

Amendment to HB 215-FN

1 Amend the bill by replacing section 1 with the following:

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3 1 Public Benefit Requirement; Net Public Benefit. RSA 149-M:11, III is repealed and reenacted
4 to read as follows:

5 III. Prior to completing its full technical review of an application, the department shall
6 determine whether a proposed solid waste facility provides a net public benefit through an initial
7 review process. A net public benefit exists if potential benefits for a proposed project are determined
8 to be greater than the potential harms. Only if the department determines that a net public benefit
9 exists shall the application proceed for further review. To make this determination, the department
10 shall consider:

11 (a) The short-and long-term need for a solid waste facility of the proposed type, size, and
12 location to provide capacity to accommodate solid waste generated within the borders of New
13 Hampshire, which capacity need shall be identified as provided in paragraph V.

14 (b) The ability of the proposed facility to assist the state in achieving the implementation
15 of the hierarchy and goals under RSA 149-M:2 and RSA 149-M:3.

16 (c) The ability of the proposed facility to assist in achieving the goals of the state solid
17 waste management plan, and one or more solid waste management plans submitted to and approved
18 by the department under RSA 149-M:24 and RSA 149-M:25.

19 (d) To assist the department in the determination of net public benefit, an assessment
20 shall be conducted on behalf of the host community and/or other abutting municipalities by an
21 independent third party contractor and the costs for such assessment shall be borne by the
22 applicant. The applicant shall submit a list of no fewer than three independent third party
23 contractors to the department. The department shall review the qualifications of the contractors,
24 and provided that it finds them qualified, shall work in consultation with the host community and
25 the applicant to select a mutually agreeable contractor. If the department determines that one or
26 more of the submitted contractors is not qualified, it shall require the applicant to identify additional
27 contractors. If a mutually agreeable third party has not been identified within 60 days, the
28 commissioner shall choose from the submitted list.

29 (e) The required assessment shall include both potential harms and potential benefits
30 associated with the proposed facility. Potential harms shall include any potentially harmful impacts
31 on human health, property values, tourism, outdoor recreation, and wildlife. Such impacts may

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1 include noise, odor, traffic, greenhouse gas, and other emissions emanating from the facility and
2 emissions from transport of solid waste-related material and by-products to and from the proposed
3 facility. Potential benefits shall include, in addition to capacity need as described in subparagraph
4 III(a), potential economic benefits to the local area and potential infrastructure improvements
5 associated with the proposed project, and other factors as identified by the contractor.

6 (f) To assist in review of the third-party assessment, the department shall consult, as
7 needed, with the department of transportation to evaluate impacts on local traffic and
8 infrastructure; the department of business and economic affairs to evaluate impacts on the local
9 economy; and the department of natural and cultural resources to evaluate impacts on tourism and
10 local natural and cultural resources.

11 (g) The department shall issue its determination of whether the proposed facility
12 provides a net public benefit prior to completing a full technical review of the application. If the
13 department determines that the facility does provide a net public benefit, the department shall
14 notify the applicant in writing, and shall proceed with technical review. If the department
15 determines that the proposed facility does not provide a net public benefit, it shall issue a written
16 denial of the application.