

SB 227-FN - AS INTRODUCED

2025 SESSION

25-1038  
08/05

SENATE BILL            **227-FN**

AN ACT                relative to site setbacks for landfills.

SPONSORS:            Sen. Rochefort, Dist 1; Sen. Fenton, Dist 10; Rep. Potenza, Straf. 19; Rep. Wheeler, Hills. 33; Rep. S. King, Coos 4

COMMITTEE:          Energy and Natural Resources

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ANALYSIS

This bill requires certain tests and setbacks before the department of environmental services grants a landfill permit in New Hampshire.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Five*

AN ACT relative to site setbacks for landfills.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

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

7           2 New Paragraphs; Landfill Permits; Groundwater Protection. Amend RSA 149-M by inserting  
8 after paragraph XV the following new paragraphs:

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

15                   (1) The applicant shall hire an independent hydrogeologist at the applicant's  
16 expense, to estimate, based upon adequate and representative on-site field testing of both the landfill  
17 footprint and leachate storage or piping infrastructure, the maximum seepage velocity of  
18 groundwater in both surficial geological deposits and in bedrock. The maximum seepage velocity  
19 shall be the highest rate measured 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 in units of feet per year, by 5 years.

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 expansion or modification of  
29 any landfill facilities on any site on which, as of December 1, 2022, a RCRA Subtitle D landfill exists  
30 that has been fully permitted. For the purposes of this section, the term "site" shall mean a single  
31 parcel or adjacent parcels, owned in its entirety by a landfill operator or its affiliates as of December

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1 1, 2022, including a site where one or more public utility easements traverse the site; perennial  
2 waters water bodies transversing a footprint shall still be monitored in accordance with or exceeding  
3 Environmental Protection Agency regulations or guidelines.

4 XVII. No permit shall be issued to a landfill unless the undisturbed in-situ soils for 12 feet  
5 immediately beneath the footprint and all leachate infrastructure shall have a maximum saturated  
6 hydraulic conductivity of 1 x 10 centimeters per second (cm/sec) or less.

7 XVIII. An applicant for a new landfill or landfill expansion shall conduct subsurface  
8 investigations in sufficient numbers and locations to properly describe the surficial stratigraphy and  
9 the bedrock beneath and adjacent to the proposed solid waste boundary, at least to the depth of any  
10 nearby aquifers used or potentially used to provide drinking water to residents. Pump tests shall be  
11 conducted at selected locations as needed to evaluate aquifer yield and connectivity of bedrock  
12 fractures.

13 XIX. All landfill facilities shall have at least one operator, guard, or other employee at the  
14 site 24 hours per day, 365 days per year, commencing on the date the landfill first accepts waste for  
15 disposal and continuing at least until final closure has been attained.

16 3 Effective Date. This act shall take effect upon its passage.

**SB 227-FN- FISCAL NOTE**  
**AS INTRODUCED**

AN ACT relative to site setbacks for landfills.

**FISCAL IMPACT:**

<b>Estimated Political Subdivision Impact</b>				
	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>
<b>County Revenue</b>	\$0	\$0	\$0	\$0
<b>County Expenditures</b>	\$0	Indeterminable Increase \$100,000 to \$500,000	Indeterminable Increase \$100,000 to \$500,000	Indeterminable Increase \$100,000 to \$500,000
<b>Local Revenue</b>	\$0	\$0	\$0	\$0
<b>Local Expenditures</b>	\$0	Indeterminable Increase \$100,000 to \$500,000	Indeterminable Increase \$100,000 to \$500,000	Indeterminable Increase \$100,000 to \$500,000

**METHODOLOGY:**

This bill requires certain tests and setbacks before the Department of Environmental Services (DES) grants a landfill permit in New Hampshire.

DES states this bill establishes specific requirements for new landfills, including minimum distances from water bodies, soil depth, and maximum hydraulic conductivity, while also mandating independent hydrogeological studies at the applicant's expense. DES believes the bill would apply to new landfills permitted after its effective date and assumes it requires 24/7 staffing for landfill facilities, including existing ones, until final closure is defined as the installation of the final cap. DES states this bill will impact county and local expenditures for municipalities with existing landfill facilities by requiring 2 to 3 additional staff positions to meet the increased staffing hours. This new requirement is expected to increase local and county expenditures by an estimated \$100,000 to \$500,000 annually, beginning in FY 2026.

**AGENCIES CONTACTED:**

Department of Environmental Services