

HB 1189-FN - AS INTRODUCED

2026 SESSION

26-2520

08/09

HOUSE BILL            ***1189-FN***

AN ACT                establishing a solid waste site evaluation committee.

SPONSORS:            Rep. Bixby, Straf. 13; Rep. J. Aron, Sull. 4; Rep. Barbour, Hills. 35; Rep. N. Germana, Ches. 15; Rep. Gruber, Ches. 16; Rep. Haskins, Rock. 11; Rep. Potenza, Straf. 19; Rep. J. Sullivan, Graf. 2; Sen. Rochefort, Dist 1

COMMITTEE:          Environment and Agriculture

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ANALYSIS

This bill establishes a solid waste site evaluation committee.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.



1 land surveying, optioning or acquiring land or rights in land, changes desirable for temporary use of  
2 the land for public recreational uses, necessary subsurface explorations to determine hydrogeologic  
3 and soil conditions, work required as part of an application to any federal, state, or local authority,  
4 or other preconstruction monitoring or testing to establish background information related to the  
5 suitability of the site for the proposed use.

6 VI. "Committee" means the solid waste evaluation committee established by this  
7 subdivision.

8 VII. "Department" means the department of environmental services.

9 VIII. "Major solid waste disposal facility" means a location, system, or physical structure for  
10 the collection, separation, storage, transfer, processing, treatment, or disposal of solid waste with a  
11 proposed waste acceptance rate greater than 100,000 tons per year. "Major solid waste disposal  
12 facility" does not include a facility designed to manage food waste in accordance with RSA 149-M:27,  
13 V(b)(1)-(5), or any facility proposed to be constructed by a New Hampshire municipal government.

14 IX. "Filing" means the date on which the application is first submitted to the committee.

15 X. "Person" means any individual, group, firm, partnership, corporation, cooperative,  
16 municipality, political subdivision, government agency, or other organization.

17 149-M:67 Solid Waste Evaluation Committee Established.

18 I. There is hereby established a committee to be known as the New Hampshire solid waste  
19 site evaluation committee consisting of 7 members, as follows:

20 (a) The chairperson of the waste management council established under RSA 21-O:9.  
21 who shall serve as chairperson of the committee. If there is an appeal pending before the waste  
22 management council related to the major solid waste disposal facility, then the chairperson of the  
23 wetlands council, water council, or air resources council established under RSA 21-O, selected by the  
24 commissioner of the department, shall serve on the committee and as chairperson of the committee.

25 (b) The commissioner of the department of business and economic affairs, or designee.

26 (c) The commissioner of the department of environmental services, or designee.

27 (d) Four members and, when required by RSA 149-M:68, an alternate member,  
28 appointed by the governor with the consent of the executive council, including a member who serves  
29 on a local conservation commission, a member who has expertise in the private waste management  
30 industry, a member with expertise in municipal planning and one with expertise or experience in  
31 one or more of the following areas: business management; environmental protection; natural  
32 resource protection; solid waste disposal facility design, construction, operation, or management;  
33 community-level recycling; community and regional planning or economic development; municipal or  
34 county government; or the governing of unincorporated places.

35 II. All members, including those who sit for a member recused under RSA 149-M:68, shall  
36 refrain from ex parte communications regarding any matter pending before the committee. A

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1 majority of the members of the committee shall constitute a quorum for the purpose of conducting  
2 the committee's business.

3 III. The committee shall be administratively attached to the department of environmental  
4 services.

5 IV. The chairperson shall serve as the chief executive of the committee and may:

6 (a) Serve as presiding officer.

7 (b) Delegate to other members the duties of the presiding officer, as appropriate.

8 (c) Establish, with the consent of the committee, the budgetary requirements of the  
9 committee.

10 (d) Engage personnel in accordance with this chapter.

11 V. The presiding officer may appoint a hearing officer to perform the functions described in  
12 RSA 149-M:70, V.

13 149-M:68 Members Appointed By The Governor With The Consent Of Council.

14 I. Members and alternate members appointed under RSA 149-M:67, I(c) and (d) shall serve  
15 4-year terms and until their successors are appointed and qualified. Any member chosen to fill a  
16 vacancy occurring other than by expiration of a term shall be appointed for the unexpired term of the  
17 member who is succeeded.

18 II. If at any time the member appointed by the governor with the consent of the executive  
19 council must recuse himself or herself from a matter before the committee or is not otherwise  
20 available for good reason, the alternate member shall replace such member.

21 III. No member nor any member of his or her family shall receive income from entities that  
22 own or operate, or have applied to own or operate, major solid waste disposal facilities in New  
23 Hampshire. The members appointed by the governor with the consent of the executive council and  
24 their alternates shall comply with RSA 15-A and RSA 15-B.

25 IV. Any member appointed by the governor with the consent of the executive council may be  
26 removed from office in accordance with RSA 4:1.

27 149-M:69 Administrator and Other Committee Support. The administrator shall provide  
28 support to the committee. If the administrator is not available or the position is vacant, the  
29 committee may hire an independent contractor at the expense of the applicant. The administrator  
30 shall be under the supervision of the chairperson when performing duties for the committee. The  
31 administrator shall be compensated for work performed for the committee as set forth in RSA 149-  
32 M:85. The administrator, or chairperson in the absence of an administrator, with committee  
33 approval, may engage additional technical, legal, or administrative support to fulfill the functions of  
34 the committee as necessary.

35 149-M:70 Powers and Duties of the Committee; Rules.

36 I. The committee shall:

37 (a) Evaluate and issue any certificate under this chapter for a major solid waste

1 disposal facility.

2 (b) Determine the terms and conditions of any certificate issued under this chapter.

3 (c) Adjudicate enforcement matters.

4 (d) Assist the public in understanding the requirements of this chapter.

5 (e) Deny applications for a certificate based on such findings and rulings as may be  
6 necessary to support its decision to deny.

7 (f) Execute, when appropriate and in the public interest, the general court stated  
8 preference that such new landfill capacity be developed in expansions of existing permitted landfills  
9 or brownfield sites instead of on greenfield sites.

10 II. The committee shall hold hearings as required by this chapter and such additional  
11 hearings as it deems necessary and appropriate and, in addition to the requirements under RSA 91-  
12 A, ensure adequate and timely public notice of no less than 7 calendar days.

13 III. The committee may delegate to the administrator or such state agency or official as it  
14 deems appropriate the authority to specify the use of any technique, methodology, practice, or  
15 procedure approved by the committee within a certificate issued under this chapter, or the authority  
16 to specify minor changes in the major solid waste disposal facility configuration to the extent that  
17 such changes are authorized by the certificate for those portions of a proposed major solid waste  
18 disposal facility project.

19 IV. The committee shall not delegate its authority or duties except as provided under this  
20 subdivision.

21 V. In any matter before the committee, the presiding officer, or a hearing officer designated  
22 by the presiding officer, may hear and decide procedural matters that are before the committee,  
23 including procedural schedules, consolidation of parties with substantially similar interests,  
24 discovery schedules and motions, and identification of significant disputed issues for hearing and  
25 decision by the committee. Undisputed petitions for intervention may be decided by the hearing  
26 officer and disputed petitions shall be decided by the presiding officer. Any party aggrieved by a  
27 decision on a petition to intervene may within 10 calendar days request that the committee review  
28 such decision. Other procedural decisions may be reviewed by the committee at its discretion.

29 VI. The committee shall issue such rules to administer this chapter, pursuant to RSA 541-A,  
30 after public notice and hearing, as may from time to time be required.

31 149-M:71 Prohibitions and Restrictions.

32 I. No person shall commence construction of any major solid waste disposal facility within  
33 the state unless it has obtained a certificate pursuant to this chapter. Such facilities shall be  
34 constructed, operated, and maintained in accordance with the terms of the certificate and any other  
35 federal, state, or local permits or approvals. Such certificates are not required for changes or  
36 additions to existing facilities unless they propose an increase in existing permitted annual  
37 throughput of greater than or equal to 50,000 tons per year. Such a certificate shall not be

1 transferred or assigned without approval of the committee. Unless otherwise specified in this  
2 chapter, any approved major solid waste facility shall not be constructed, operated, or closed in a  
3 manner materially different than the manner in which it was presented in the application for a  
4 certificate as modified and conditioned by such certificate.

5 II. Notwithstanding RSA 541-A:29 or any other law to the contrary, an application for a  
6 certificate from the committee shall be approved or denied by the committee prior to final decisions  
7 on all other state agency permit applications. Applications for certificates may be filed and  
8 evaluated by the committee concurrently with other state approvals and public hearings may be  
9 scheduled concurrently with hearings held by other state agencies as part of their permitting process  
10 for the same facility.

11 III. Notwithstanding paragraph II, for facilities under review by the department for a  
12 permit on or prior to July 1, 2026, an application for a certificate from the committee shall be  
13 approved or denied after other state agency approvals have been obtained. The committee shall not  
14 consider technical questions already considered by other state or federal agencies, nor include terms  
15 or conditions in a certificate that have already been reviewed and decided upon by other state or  
16 federal agency regulatory reviews.

17 149-M:72 Application for Certificate.

18 I. All applications for a certificate for a major solid waste disposal facility shall be filed with  
19 the administrator or the chair of the committee.

20 II. Upon filing of an application, the chairperson or designated presiding officer shall  
21 expeditiously conduct a preliminary review to ascertain if the application contains sufficient  
22 information to carry out the purposes of this chapter. If the application does not contain such  
23 sufficient information, the chairperson or designated presiding officer shall, in writing, expeditiously  
24 notify the applicant of that fact and specify what information the applicant must supply.

25 III. To carry out the committee's duties in RSA 149-M:70, each application shall:

26 (a) Describe in reasonable detail the types and quantities of waste and their  
27 characteristics proposed to be accepted and size of each major part of the proposed facility.

28 (b) Describe in reasonable detail the source of waste to be accepted and if there is a  
29 preference for waste originating within the state of New Hampshire.

30 (c) Describe how the proposed facility satisfies the criteria listed under RSA 149-M:11,

31 III.

32 (d) Identify both the applicant's preferred choice and other alternatives it considers  
33 available for the site and configuration of each major part of the proposed facility and the reasons for  
34 the applicant's preferred choice.

35 (e) Describe in reasonable detail the impact of each major part of the proposed facility on  
36 existing local, regional, and state land uses.

1 (f) Document that written notification of the proposed project, including appropriate  
2 copies of the application, has been given to the appropriate governing body of each affected  
3 municipality, as defined in RSA 149-M:66, III. The application shall include a list of the affected  
4 municipalities.

5 (g) Provide analysis on the local, regional, and statewide visual impact of the proposed  
6 facility during construction, operation, and post-closure and the visual impacts as evaluated through  
7 a visual impact assessment prepared in accordance with professional standards by an expert in the  
8 field.

9 (h) Provide information in reasonable detail about the impacts on local, regional and  
10 state property values, human health, tourism, outdoor recreation, wildlife, traffic, noise, and odor by  
11 the proposed facility. These analyses shall be conducted in accordance with professional standards  
12 by an expert in these fields.

13 (i) Provide a reasonable amount of information relative to how new contaminants of  
14 concern not regulated by a permit issued by the department will be monitored, evaluated, and  
15 managed over the proposed life of the facility.

16 (j) Provide a reasonable amount of information relative to the economic impacts of the  
17 proposed facility on affected municipalities, the region, and the state.

18 (k) Potential economic benefits to the local area and potential infrastructure  
19 improvements associated with the proposed project.

20 (l) Provide such additional information as the committee may require or request to carry  
21 out the purpose of this chapter.

22 IV. To the extent any information provided in the application was submitted and considered  
23 by a state agency as part of its permitting evaluation and decision under RSA 149-M:71, III, the  
24 applicant shall specify what information was so considered and the statutory and regulatory  
25 authority for that agency's consideration of the information.

26 V. For all information submitted with the application that was prepared by an outside  
27 consultant or expert, the applicant shall submit the qualifications of such consultants or experts to  
28 prepare such information.

29 VI. The committee shall require the applicant to hire an independent third party at the  
30 expense of the applicant and agreed upon by the committee in consultation with the municipality  
31 where the facility is proposed to be located, to peer review any assessments provided under this  
32 section.

33 VII. The chairperson or designated presiding officer shall decide whether to accept the  
34 application as administratively complete within 60 days of filing. If the chairperson or designated  
35 presiding officer rejects an application because it determines it to be administratively incomplete,  
36 the applicant may choose to file a new and more complete application or cure the defects in the  
37 rejected application within 10 days of receipt of notification of rejection.

1 VIII. Public information sessions shall be held in accordance with RSA 149-M:76.

2 IX. Within 180 days of the acceptance of an application, the committee shall issue or deny a  
3 certificate for the proposed major solid waste disposal facility.

4 X. The applicant shall immediately inform the committee of any substantive modification to  
5 its application.

6 XI. The committee may request that state agencies with relevant technical expertise  
7 participate in committee proceedings.

8 XII. The department shall conduct a review of the application information submitted  
9 pursuant to RSA 149-M:72, III(c) to determine whether the facility has demonstrated that it satisfies  
10 the criteria in RSA 149-M:11, III. Such review shall be conducted in accordance with RSA 149-M:11.  
11 The department shall report its findings to the committee in order to inform the committee's decision  
12 on the application.

13 XIII. The committee may deny a certificate based upon the criteria in RSA 149-M:9, IX.

14 XIV. A state agency may intervene as a party in any committee proceeding in the same  
15 manner as other persons under RSA 541-A.

16 149-M:73 Disclosure of Ownership. Any application for a certificate, or for change in ownership  
17 and transfer of certificate, shall be signed and sworn to by the person or executive officer of the  
18 association or corporation making such application and shall contain the following information:

19 I. Full name and address of the person, association, or corporation.

20 II. If an association or limited liability company, the name of the state under which it was  
21 formed and the names and residences of the members of the association or limited liability company.

22 III. If a corporation, the name of the state under which it is incorporated with its principal  
23 place of business and the names and addresses of its directors, officers, and stockholders.

24 IV. If doing business in a form other than as an association, limited liability company, or  
25 corporation, the form of the business, the name of the state under which it was formed, and the  
26 names and residences of anyone with a financial, ownership, or control interest in the organization.

27 V. The location or locations where an applicant is to conduct its business.

28 VI. A statement of assets and liabilities of the applicant and other relevant financial  
29 information of such applicant.

30 VII. The committee shall administratively approve changes of ownership and transfers of  
31 certificates within 90 days of a petition if it determines the new certificate holder has adequate  
32 financial, technical, and managerial capability to assure construction and operation of the facility in  
33 continuing compliance with the terms and conditions of the certificate and any federal, state, and  
34 local permits.

35 149-M:74 Application and Filing Fees.

36 I. A person filing with the committee an application for a certificate for a major solid waste  
37 disposal facility shall pay to the committee at the time of filing a fee determined in accordance with

1 the fee schedule described in paragraph II. If an application for a certificate for a major solid waste  
2 disposal facility is deemed incomplete pursuant to RSA 149-M:72, VII, and a new application is  
3 submitted thereunder, the unused portion of the initial application fee shall be refunded to the  
4 applicant or credited to the filing of the new application. The committee may in its discretion  
5 provide for a credit or refund in other circumstances that are unforeseen by the applicant.

6 II. The fees under paragraph I shall be determined in accordance with a fee schedule posted  
7 by the committee on its website, which shall include the following amounts:

8 (a) Application fee for a major solid waste disposal facility: \$20,000 base charge and  
9 \$1,000 per additional 10,000 tons/year throughput in excess of 100,000 tons per year.

10 (b) Filing fees for administrative proceedings:

11 (1) Petition for committee jurisdiction: \$500.

12 (2) Certificate transfer of ownership: \$1,000.

13 (3) Request to modify a certificate: \$1,000.

14 III. All fee charges shall be deposited in the solid waste evaluation committee fund  
15 established in RSA 149-M:84 and shall be nonlapsing and accounted for as a separate line item.

16 IV. The committee shall review and evaluate the application fees and filing fees in the fee  
17 schedule in subparagraphs II(a) and (b) at least once each year. The committee may increase any  
18 amount in the fee schedule by no more than the increase in the consumer price index from the prior  
19 year, provided that any such increase shall occur not more frequently than once during any 12-  
20 month period. Modifications to the fee schedule shall be posted on the committee website, with a  
21 link prominently displayed on the home page.

22 V. If the committee determines the cost of committee proceedings for an application  
23 significantly exceed the filing fees paid by the applicant for that application, the additional cost shall  
24 be borne by the applicant or certificate holder in such amount as may be approved by the committee.

25 149-M:75 Counsel for the Public.

26 I. An application for a certificate under this subdivision shall be served contemporaneously  
27 by the applicant upon the attorney general. Upon receipt of such an application, the attorney  
28 general shall appoint an assistant attorney general as counsel for the public in connection with the  
29 committee's consideration of the application. Counsel for the public shall be deemed to represent the  
30 public as a party to the proceedings before the committee.

31 II. This section shall not be construed to prevent any person from being heard or  
32 represented by counsel; provided, however, the committee may compel consolidation of  
33 representation for such persons as have, in the committee's reasonable judgment, substantially  
34 identical interests.

35 149-M:76 Public Hearing; Studies.

36 I. At least 30 days prior to filing an application for a certificate, an applicant shall hold at  
37 least one public information session in the affected municipality where the proposed facility is to be

1 located. This session may be held concurrently with a public session held as a requirement of any  
2 other state permit or approval.

3 II. The committee may order the applicant to provide such additional public information  
4 sessions in affected municipalities as are reasonable to inform the public of the proposed project.

5 III. Within 90 days after acceptance of an application for a certificate, the committee shall  
6 hold at least one public information session in each municipality where the proposed facility is  
7 proposed to be located.

8 IV. Subsequent public hearings shall be in the nature of adjudicative proceedings under  
9 RSA 541-A and shall be held in the municipality in which the proposed facility is to be located or in  
10 Concord, New Hampshire, as determined by the committee. The committee shall give adequate  
11 public notice of the time and place of each subsequent hearing.

12 V. The committee shall adopt rules regarding the timing and method of notices for public  
13 information sessions and public hearings, and any other requirements regarding such sessions and  
14 hearings.

15 VI. The committee shall consider and weigh all evidence presented at public hearings and  
16 shall consider and weigh written information and reports submitted to it by members of the public  
17 prior to the closing of the record of the proceeding. The committee shall provide an opportunity at  
18 one or more public hearings for comments from the governing body of each affected municipality and  
19 residents of each affected municipality. The committee shall consider, as appropriate, prior  
20 committee findings and rulings on the same or similar subject matters, but shall not be bound  
21 thereby.

22 VII. The solid waste evaluation committee shall require from the applicant whatever  
23 information it deems necessary to assist in the conduct of the hearings, and any investigation or  
24 studies it may undertake, and in the determination of the terms and conditions of any certificate  
25 under consideration.

26 VIII. The committee and counsel for the public shall conduct such reasonable studies and  
27 investigations as they deem necessary or appropriate to carry out the purposes of this chapter and  
28 may employ a consultant or consultants, legal counsel, and other staff in furtherance of the duties  
29 imposed by this chapter, the cost of which shall be borne by the applicant or certificate holder in  
30 such amount as may be approved by the committee. The committee and counsel for the public are  
31 further authorized to assess the applicant or certificate holder for all travel and related expenses  
32 associated with the processing of an application or other proceedings under this chapter.

33 IX. Times for conducting public hearings and rendering a decision on the application may be  
34 extended for good cause upon written request of the applicant.

35 149-M:77 Judicial Review. Decisions made pursuant to this chapter shall be appealed in  
36 accordance with RSA 541.

37 149-M:78 Monitoring and Enforcement.

1 I. The department shall monitor the construction and operation of any major solid waste  
2 disposal facility granted a certificate under this chapter, after all other subsequent approvals are  
3 obtained, to ensure compliance with such certificate and enforce the terms and conditions of any  
4 such certificate. With the exception of the authority retained by the state agencies in accordance  
5 with paragraph V, the department may delegate the authority to monitor the construction or  
6 operation of any major solid waste disposal facility granted a certificate under this chapter to such  
7 state agency or official as it deems appropriate but shall ensure that the terms and conditions of the  
8 certificate are met. Any authorized representative or delegate of the department shall have a right  
9 of entry onto the premises of any part of the solid waste generation facility to ascertain if the facility  
10 is being constructed or operated in continuing compliance with the terms and conditions of the  
11 certificate. During normal hours of business administration and on the premises of the facility, such  
12 a representative or delegate shall also have a right to inspect such records of the certificate holder as  
13 are relevant to the terms or conditions of the certificate.

14 II. Whenever the department administratively determines, on its own or in response to a  
15 complaint, that any term or condition of any certificate issued under this chapter or prior law is  
16 being violated, it shall, in writing, notify the certificate holder of the specific violation and order the  
17 person to immediately terminate the violation. If, 15 days after receipt of the order, the person has  
18 failed or neglected to terminate the violation, the department shall notify the committee, which may  
19 suspend the person's certificate. In addition to suspension, if, after 15 days of receipt of the order,  
20 the person has failed or neglected to terminate the violation, the committee may impose a fine not to  
21 exceed \$5,000 per day until the violation is corrected. Except for emergencies, prior to any  
22 suspension or imposition of a fine, the committee shall give written notice of its consideration of  
23 suspension or imposition of a fine and of its reasons therefor and shall provide opportunity for a  
24 prompt hearing.

25 III. In addition to other remedies provided in this chapter, upon petition of the department,  
26 the committee may suspend a certificate if the committee determines that a person has made a  
27 material misrepresentation in the application, or in the supplemental or additional statements of  
28 fact, or studies required of the applicant, or if the committee determines that the person has violated  
29 the provisions of this chapter, or any rule adopted under this chapter. Except for emergencies, prior  
30 to any suspension, the committee shall give written notice of its consideration of suspension and of  
31 its reasons therefor and shall provide an opportunity for a prompt hearing.

32 IV. Upon petition of the department, the committee may revoke any certificate that is  
33 suspended after the person holding the suspended certificate has been given at least 90 days' written  
34 notice of the committee's consideration of revocation and of its reasons therefor and has been  
35 provided an opportunity for a full hearing.

36 V. Notwithstanding any other provision of this chapter, each state agency having permitting  
37 or other regulatory authority shall retain all of its powers and duties of enforcement.

1 VI. The full amount of costs and expenses incurred by the department and committee in  
2 connection with any enforcement action against a person holding a certificate, in which the person is  
3 determined to have violated any provision of this chapter, any rule adopted by the department or  
4 committee, or any of the terms and conditions of the issued certificate, shall be assessed to the  
5 person and shall be paid by the person to the committee. Any amounts paid by a person to the  
6 committee pursuant to this paragraph shall be deposited in the solid waste evaluation committee  
7 fund established in RSA 149-M:84.

8 VII. The department may adopt rules in furtherance of its monitoring and enforcement  
9 responsibilities under this chapter.

10 149-M:79 Records. Complete verbatim records shall be kept by the committee of all hearings,  
11 and records of all other actions, proceedings, and correspondence of the committee, including  
12 submittals of information and reports by members of the public, shall be maintained, all of which  
13 records shall be open to the public inspection and copying as provided for under RSA 91-A.  
14 Committee records regarding pending applications for a certificate shall also be made available on  
15 the committee's website unless such records were submitted under seal and are exempt from public  
16 disclosure under RSA 91-A.

17 149-M:80 Temporary Suspension of Deliberations. If the committee, at any time while an  
18 application for a certificate is before it, deems it to be in the public interest, it may temporarily  
19 suspend its deliberations and time frames established under this chapter.

20 149-M:81 Findings and Certificate Issuance.

21 I. Any certificate issued by the committee shall be based on the record. The decision to issue  
22 a certificate in its final form or to deny an application once it has been accepted shall be made by a  
23 majority of the committee.

24 II. The committee may consult with interested regional agencies and agencies of border  
25 states in the consideration of certificates.

26 III. After due consideration of all relevant information regarding the potential siting,  
27 including potential significant impacts and benefits, the committee shall determine if issuance of a  
28 certificate will serve the objectives of this chapter. In order to issue a certificate, the committee shall  
29 find that:

30 (a) The applicant has adequate financial, technical, and managerial capability to assure  
31 construction, operation, and closure of the facility in continuing compliance with the terms and  
32 conditions of the certificate.

33 (b) The facility will not unduly interfere with the orderly development of the region with  
34 due consideration having been given to the views of municipal and regional planning commissions  
35 and municipal governing bodies.

36 (c) The facility satisfies the criteria in RSA 149-M:11, III.

1           (d) The net public benefit of the facility to the region shall outweigh any adverse impact  
2 of the facility on human health, aesthetics, historic preservation, economic impacts to the region,  
3 tourism, outdoor recreation, regional and statewide business development, wildlife, noise, odor,  
4 traffic impacts, existing land uses, including property values, characteristics and source of waste,  
5 and any other impacts assessed as part of the application pursuant to RSA 149-M:72, III.

6           (e) Issuance of a certificate will serve the public interest of the citizens of  
7 NewHampshire.

8           IV. The committee shall issue an order granting or denying a certificate. Such order shall  
9 summarize and address issues of concern expressed during public information sessions and hearings  
10 to ensure that the public's voice has been heard and recorded.

11           V. A certificate of site and facility may contain such reasonable terms and conditions,  
12 including, but not limited to the authority to require bonding, as the committee deems necessary.  
13 Such certificates, when issued, shall be final and subject only to judicial review.

14           VI. The committee shall condition the certificate upon the results of applicable federal and  
15 state approvals or appeal processes and required federal and state agency studies whose study  
16 period exceeds the application period.

17           149-M:82 Penalties.

18           I. Any construction or operation of major solid waste disposal facilities without first  
19 obtaining a certificate from the committee, or any material violation of the terms and conditions of a  
20 certificate issued by the committee, shall be subject to a civil penalty not to exceed \$10,000 for each  
21 violation or for each day of a continuing violation. Such violation may also be enjoined by the  
22 superior court upon application of the attorney general.

23           II. Whoever purposely or knowingly commits any violation of any provision of this section  
24 shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

25           149-M:83 Severability. If any provision of this chapter, or application thereof to any person or  
26 circumstance is held invalid, the invalidity shall not affect other provisions or applications of the  
27 chapter which can be given effect without the invalid provisions or applications, and to this end, the  
28 provisions of this chapter are severable.

29           149-M:84 Fund Established; Funding Plan. There is hereby established in the office of the state  
30 treasurer a nonlapsing, special fund to be known as the solid waste evaluation committee fund. All  
31 application and other filing fees received by the committee under this chapter shall be deposited in  
32 the fund. All moneys in the fund shall be continually appropriated to the committee and shall be  
33 used to pay for operating costs of the committee and the partial salary of the administrator. If the  
34 administrator position is vacant, the fund may be used to pay an independent contractor to perform  
35 those duties. Notwithstanding any other provision of law, the committee may engage the  
36 department for additional technical, legal, or administrative support to fulfill the requirements of

1 this chapter, the cost of which shall be charged directly to the applicant or major solid waste disposal  
2 facility owner.

3 149-M:85 Compensation and Reimbursement.

4 I. The public members of the committee shall be compensated for all time spent on  
5 committee business, including compensation and reimbursement for major solid waste disposal  
6 facility proceeding time and expenses. Compensation shall be provided on a pro rata basis, based  
7 upon the daily salary rate of an unclassified position at the initial step in grade FF under RSA 94:1-  
8 a, I(a).

9 II. State agencies represented on the committee shall be reimbursed for major solid waste  
10 disposal facility proceeding time and expenses incurred by their respective members or designees,  
11 except that time spent for the first 5 full days of their participation with respect to any application or  
12 other proceeding concerning a major solid waste disposal facility shall not be subject to  
13 reimbursement. The rate of reimbursement to each respective agency shall be based on a pro rata  
14 share of the employee's salary, benefits, and related costs.

15 III The department of justice shall be reimbursed in the same manner as described in  
16 paragraph II for major solid waste disposal facility proceeding time and expenses that are incurred  
17 by the counsel for the public.

18 IV. All persons or agencies seeking compensation or reimbursement under this section shall  
19 keep detailed time and expense records which shall be submitted to the chairperson or administrator  
20 and used to determine the amount of compensation or reimbursement. The chairperson or  
21 administrator shall develop a record keeping system and accounting and payment procedures.

22 V. Compensation shall not be provided to members of the committee for initial meetings  
23 conducted prior to acceptance of application fees. The department shall provide support for the  
24 adoption of rules established by the committee.

25 149-M:86 Solid Waste Permit Applications Suspended. The department shall not issue any  
26 permit approvals that authorize new capacity for major solid waste disposal facilities until rules are  
27 adopted by the committee or until July 1, 2027, whichever is later.

28 2 New Subparagraph; Solid Waste Evaluation Committee Fund. Amend RSA 6:12, I(b) by  
29 inserting after subparagraph (410) the following new subparagraph:

30 (411) Moneys deposited in the solid waste evaluation committee fund as established  
31 in RSA 149-M:84.

32 3 Effective Date. This act shall take effect 60 days after its passage.

**HB 1189-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT establishing a solid waste site evaluation committee.

**FISCAL IMPACT:**

<b>Estimated State Impact</b>				
	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>
<b>Revenue</b>	\$0	\$0	\$10,000 to \$150,000	\$10,000 to \$150,000
<i>Revenue Fund(s)</i>	Solid Waste Evaluation Committee Fund			
<b>Expenditures*</b>	\$0	\$0	Indeterminable Increase \$10,000 to \$150,000	Indeterminable Increase \$10,000 to \$150,000
<i>Funding Source(s)</i>	Solid Waste Evaluation Committee Fund			
<b>Appropriations*</b>	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

**\*Expenditure = Cost of bill**

**\*Appropriation = Authorized funding to cover cost of bill**

**METHODOLOGY:**

This bill establishes a Solid Waste Site Evaluation Committee (SWSEC) to review applications for major solid waste disposal facilities, requires the Department of Environmental Services (DES) to provide administrative support, and creates a non-lapsing Solid Waste Evaluation Committee Fund to receive certificate application fees. The bill also suspends approvals for new capacity for major solid waste disposal facilities until SWSEC rules are adopted or July 1, 2027, whichever is later.

The Department of Environmental Services states this bill establishes a Solid Waste Site Evaluation Committee and requires the Department to assist the committee with administrative, rulemaking, and enforcement responsibilities. The bill also creates a Solid Waste Evaluation Committee Fund to receive application fees for certificates issued by the committee. The Department estimates revenue from certificate application fees will likely range between \$10,000 and \$150,000 per application beginning in FY 2028, with similar amounts possible in subsequent fiscal years depending on the number and size of projects reviewed. All fee revenue would be deposited into the newly established dedicated fund and used to support the committee’s activities.

The Department indicates there will be no fiscal impact to counties or municipalities because the definition of “major solid waste disposal facility” excludes facilities designed to manage food

waste and facilities proposed by municipalities. The bill does not provide new funding or position authorization for DES to fulfill its responsibilities. As a result, the Department will redirect existing staff resources to support the SWSEC, which may reduce capacity for other permitting or oversight activities within the Waste Management Division.

Additionally, the Solid Waste Site Evaluation Committee would incur expenses for member compensation, reimbursements, administrative support, and operational costs. These expenses would be paid from the Solid Waste Evaluation Committee Fund established in the bill. All money in the fund is continually appropriated to the committee for its operations. The total expenditures are indeterminable but would not exceed what the fund brings in.

It is assumed that the terms “solid waste site evaluation” and “solid waste evaluation” are used interchangeably throughout the bill.

**AGENCIES CONTACTED:**

Department of Environmental Services