LEGISLATIVE COMMITTEE MINUTES

SB159

Bill as Introduced

SB 159-FN-LOCAL - AS INTRODUCED

2023 SESSION

23-0784
08/05

SENATE BILL ***159-FN-LOCAL***

AN ACT relative to permits for the siting of new landfills.

SPONSORS: Sen. Fenton, Dist 10; Sen. Altschiller, Dist 24; Sen. Watters, Dist 4; Rep. N. Murphy, Hills. 12; Rep. Read, Rock. 10; Rep. Bouldin, Hills. 25; Rep. Fedolfi, Hills. 30

COMMITTEE: Energy and Natural Resources

ANALYSIS

This bill prohibits the department of environmental services from permitting unrestricted landfills.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

SB 159-FN-LOCAL - AS INTRODUCED

23-0784
08/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to permits for the siting of new landfills.

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

1 Unrestricted Service Area Landfill; Restriction. Amend RSA 149-M:9, V-a to read as follows:

V-a. The department shall not issue a permit for the construction of a new landfill ***or unrestricted landfill***, excluding the expansion of existing landfills, unless the department makes a positive determination that the permit application is consistent with the state's solid waste plan that has been updated consistent with the requirements of RSA 149-M:29.

2 Effective Date. This act shall take effect 60 days after its passage.

LBA
23-0784
1/17/23

SB 159-FN-LOCAL- FISCAL NOTE
AS INTRODUCED

AN ACT relative to permits for the siting of new landfills.

FISCAL IMPACT:

Due to time constraints, the Office of Legislative Budget Assistant is unable to provide a fiscal note for this bill, **as introduced**, at this time. When completed, the fiscal note will be forwarded to the Senate Clerk's Office.

AGENCIES CONTACTED:

Department of Environmental Services

LBA
23-0784
Revised 1/23/23

SB 159-FN-LOCAL FISCAL NOTE
AS INTRODUCED

AN ACT relative to permits for the siting of new landfills.

FISCAL IMPACT: [ ] State [ ] County [ ] Local [X] None

METHODOLOGY:

The Office of Legislative Budget Assistant states this bill has no fiscal impact on state, county and local expenditures or revenue.

AGENCIES CONTACTED:

Department of Environmental Services

LBA
23-0784
Amended 3/20/23

SB 159-FN-LOCAL FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2023-0837s)

AN ACT establishing a committee to study unlimited service area permits for landfills and out of state waste coming into New Hampshire.

FISCAL IMPACT: [ ] State [ ] County [ ] Local [X] None

METHODOLOGY:

The Office of Legislative Budget Assistant states this bill, as amended, has no fiscal impact on state, county and local expenditures or revenue.

AGENCIES CONTACTED:

None

SB 159-FN-LOCAL - AS AMENDED BY THE SENATE

03/16/2023 0837s

2023 SESSION

23-0784
08/05

SENATE BILL ***159-FN-LOCAL***

AN ACT establishing a committee to study unlimited service area permits for landfills and out of state waste coming into New Hampshire.

SPONSORS: Sen. Fenton, Dist 10; Sen. Altschiller, Dist 24; Sen. Watters, Dist 4; Rep. N. Murphy, Hills. 12; Rep. Read, Rock. 10; Rep. Bouldin, Hills. 25; Rep. Fedolfi, Hills. 30

COMMITTEE: Energy and Natural Resources

AMENDED ANALYSIS

This bill establishes a committee to study unlimited service area permits for landfills and out of state waste coming into New Hampshire.

Explanation: Matter added to current law appears in ***bold italics.***
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SB 159-FN-LOCAL - AS AMENDED BY THE SENATE

03/16/2023 0837s

23-0784
08/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT establishing a committee to study unlimited service area permits for landfills and out of state waste coming into New Hampshire.

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

1 Committee Established. There is established a committee to study unlimited service area permits for landfills and out of state waste coming into New Hampshire.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) One member of the senate, appointed by the president of the senate.

(b) Three members of the house of representatives, appointed by the speaker of the house of representatives.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study unlimited service area permits for landfills and out of state waste coming into New Hampshire.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2023.

6 Effective Date. This act shall take effect upon its passage.

LBA
23-0784
Amended 3/20/23

SB 159-FN-LOCAL- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2023-0837s)

AN ACT establishing a committee to study unlimited service area permits for landfills and out of state waste coming into New Hampshire.

FISCAL IMPACT: [ ] State [ ] County [ ] Local [X] None

METHODOLOGY:

The Office of Legislative Budget Assistant states this bill, as amended, has no fiscal impact on state, county and local expenditures or revenue.

AGENCIES CONTACTED:

None

SB 159-FN-LOCAL - VERSION ADOPTED BY BOTH BODIES

03/16/2023 0837s

2023 SESSION

23-0784
08/05

SENATE BILL ***159-FN-LOCAL***

AN ACT establishing a committee to study unlimited service area permits for landfills and out of state waste coming into New Hampshire.

SPONSORS: Sen. Fenton, Dist 10; Sen. Altschiller, Dist 24; Sen. Watters, Dist 4; Rep. N. Murphy, Hills. 12; Rep. Read, Rock. 10; Rep. Bouldin, Hills. 25; Rep. Fedolfi, Hills. 30

COMMITTEE: Energy and Natural Resources

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SB 159-FN-LOCAL - VERSION ADOPTED BY BOTH BODIES

03/16/2023 0837s

23-0784
08/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

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

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6 Effective Date. This act shall take effect upon its passage.

LBA
23-0784
Amended 3/20/23

SB 159-FN-LOCAL- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2023-0837s)

AN ACT establishing a committee to study unlimited service area permits for landfills and out of state waste coming into New Hampshire.

FISCAL IMPACT: [ ] State [ ] County [ ] Local [X] None

METHODOLOGY:

The Office of Legislative Budget Assistant states this bill, as amended, has no fiscal impact on state, county and local expenditures or revenue.

AGENCIES CONTACTED:

None

CHAPTER 100
SB 159-FN-LOCAL - FINAL VERSION

03/16/2023 0837s

2023 SESSION

23-0784
08/05

SENATE BILL ***159-FN-LOCAL***

AN ACT establishing a committee to study unlimited service area permits for landfills and out of state waste coming into New Hampshire.

SPONSORS: Sen. Fenton, Dist 10; Sen. Altschiller, Dist 24; Sen. Watters, Dist 4; Rep. N. Murphy, Hills. 12; Rep. Read, Rock. 10; Rep. Bouldin, Hills. 25; Rep. Fedolfi, Hills. 30

COMMITTEE: Energy and Natural Resources

AMENDED ANALYSIS

This bill establishes a committee to study unlimited service area permits for landfills and out of state waste coming into New Hampshire.

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.

CHAPTER 100
SB 159-FN-LOCAL - FINAL VERSION

03/16/2023 0837s

23-0784
08/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT establishing a committee to study unlimited service area permits for landfills and out of state waste coming into New Hampshire.

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

100:1 Committee Established. There is established a committee to study unlimited service area permits for landfills and out of state waste coming into New Hampshire.

100:2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) One member of the senate, appointed by the president of the senate.

(b) Three members of the house of representatives, appointed by the speaker of the house of representatives.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

100:3 Duties. The committee shall study unlimited service area permits for landfills and out of state waste coming into New Hampshire.

100:4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

100:5 Report. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2023.

100:6 Effective Date. This act shall take effect upon its passage.

Approved: June 20, 2023
Effective Date: June 20, 2023

Amendments

Sen. Fenton, Dist 10
March 6, 2023
2023-0766s
08/05

Amendment to SB 159-FN-LOCAL

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study unlimited service area permits for landfills and out of state waste coming into New Hampshire.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study unlimited service area permits for landfills and out of state waste coming into New Hampshire.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) One member of the senate, appointed by the president of the senate.

(b) Three members of the house of representatives, appointed by the speaker of the house of representatives.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study unlimited service area permits for landfills and out of state waste coming into New Hampshire.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2023.

6 Effective Date. This act shall take effect upon its passage.

APPROVED
ADOPTED

2023-0766s

AMENDED ANALYSIS

This bill establishes a committee to study unlimited service area permits for landfills and out of state waste coming into New Hampshire.

UNAPPROVED

Energy and Natural Resources
March 8, 2023
2023-0837s
08/05

Amendment to SB 159-FN-LOCAL

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study unlimited service area permits for landfills and out of state waste coming into New Hampshire.

Amend the bill by replacing all after the enacting clause with the following:

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5 Report. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2023.

6 Effective Date. This act shall take effect upon its passage.

2023-0837s

AMENDED ANALYSIS

This bill establishes a committee to study unlimited service area permits for landfills and out of state waste coming into New Hampshire.

Committee Minutes

SENATE CALENDAR NOTICE
Energy and Natural Resources

Sen Kevin Avard, Chair
Sen Howard Pearl, Vice Chair
Sen Regina Birdsell, Member
Sen David Watters, Member
Sen Debra Altschiller, Member

Date: February 9, 2023

HEARINGS

Wednesday	02/15/2023
(Day)	(Date)

Energy and Natural Resources	State House 103	1:00 p.m.
(Name of Committee)	(Place)	(Time)

1:00 p.m.	**SB 267-FN**	relative to rulemaking for advanced recycling facilities.
(THE PREVIOUS HEARING FOR SB 267-FN WAS RECESSED ON FEBRUARY 7TH)		
1:15 p.m.	**SB 159-FN-LOCAL**	relative to permits for the siting of new landfills.
1:30 p.m.	**SB 165**	relative to the online energy data platform.
1:45 p.m.	**SB 162**	relative to exemptions from rabies vaccinations for dogs, cats, and ferrets.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

SB 267-FN

Sen. Altschiller	Sen. Watters	Rep. McWilliams	Rep. Caplan
Rep. N. Murphy	Rep. M. Paige		

SB 159-FN-LOCAL

Sen. Fenton	Sen. Altschiller	Sen. Watters	Rep. N. Murphy
Rep. Read	Rep. Bouldin	Rep. Fedolfi	

SB 165

Sen. Perkins Kwoka	Rep. Cormen	Rep. McWilliams

SB 162

Sen. Pearl

Nikolas Liamos 271-7875

Kevin A. Avard
Chairman

Senate Energy and Natural Resources Committee

Nikolas Liamos 271-7875

SB 159-FN-LOCAL, relative to permits for the siting of new landfills.

Hearing Date: February 15, 2023

Time Opened: 1:33 p.m. **Time Closed:** 1:53 p.m.

Members of the Committee Present: Senators Avard, Pearl, Birdsell, Watters and Altschiller

Members of the Committee Absent : None

Bill Analysis: This bill prohibits the department of environmental services from permitting unrestricted landfills.

Sponsors:

Sen. Fenton	Sen. Altschiller	Sen. Watters
Rep. N. Murphy	Rep. Read	Rep. Bouldin
Rep. Fedolfi		

Who supports the bill: In total, 112 individuals signed in support of SB 159-FN. The full sign in sheets are available upon request to the Legislative Aide, Nikolas Liamos (Nikolas.liamos@leg.state.nh.us).

Who opposes the bill: In total, 3 individuals signed in opposition of SB 159-FN. The full sign in sheets are available upon request to the Legislative Aide, Nikolas Liamos (Nikolas.liamos@leg.state.nh.us).

Who is neutral on the bill: No individuals signed in as neutral to SB 159-FN. The full sign in sheets are available upon request to the Legislative Aide, Nikolas Liamos (Nikolas.liamos@leg.state.nh.us).

Summary of testimony presented in support:

Senator Donovan Fenton

Senate District 10

- Senator Donovan Fenton introduced Senate Bill 159-FN.
- Senator Fenton stated that the purpose of SB 159-FN is to prohibit the Department of Environmental Services from issuing any new unlimited service area landfill permits.

- Senator Fenton stated that the language of SB 159-FN says unrestricted landfills when it should actually read unlimited area service landfill.
- Senator Fenton stated that a report stated that 45% of trash coming to New Hampshire's landfills is from out of state.
- Senator Fenton said that the state of Maine has banned the disposal of out of state waste in its state's landfills, and Vermont has enacted stringent guidelines for what kinds of trash can be disposed of in its landfills.
- Senator Fenton stated that the State's Solid Waste Plan takes some steps in the right direction but fails to address the problem of almost half of our state's waste from coming from out of state.
- Senator Watters asked for clarification, does SB 159-FN recognize that any new or expanded landfill applications must be consistent with RSA 149-M:29.
    - Senator Fenton confirmed SB 159-FN stays in line with RSA 149.
- Senator Watters asked if under SB 159-FN, as an aspect of the Department's decision making for applications for unlimited service area landfills, does the Department take into account how much waste will be from out of state under RSA 149:M-29.
    - Senator Fenton confirmed that is correct, and it is more about data collection and where the trash is coming from.
- Senator Altschiller asked for Senator Fenton to explain the difference between an unlimited service area landfill and a landfill.
    - Senator Fenton responded that an unlimited service area landfill essentially can accept trash from anywhere, while a limited service area landfill can only accept trash from certain counties or municipalities.
- Senator Avard stated that under our Constitution, it makes it hard for us to refuse trash from other places.
    - Senator Fenton responded that, Senator Avard is referring to the Commerce Clause, and that SB 159-FN does not violate this clause because we already issue limited serve area permits.
    - Senator Fenton stated that the crux of the problem is that almost half of our trash comes from out of state, and we need to do something soon to avoid an environmental disaster in our state.
- Senator Watters stated that he has spent a lot of time working with the Interstate Commerce Clause issues and legislation about tipping fees.
- Senator Watters asked if it would be fair to say that since SB 159-FN does not prohibit other states' waste as an import but says that the Department may look at the amount of other state's trash being imported when looking at the larger permit under the preview of RSA 149-M, it does not violate the Interstate Commerce Clause.
    - Senator Fenton stated that, that would be fair, and that New Hampshire is a growing state and he is not trying to limit expansion.

Susan Richman

- Susan Richman stated that she is happy that DES published a statewide waste management plan.
- Ms. Richman stated that she wonders if cumulative impact studies may be helpful when looking at unrestricted area landfills.

John Tuthill

- John Tuthill stated that other states have successfully accomplished what SB 159-FN tries to address.
- Mr. Tuthill stated that back in the 1970s, the legislature passed RSA 53-A, B and D, allowed for municipality ownership and district ownership of disposal facilities and to have the ability to enter into contracts with the private sector.
    - Mr. Tuthill stated that we know 40 years later that this has not been entirely effective, and that the privatization has really dominated the waste management systems in our state.
- Mr. Tuthill stated that the New Hampshire Attorney General issued a memo to the Solid Waste Working group that included ways to work within the Interstate Commerce Clause and regulate the flow of waste across our state's borders.
- Mr. Tuthill stated that issuing a permit that defines a service area makes sense.
- Mr. Tuthill stated that nothing in statute authorizes DES to negotiate permits.
- Mr. Tuthill asked what our state's procedure is to allow private corporations to operate disposal facilities, and that there are great liabilities associated with these facilities.
- Mr. Tuthill stated that DES does not have the wherewithal to implement the proposed regulations.
- Mr. Tuthill stated that we need to get reorganized with more of an emphasis on waste reduction and waste elimination.

Summary of testimony presented in opposition:

Mike Wimsatt

Director of Waste Division, New Hampshire Department of Environmental Services

- Mike Wimsatt stated that the Department of Environmental Services (DES) has several concerns.
    - Mr. Wimsatt stated that SB 159-FN has a technical flaw, in that it seeks to amend a statute that has been repealed.
        - Mr. Wimsatt explained that when the Director of DES certified to the Director of Office of Legislative Services and the Secretary of the State that DES updated its solid waste plan consistent with RSA 149-M:29, the before section was then repealed.
    - Mr. Wimsatt stated that the second issue is, the existing statute already direct DES to consider the public benefit when considering a landfill application will achieve the goals of the Solid Waste Management Plan.
        - Mr. Wimsatt stated that if SB 159-FN were to pass, it would introduce new language that is similar but different and it is DES's concern that this would create ambiguity to existing laws.
    - Mr. Wimsatt stated that the Department's third concern is that, the term unrestricted landfill is not defined.
        - Mr., Wimsatt stated that the term is not defined in the statute or the bill.
        - Mr. Wimsatt stated that it is the Department's understanding that it is the sponsor's intent to prohibit new landfills from accepting waste from an unlimited service area.

        - Senator Watters pointed out that SB 159-FN states that the current language reads that an unlimited service area permit cannot be issued unless it meets the public good standard.
    - Mr. Wimsatt stated that he hopes there will be an amendment introduced that removes that sentence.
    - Mr. Wimsatt stated that he understands SB 159-FN as trying to only accept waste from specific geographical areas.
        - Mr. Wimsatt added that DES is unclear how it would exactly implement or enforce this.
- Senator Watters posed a hypothetical question, if a proposal for a new landfill comes before DES, and is under consideration under the public good consideration under the 10-year plan, would DES be able to negotiate a permit that does in fact limit the amount of waste that may come into a landfill from out of state.
    - Mr. Wimsatt declined to answer the question due to ongoing litigation.

Neutral Information Presented: None

NPL
Date Hearing Report completed: February 21, 2023

Speakers

Senate Energy and Natural Resources Committee
SIGN-IN SHEET

ate: 2/15/2023 **Time:** 1:15 p.m.

SB 159-FN AN ACT relative to permits for the sitting of new landfills

Name/Representing *(please print neatly)*

	Support	Oppose	Speaking?	Yes	No
✓ Mike Wimsatt NHDES	☐	☑		☑	☐
✓ Henry Veilleux Waste Management	☐	☒		☐	☒
Susan Richman myself	☒	☐		☒	☐
Sen Donovan Fenton SD 10	☒	☐		☒	☐
	☐	☐		☐	☐
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Senate Energy and Natural Resources Committee
SIGN-IN SHEET

ate: 2/15/2023 **Time:** 1:15 p.m.

SB 159-FN AN ACT relative to permits for the sitting of new landfills

Name/Representing *(please print neatly)*

[signature]	Support ☒	Oppose ☐	Speaking?	Yes ☒ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐

Senate Remote Testify

Energy and Natural Resources Committee Testify List for Bill SB159 on 2023-02

Support: 109 Oppose: 1

Name	Title	Representing	Position
Smith, Julie	A Member of the Public	Myself	Oppose
Richman, Susan	A Member of the Public	Myself	Support
Liebowitz, Susan	A Member of the Public	Myself	Support
Southard, Barbara	A Member of the Public	Myself	Support
Friedrichs, Emily	A Member of the Public	Myself	Support
Podlipny, Ann	A Member of the Public	Myself	Support
DeMark, Richard	A Member of the Public	Myself	Support
DeMark, Harriet	A Member of the Public	Myself	Support
Bushueff, Catherine	A Member of the Public	Myself	Support
Beffa-Negrini, Patricia	A Member of the Public	Myself	Support
Coon, Kate	A Member of the Public	Myself	Support
Cote, Lois	A Member of the Public	Myself	Support
metcalf, janet	A Member of the Public	Myself	Support
Opal, Susan	A Member of the Public	Myself	Support
longley, margaret	A Member of the Public	Myself	Support
Swan, Jon	A Member of the Public	Save Forest Lake	Support
Damon, Claudia	A Member of the Public	Myself	Support
Hackmann, Kent	A Member of the Public	Myself	Support
ades, Charles	A Member of the Public	Myself	Support
well, Gregg	A Member of the Public	Myself	Support
Munson, Deborah	A Member of the Public	Myself	Support
Spielman, Kathy Sue	A Member of the Public	Myself	Support
Watters, Senator David	An Elected Official	Myself	Support
Jones, Andrew	A Member of the Public	Myself	Support
Devore, Gary	A Member of the Public	Myself	Support
Richardson, Laura	A Member of the Public	Myself	Support
Quigley II, Edward	A Member of the Public	Myself	Support
Lynch-Ambrose, Anne	A Member of the Public	Myself	Support
Kellogg, Patricia	A Member of the Public	Myself	Support
Lindpaintner, Lyn	A Member of the Public	Myself	Support
Keegan, John	A Member of the Public	Myself	Support
Liscord, Barbara	A Member of the Public	Myself	Support
Thyng, Darla	A Member of the Public	Myself	Support
Roeper, Chase Wilson	A Member of the Public	Myself	Support
Seely, Julie	A Member of the Public	Myself	Support
Walker, Deborah Klein	A Member of the Public	Myself	Support
Paquette, Rebecca	A Member of the Public	Myself	Support
Allen, Mary Grace	A Member of the Public	Myself	Support
Davis, Peggy	A Member of the Public	Myself	Support
Bissex, Hannah	A Member of the Public	Myself	Support
Parenteau, Margaret	A Member of the Public	Myself	Support
Wessels, Susan	A Member of the Public	Myself	Support
mas, A	A Member of the Public	Myself	Support
Hershey, Jane	A Member of the Public	Myself	Support
Parenteau, Richard	A Member of the Public	Myself	Support
Martin, Patricia	A Member of the Public	Myself	Support
Golden, Lucy	A Member of the Public	Myself	Support

Hurley, Jack	A Member of the Public	Myself	Support
Wright, Richard	A Member of the Public	Myself	Support
Moore, Susan	A Member of the Public	Myself	Support
Lindsey, Judith	A Member of the Public	Myself	Support
HARING SMITH, TORI	A Member of the Public	Myself	Supp
MacGregor, Leslie	A Member of the Public	Myself	Supp
Doucette, Roger	A Member of the Public	Myself	Support
Koch, Helmut	A Member of the Public	Myself	Support
Doucette, Sarah	A Member of the Public	Myself	Support
Tann, Susannah	A Member of the Public	Myself	Support
Geil, Leon	A Member of the Public	Myself	Support
Istel, Claudia	A Member of the Public	Myself	Support
Smith, Kathleen	A Member of the Public	Myself	Support
Robillard, Jeanne	A Member of the Public	Myself	Support
Raspiller, Cindy	A Member of the Public	Myself	Support
Brown, Howard	An Elected Official	Myself	Support
Ross, Duncan	A Member of the Public	Myself	Support
Laramie, Michael	A Member of the Public	Myself	Support
M KramerPerry, Amy	A Member of the Public	Myself	Support
Weston, Joyce	A Member of the Public	Myself	Support
Torpey, Jeanne	A Member of the Public	Myself	Support
Wessler, Eliot	A Member of the Public	Myself	Support
Wagner, Traci	A Member of the Public	Myself	Support
Durling, Susan	A Member of the Public	Myself	Support
Lajoie, Katie	A Member of the Public	Myself	Support
Brennan, Nancy	A Member of the Public	Myself	Support
Morrison, Nancy	A Member of the Public	Myself	Support
Brennan, Art	A Member of the Public	Myself	Support
Morrison, Wayne	A Member of the Public	Myself	Supp
Beaton, Deborah	A Member of the Public	Myself	Suppor
Perencevich, Ruth	A Member of the Public	Myself	Support
Hincbauch, Melissa	A Member of the Public	Myself	Support
Spencer, Louise	A Member of the Public	Myself	Support
Bishop, Nancy	A Member of the Public	Myself	Support
Griffin, Ann	A Member of the Public	Myself	Support
Griffin, Johann	A Member of the Public	Myself	Support
Martin, Victoria	A Member of the Public	Myself	Support
pinkson, briane	A Member of the Public	Myself	Support
Murphy, Rep. Nancy	An Elected Official	Myself	Support
Delventhal, Amy	A Member of the Public	Myself	Support
Astle, Gina	A Member of the Public	Myself	Support
Astle, Scott	A Member of the Public	Myself	Support
White, Tim	A Member of the Public	Myself	Support
Quigley, Christine	A Member of the Public	Myself	Support
Renaud, Ron	A Member of the Public	Myself	Support
Tower, Tom	A Member of the Public	Myself	Support
Perrotta, Teresa	A Member of the Public	Myself	Support
Perrotta, Thomas	A Member of the Public	Myself	Support
Houlis, Beth	A Member of the Public	Myself	Support
Kelly, Rachelle	A Member of the Public	Myself	Support
Reardon, Donna	A Member of the Public	Myself	Support
Merredew, Jenn	A Member of the Public	Myself	Supp
Quigley, Charlotte	A Member of the Public	Myself	Supp
Bryant, Andrea	A Member of the Public	Myself	Support
Parker, Jack	A Member of the Public	Myself	Support
Hodnett, Sean	A Member of the Public	Myself	Support

Ramsdell, Judy	A Member of the Public	Myself	Support
Eaton, Sharon	A Member of the Public	Myself	Support
FRIEDRICH, ED	A Member of the Public	Myself	Support
Pirrotta-Benoit, Sarah	A Member of the Public	Myself	Support
schiller, Senator Debra	An Elected Official	Myself	Support
fner, Robert	A Member of the Public	Myself	Support
Boudman, roberta	A Member of the Public	Myself	Support

Testimony

The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner

February 14, 2023

The Honorable Kevin Avard, Chair
Senate Energy and Natural Resources Committee
State House, Room 103
Concord, NH 03301

RE: SB 159, AN ACT relative to permits for siting of new landfills.

Dear Chair Avard and Members of the Committee:

Thank you for the opportunity to testify on SB 159. This bill would amend RSA 149-M to prohibit the New Hampshire Department of Environmental Services (NHDES) from issuing a permit for the construction of an "unrestricted landfill" unless a certain condition is met. NHDES has several concerns with the bill and opposes its passage.

This bill seeks to amend RSA 149-M:9, V-a in order to prohibit NHDES from issuing a permit for construction of an "unrestricted landfill" unless it first determines that the permit application is consistent with the state's solid waste plan. NHDES has identified a technical flaw and two additional concerns with the bill as introduced.

First, the bill seeks to amend a section of law that has been repealed. In accordance with Chapter 199:2 of the laws of 2022, the repeal of RSA 149-M:9, Section V-a. was effective when, on January, 17, 2023, the Commissioner of NHDES certified to the Office of Legislative Services and the Secretary of State that the update to the state solid waste plan was published on September 30, 2022 in accordance with RSA 149-M:29. Second, criteria in existing law already directs NHDES to consider, as part of its determination of public benefit, "...the ability of the proposed facility to assist in achieving the goals of the state solid waste management plan..." If this bill were to pass, the statute would contain two similar but differently-worded instructions on the same topic, making the law less clear. Finally, the term "unrestricted landfill" is not defined in the bill, and also is not defined in the statute it seeks to amend. In the absence of a definition for this term, the intent of the bill is uncertain.

It is the understanding of NHDES that the bill sponsor seeks to ensure, perhaps through amendment of the bill, that any new landfill facilities permitted in New Hampshire have a limited service area. NHDES understands this to mean that any such facility would be authorized to accept waste only from certain specified geographic areas. It is unclear to NHDES how such a requirement would be

implemented or enforced. NHDES also believes that such a requirement would need to be evaluated for consistency with the Commerce Clause of the U.S. Constitution.

Thank you again for the opportunity to comment on SB 159. Should you have questions or need additional information, please feel free to contact either Mike Wimsatt, Waste Management Division Director, at michael.wimsatt@des.nh.gov or (603) 271-1997, or me.

Sincerely,

Robert R. Scott
Commissioner

ec: Sponsors of SB 159: Senators Fenton, Altschiller, Watters, Representatives N. Murphy, Read, Bouldin, Fedolfi

Nikolas Liamos

ɔm: Arati-Chase Roeper <chaseq72@gmail.com>
nt: Monday, February 13, 2023 1:21 PM
To: Nikolas Liamos
Subject: SB159

Caution! This message was sent from outside your organization.

NH has a problem with trash today because of discretionary decisions in the past. STOP IT!!! Please support SB 159 as amended by Sen. Fenton.

Chase Wilson Roeper
Lyndeborough NH 03082

Healthy environment.
Healthy economy.

SB 159

February 15, 2023

Members of the Senate Energy and Natural Resources:

Thank you for the opportunity to testify today. For the record, my name is Wayne Morrison and speaking here today on behalf of The North Country Alliance For Balanced Change (NCABC) in support of **SB 159.**

I want to thank Sen. Fenton and the other bill sponsors for the work that went into this legislation and appreciate your willingness to engage on this issue.

New Hampshire has become the literal dumping ground for all of New England. While our neighbors have either placed moratoriums on new landfills or have adopted stringent site specific sitting requirements, New Hampshire still allows for unlimited service areas landfills that could be placed as close as 200 feet from a surface water body.

Between 2015 and 2019, New Hampshire received an average of 2.2 million tons of trash a year, 47 percent of it from elsewhere in New England. In 2019, 86% of imported garbage came from Massachusetts.

SB 159 seeks to ensure that any new solid waste sites or expansions of solid waste sites are permitted as a "limited service area". What this means is that New Hampshire will get out of the business of allowing untraceable trash from across the region to be dumped in our backyards.

Solid waste sites that have defined service areas, such as Lebanon Landfill, clearly specify what communities are bringing their trash to the site. These sites have better control over what is being brought in and can trace back the origins of the items disposed off.

SB 159 is a big step in the right direction of ensuring responsible solid waste sites. We support this concept and encourage the Committee to support this legislation.

Thank you and I'm happy to answer any questions you may have.

Thank you,

Wayne Morrison
North Country Alliance For Balanced Change (NCABC)

The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner

February 14, 2023

The Honorable Kevin Avard, Chair
Senate Energy and Natural Resources Committee
State House, Room 103
Concord, NH 03301

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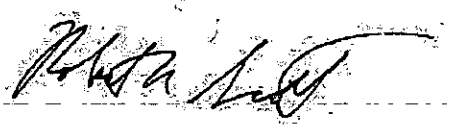
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implemented or enforced. NHDES also believes that such a requirement would need to be evaluated for consistency with the Commerce Clause of the U.S. Constitution.

Thank you again for the opportunity to comment on SB 159. Should you have questions or need additional information, please feel free to contact either Mike Wimsatt, Waste Management Division Director, at michael.wimsatt@des.nh.gov or (603) 271-1997, or me.

Sincerely,



Robert R. Scott
Commissioner

ec: Sponsors of SB 159: Senators Fenton, Altschiller, Watters, Representatives N. Murphy, Read, Bouldin, Fedolfi

Nikolas Liamos

From:	sarah doucette <sdoucette58@gmail.com>
Sent:	Tuesday, February 14, 2023 11:17 AM
To:	Kevin Avard; Howard Pearl; Regina Birdsell; Debra Altschiller; David Watters; Nikolas Liamos
Cc:	Roger Doucette
Subject:	SB 159—PLEASE SUPPORT

Caution! This message was sent from outside your organization.

Greeting Senators, Members of the Senate Energy and Natural Resources Committee,

We have been tracking NH's struggle to conserve its precious landfill space for several years now. You probably have been too. There are several remedies available to us for **smarter regulation of trash disposal in NH** and **SB 159 is a standout for its good sense.** This bill can close one of the many gaps that leave New Hampshire vulnerable to other states in the region which take advantage of our lack of disposal regulation.

There is no need to reiterate the language in the bill for you. It perfectly describes its benefits, not the least of which is siting new disposal facilities as close to the waste's geographic origin as possible. And please be clear that this bill has **no impact on existing facilities, nor does it violate interstate commerce laws.**

"Unlimited service area" landfill permits allow waste to be hauled into NH from anywhere in state or out-of-state. In contrast, the Lebanon "limited service area" provides a working example of a better model serving nearby communities in NH and VT. With SB 159 you legislators have the power to **put an effective brake on the tremendous flow of waste to be dumped in NH** at any new facility—by private commercial operators and public operators too.

After 20 years waiting for an updated Solid Waste Management Plan, NH now has the report of Chairwoman Karen Ebel's study committee—and some great suggestions. But the plan has little detail on how to accomplish the state's long-held goals—particularly how to **reduce our entrenched over-dependence on landfills.**

As Rep. Ebel noted, **"The Legislature is going to have a really important role in this, and we're going to have to have the political will to put some stronger laws into place as to what can be landfilled..."**

Now is the time and you folks have the pivotal role in recommending SB159 to the full Senate. This bill is one way to regulate and reduce what is landfilled in NH. **Please step up with your strong leadership and support the bill** through to its passage.

We appreciate your service and commitment to New Hampshire's best interests.

Sincerely,

Sarah and Roger Doucette
Whitefield, NH

Jacquelyn C. Elliott
148 West Road
Waterboro, ME 04087-3210
(207) 247-0103
j.c.elliott@roadrunner.com

SB 159-FN-LOCAL - AN ACT relative to permits for the siting of new landfills.

Senate Energy and Natural Resources Committee

TESTIMONY IN SUPPORT

Public Hearing

February 15, 2023

Honorable Chairman Senator Avard, Honorable Vice Chairman Senator Pearl, and Honorable Committee Members:

Thank you for the opportunity to submit testimony **IN SUPPORT** of SB 159-FN-LOCAL. As someone who has advocated for waste policy that protects public health, preserves the environment, conserves valuable resources, and promotes justice for those most impacted by waste management choices, SB 159-FN-LOCAL presents an opportunity for action to ensure that New Hampshire is provided a safeguard from being targeted as a repository for waste generated from far outside its borders. Across the region, neighbor states are increasing regulation for disposal of problematic waste streams, and New Hampshire's landfill capacity controlled primarily by the two competing for-profit waste behemoths, Casella Waste Systems, Inc. and WIN Waste Innovations (formerly Waste Management, Inc.) are consuming disposal capacity and endangering the well-being of New Hampshire residents. The for-profit sector of waste handling has one motive – more waste for more profit. These waste companies have the ability to build and ever expand their landfills in the state. NHDES (New Hampshire Department of Environmental Services) licenses these operations to haul waste from unrestricted service areas providing an easy opportunity for New Hampshire to be the disposal option for increasing

amounts of imported waste. Prime examples of these outcomes are the WMI Rochester TREE (Turnkey Recycling and Environmental Enterprise) Landfill and the NCES (North Country Environmental Services) Bethlehem Landfill operated by Casella.

The publicly owned Lebanon Landfill is an important example of what SB 159-FN-LOCAL is intending. The Lebanon Landfill is a limited service landfill providing disposal capacity for nearby communities in New Hampshire and Vermont. It services municipalities within a 30-mile radius of the facility. In comparison, the MT. Carberry Landfill in Success is licensed for an unrestricted service area, and disposes waste from Maine, Massachusetts, Rhode Island, and Vermont.

A publicly owned, limited service area landfill can operate within the provisions of the Interstate Commerce Clause. It could be argued that this model for waste management and disposal would assist NHDES to move forward with waste reduction goals outlined in the recently released 2022 New Hampshire Solid Waste Management Plan.

Another very **serious concern around siting and licensing any new landfill capacity**, restricted or unrestricted, in the state must be addressed within the context of the current reality of an underfunded and understaffed NHDES. The citizens of New Hampshire are being ill served with the poor regulation and lack of oversight of existing landfills. To assert that the safety of public health and the environment is being threatened with the present status is not hyperbolic. As a native Granite Stater, it was a sad day when The Old Man of the Mountain slid from his ledge. I held a thought in my heart with that news: He fell off the mountain because he could no longer bear to watch what was happening with the mountains of forever toxic waste being built all around him.

SB 159-FN-LOCAL offers a minimal opportunity to put some parameters around the aforementioned reality. As legislators, you have the responsibility to provide legal structure and the resources for NHDES to assure that going forward New Hampshire's mountains will be erections of granite and not those constructed with wasteful, toxic-bearing discards from far across the region.

Please consider SB 159-FN-LOCAL **AS OUGHT TO PASS** and to include any amendments that would clarify and strengthen the intended purpose for which it was introduced. Thank you.

Jacquelyn C. Elliott
148 West Road
Waterboro, ME 04087-3210
(207) 247-0103
j.c.elliott@roadrunner.com

Email to members of the NH Senate Energy and Natural Resources Committee In Support of HB 159

Dear Senator:

Half of all the waste that is currently landfilled in New Hampshire originates from out-of-state, primarily from Massachusetts. No other state in New England accepts that much out-of-state trash. The fact that New Hampshire has let this situation develop should be an embarrassment to us all.

Other states have already taken sensible measures to control the amount of out-of-state trash that will be accepted for landfilling. They do this in various ways, always consistent with Federal interstate commerce requirements.

Our state needs to act now. If we don't, our state is on a glide path to becoming the dumping ground for all of New England.

I support HB 159 and I hope you do too. It is a common-sense way to ensure that our state is not a patsy for other New England states and is not overrun with out-of-state trash.

HB 159:

- Will ensure that any and all newly-constructed landfills will not be overrun by out-of-state trash.
- Takes decision-making out of the hands of large corporate interests and puts it in the hands of local authorities–where it belongs.
- Only affects de novo landfills; it has no impact whatsoever on expansion or operational changes at existing landfills.
- Is wholly consistent with federal requirements that prevent restrictions to interstate commerce.
- Is wholly consistent with the types of actions taken by other states to limit the amount of trash landfilled originating from out-of-state.

Please support HB 159. Thank you.

Eliot Wessler
Whitefield, NH
eliot.wessler@gmail.com

Nikolas Liamos

From: Eliot Wessler <eliot.wessler@gmail.com>
Sent: Friday, February 17, 2023 4:14 PM
To: Mike Wimsatt; Kevin Avard; Howard Pearl; Regina Birdsell; David Watters; Debra Altschiller; Donovan Fenton; Nikolas Liamos; Tricia Melillo
Subject: Please reconsider DES' objections to HB159

Follow Up Flag: Follow up
Flag Status: Flagged

Caution! This message was sent from outside your organization.

Email to: Mike Wimsatt
Copies to Senator Fenton and staff, Chairman Avard and staff, and members of the NH Senate Energy & Natural Resources Committee
February 17, 2023

Mike: I'm following up with you and do hope to speak with you about this matter.

As I said, I watched the hearing on Wednesday and am somewhat baffled by your presentation of DES' objections to SB159. Of the four objections I heard:

- Your first two objections are purely technical related to the explicit language of the bill, which as you appeared to acknowledge at the hearing are as a result of OLS wording, and as you pointed out at the hearing seems to be easily fixable. Note that a clean version of the bill that OLS should have submitted is shown below, the bill can be amended, and the concerns you expressed would no longer exist. if there are remaining technical problems with the language or other similar concerns I'm certain they can be fixed.

- Another objection is uncertainty over whether HB159 may violate federal interstate commerce requirements, which I think you will agree is not in the wheelhouse of DES technical staff, but is properly within the purview of the NH Attorney General. The explicit language of the bill has been vetted and can be further vetted by attorneys to determine whether it is conflict with interstate commerce requirements. Note that given that limited service areas can (and in fact in the case of Lebanon) do cross state lines, it is hard to imagine that SB159 would cross what is an extremely fuzzy US Constitutional line.

- Another objection is to the implicit policy embedded in HB159 to rein in the amount of out-of-state trash landfilled in NH, which is surprising coming from DES because pursuing and implementing through law such a policy would seem to be wholly within the purview of NH's Legislature. It likely will have to Legislature finding a way to curb the amount of out-of-state trash that will be flooding into NH, especially given the existence of possible constraints you mention to negotiate with permit applicants around this issue, seems entirely sensible. Moreover, the three current unlimited landfills are essentially grandfathered, so there is no nexus between SB159 and their ability to receive permits to expand.

For these reasons I hope you will reconsider and let the Committee know that your objections are moot. In any case, I hope the Committee will recognize that holding a 15 minute hearing on a bill that it knows did not even remotely reflect the intent of the Sponsors of the bill is shortchanging those that support the bill.

Thanks Mike. I look forward to hearing from you.

****

LSR 2023-0784
AN ACT relative to permits for the siting of new landfills
Bill Title: Prohibiting the issuance of new, unlimited service area landfill permits
1. New Paragraph; Landfill Permits; Unlimited Service Area. Amend RSA 149-M:9 by inserting after paragraph V the following new paragraph:
V-a. The department shall not issue a permit for new, unlimited service area landfills, excluding the expansion of existing landfills.
2. Effective Date. This act shall take effect upon its passage.

1. Statement of Purpose: Restricting, or limiting, the service area for any future, new landfills in New Hampshire, if and when needed, is in the public interest of the state. This will assist the state in achieving the waste reduction goals established in the 2022 State Solid Waste Management Plan. Defining service areas will improve solid waste planning between the department and landfill operators, particularly in the department having knowledge of WHERE waste is originating from, leading to improved communication and coordination of state waste reduction and recycling efforts, particularly within those identified communities served, both in-state and out-of-state (if applicable). Defining and restricting, or limiting, service areas will lead to the siting of new, future landfills closer to waste origination points, thus reducing harmful greenhouse gas emissions by greatly shortening the distance waste and recyclable materials need to be hauled. Improvements in data collection will be another key benefit, further assisting the department, landfill operators, and the state in meeting the goals set forth in the new State Solid Waste Management Plan, particularly relative to reducing the quantities of waste generated, while also maximizing diversion from disposal.

Nikolas Liamos

From: Eliot Wessler <eliot.wessler@gmail.com>
Sent: Monday, February 27, 2023 7:24 PM
To: Mike Wimsatt; Kevin Avard; Howard Pearl; Regina Birdsell; David Watters; Debra Altschiller; Donovan Fenton; Nikolas Liamos; Tricia Melillo
Subject: Re: Please reconsider DES' objections to HB159
Attachments: Concord Monitor My Turn .pdf

Caution! This message was sent from outside your organization.

Dear Chairman Avard and members of the Senate Energy & Natural Resources Committee:

FYI, attached is a My Turn editorial that appeared in the Sunday Concord Monitor. It points out that enactment of SB159 would be a helpful part of the solution to the problems recently documented by the Concord Monitor associated with lax oversight of existing landfills by DES. I believe the Senate should fully consider all opportunities to improve DES' landfill oversight program.

I hope you will consider the attached editorial in your deliberations over the amended version of SB159. I believe the amended version of SB159 addresses fully the technical concerns expressed by Director Wimsatt on behalf of DES. In addition, I repeat that:

- DES' legal concerns about HB159 should be vetted not by DES' technical staff but by attorneys in order to be properly considered, and
- DES' policy concerns about HB159 are the purview of the NH Legislature, not DES.

Thanks for your consideration.

On Fri, Feb 17, 2023 at 4:13 PM Eliot Wessler <eliot.wessler@gmail.com> wrote:

Email to: Mike Wimsatt
Copies to Senator Fenton and staff, Chairman Avard and staff, and members of the NH Senate Energy & Natural Resources Committee
February 17, 2023

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Opinion: Lax landfill oversight is just one of many good reasons to limit out-of-state trash

By ELIOT WESSLER
Published: 2/26/2023 7:00:24 AM
Modified: 2/26/2023 7:00:14 AM
Eliot Wessler lives in Whitefield and works with a number of grassroots organizations in NH's North Country.

Congratulations to the *Concord Monitor* for the recent article documenting the lax oversight of New Hampshire's landfills. The article shines a hot light on the problems at the municipally-owned Conway landfill, and makes clear that these problems have been festering for a long time due to the chronic (and continuing) under-staffing and underfunding of NH's Department of Environmental Services (DES).

Even worse problems are popping up at New Hampshire's privately-owned landfills compounded by two additional factors: the lack of any real-time control over the types of and sources of trash that such landfills can accept, and the aggressive litigation by privately-owned landfills that many fear makes DES reticent to take action for permit violations.

A case in point is the NCES landfill in Bethlehem, owned by Casella Waste Systems. DES did recently crack down on NCES a bit, finding that NCES was being overfilled in violation of its permit. Predictably, Casella filed suit against DES but ultimately withdrew the suit. But it's a wide open question how many other violations may have occurred at the NCES landfill that were not flagged by DES due to resource constraints and/or fear of litigation.

One incident that NCES could not make fly under the radar is the recent 150,000+ gallon leachate spill, the largest such accident in New England. Casella didn't even report the spill to DES until two days after it occurred, at which point Casella commissioned what it characterized as an "audit" of the spill. But the "audit" was done by one of Casella's prime contractors with an obvious conflict of interest. So much for self-regulation.

Back to leachate. It's the toxic juice, full of PFAS and other toxic chemicals, that accumulates at all landfills. The best case is all of the leachate is collected at the landfill site and then hauled away in tankers to wastewater treatment plants. From there the wastewater with mixed-in leachate is released, usually into a river (into the Merrimack River in the case of NCES). But sometimes, at the landfill or somewhere along the way, there are accidents.

It would be nice to be able to say that Casella voluntarily tested for PFAS contamination at the NCES spill site, or that DES required it to do such testing. But neither of those things happened. It is truly sad that the people who live near the spill site probably will never know whether their water supply wells were contaminated with PFAS due to the spill.

All this is backdrop for the fact that the *Concord Monitor* article is getting mentioned and is having a positive effect. At a recent NH Senate Energy & Natural Resources Committee hearing, one bill considered (SB 267-FN) would have required DES to undertake a rulemaking on the permitting and operation of advanced recycling facilities. At the hearing the consensus seems to have been that if DES isn't providing effective oversight of existing landfills because it is understaffed and underfunded as described in the article, then asking DES to take on such a new and difficult challenge is a bad idea.

The other bill (SB 159) would actually lessen the burden on DES' strained resources. It would do this by requiring all newly constructed landfills to serve limited geographic areas, so that going-forward there would be more local control over the amount and type of trash that can be landfilled.

But the main point of SB 159 is to recognize that it is the landfills that serve unlimited geographic areas that are causing our state to be overrun by out-of-state trash. Half of all the waste that is currently landfilled in New Hampshire originates from out-of-state, primarily from Massachusetts. No other state in New England accepts that much out-of-state trash. The fact that New Hampshire has let this situation develop should be an embarrassment to us all.

Other states in New England have already taken sensible measures to control the amount of out-of-state trash that will be accepted for landfilling. We need to do the same.

SB 159 is a common-sense way to ensure that our state has sufficient landfill capacity to meet our own in-state needs, but closes off the wide-open spigot from Massachusetts. It will cost the taxpayers of New Hampshire nothing. Moreover, it reflects New Hampshire values. It will take a lot of the decision-making out of the hands of large out-of-state corporations and put control where it belongs — at the state and local level.

The objections to SB 159 that individual senators and DES have seem trivial compared to the benefits, and in any case are easily fixable. Our state needs to act now because New Hampshire is on a glide path to becoming the dumping ground for all of New England. Nobody in New Hampshire wants that.

Voting Sheets

Senate Energy and Natural Resources Committee
EXECUTIVE SESSION RECORD
2023-2024 Session

Bill # SB 159-FN

Hearing date: 2/15/23

Executive Session date: 3/6/23

Motion of: OTP **Vote:** 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Avard, Chair	☒	☐	☐	☒	☐
Sen. Pearl, Vice Chair	☒	☒	☐	☒	☐
Sen. Birdsell	☒	☐	☒	☒	☐
Sen. Watters	☒	☐	☐	☒	☐
Sen. Altschiller	☒	☐	☐	☒	☐

Motion of: Amend # 0766s **Vote:** 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Avard, Chair	☒	☐	☐	☒	☐
Sen. Pearl, Vice Chair	☒	☒	☐	☒	☐
Sen. Birdsell	☒	☐	☒	☒	☐
Sen. Watters	☒	☐	☐	☒	☐
Sen. Altschiller	☒	☐	☐	☒	☐

Motion of: OTPA **Vote:** 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Avard, Chair	☒	☐	☐	☒	☐
Sen. Pearl, Vice Chair	☒	☒	☐	☒	☐
Sen. Birdsell	☒	☐	☒	☒	☐
Sen. Watters	☒	☐	☐	☒	☐
Sen. Altschiller	☒	☐	☐	☒	☐

Reported out by: Sen. Altschiller

Notes:

Senate Energy and Natural Resources Committee

EXECUTIVE SESSION RECORD

2023-2024 Session

Bill # SB 154-FN

Hearing date: 2/15/23

Executive Session date: 3/8/23

Motion of: Consent **Vote:** 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Avard, Chair	X			X	
Sen. Pearl, Vice Chair	X	X		X	
Sen. Birdsell	X		X	X	
Sen. Watters	X			X	
Sen. Altschiller	X			X	

Motion of: _____ **Vote:** _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Avard, Chair					
Sen. Pearl, Vice Chair					
Sen. Birdsell					
Sen. Watters					
Sen. Altschiller					

Motion of: _____ **Vote:** _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Avard, Chair					
Sen. Pearl, Vice Chair					
Sen. Birdsell					
Sen. Watters					
Sen. Altschiller					

Reported out by: Sen. Altschiller

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Wednesday, March 8, 2023

THE COMMITTEE ON Energy and Natural Resources

to which was referred **SB 159-FN-LOCAL**

AN ACT relative to permits for the siting of new landfills.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 0837s

Senator Debra Altschiller
For the Committee

SB 159 establishes a committee to study unlimited service area permits for landfills and out of state waste coming into New Hampshire. An unlimited service area permit allows for a landfill to accept waste from any service area. This committee will consist of one member of the senate and three members of the house of representatives.

Nikolas Liamos 271-7875

FOR THE CONSENT CALENDAR

ENERGY AND NATURAL RESOURCES

SB 159-FN-LOCAL, relative to permits for the siting of new landfills.
Ought to Pass with Amendment, Vote 5-0.
Senator Debra Altschiller for the committee.

SB 159 establishes a committee to study unlimited service area permits for landfills and out of state waste coming into New Hampshire. An unlimited service area permit allows for a landfill to accept waste from any service area. This committee will consist of one member of the senate and three members of the house of representatives.

Docket of SB159		
01/20/2023	S	Introduced 01/19/2023 and Referred to Energy and Natural Resources; SJ 5
02/09/2023	S	Hearing: 02/15/2023, Room 103, SH, 01:15 pm; SC 10
03/08/2023	S	Committee Report: Ought to Pass with Amendment # 2023-0837s, 03/16/2023; Vote 5-0; CC; SC 13
03/16/2023	S	Committee Amendment # 2023-0837s, AA, VV; 03/16/2023; SJ 10
03/16/2023	S	Ought to Pass with Amendment 2023-0837s, MA, VV; OT3rdg; 03/16/2023; SJ 10
03/21/2023	H	Introduced (in recess of) 03/16/2023 and referred to Environment and Agriculture
04/04/2023	H	Public Hearing: 04/25/2023 10:15 am LOB 301-303
05/02/2023	H	Full Committee Work Session: 05/09/2023 09:30 am LOB 301-303
05/02/2023	H	Executive Session: 05/09/2023 01:00 pm LOB 301-303
05/11/2023	H	Committee Report: Ought to Pass 05/09/2023 (Vote 19-0; CC)
05/18/2023	H	Ought to Pass: MA VV 05/18/2023 HJ 14 P. 3
06/13/2023	H	Enrolled (in recess of) 06/08/2023 HJ 15
06/13/2023	S	Enrolled Adopted, VV, (In recess 06/08/2023); SJ 19
06/21/2023	S	Signed by the Governor on 06/20/2023; Chapter 0100; Effective 06/20/2023

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: SB 159-FN **Senate Committee:** ENR

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

X Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

X Bill version as it came to the committee

X All Calendar Notices

X Hearing Sign-up sheet(s)

X Prepared testimony, presentations, & other submissions handed in at the public hearing

X Hearing Report

X Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

X - amendment # 0837s ___ - amendment #_____

X - amendment # 0766 ___ - amendment #_____

X Executive Session Sheet

X Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

___ - amendment #_____ ___ - amendment #_____

___ - amendment #_____ ___ - amendment #_____

Post Floor Action: (if applicable) {Clerk's Office}

___ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

___ Enrolled Bill Amendment(s)

___ Governor's Veto Message

All available versions of the bill: {Clerk's Office}

X as amended by the senate ___ as amended by the house

X final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Committee Aide 8/2/23 Date

Senate Clerk's Office AK