

Amendment to HB 602-FN

1 Amend the bill by replacing all after the enacting clause with the following:

2
3 1 New Paragraph; Permit Required; New Landfills. Amend RSA 149-M:9 by inserting after
4 paragraph XV the following new paragraph:

5 XVI.(a) In revising administrative rules under Env-Sw 804, the department shall bifurcate
6 the permit process for new solid waste landfills by creating a "preliminary application phase" for
7 each required permit. The department shall instruct, by rule, applicants for new landfills to present
8 within the preliminary permit application enough information for the department to appraise
9 whether the proposed location violates any of the prohibitive locational criteria that the department
10 shall develop during such rulemaking. An application that does not pass such a preliminary screen
11 shall be returned to the applicant without prejudice so that the applicant may choose an alternative
12 location and present a revised preliminary application later.

13 (b) The department shall, in its discretion and informed by a public hearing and
14 subsequent written public comment, adopt one or more prohibitive locational criteria, thereby
15 establishing certain sites that it will judge as wholly inappropriate for constructing a new municipal
16 solid waste landfill. Such criteria may consider:

17 (1) Whether soils at the site are permeable, based on quantitative and reasonable-
18 worst-case measurement of hydraulic conductivity or other parameters, such that spills or liner
19 failures would rapidly contaminate nearby surface waters.

20 (2) Whether bedrock at the site is sufficiently fractured that leaks from the landfill
21 would rapidly spread throughout the local environment.

22 (3) Whether the proposed location is sufficiently far from major sources of waste
23 generation that trucks carrying waste to and from the site would needlessly add to greenhouse gas
24 emissions, highway congestion, traffic congestion, traffic accidents, or other negative impacts.

25 (4) Whether the proposed site lies over a significant sand and gravel aquifer.

26 (5) Whether the proposed site is located in, or over, a coastal sand dune system, a
27 prime wetland, or other special habitat.

28 (6) Whether all or part of the proposed site is undisturbed forest, wetland, or open
29 space, as opposed to a brownfield where environmental impacts have already occurred or are
30 occurring.

31 (7) Any other factors the department, in its discretion, considers worthwhile.

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- 1 (c) Notwithstanding RSA 541-A, administrative rule Env-Sw 800 shall remain in effect
- 2 until July 1, 2025 or until the readopted rules are effective.
- 3 2 Effective Date. This act shall take effect 60 days after its passage.