

CHAPTER 288
HB 707-FN - FINAL VERSION

26Mar2025... 1041h
01/07/2026 3050s
05/14/2026 1932s
4Jun2026... 2156EBA

2026 SESSION

25-0579
08/09

HOUSE BILL **707**

AN ACT establishing a solid waste site evaluation committee.

SPONSORS: Rep. Potenza, Straf. 19; Rep. B. Boyd, Hills. 12; Rep. N. Germana, Ches. 15; Rep. Haskins, Rock. 11; Rep. S. King, Coos 4; Rep. J. Aron, Sull. 4; Rep. Noble, Hills. 2; Rep. Burroughs, Carr. 2; Rep. Gruber, Ches. 16; Rep. Schmidt, Straf. 14; Sen. Fenton, Dist 10; Sen. Ricciardi, Dist 9; Sen. Rochefort, Dist 1

COMMITTEE: Environment and Agriculture

AMENDED ANALYSIS

This bill establishes a solid waste site evaluation committee.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 288
HB 707-FN - FINAL VERSION

26Mar2025... 1041h
01/07/2026 3050s
05/14/2026 1932s
4Jun2026... 2156EBA

25-0579
08/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT establishing a solid waste site evaluation committee.

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

1 288:1 New Subdivision; Solid Waste Site Evaluation Committee. Amend RSA 149-M by inserting
2 after section 64 the following new subdivision:

3 Solid Waste Site Evaluation Committee

4 149-M:65 Declaration of Purpose.

5 I. The legislature and the executive branch recognize that the selection of sites for major solid
6 waste disposal facilities may have significant statewide, regional, and local impacts that are not fully
7 evaluated through existing regulatory review.

8 II. Accordingly, the general court finds that it is in the public interest to establish a procedure to
9 evaluate the local, regional, and statewide benefits and burdens of a new major solid waste facility that
10 are not captured by existing regulatory reviews, including public health and safety, noise, odor, aesthetics,
11 local and regional economic impacts, property value impacts, nature and source of waste, need, impacts
12 on tourism, recreation and traffic, and other similar impacts.

13 III. Furthermore, the general court recognizes there is a compelling state interest in maintaining
14 adequate, reasonably priced, and environmentally protective disposal capacity for solid waste generated
15 in New Hampshire.

16 IV. The general court prefers that new landfill capacity be developed in expansions of existing
17 permitted landfills or brownfield sites instead of on greenfield sites.

18 149-M:66 Definitions. In this subdivision:

19 I. "Acceptance" means a determination by the committee that it finds that the application is
20 complete and ready for consideration.

21 II. "Administrator" means the administrator of the site evaluation committee established pursuant
22 to RSA 162-H:3-a.

23 III. "Affected municipality" means any municipality or unincorporated place in which any part of a
24 major solid waste disposal facility is proposed to be located and any municipality or unincorporated place
25 from which any part of the proposed major solid waste disposal facility will be visible or audible, including
26 off-site traffic impacts.

27 IV. "Certificate" means the document issued by the committee, containing such terms and
28 conditions as the committee deems appropriate, that authorizes the applicant to proceed with the
29 proposed site and facility.

CHAPTER 288
HB 707-FN - FINAL VERSION
- Page 2 -

V. "Commence construction" means any clearing of the land, excavation or other substantial action that would result in long-term impacts to the site of the proposed facility, but does not include land surveying, optioning or acquiring land or rights in land, changes desirable for temporary use of the land for public recreational uses, necessary subsurface explorations to determine hydrogeologic and soil conditions, work required as part of an application to any federal, state, or local authority, or other preconstruction monitoring or testing to establish background information related to the suitability of the site for the proposed use.

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

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

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

IX. "Human health" is defined to be consistent with "public health and safety" as that term is utilized in RSA 162-H.

X. "Landfill expansion" means an addition to the permitted capacity of an existing facility as defined in RSA 149-M:4, IX.

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

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

149-M:67 Solid Waste Evaluation Committee Established.

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

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

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

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

(d) Four members and, when required by RSA 149-M:68, an alternate member, appointed by the governor with the consent of the executive council, including a member who serves on a local conservation commission, a member who has expertise in the private waste management industry, a member with expertise in municipal planning, and one member with expertise or experience in environmental protection, environmental health, or environmental science.

(e) At any given time, there shall not be more than 2 members of the committee with current or past employment, contract work, or consulting services in the private waste management industry.

CHAPTER 288
HB 707-FN - FINAL VERSION
- Page 3 -

1 (f) No member of the committee may be an employee or contractor of an entity that owns or
2 operates an existing or planned major solid waste disposal facility or an entity that has applied to own or
3 operate a major solid waste disposal facility.

4 II. All members, including those who sit for a member recused under RSA 149-M:68, shall refrain
5 from ex parte communications regarding any matter pending before the committee. A majority of the
6 members of the committee shall constitute a quorum for the purpose of conducting the committee's
7 business.

8 III. The committee shall be administratively attached to the department of environmental
9 services.

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

11 (a) Serve as presiding officer.

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

13 (c) Establish, with the consent of the committee, the budgetary requirements of the
14 committee.

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

16 V. The presiding officer may appoint a hearing officer to perform the functions described in RSA
17 149-M:70, V.

18 149-M:68 Members Appointed by the Governor with the Consent of Council.

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

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

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

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

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

39 149-M:70 Powers and Duties of the Committee; Rules.

CHAPTER 288
HB 707-FN - FINAL VERSION
- Page 4 -

1 I. The committee shall:

2 (a) Evaluate and issue any certificate under this chapter for a major solid waste
3 disposal facility.

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

5 (c) Adjudicate enforcement matters.

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

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

9 (f) Execute the general court's stated preference that new landfill capacity shall be based on
10 need and shall only be developed in accordance with RSA 149-M:65, IV.

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

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

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

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

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

32 149-M:71 Prohibitions and Restrictions.

33 I. No person shall commence construction of any major solid waste disposal facility within the
34 state unless it has obtained a certificate pursuant to this chapter. Such facilities shall be constructed,
35 operated, and maintained in accordance with the terms of the certificate. Such certificates are not
36 required for changes or additions to existing facilities unless they propose an increase in the average
37 permitted annual capacity over the lifespan of the existing facility greater than or equal to 50,000 tons or
38 100,000 cubic yards per year. Such a certificate shall not be transferred or assigned without approval of
39 the committee. Unless otherwise specified in this chapter, any approved major solid waste facility shall

CHAPTER 288
HB 707-FN - FINAL VERSION
- Page 5 -

1 not be constructed, operated, or closed in a manner materially different than the manner in which it was
2 presented in the application for a certificate as modified and conditioned by such certificate.

3 II. Notwithstanding RSA 541-A:29 or any other law to the contrary, an application for a certificate
4 from the committee shall be approved or denied by the committee prior to final decisions on all other state
5 agency permit applications, except for the department's determination in accordance with RSA 149-M:11,

6 III. Applications for certificates may be filed and evaluated by the committee concurrently with other state
7 approvals and public hearings may be scheduled concurrently with hearings held by other state agencies
8 as part of their permitting process for the same facility.

9 III. Notwithstanding paragraph II, for facilities under review by the department for a permit on or
10 prior to July 1, 2026, an application for a certificate from the committee shall be approved or denied after
11 other state agency approvals have been obtained. The committee need not assess technical questions
12 already considered by other states or federal agencies, but shall take into account the conclusions of
13 these analyses, including permit terms and conditions, in its approval or denial of the certificate. The
14 committee may also take into account independent analyses in its process of approval or denial of the
15 certificate.

16 149-M:72 Application for Certificate.

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

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

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

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

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

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

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

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

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

CHAPTER 288
HB 707-FN - FINAL VERSION
- Page 6 -

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

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

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

11 (j) Provide a reasonable amount of information relative to the potential economic harms of
12 the proposed project on the local area, affected municipalities, the region, the state, and potential
13 infrastructure deterioration.

14 (k) Provide a reasonable amount of information relative to the potential economic benefits of
15 the proposed project on the local area, affected municipalities, the region, the state, and potential
16 infrastructure improvements.

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

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

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

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

29 VII. The chairperson or designated presiding officer shall decide whether to accept the
30 application as administratively complete within 60 days of filing. If the chairperson or designated
31 presiding officer rejects an application because it determines it to be administratively incomplete, the
32 applicant may choose to file a new and more complete application or cure the defects in the rejected
33 application within 30 days of receipt of notification of rejection. Such deadlines may be extended by
34 agreement of the applicant and the committee.

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

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

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

CHAPTER 288
HB 707-FN - FINAL VERSION
- Page 7 -

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

3 XII. The department shall conduct a review of the application information submitted pursuant to
4 RSA 149-M:72, III(c) to determine whether the facility has demonstrated that it satisfies the criteria in RSA
5 149-M:11, III. Such review shall be conducted in accordance with RSA 149-M:11. The department shall
6 report its findings to the committee in order to inform the committee's decision on the application.

7 XIII. The committee may deny a certificate based upon the department's findings in relation to
8 RSA 149-M:11, III.

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

10 XV. A state agency may intervene as a party in any committee proceeding in the same manner
11 as other persons under RSA 541-A.

12 149-M:73 Disclosure of Ownership. Any application for a certificate, or for change in ownership and
13 transfer of certificate, shall be signed and sworn to by the person or executive officer of the association or
14 corporation making such application and shall contain the following information:

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

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

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

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

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

24 VI. A statement of assets and liabilities of the applicant and other relevant financial information of
25 such applicant.

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

30 149-M:74 Application and Filing Fees.

31 I. A person filing with the committee an application for a certificate for a major solid waste
32 disposal facility shall pay to the committee at the time of filing a fee determined in accordance with the fee
33 schedule described in paragraph II. If an application for a certificate for a major solid waste disposal
34 facility is deemed incomplete pursuant to RSA 149-M:72, VII, and a new application is submitted
35 thereunder, the unused portion of the initial application fee shall be refunded to the applicant or credited to
36 the filing of the new application. The committee may in its discretion provide for a credit or refund in other
37 circumstances that are unforeseen by the applicant.

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

CHAPTER 288
HB 707-FN - FINAL VERSION
- Page 8 -

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

3 (b) Filing fees for administrative proceedings:

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

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

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

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

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

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

18 149-M:75 Counsel for the Public.

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

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

27 149-M:76 Public Hearing; Studies.

28 I. Notice of any project for which an application for a certificate has been submitted shall be
29 issued pursuant to RSA 36:56, III.

30 II. At least 30 days prior to filing an application for a certificate, an applicant shall hold at least one
31 public information session in the affected municipality where the proposed facility is to be located. This
32 session may be held concurrently with a public session held as a requirement of any other state permit or
33 approval.

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

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

CHAPTER 288
HB 707-FN - FINAL VERSION
- Page 9 -

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

5 VI. The committee shall adopt rules regarding the timing and method of notices for public
6 information sessions and public hearings, and any other requirements regarding such sessions and
7 hearings.

8 VII. The committee shall consider and weigh all evidence presented at public hearings and shall
9 consider and weigh written information and reports submitted to it by members of the public prior to the
10 closing of the record of the proceeding. The committee shall provide an opportunity at one or more public
11 hearings for comments from the governing body of each affected municipality and residents of each
12 affected municipality. The committee shall consider, as appropriate, prior committee findings and rulings
13 on the same or similar subject matters, but shall not be bound thereby.

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

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

24 X. Times for conducting public hearings and rendering a decision on the application may be
25 extended for good cause upon written request of the applicant.

26 149-M:77 Judicial Review. Decisions made pursuant to this chapter shall be appealed in accordance
27 with RSA 541.

28 149-M:78 Monitoring and Enforcement.

29 I. The department shall monitor the construction and operation of any major solid waste disposal
30 facility granted a certificate under this chapter, after all other subsequent approvals are obtained, to
31 ensure compliance with such certificate and enforce the terms and conditions of any such certificate. With
32 the exception of the authority retained by the state agencies in accordance with paragraph V, the
33 department may delegate the authority to monitor the construction or operation of any major solid waste
34 disposal facility granted a certificate under this chapter to such state agency or official as it deems
35 appropriate but shall ensure that the terms and conditions of the certificate are met. Any authorized
36 representative or delegate of the department shall have a right of entry onto the premises of any part of
37 the solid waste generation facility to ascertain if the facility is being constructed or operated in continuing
38 compliance with the terms and conditions of the certificate. During normal hours of business

CHAPTER 288
HB 707-FN - FINAL VERSION
- Page 10 -

1 administration and on the premises of the facility, such a representative or delegate shall also have a right
2 to inspect such records of the certificate holder as are relevant to the terms or conditions of the certificate.

3 II. Whenever the department administratively determines, on its own or in response to a
4 complaint, that any term or condition of any certificate issued under this chapter or prior law is being
5 violated, it shall, in writing, notify the certificate holder of the specific violation and order the person to
6 immediately terminate the violation. If, 60 days after receipt of the order, the person has failed or
7 neglected to terminate the violation or be compliant in addressing the violation consistent with direction
8 from the department, the department shall notify the committee, which may suspend the person's
9 certificate. In addition to suspension, if, after 60 days of receipt of the order, the person has failed or
10 neglected to terminate the violation, the committee may impose a fine not to exceed \$5,000 per day until
11 the violation is corrected. Except for emergencies, prior to any suspension or imposition of a fine, the
12 committee shall give written notice of its consideration of suspension or imposition of a fine and of its
13 reasons therefor and shall provide opportunity for a prompt hearing.

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

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

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

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

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

36 149-M:79 Records. Complete verbatim records shall be kept by the committee of all hearings, and
37 records of all other actions, proceedings, and correspondence of the committee, including submittals of
38 information and reports by members of the public, shall be maintained, all of which records shall be open
39 to public inspection and copying as provided for under RSA 91-A. Committee records regarding pending

CHAPTER 288
HB 707-FN - FINAL VERSION
- Page 11 -

1 applications for a certificate shall also be made available on the committee's website unless such records
2 were submitted under seal and are exempt from public disclosure under RSA 91-A.

3 149-M:80 Temporary Suspension of Deliberations. If the committee, at any time while an application
4 for a certificate is before it, deems it to be in the public interest, it may temporarily suspend its
5 deliberations and time frames established under this chapter.

6 149-M:81 Findings and Certificate Issuance.

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

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

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

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

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

21 (c) The facility satisfies the criteria in RSA 149-M:11, III, as determined by the department.

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

27 (e) Issuance of a certificate will serve the public interest of the citizens of New Hampshire.

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

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

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

37 VII. There shall be a rebuttable presumption that applications for landfill expansions shall satisfy
38 the criteria in subparagraphs III(a), III(b), and III(d). The burden of producing evidence to rebut this

CHAPTER 288
HB 707-FN - FINAL VERSION
- Page 12 -

1 presumption rests with the party challenging the action. This presumption may be rebutted by a
2 preponderance of the evidence.

3 149-M:82 Penalties.

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

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

11 149-M:83 Severability. If any provision of this chapter, or application thereof to any person or
12 circumstance is held invalid, the invalidity shall not affect other provisions or applications of the chapter
13 which can be given effect without the invalid provisions or applications, and to this end, the provisions of
14 this chapter are severable.

15 149-M:84 Fund Established; Funding Plan. There is hereby established in the office of the state
16 treasurer a nonlapsing, special fund to be known as the solid waste evaluation committee fund. All
17 application and other filing fees received by the committee under this chapter shall be deposited in the
18 fund. All moneys in the fund shall be continually appropriated to the committee and shall be used to pay
19 for operating costs of the committee and the partial salary of the administrator. If the administrator
20 position is vacant, the fund may be used to pay an independent contractor to perform those duties.
21 Notwithstanding any other provision of law, the committee may engage the department for additional
22 technical, legal, or administrative support to fulfill the requirements of this chapter, the cost of which shall
23 be charged directly to the applicant or major solid waste disposal facility owner.

24 149-M:85 Compensation and Reimbursement.

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

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

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

38 IV. All persons or agencies seeking compensation or reimbursement under this section shall
39 keep detailed time and expense records which shall be submitted to the chairperson or administrator and

CHAPTER 288
HB 707-FN - FINAL VERSION
- Page 13 -

1 used to determine the amount of compensation or reimbursement. The chairperson or administrator shall
2 develop a record keeping system and accounting and payment procedures.

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

6 149-M:86 Solid Waste Permit Applications Suspended. The department shall not issue any permit
7 approvals that authorize new capacity for major solid waste disposal facilities until rules are adopted by
8 the committee or until July 1, 2027, whichever is later.

9 288:2 New Subparagraph; Solid Waste Evaluation Committee Fund. Amend RSA 6:12, I(b) by
10 inserting after subparagraph (410) the following new subparagraph:

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

13 288:3 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 10, 2026
Effective Date: September 08, 2026

