

CHAPTER 328
HB 494 - FINAL VERSION

05/30/2019 2334s
27Jun2019... 2615-CofC
27Jun2019... 2664-EBA

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

AMENDED ANALYSIS

This bill directs the department of environmental services to pursue a remedy regarding the substantial reduction of certain contaminants from the Coakley Landfill.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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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:

1 328:1 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 railroad
6 bed, and the uppermost reach of Berrys Brook is appropriate. We have discussed this issue with the
7 Environmental Protection Agency (EPA) and are working with them to determine how to best
8 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 game, to determine whether the surface water quality in the
12 lower reaches of the brook poses any risk to recreational anglers who catch and consume the stocked
13 brown trout or other species from the brook. Since early May, the department of environmental
14 services has been engaged with EPA on this topic. The department of fish and game is currently
15 working to address a number of relevant questions developed by EPA about the fisheries. Once that
16 information is received, we will work with EPA and the department of fish and game to determine
17 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

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1 concentration of 1,4-dioxane exceeds the recently revised Ambient Groundwater Quality Standard
2 (AGQS) of 0.32 ppb. Consistent with the guidelines stated in the NHDES letter dated September 14,
3 2018, the CLG shall immediately take steps to provide bottled water and/or treatment to the Golf
4 Course Clubhouse at 339 Breakfast Hill Road and, within 30 days of this letter, provide
5 recommendations for corrective action."

6 328:2 Remedy.

7 I. The general court concurs with the New Hampshire department of environmental services
8 that the migration of contaminants from the site groundwater at the Coakley Landfill superfund site
9 to the headwaters of Berry's Brook is unacceptable and that actions need to be implemented to
10 provide additional removal or containment of the contamination in the surface water bodies that
11 flow through all seacoast towns, including but not limited to Hampton, North Hampton, Rye,
12 Greenland, and Portsmouth, and to public and private drinking water in the towns of Hampton,
13 North Hampton, Rye, and Greenland.

14 II. Therefore, by November 1, 2019, the department of environmental services, working with
15 the Coakley Landfill Group and the Environmental Protection Agency (EPA), shall propose, under
16 the applicable consent decree involving the Coakley Landfill superfund site, an appropriate remedy
17 including a design solution, its associated costs, and a reasonable timetable for implementing the
18 proposed remedy, to ensure the substantial reduction of the contaminants entering Berry's Brook
19 from the Coakley Landfill superfund site.

20 III. By January 1, 2020, there shall be a written agreement among the appropriate parties,
21 which may include without limitation the department of environmental services, the Coakley
22 Landfill Group, and the EPA, as to an acceptable remedy, which shall include funding and an
23 implementation schedule.

24 IV. The implementation of the remedy shall commence no later than September 1, 2020.

25 V. If any of the above deadlines are not met, the office of the attorney general shall seek
26 such a remedy through any means appropriate, consistent with the consent decree.

27 328:3 Severability. If any provision of this act or the application thereof to any person or
28 circumstance is held invalid, the invalidity does not affect other provisions or applications of the act
29 which can be given effect without the invalid provision or application, and to this end the provisions
30 of this act are severable.

31 328:4 Effective Date. This act shall take effect upon its passage.

Approved: August 16, 2019
Effective Date: August 16, 2019