



# TOWN OF MERRIMACK, NH

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February 5, 2026

Dear Chair Aron and Members of the House Environment and Agriculture Committee,

My name is Leo Gaudette, and I serve as The Assistant Director of Public Works Waste Water for the Town of Merrimack NH. Wastewater Facility, located in Merrimack, New Hampshire. I am submitting this testimony on behalf of the Town of Merrimack and The Merrimack Wastewater Facility regarding HB 1275.

We appreciate the Legislature's attention to PFAS impacts on agriculture. However, we have concerns that certain provisions of HB 1275, particularly the proposed five-year moratorium on the land application of bio-solids would create significant unintended consequences for wastewater utilities, municipalities, and local ratepayers.

For the Town of Merrimack Wastewater Facility, beneficial use, including land application is an important management option that helps control our costs, maintain operational reliability, and support environmentally responsible reuse.

The Town of Merrimack, Wastewater Treatment has been committed to providing an exceptional quality composted bio-solids for more than 40 years. Merrimack compost has always met and currently meets all Federal, State of New Hampshire Department of Environmental Services (NHDES), Massachusetts Department of Environmental Protection (MADEP), New York Department of Environmental Conservation (NYDEC) laws and regulations. We hold the following approvals; NHDES Low Metals, Sludge Quality Certification NHSQC-9901, MADEP Approval of Suitability (AOS), Type I unrestricted use, NYDEC.

As you may know, PFAS containing chemicals have been widely used since the 1940's, and there are more than six million compounds listed in PUB-Chem for this group. These compounds have been used in everything from, coatings and products that resist heat, oil, stains, grease, and water. They are also used in a variety of products including waterproof clothing (Gore-Tex), furniture (Scotch Guard), adhesives, food packaging, heat-resistant non-stick cooking surfaces (Teflon) to name a few. Primary exposure is from drinking contaminated water, foods, products made with PFAS compounds and breathing air with PFAS in it.

The Town of Merrimack of Merrimack has invested millions of dollars of rate payer monies into the composting facility since it was built in 1994. The previous upgrade in 2015 and the most recent upgrade represent over \$5,000,000.00 of rate payer money invested alone. The Merrimack Composting operation has won two Bio-solids excellence awards during our 30-year history. With the current lack of infrastructure, and any level of confidence in long term viable options available for disposal of bio-solids, it would be a disservice to the rate payers of Merrimack and the other NH communities that our composting facility serves, to stop composting operations at this time.

Currently there are four major methods of disposal of bio-solids from a municipal wastewater treatment facility. The EPA tracks disposal of bio-solids diligently, and as of 2022, the nationwide disposal breaks down into the following: Landfilling: 27%, Incineration: 16%, Land Application (Agricultural: 31%, Landscaping/Golf Course: 24%), Other (Reclamation, Deep Well Injection, Storage): 2%. While none of the options are perfect, land application is the only option that is considered beneficial re-use.

Bio-solids help to rejuvenate topsoil that has been poorly managed and over-farmed. The application of bio-solids adds beneficial nutrients back to the soils, specifically nitrogen and phosphorous. Phosphorous is a limited resource that is stripped from the soil in the normal practices of farming. In the very near future, farmers will need to better manage phosphorous run-off, not only for the detrimental effects it has in the waterways, but also as a finite resource as a fertilizer. The bio-solids are a vital resource for farming communities to support the soils.

The Town of Merrimack and all POTW's share your concerns about PFAS compounds, and we look forward to finding cost effective long term solutions. From a regulatory standpoint we believe, PFAS contamination is being regulated on the wrong end. It took 70 years to get to this point and unless PFAS compounds are no longer produced or allowed to be used in industrial and consumer products this problem will persist.

In closing it would be reprehensible impose a land application moratorium at this time, given the lack of viable options and potential negative impacts to the rate payers of all affected communities. The Town of Merrimack currently controls its destiny through composting. Composting allows Merrimack to control its costs, provides a necessary public health service to the residents of Merrimack and other NH and MA communities we serve. If this moratorium were to pass it would affectively remove this bio-solids disposal operation for ever for our residents and the communities we serve. This will also leave the town with two 30 year bonds to repay our investments into our Composting Facility, essentially creating a double jeopardy situation for us. This will leave many NH towns and its rate payers/sewer users at the mercy of third party entities, losing their ability to control any of their sludge disposal costs.

We ask the Committee to consider amendments to HB 1275 that remove the broad moratorium on land application of bio-solids, instead incentivizing further research, monitoring, best practices, and targeted safeguards that protect both agricultural soils and water quality without wholesale elimination of a beneficial management practice.

Thank you for your time and consideration.

Respectfully submitted,

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