

Senate Energy and Natural Resources Committee

Joshua Schauer 271-3077

HB 215-FN, requiring a landfill permit applicant to submit a report listing potential harms and benefits of the project.

Hearing Date: April 16, 2026

Time Opened: 1:50 p.m.

Time Closed: 2:03 p.m.

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

Members of the Committee Absent : Senator McConkey

Bill Analysis: This bill requires a landfill permit applicant to submit a report listing potential harms and benefits of the project and requires the department of environmental services to make a determination that the landfill is a net public benefit.

Sponsors:

Rep. N. Germana

Rep. Bixby

Rep. Gruber

Rep. S. King

Rep. Potenza

Rep. J. Sullivan

Rep. W. Thomas

Sen. Fenton

Sen. Rochefort

Who supports the bill: 41 Individuals signed in Support of the legislation. Please contact Joshua.Schauer@gc.nh.gov for more information.

Who opposes the bill: 2 Individuals signed in Opposition of the legislation. Please contact Joshua.Schauer@gc.nh.gov for more information.

Who is neutral on the bill: 1 Individuals signed neutral on the legislation. Please contact Joshua.Schauer@gc.nh.gov for more information.

Summary of testimony presented:

Representative Germana, Cheshire 15

- He explained the background of the bill. It was introduced last year and has since been developed in consultation with the department and stakeholders to fully flesh out the information and mechanics. The bill is intended to achieve similar goals to the Site Evaluation Committee process, but in a more streamlined “lite” version.

- The first part establishes a review process for applications and sets standards for evaluating the net benefits of landfills. This includes consideration of public benefit, waste strategy, and capacity needs. The framework emphasizes weighing benefits against harm and balancing pros and cons. Much of this language was incorporated into HB2 last year and continues work the Governor supported closely.
- The bill also includes a list of benefits on page 2, some of which are not currently defined or in practice, including potential community benefits that are not yet part of the existing process.
- The second part places greater emphasis on local community input. Applicants would be required to fund a third-party study as part of a collaborative process involving the department, the community, and the company.
- He said that the key considerations include the lifespan of the proposed facility and overall capacity needs, helping to draw a clearer line between the parties involved. The most important aspect of the bill is creating a process that meaningfully weighs the costs and benefits, and ensuring there is local community involvement.

Senator Watters asked whether he would prefer this bill over the Site Evaluation Committee legislation.

Representative Germana responded that he would not. He explained that this bill was developed before the more recent work with the Governor and other stakeholders on the Site Evaluation Committee legislation. His view is that, while those discussions continue, this bill serves as an alternative approach. If no resolution is reached through the existing process, this proposal offers another option in a different form.

Mike Wimsatt, DES

- He said that DES took no position on the bill but shared several observations and concerns.
- Mr. Wimsatt acknowledged that solid waste facilities can create both benefits and harms for host communities and noted that current law does not explicitly require DES to consider the full range of those impacts. While DES supports a broader evaluation of community effects, it expressed a preference for proposals establishing an independent Site Evaluation Committee. Such a committee, composed of individuals with diverse expertise, would be better suited to assess factors like transportation, local economies, and community impacts, rather than assigning that responsibility solely to DES.
- He addressed concerns with the bill's proposed changes to the public benefit determination. Under current law, DES evaluates applications based on statutory goals, alignment with the state's solid waste plan, and capacity need.

This framework, they noted, has been upheld by the New Hampshire Supreme Court and provides DES with appropriate flexibility.

- The bill's requirement that facilities demonstrate a capacity shortfall for at least half of the proposed operating period raised concerns. The representative explained that this could delay expansions or new facilities, potentially forcing temporary closures and disrupting the market. For example, a facility might exhaust its permitted capacity but be unable to begin operations on an approved expansion if it does not meet the timing requirement.
- He expressed concern that the proposed changes could create impractical permitting constraints, while emphasizing that current law already provides sufficient latitude to make responsible public benefit determinations.

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Date Hearing Report completed: April 17, 2026