

SB 593 - AS INTRODUCED

2026 SESSION

26-2176
08/06

SENATE BILL **593**

AN ACT relative to landfills.

SPONSORS: Sen. Avard, Dist 12; Sen. Watters, Dist 4; Sen. McConkey, Dist 3; Sen. Pearl, Dist
17

COMMITTEE: Energy and Natural Resources

ANALYSIS

This bill defines and regulates landfill expansions.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to landfills.

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

1 1 Purpose and Findings. The general court hereby finds and declares that:

2 I. There is a compelling state interest in maintaining adequate, reasonably priced disposal
3 capacity for solid waste generated in New Hampshire.

4 II. As a result of changes in federal and state law over the past 50 years and the economics
5 of solid waste management, waste disposal facilities are sited regionally in New Hampshire, but they
6 provide disposal capacity for municipalities throughout the state, often irrespective of whether a
7 municipality is in close proximity to the disposal facility.

8 III. The siting of new disposal capacity is often locally controversial and the use of local
9 land-use regulation to prevent siting of new capacity can result in the frustration of the state's
10 interest in maintaining adequate capacity. The general court prefers that new landfill capacity be
11 developed in expansions of existing permitted landfills instead of on greenfield sites because existing
12 sites have already been carefully studied before being permitted and have been found suitable for
13 landfilling by the department of environmental services.

14 IV. The department of environmental services typically has decades of familiarity with
15 conditions at such sites and the expansion of an existing use is generally consistent with the overall
16 objectives of land-use controls.

17 V. The state's preference for such expansions warrants that the state's regulatory and policy
18 interests take precedence over local regulation and restrictions, particularly because the
19 department's rules provide robust protection of human health and the environment.

20 VI. Because of the overriding state interest, the department already regulates virtually
21 every aspect of landfill siting and development that would ordinarily be regulated under local zoning
22 and planning ordinances.

23 VII. This legislation leaves unchanged current law regarding siting of new landfill capacity
24 on land that is not adjacent to existing permitted landfill capacity.

25 2 New Paragraph; Public Health; Solid Waste Management; Definitions. Amend RSA 149-M:4
26 by inserting after paragraph X-a the following new paragraph:

27 X-b. "Landfill expansion" means an addition to the permitted capacity of a landfill or the
28 construction of previously permitted capacity for an existing landfill on a parcel or adjacent parcels,
29 including those separated by a right-of-way, owned by the landfill operator or its affiliates. A landfill
30 expansion may either be integrated into an existing landfill or be developed separately from the
31 existing landfill.

1 3 New Paragraphs; Preference for Landfill Expansions; Exclusive Permitting Authority; Host
2 Community Agreement; Groundwater Protection Setback. Amend RSA 149-M:9 by inserting after
3 paragraph XV the following new paragraphs:

4 XVI.(a) To implement the state's preference for landfill expansion over greenfield siting of
5 new landfill capacity, notwithstanding any other provision in this section, landfill expansions shall
6 be subject to approval solely by the department, and no municipal ordinance, bylaw, rule, regulation,
7 agreement, or other restriction shall be effective to prevent the siting of a landfill expansion
8 approved by the department. Nothing in this subparagraph shall be construed to limit the
9 jurisdiction that any other state department may have over such landfill expansions.

10 (b) The owner of any landfill receiving an approval of a landfill expansion under this
11 paragraph and who has an existing agreement with the host municipality to provide free services
12 and pay the municipality a fee for each ton of waste received at the landfill shall increase the total
13 value of such services and fee to a minimum of \$2.50 per ton for all waste received in the landfill
14 expansion.

15 XVII. The department shall establish a site-specific setback distance for any proposed new
16 landfill that is not a landfill expansion from any drinking water wells, perennial river, lake, or
17 coastal water of New Hampshire, as defined in RSA 483-B:4, XVI(b). The setback distance shall be
18 sufficient to prevent any groundwater that may become contaminated by the landfill or its
19 infrastructure from reaching any existing drinking water wells, perennial river, lake, or coastal
20 water of New Hampshire within 5 years. In determining the setback distance, the department shall
21 consider the nature and distribution of subsurface soils, the seasonal volumes and gradient of
22 groundwater flow, and the inclusion of on-site and off-site design features that will ensure the
23 detection and remediation of groundwater that may become contaminated by the landfill or its
24 infrastructure before it reaches any such wells, rivers, lakes, or coastal waters.

25 4 New Paragraph; Permit Applications; Assessment of Benefits and Impacts. Amend RSA 149-
26 M:12 by inserting after paragraph I the following new paragraph:

27 I-a.(a) Any application for a new landfill that is not a landfill expansion shall, in addition to
28 any other requirements set by the department by rules adopted under RSA 541-A:

29 (1) Describe in reasonable detail the benefits and impacts of the proposed landfill on
30 existing local, regional, and state land uses;

31 (2) Provide analysis of the visual impact of the proposed landfill from any residential
32 property within one mile of the site of the proposed landfill during construction, operation, and post-
33 closure through a visual impact assessment prepared in accordance with professional standards by
34 an expert in the field;

35 (3) Provide information in reasonable detail about the projected benefits and impacts
36 of the proposed facility on state and regional business development, local, regional and state

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1 economies, property values, aesthetics, tourism, and outdoor recreation. These analyses shall be
2 conducted in accordance with professional standards by an expert in these fields;

3 (4) Provide information in reasonable detail relative to the economic benefits and
4 impacts of the proposed facility and potential infrastructure improvements associated with the
5 proposed project on affected municipalities, the region, and the state; and

6 (5) Provide information in reasonable detail about the projected impacts from noise,
7 odor, or traffic associated with the transportation of waste to the facility over roads between the
8 closest federal interstate highway and the landfill site to the extent such noise, odor, or traffic is not
9 regulated by another state or federal agency. These analyses shall be conducted in accordance with
10 professional standards by an expert in these fields.

11 (b) In any decision approving a permit for such a new landfill the department shall
12 include reasonable and practicable conditions to mitigate any such impacts.

13 5 Effective Date. This act shall take effect 60 days after its passage.