

HB 494 - AS INTRODUCED

2019 SESSION

19-0534

08/03

HOUSE BILL **494**

AN ACT relative to removal or containment of contaminants from the Coakley Landfill.

SPONSORS: Rep. Cushing, Rock. 21; Rep. Edgar, Rock. 21; Rep. Loughman, Rock. 21; Rep. Bushway, Rock. 21; Rep. Janvrin, Rock. 37; Rep. Le, Rock. 31; Rep. Malloy, Rock. 23; Rep. Grote, Rock. 24; Rep. Altschiller, Rock. 19; Rep. Meuse, Rock. 29; Sen. Sherman, Dist 24

COMMITTEE: Environment and Agriculture

ANALYSIS

This bill directs the department of environmental services to pursue a remedy regarding the removal or containment of certain contaminants from the Coakley Landfill.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to removal or containment of contaminants from the Coakley Landfill.

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

1 1 Findings. The general court finds that:

2 I. On July 7, 2017 the department of environmental services issued correspondence stating
3 the following:

4 "First, and in the near term, the department of environmental services believes that signage to
5 alert the public to the presence of contaminants in the adjacent wetlands, seasonally flooded
6 railroad bed, and the uppermost reach of Berrys Brook is appropriate. We have discussed this issue
7 with the Environmental Protection Agency (EPA) and are working with them to determine how to
8 best accomplish this.

9 "Second, with regard to the expressed concerns about potential impacts to fish in Berrys Brook,
10 the department of environmental services believes that additional work needs to be completed, in
11 concert with the department of fish and the game determine whether the surface water quality in
12 the lower reaches of the brook poses any risk to recreational anglers who catch and consume the
13 stocked brown trout or other species from the brook. Since early May, the department of
14 environmental services has been engaged with EPA on this topic. The department of fish and game
15 is currently working to address a number of relevant questions developed by EPA about the
16 fisheries. Once that information is received, we will work with EPA and the department of fish and
17 game to determine how best to address this question.

18 "Third, the department of environmental services believes that actions need to be implemented
19 at the site to provide additional removal or containment of the contamination, in order to mitigate
20 these surface water quality impacts. In the long run, this will be the most reliable way to limit
21 exposure to site contaminants via the surface water pathway."

22 II. In correspondence to the Coakley Landfill Group (CLG) dated October 5, 2018 the
23 department of environmental services stated "The enclosed laboratory report confirms that the
24 concentration exceeds the recently revised Ambient Groundwater Quality Standard (AGQS) of 0.32
25 ppb." Consistent with the guidelines stated in department's letter dated September 14, 2018, the
26 CLG shall immediately provide bottled water to the residence at 368 Breakfast Hill Road and,
27 within 30 days of this letter, provide recommendations for corrective action."

28 III. In correspondence to the Coakley Landfill Group dated November 1, 2018 the
29 department of environmental services stated "The enclosed laboratory report confirms that the
30 concentration of 1,4-dioxane exceeds the recently revised Ambient Groundwater Quality Standard
31 (AGQS) of 0.32 ppb. Consistent with the guidelines stated in the NHDES letter dated September

HB 494 - AS INTRODUCED
- Page 2 -

1 14, 2018, the CLG shall immediately take steps to provide bottled water and/or treatment to the
2 Golf Course Clubhouse at 339 Breakfast Hill Road and, within 30 days of this letter, provide
3 recommendations for corrective action."

4 2 Imminent Hazard Declared. The general court finds that an imminent hazard exists under
5 RSA 147-A relating to the Coakley Landfill Superfund site due to substantiated and real threats to
6 public and private drinking water in the towns of Hampton, North Hampton, Rye, and Greenland,
7 and the surface water bodies that flow through all seacoast towns, including but not limited to:
8 Hampton, North Hampton, Rye, Greenland, and Portsmouth.

9 3 Remedy. The general court concurs with the New Hampshire department of environmental
10 services that the migration of contaminants from the site groundwater at the Coakley Landfill to
11 the headwaters of Berry's Brook are unacceptable and that actions need to be implemented to
12 provide additional removal or containment of the contamination. Therefore, within 30 days of the
13 effective date of this act, the department of environmental services shall pursue, under the
14 applicable consent decree involving the Coakley Landfill, a remedy to provide additional removal or
15 containment of the contaminants entering Berry's Brook from the Coakley Landfill. Within 60 days
16 of the effective date of this section, if there is no written agreement on or federal enforcement of an
17 actual remedy, the department of environmental services shall file a petition for such a remedy
18 through the available administrative or legal process with the highest likelihood of success for New
19 Hampshire.

20 4 Effective Date. This act shall take effect upon its passage.