

# Senate Energy and Natural Resources Committee

*Max Taylor 271-1403*

**HB 566-FN**, requiring permit applications for new landfills to contain a detailed plan for leachate management.

**Hearing Date:** April 22, 2025

**Time Opened:** 9:00 a.m.

**Time Closed:** 9:24 a.m.

**Members of the Committee Present:** Senators Avard, Pearl, Watters and Rosenwald

**Members of the Committee Absent :** Senator McConkey

**Bill Analysis:** This bill requires permit applications for new landfills to contain a detailed plan for leachate management.

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**Sponsors:**

Rep. N. Germana

Rep. Simpson

Rep. B. Boyd

Rep. Gruber

Rep. Ebel

Rep. Potenza

Rep. Rung

Rep. M. Pearson

Rep. J. Aron

Sen. Fenton

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**Who supports the bill:** Representative Nicholas Germana (Cheshire County District 15), Representative Judy Aron (Sullivan County District 4), Tom Tower (NCABC), Wayne Morrison (NCABC),

**Who opposes the bill:**

**Who is neutral on the bill:**

**Summary of testimony presented in support:**

**Representative Nicholas Germana**

**Cheshire District 15, Prime Sponsor**

- Representative Germana introduced HB 566-FN, aimed at strengthening landfill leachate management requirements in New Hampshire.
- He explained the bill was developed in collaboration with the Department of Environmental Services (DES).
- He explained the bill was prompted by repeated leachate management failures at facilities like the Casella Landfill in Bethlehem, which experienced over

150,000 gallons of overflow in 2021 and failed to meet reporting standards hundreds of times.

- The bill requires landfill permit applicants to submit detailed leachate management plans, including on-site collection and storage strategies, treatment methods, transportation procedures, and contingency plans.
- It also mandates that applicants provide contracts with at least two facilities for leachate treatment and disposal, enhancing DES's ability to enforce existing rules.
- Representative Germana emphasized the bill does not pause or restrict landfill expansions but ensures proactive planning for environmental protection.
- He noted the bill's language was revised after input from industry stakeholders to remove concerns over proprietary contract information and avoid unnecessary regulatory burden.
- He mentioned that DES Director Mike Wimsatt recommended a technical amendment to clarify the timing for when the leachate plans and contracts must be submitted during the permitting process.
- Senator Avard asked if the bill imposes a pause on landfill expansion.
  - Representative German clarified it does not. The bill simply strengthens leachate planning and enforcement requirements.
- Senator Avard asked if current landfills already have leachate management plans.
  - Representative Germana explained there are existing rules, but HB 566-FN codifies and enhances them with specific contractual and planning requirements.
- Senator Rosenwald asked whether contract disclosure requirements raised proprietary concerns.
  - Representative Germana responded that early drafts did raise concerns, but those sections were revised with input from DES and industry partners to eliminate those issues.

## **Tom Tower**

### **North Country Alliance for Balance Change**

- Mr. Tower stated HB 566-FN is the most urgent solid waste reform bill he's seen, given the environmental and public health risks posed by landfill leachate.
- He described leachate as a dangerous substance containing harmful chemicals such as lead, 1,4-dioxane, and PFAS, which the EPA now considers toxic even in trace amounts.

- Mr. Tower cited alarming data from the Casella landfill in Bethlehem, where leachate volumes surged from 2.8 million gallons to 5.2 million gallons per quarter between 2021 and 2024.
- He highlighted a critical 2023 incident where leachate levels at the facility reached over 10 feet, ten times the 12-inch regulatory limit, creating conditions that could have overwhelmed the landfill's liner system and nearly led to catastrophic failure.
- He stressed that HB 566-FN requirement for detailed contracts covering collection, storage, transport, and treatment of leachate is vital to preventing future disasters.
- Mr. Tower warned that New Hampshire imports 50% of its waste from out-of-state, while exporting 5-10%, increasing the burden on local infrastructure.
- He noted that every ton of landfilled waste generates roughly a ton of leachate, much of which cannot be effectively treated for PFAS, resulting in contaminants entering public waterways like the Merrimack River, a drinking water source for hundreds of thousands.
- Mr. Tower urged the committee to support HB 566-FN as amended, arguing it is essential to protecting New Hampshire residents from environmental and health threats.

## **Mike Wimsatt**

### **Director of the Waste Management Division, Department of Environmental Services**

- Senator Avard asked if DES had raised concerns about leachate levels such as Bethlehem and Turnkey prior to HB 566-FN.
  - Mr. Wimsatt confirmed that DES has dealt with ongoing leachate management issues at multiple facilities and referred the Bethlehem case to the Department of Justice due to serious violations.
  - He noted that intense rainfall and landfill design limitations have exacerbated leachate challenges, with some instances of leachate breaching stormwater systems.
- Senator Avard asked whether existing rules are adequate or if they need to be strengthened.
  - Mr. Wimsatt explained that current rules require landfills to have agreements with two wastewater treatment facilities, but they are not obligated to proactively submit this information to DES. HB 566-FN would require submission of these details upfront, giving DES stronger regulatory oversight prior to issuing permits.

- Senator Peal questioned the necessity of HB 566-FN, noting that DES already has rules and enforcement tools.
  - Mr. Wimsatt responded that while DES can currently regulate facilities under existing rules, having statutory language provides additional legal clarity and authority, which helps prevent disputes over rule interpretation and strengthens DES's position in enforcement.
- Senator Avard asked whether DES's ability to refer violations to the Department of Justice demonstrates that current rules are effective.
  - Mr. Wimsatt clarified that having enforcement authority does not necessarily mean the rules are sufficient. He stated enforcement is possible, but stronger statutes would improve regulatory clarity and reduce potential legal challenges.

**Summary of testimony presented in opposition:** None.

**Neutral Information Presented:** None.

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Date Hearing Report completed: April 23, 2025