



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

April 24, 2023

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

RE: SB 61, AN ACT relative to surface water setbacks for landfills.

Dear Chair Aron and Members of the Committee:

Thank you for the opportunity to testify on SB 61 as amended by the Senate. This bill would amend RSA 149-M to direct the New Hampshire Department of Environmental Services (NHDES) to adopt rules to establish criteria for setting site-specific surface water setbacks for landfills. As amended by the Senate, this bill also directs NHDES to hire a contractor to perform an assessment of current surface water protection and setback requirements applicable to the permitting of newly sited solid waste landfills, and makes an appropriation therefore. Over the last few years, the issue of landfill siting has been of great interest to the public and the General Court. NHDES believes that SB 61 as amended would be an effective means of addressing the topic and supports the bill.

This bill requires NHDES to undertake rulemaking that would establish criteria for determination of site-specific setbacks of a landfill footprint from perennial surface water bodies in order to ensure their protection from potential releases of contaminants from the landfill. The bill provides that those criteria must take into account site-specific hydrogeologic characteristics and conditions, and also directs NHDES to take into account, in formulating site-specific setbacks, at least eight measures that may be proposed by permit applicants that would provide additional protection of surface water. The bill provides a target timeline of 24 months from the act's effective date for completion of the rulemaking. Provided that this target schedule is met, the bill provides that NHDES shall not approve any currently pending or subsequently filed application for a newly-sited landfill permit, without imposing a site-specific setback in accordance with the newly adopted rules.

As amended, this bill also directs NHDES to hire a contractor to conduct a critical assessment of current setback requirements. NHDES believes that contract procurement can be completed and the study performed on a schedule that will allow for it to inform the agency's rulemaking. NHDES believes that such an assessment would be of great value and would assist the agency in the required rulemaking effort.

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Thank you again for the opportunity to comment on SB 61. Should you have questions or need additional information, please feel free to contact either Mike Wimsatt, Waste Management Division Director, at michael.j.wimsatt@des.nh.gov or (603) 271-1997, or me.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert R. Scott", with a long horizontal flourish extending to the right.

Robert R. Scott
Commissioner

ec: Sponsors of SB 61: Senators Avard, Lang, Ward, Watters, and Carson