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March 2, 2026
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04/07

Amendment to HB 1478-FN

1 Amend the bill by replacing section 3 with the following:

2

3 3 New Paragraphs; Groundwater Protection. Amend RSA 149-M:9 by inserting after paragraph
4 XV the following new paragraphs:

5 XVI. No solid waste permit shall be issued by any division of the department for the siting of
6 a new landfill if any part of the actual solid waste disposal area is proposed to be located sufficiently
7 close to any existing drinking water well, perennial river, lake, or coastal water of New Hampshire,
8 as defined in RSA 483-B:4, XVI, such that groundwater on the landfill site would be able to reach the
9 water body within 5 years of migrating off-site due to any leak, spill, or other failure.

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

16 (1) The applicant shall hire a hydrogeologist who has never worked with or been
17 contracted through a third party with any applicant's current or previous projects, at the applicant's
18 expense, to estimate based upon adequate and representative on-site field testing of both the landfill
19 footprint and leachate storage or piping infrastructure, the velocity of groundwater in both surficial
20 geological deposits and bedrock. The velocity shall be estimated by calculating the 95th percentile
21 upper confidence limit of the mean measured rate, using the formula recommended by the United
22 States Environmental Protection Agency at EPA 600-R-97/006.

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

25 (3) The setback from any existing drinking water well, perennial river, lake, or
26 coastal water of New Hampshire shall be the greater of the 5-year distance-of-travel estimate
27 calculated in subparagraph (2) or 1,500 feet.

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

4 (c) In this section, "new landfill" excludes any expansion or modification of any landfill
5 facilities on any site where, as of January 1, 2025, a RCRA Subtitle D landfill exists that has
6 received all permits necessary to operate at present and is currently operating under such permits at
7 the time it files an application to expand.

8 (d) In this section, "site" means a single parcel or adjacent parcels, owned in its entirety
9 by a landfill operator or its affiliates as of January 1, 2025, including a site where one or more public
10 utility easements traverse the site.

11 XVIII. The department shall not issue a permit for a new landfill unless the applicant
12 conducts subsurface investigations in sufficient numbers and locations to properly describe the
13 surficial stratigraphy and the bedrock beneath and adjacent to the proposed solid waste boundary, at
14 least to the depth of any aquifers currently used to provide drinking water to residents. Pump tests
15 shall be conducted at selected locations as needed to evaluate aquifer yield and connectivity of
16 bedrock fractures using the department's database of the location and depth of private drinking
17 water wells.

18 XIX. No permit shall be granted for a new landfill unless undisturbed in-situ soils for 20 feet
19 immediately beneath the footprint and underneath all leachate storage and transfer infrastructure
20 have a maximum saturated hydraulic conductivity of 1×10^{-4} centimeters per second(cm/sec) or
21 less. If the above in-situ soils do not meet the maximum hydraulic conductivity criterion of 1×10^{-4}
22 cm/sec, no amount of imported soil can overcome such deficiency, and the tract shall be deemed
23 impermissible for use as a landfill.

24 XX. No permit shall be granted for a new landfill unless the subgrade below the liner
25 consists of soil with a saturated hydraulic conductivity of 1×10^{-4} cm/sec or less.

26 XXI. All references to number-year storm events regarding new landfill permitting
27 requirements in relation to design, construction, and leachate management shall have the minimum
28 value of a 50-year storm margin of safety.