

HB 215-FN - AS INTRODUCED

2025 SESSION

25-0257

08/05

HOUSE BILL ***215-FN***

AN ACT requiring a landfill permit applicant to submit a report listing potential harms and benefits of the project.

SPONSORS: Rep. N. Germana, Ches. 15; Rep. Bixby, Straf. 13; Rep. Gruber, Ches. 16; Rep. S. King, Coos 4; Rep. Potenza, Straf. 19; Rep. J. Sullivan, Graf. 2; Rep. W. Thomas, Hills. 12; Sen. Fenton, Dist 10; Sen. Rochefort, Dist 1

COMMITTEE: Environment and Agriculture

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.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT requiring a landfill permit applicant to submit a report listing potential harms and benefits of the project.

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

1 1 Public Benefit Requirement; Net Public Benefit. Amend RSA 149-M:11, III to read as follows:

2 III. The department shall determine whether a proposed solid waste facility provides a
3 ~~[substantial]~~ **net** public benefit based upon the following criteria:

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

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

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

12 ***(d) To assist the department in the determination of net public benefit, an
13 assessment shall be conducted on behalf of the host community and/or other abutting
14 municipalities by an independent third-party and the costs for such assessment shall be
15 borne by the applicant. This assessment shall include harms that a landfill would likely
16 cause by identifying and determining any potentially harmful impacts on human health,
17 property values, tourism, outdoor recreation, and wildlife. Such impacts may include
18 noise, odor, traffic, groundwater pollution, surface water pollution, greenhouse gas, and
19 other emissions emanating from the facility and to include the emissions from transport of
20 solid waste-related material and by-products to and from the proposed facility.***

21 2 New Subparagraphs; Satisfaction of Capacity Need. Amend RSA 149-M:11, V by inserting
22 after subparagraph (d) the following new subparagraphs:

23 (e) For an applicant seeking to expand an existing and fully permitted RCRA Subtitle D
24 landfill, the department shall find that the expansion will satisfy the state's capacity need if, during
25 the years for which the permit shall be granted, the state will face a capacity shortfall for at least
26 one-half of those years.

27 (f) For an applicant seeking to develop a new landfill at a site where none currently
28 exists, the department shall find that the new project will satisfy the state's capacity need if, during
29 the years for which the permit shall be granted, the state will face a capacity shortfall for at least

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1 one-half of those years. However, the department shall not allow the new landfill to begin accepting
2 waste until the first year in which a shortfall is expected to exist.

3 3 Public Benefit Requirement; Net Public Benefit. Amend RSA 149-M:11, VIII to read as
4 follows:

5 VIII. Each applicant for a solid waste permit under this chapter shall have the burden of
6 demonstrating that a proposed solid waste facility provides a *net* public benefit by showing how the
7 proposed facility satisfies the criteria listed under paragraph III. Such demonstration shall be
8 included as part of each application for a solid waste permit. ***The net public benefit of a proposed***
9 ***operation or project shall be limited solely to an evaluation of that project and may not be***
10 ***mitigated or enhanced in relation to any other unrelated project.***

11 4 Public Benefit Required; Net Public Benefit. Amend RSA 149-M:11, XI to read as follows:

12 XI. Facilities permitted under this chapter shall be operated so as to provide a ~~[substantial]~~
13 *net* public benefit consistent with the information submitted as part of the application concerning
14 how the facility accommodates New Hampshire capacity needs. If a permittee cannot demonstrate
15 consistency with information submitted in its permit application, and where it no longer meets needs
16 identified in the state solid waste management plan and one or more solid waste management plans
17 submitted to and approved by the department under RSA 149-M:25 due to circumstances beyond its
18 control, as determined by the commissioner and the attorney general, the department shall not
19 enforce this paragraph based solely upon such inconsistency.

20 5 Effective Date. This act shall take effect 60 days after its passage.

**HB 215-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT requiring a landfill permit applicant to submit a report listing potential harms and benefits of the project.

FISCAL IMPACT: This bill does not provide funding.

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
Expenditures*	Indeterminable Increase (\$0 - \$100,000)	Indeterminable Increase (\$0 - \$100,000)	Indeterminable Increase (\$0 - \$100,000)	Indeterminable Increase (\$0 - \$100,000)
<i>Funding Source(s)</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

Estimated Political Subdivision Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	Indeterminable Increase (\$0 - \$100,000)	Indeterminable Increase (\$0 - \$100,000)	Indeterminable Increase (\$0 - \$100,000)	Indeterminable Increase (\$0 - \$100,000)
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	Indeterminable Increase (\$0 - \$100,000)	Indeterminable Increase (\$0 - \$100,000)	Indeterminable Increase (\$0 - \$100,000)	Indeterminable Increase (\$0 - \$100,000)

METHODOLOGY:

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.

The Department of Environmental Services states they would implement the bill by modifying the administrative rules governing solid waste management, as necessary, and administering RSA 149-M:11 during the application review process and throughout a facility's operational years. As a result, application processing time is expected to increase, requiring the Department

to reallocate staff resources from other projects. This reallocation would affect staff availability for other responsibilities under RSA 149-M, including education, training, waste diversion programs, processing other applications, engineering oversight, and responding to solid waste incidents.

The potential expenditures associated with this bill are indeterminable. However, costs would arise from revising administrative rules and managing more extensive or complex public benefit demonstrations during application reviews. Additionally, costs could be incurred by the State, counties, or municipalities if these entities choose to submit applications for landfill expansions or new landfill projects. The Department estimates that potential additional expenditures could range from \$0 to \$100,000 for the State, counties, or municipalities, depending on the frequency and complexity of applications submitted. In years where no such applications are filed, no expenditures related to this legislation would be incurred.

AGENCIES CONTACTED:

Department of Environmental Services