



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

February 27, 2020

The Honorable Amanda Gourgue
Chair, House Environment & Agriculture Committee
Legislative Office Building, Room 303
Concord, NH 03301

RE: HB 1319, An Act prohibiting the siting of new landfills or expansions of existing landfills near state parks, national parks, or United States Department of Agriculture forest land

Dear Chair Gourgue and Members of the Committee:

Thank you for the opportunity to testify on HB 1319. This bill would prohibit the New Hampshire Department of Environmental Services (NHDES) from issuing permits for new public or private landfills, or expansion of existing public or private landfills that are located within one mile of state or national parks, or five miles of USDA Forest Service lands. For the reasons outlined in this letter, NHDES cannot support this bill.

NHDES' primary concern with HB 1319 is that it would prohibit three of New Hampshire's existing landfills from future expansions, regardless of whether these facilities could continue to provide capacity for the State's solid waste disposal needs. The affected facilities (see attached maps) would be forced to cease operations upon reaching their currently permitted capacity, effectively eliminating about 17% of the total disposal capacity used by New Hampshire generators in 2018 (and 100% of disposal capacity in the North Country). As members of the committee are likely aware, development of new landfills or other disposal facilities is extremely challenging in New Hampshire and across the Northeast. A sudden loss of all disposal infrastructure in the North Country would likely be very disruptive and could result in higher transportation and disposal costs. While NHDES recognizes that landfilling is the least-preferred method on the waste management hierarchy established in RSA 149-M:3, the Department also recognizes that landfills perform a necessary function. In this regard, NHDES believes it would be unwise to prohibit development or expansion of existing landfills based solely on their proximity to conservation lands.

NHDES further notes that the bill's generic use of the term "facility" would have unintended consequences. As defined in RSA 149-M:4, "facility" means a location, system, or physical structure for the collection, separation, storage, transfer, processing, treatment, or disposal of solid waste. As such, the term includes not only landfills, but also transfer stations, recycling facilities, composting facilities, waste-to-energy facilities, incinerators, and other processing and treatment facilities. Although it would appear from the bill's title that the prohibition is meant to apply only to landfills, as written, the bill would actually prohibit NHDES from issuing new permits or capacity expansions for

ANY public or private solid waste management facility that falls within the specified setbacks. For example, this could restrict a private entity from developing recycling or composting facilities in certain locations. It could also hinder expansion or relocation of public transfer stations, and could even limit the ability of North Country municipalities to establish solid waste districts with a centralized transfer station serving multiple communities.

Lastly, NHDES has general concerns about the setback distances specified by the bill (one mile from state or national parks, and five miles from USDA Forest Service lands). While NHDES cannot speculate as to the reason these distances were selected, the Department has not identified any basis in environmental protection for establishing such universal setback distances. The current requirements for siting a landfill are based on several site-specific factors intended to be protective of human health and the environment, including proximity to groundwater and surface waters, and other geological limitations. HB 1319 would restrict development or expansion of landfills based on proximity to conservation land without consideration of site-specific conditions. As such, the bill could prevent landfill development at locations that might otherwise be suitable based on established standards.

Thank you again for the opportunity to comment on HB 1319. Should you have questions or need additional information, please feel free to contact either Jaime Colby, Solid Waste Management Bureau Permitting Supervisor (jaime.colby@des.nh.gov, 271-5185) or Michael Wimsatt, Waste Management Division Director (michael.wimsatt@des.nh.gov, 271-1997).

Sincerely,



Robert R. Scott
Commissioner

Attachments: Operating Lined Landfills Proximity to Federal and State Conservation Lands (4 maps)

cc: Sponsors of HB 1319: Representatives French, Merner, Cohen, Eisner, Spang, Dutzy, Weston, M. Pearson, Coursin, Josephson

Operating Lined Landfills Proximity to Federal and State Conservation Lands

 Town Boundary

 State Boundary

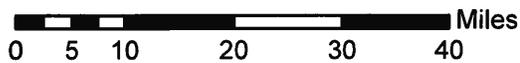
 Operating Lined Landfill

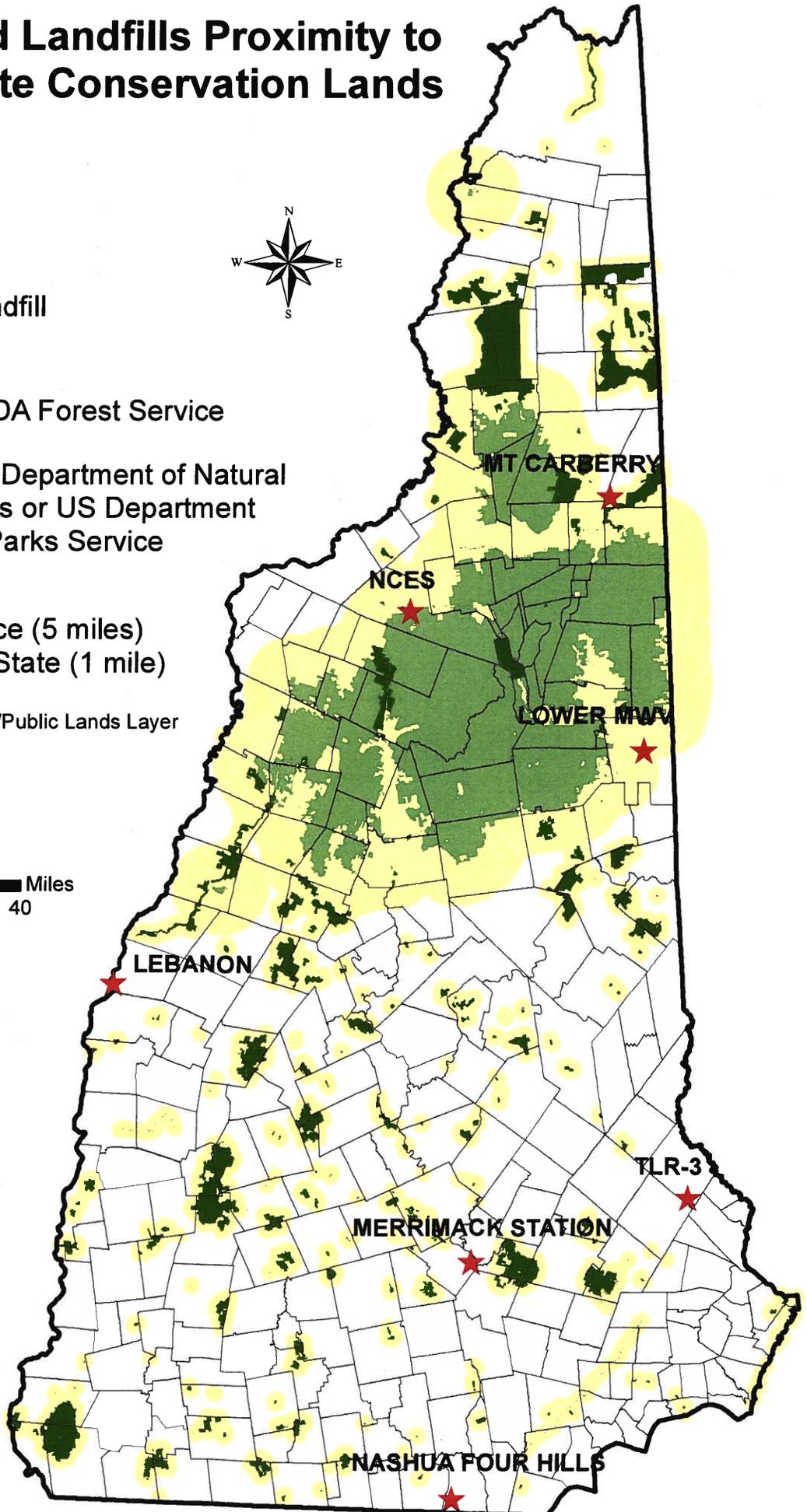
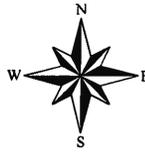
 Land Owned by USDA Forest Service

 Land Owned by NH Department of Natural & Cultural Resources or US Department of Interior National Parks Service

 Buffered Lands
-USDA Forest Service (5 miles)
-Other Federal and State (1 mile)

Data Source: GRANIT Conservation/Public Lands Layer

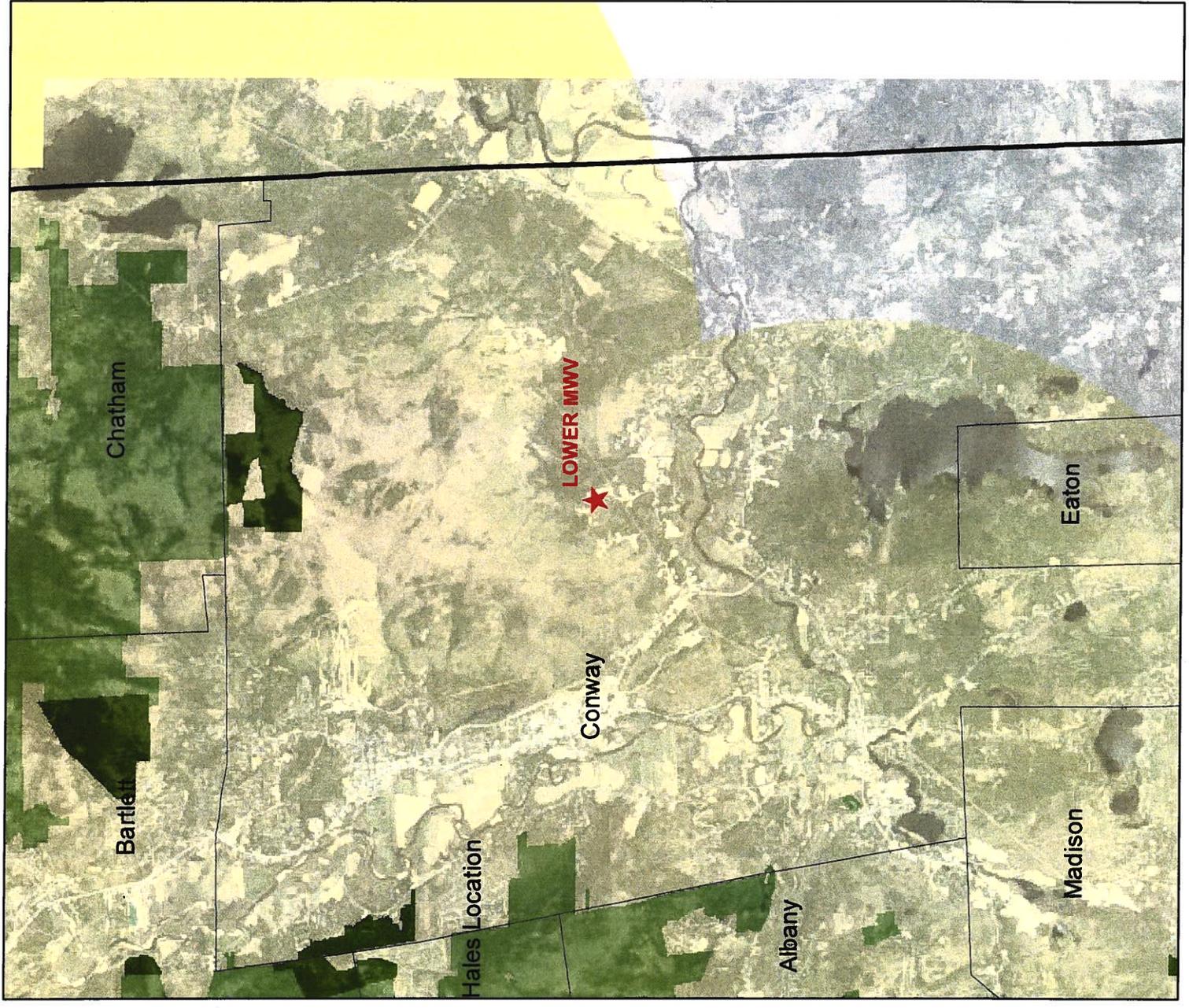
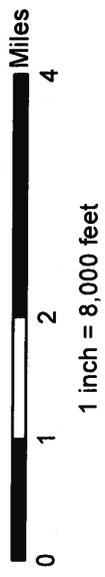
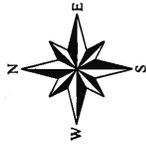
 Miles
0 5 10 20 30 40



Operating Lined Landfills Proximity to Federal and State Conservation Lands

-  Town Boundary
-  State Boundary
-  Operating Lined Landfill
-  Land Owned by USDA Forest Service
-  Land Owned by NH Department of Natural & Cultural Resources or US Department of Interior National Parks Service
-  Buffered Lands
 - USDA Forest Service (5 miles)
 - Other Federal and State (1 mile)

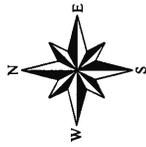
Data Source: GRANIT Conservation/Public Lands Layer



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Data Source: GRANIT Conservation/Public Lands Layer



1 inch = 8,000 feet



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