

# Senate Energy and Natural Resources Committee

*Joshua Schauer 271-3077*

**SB 593**, relative to landfills.

**Hearing Date:** February 3, 2026

**Time Opened:** 10:46 a.m.

**Time Closed:** 11:41 a.m.

**Members of the Committee Present:** Senators Avard, Pearl, McConkey, Watters and Rosenwald

**Members of the Committee Absent :** None

**Bill Analysis:** This bill defines and regulates landfill expansions.

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**Sponsors:**

Sen. Avard

Sen. Watters

Sen. McConkey

Sen. Pearl

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**Who supports the bill:** 4 individuals signed in support of the legislation. Please Contact [Joshua.Schauer@c.nh.gov](mailto:Joshua.Schauer@c.nh.gov) for more information.

**Who opposes the bill:** 129 individuals signed in opposition of the legislation. Please Contact [Joshua.Schauer@c.nh.gov](mailto:Joshua.Schauer@c.nh.gov) for more information.

**Summary of testimony presented:**

**Senator Kevin Avard, District 12**

- Senator Avard introduced the legislation as the prime sponsor. He stated that SB593 would strengthen NH's waste system by prioritizing the cost effective capacity.
- The legislation recognizes the compelling state interest in maintaining adequate and reasonable price disposal capacity for all municipalities and businesses statewide.
- NH risks higher disposal costs and increased out-of-state hauling burdens which are borne by employers, local governments, and consumers. This bill will also reduce environmental disturbances on the community
- Expanding existing landfills is the most efficient and environmentally responsible approach for New Hampshire. The bill reinforces the state's preference for enlarging already permitted sites rather than developing new

greenfield locations, as these existing landfills have been thoroughly studied and approved by DES. The bill provides for mitigation measures to address any potential negative impacts.

**Senator Watters** inquired about line 28 on page 1, specifically the phrase “parcel or adjacent parcels.” He requested clarification on whether the development would take place on parcels that are continuously adjacent. He also asked how adjacency is defined and determined.

**Senator Avard** stated that he was not certain how to answer but believes the development must be connected to the existing site, meaning the parcels should not be separated. This is his understanding.

**Senator Watters** wanted it on the public record that if someone purchased a series of 10 or 20 acres in a continuous line and wished to develop them, there should be a clear definition of what “continuous” means.

**Senator Avard** said he would take it into consideration but did not have a definitive answer.

#### **Wayne Morrison and Amy Manzelli, North Country Alliance**

- Mr. Morrison stated that these issues have been contentious over the past several years and encouraged the committee to seek common ground. He expressed hope that the Senate and the Legislature as a whole could work collaboratively.
- He referenced specific language in the bill and stated that, in effect, the legislation would force an expansion against the will of the town. He said they believe such action is unnecessary and unwarranted and that it fosters mistrust between the state and local communities.
- He also noted that there is still much work to be done regarding solid waste, but expressed optimism about seeing positive change within the solid waste industry.
- Ms. Manzelli stated that she wished to elaborate on the constitutionality of the legislation before the committee. She explained that both the U.S. and New Hampshire Constitutions contain Contract Clause protections, which prohibit the state from substantially impairing existing contracts unless it exercises its police power to serve a legitimate public purpose.
- She noted that such impairment must be reasonable and necessary, and argued that there is no solid waste crisis to justify this action. She stated that the bill could be subject to legal challenge because there is no data demonstrating a reasonable and necessary need to impair existing contracts, and therefore they believe the bill is unconstitutional.

**Senator Watters** asked if there was a time period regarding 2018 settlement agreement?

**Ms. Manzelli** clarified that the 2018 settlement ratified the former 2011 settlement agreement but was unsure of the timeline and will follow-up with the committee.

**Senator Watters** believed that there was a termination date for that agreement.

**Mr. Morrison** stated that Senator Avard raised a good question regarding capacity. He noted that the 2037 date assumes the Waste Management facilities such as the one in Rochester will expand. When and if those facilities expand, it would increase capacity through 2050. He stated that all facilities have the ability to expand, but emphasized that the legislation affects only one landfill, the facility in Bethlehem, which is scheduled to close and does not need to expand. He further stated that excess capacity in the system does not lower prices but instead encourages private operators to import more out-of-state waste into New Hampshire.

**Senator Avard** stated that Waste Management handles approximately 70 percent of the waste, compared to its competitor, which handles about 40 percent. He then asked whether, if the bill were to fail, the reconsideration of *Dalton* would come back into play.

**Mr. Morrison** explained that they opposed the Dalton location because it was the wrong site and stated that they believe an expansion is not needed in either location. He noted that Dalton was poorly sited and that, in Bethlehem, an agreement is already in place. He believes it does not matter and that the agreement between the company and the locality should be honored.

**Senator Avard** stated that they had convinced him of certain points, but that he was concerned about the length of time required to complete projects. He said that if the bill does not pass, he could foresee delays that would hinder trash removal in the state. He also stated that he was unaware of the PFAS contamination and remediation issues in cities like Nashua. He noted the potential compelling state interest for expanding landfills, and asked what actions the state should take.

**Ms. Manzelli** talked about wind turbines and how a project was denied because it abutted the pristine water in the state. The developers took that into consideration, redeveloped the proposal, and rebuilt the project. That entire process took three to four years. When there is a good project, it can take that long and that is a good project. It demonstrates tremendous efficiency for developers while still protecting the state's resources. That is the solution, the Site Evaluation Committee process working as intended.

**Senator Avard** said that it has been shown to be the exact opposite. The Seabrook project was delayed because of protests, not because of the regulatory process itself. Given that history, one has to ask who would want to build in the state knowing the uncertainty and delays that can arise despite following the rules.

**Mr. Morrison** said that Waste Management has liked working in the state, based on past testimony in the committee. He noted that Senator Avard raised a good point that rather than usurping local control, the state needs to have a framework to address out-of-state waste. Ensuring proper oversight and regulation is essential to managing these challenges effectively.

**Senator Pearl** said that this bill, along with others, is trying to improve solid-waste evaluation for the state. He emphasized that we have capacity, but raised a concern: are we at risk of reducing the industry to just one player? We are losing participants in this sector, and going down to a single operator could have serious impacts. He noted that the Rochester facility, for example, is less interested in bringing in out-of-state waste.

**Mr. Morrison** said the solid-waste industry is heavily regulated because there are few players, and those few control much of the costs. He stressed that he wants to work with competent, ethical, well-run companies and does not advocate extra regulation unnecessarily. However, the more one learns about the industry, the greater the concern, especially regarding liability and dangerous chemicals. He questioned why a company with a history of negligence should be allowed to expand. Responsible companies, he noted, do not want to fight regulation; they want to be part of the solution. Ensuring growth happens safely and transparently while protecting the public and the environment.

**Ms. Manzelli** added that turning composting and waste disposal into a regulated, monetized market, especially by requiring institutions to participate, could create significant future profits.

**Senator Pearl** said that in a previous bill, it would have encouraged composting but the bill ultimately died due to state actors dragging their feet and companies became disinterested.

**Senator Avard** echoed Senator Pearl, saying that issues with landfill regulation and the SEC discourage new businesses from entering the state, effectively closing off markets.

**Senator Rosenwald** noted that Nashua participates in a composting program and, following up on Senator Pearl's concern about monopolization, asked whether the discussion involved only two or three facilities.

**Mr. Morrison** stated that the state has six landfills and an incineration facility. He expanded that recycling and composting infrastructure is the future of the industry and can help reduce the amount of waste in the ground which will lower the overall risk.

**Senator Avard** noted that incineration, like the facility in Boscawen, can reduce waste volume by three-quarters, but repeated opposition limits participation in the field, driving up costs and stifling discussion and opportunity.

**Ms. Manzelli** responded that the evaluation committee's main benefit is providing certainty in standards and process, allowing developers to understand the current framework, explore potential changes, and engage confidently if the system is established.

#### **Natch Greyes, BIA**

- Mr. Greyes said that he supported the legislation because it streamlined governmental processes. It addressed issues that were usually overlooked,

including groundwater projects. It avoided more contentious matters, such as Public Utility Commission (PUC) issues and similar topics.

- The legislation clearly favored the expansion of existing landfills rather than the construction of new ones. From a constitutional perspective, it was important to examine who had standing to make a claim. There was precedent in which the state had intervened in certain issues and in the case of Bethlehem, should not be deemed unconstitutional.

### **Rich Suffel,**

- Mr. Suffel explained that the bill will subvert local control, potentially allowing the state of New Hampshire to void contracts between Casella, NCEES, and the town of Bethlehem, including a \$1.9 million settlement, while leaving the town unable to set tipping fees.
- He raised some environmental and safety concerns, particularly regarding landfill liners that had been exposed to hazardous materials. There were fears that these exposures could contaminate clean drinking groundwater. The bill was seen as creating a dangerous precedent by undermining local oversight and allowing state intervention in matters that traditionally were managed at the town level. This raised broader concerns about how similar authority could be applied to other industries in the future.
- Controversy and corporate implications were highlighted, as the bill was characterized as a corporate bailout favoring companies like Casella. He said argued that the committee should reconsider the approach entirely and start over, effectively rejecting the bill to protect town authority and prevent potential financial and environmental harm.

### **Heidi Trimarco,**

- She opposed the bill because it removed local control and silenced the community's voice. She noted that the state already controlled most aspects of the issue, and that Bethlehem had been the reason localities were being heard; the bill threatened to override that input.
- She said the bill presumed there had been frustration with the current processes, despite there being no actual capacity problem. She emphasized the need for composting and recycling facilities, as noted in the biennial report. She recommended that the committee vote Inexpedient to Legislate (ITL).

### **Michael Wimsatt, Department of Waste Management**

**Senator Rosenwald** noticed that on page 1, line 19 of the bill, it stated that the Department's rules provided robust protection of human health and the environment. She recalled that last fall JLCAR had unanimously objected to new rules because they were "contrary to the public interest, designed to benefit the administrative

convenience of the agency to the detriment of the public, and contrary to legislative intent.” She asked for clarification on the rule language.

**Mr. Wimsatt** said yes, there had been a preliminary objection to that effect. He explained that the Department responded to the objection, and JLCAR subsequently approved the new rule set at their next meeting.

**Senator Rosenwald** asked about lines 22 and 23 of the bill, which called for new landfills to be sited so that pollution could not reach water, unless design features existed that could remediate polluted groundwater. She asked what kind of technology was available to achieve that.

**Mr. Wimsatt** said he was not sure why that language had been included. He explained that the migration of contaminants to surface water depends on the hydrogeology of the area. He noted that there were design features that could help mitigate contaminant movement, but that the current rule set was already robust and highly protective. He concluded that this provision was unnecessary.

**Senator Rosenwald** also asked about a housing development being built on a contaminated site, in which DES had been involved. She wanted to know whether contaminated material would be removed before construction, noting that it was a multi-million-dollar project funded with federal and private dollars. She also asked whether expecting a private company to install a leak-proof system would be expensive.

**Mr. Wimsatt** responded that the project was very complex, involving multiple contaminants. He clarified that surface water impacts were not a major concern; the primary concern was protecting groundwater. He emphasized that the landfill had to be properly sited and constructed to allow remediation if necessary, ensuring ongoing protection of the environment.

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Date Hearing Report completed: February 6, 2026