

Amendment to HB 1454-FN

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

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

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

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

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

20 (2) The 5-year distance-of-travel estimate shall be calculated by multiplying the  
21 maximum seepage velocity by 5.

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

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

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

30 3 Effective Date. This act shall take effect upon its passage.

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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.