

Floor Amendment to HB 1454-FN

1 Amend RSA 149-M:9, XV as inserted by section 2 of the bill by replacing it with the following:

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

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

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

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

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

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

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