMENDED BY THE HOUSE (AMENDMENT #2022-0894h)**

AN ACT                      relative to permits for the siting of new landfills.

**FISCAL IMPACT:**    ☐ State                      ☐ County                      ☒ Local                      ☐ None

LOCAL:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable	Indeterminable	Indeterminable	Indeterminable
<i>Funding Source:</i>	<input type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

**METHODOLOGY:**

This bill would require new landfills to be sited a certain minimum distance from any perennial river, lake, or coast water of New Hampshire. To the extent a municipality seeks to site a new landfill, it may experience limited costs relative to the requirements of this bill.

**AGENCIES CONTACTED:**

Department of Environmental Services