

HB 56 - AS INTRODUCED

2023 SESSION

23-0160
08/04

HOUSE BILL **56**

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

SPONSORS: Rep. M. Murray, Hills. 37; Rep. Massimilla, Graf. 1; Rep. Almy, Graf. 17; Rep. Petrigno, Hills. 43; Rep. Hamer, Hills. 19; Rep. Stapleton, Sull. 6; Rep. Simpson, Rock. 33; Sen. Watters, Dist 4

COMMITTEE: Environment and Agriculture

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.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
23-0160
08/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

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 Statement of Purpose. The protection of perennial rivers, lakes, and coastal waters from contamination is in the 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.

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

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

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

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

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

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

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

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

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