

Senate Energy and Natural Resources Committee

Joshua Schauer 271-3077

SB 536-FN, relative to the solid waste facility site evaluation committee.

Hearing Date: February 3, 2026

Time Opened: 10:04 a.m.

Time Closed: 10:44 a.m.

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

Members of the Committee Absent : None

Bill Analysis: This bill establishes the solid waste facility site evaluation committee.

Sponsors:

Sen. Rochefort

Sen. Fenton

Sen. Watters

Sen. McGough

Sen. Gannon

Sen. Rosenwald

Sen. Prentiss

Who supports the bill: 87 Individuals signed in support of the legislation. Please contact Joshua.schauer@gc.nh.gov for more information.

Who opposes the bill: 1 Individual signed in opposition of the legislation. Please contact Joshua.schauer@gc.nh.gov for more information.

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

Summary of testimony presented:

Senator Rochefort, District 1

- Senator Rochefort introduced the bill as the prime sponsor. He claimed that the site evaluation committee and solid waste issue continues to come back year after year. It is not just a regional issue, it is not a local issue, it is not a state issue. He explained that it is all of them. He would like to attempt to find some balance between all of them and continue this conversation.
- This is a volatile regional issue, not just a New Hampshire concern. The bill creates a Site Evaluation Committee to gather input from the state and the

public. The seven-member committee, made up of experts from diverse fields, will evaluate potential sites using multiple criteria.

- He explained that the committee will evaluate potential locations for waste disposal, focusing on brownfield sites rather than undeveloped greenfield areas.

Tom Tower, North country Alliance

- Mr. Towers spoke in support of the bill. This issue has been ongoing.
- He said that the North country Alliance would like to put this issue behind them. They believe the legislation is different and designed to be workable and he hoped that DES would approve of and speak on the bill.
- He explained that the bill represents a reset of past conflicts. Large solid waste facilities have impacts that go far beyond what is currently considered or qualified for review. Effects on traffic, odor, and long-term economic conditions are felt by host and neighboring communities. Host and neighboring communities should be given meaningful consideration in the decision-making process.
- He said that SB 536 does not weaken DES procedures, it complements them by adding a community-impact lens. The process matters because it builds trust and transparency. Creating an intentional committee fosters independence and credibility in evaluations and outcomes.
- He added that the bill also expresses a state preference for expanding on brownfield sites rather than greenfield sites. It makes sense to prioritize brown over green development, while not forcing any community to expand a landfill. It does not ban new sites and fully respects local control.

Catherine Corkery, Sierra Club

- Ms. Corkery said she was in support of the bill and believed it promotes a fair and democratic decision-making process that ensures local communities are properly represented.
- This approach is necessary for the state. They would like to see a solution to this issue and hope it is achieved through the passage of SB 536. She explained that there is a lack of collaboration currently and that this bill seeks to address the issue.

Rich Suffel,

- Mr. Suffel explained that the legislation acknowledges that the waste industry has taken on increasing responsibilities and risks over time and seeks a balanced solution that considers all stakeholders.
- There is a significant lack of adequate insurance and actuarial analysis, especially as waste streams have shifted from mostly biodegradable materials to hazardous substances such as PFAS and electronic waste.

- He said that facilities like the Bethlehem dump now manage more dangerous materials without sufficient review, while responsibility is placed on landfill owners without clear standards or safeguards. These gaps create substantial risk factors that can negatively affect long-term operations and shareholder investments.
- As noted in Section 1A, insurance coverage may be inadequate to address all potential issues, reflecting both the dangers of current standards and the instability of the insurance market, which can ebb and flow or become unavailable.
- While the legislation could improve accountability, it should include stronger monitoring and oversight of insurance programs to ensure its protections are effective.

Natch Greyes, BIA

- Mr. Greyes explained that there is significant concern that the legislation would reduce in-state waste disposal capacity. If facilities are unable to expand or operate efficiently, more waste will need to be shipped out of state, and those increased transportation and disposal costs will ultimately be borne by taxpayers.
- The position is that the Department of Environmental Services (DES) already enforces rigorous environmental, health, and safety regulations for solid-waste facilities, making additional layers of oversight unnecessary and potentially duplicative.
- Limiting landfill expansion could also create tension between tourism interests and waste management needs, as communities struggle to balance protecting scenic areas with the practical reality of managing increasing volumes of waste generated by residents and visitors alike.
- The legislation may not result in objective or consistent decision-making, as outcomes could depend heavily on who is appointed to the review committee rather than on clear, uniform standards.

Senator Rosenwald asked about concerns regarding increased transportation costs if waste were shipped out of state and noted that projections indicated New Hampshire would not run out of landfill capacity until 2037. He asked whether that information was correct.

Mr. Greyes responded that it was his understanding that overall landfill capacity would not be exhausted by 2037. However, he emphasized that the issue was not total capacity alone, but the practical constraints faced by landfill operators. He explained that if expansions were not approved, operators could struggle to respond to changing markets and waste streams.

He further noted that shifts in recycling markets could result in more plastic and other materials being disposed of in landfills. He cited Maine's regulation of sludge due to chemical concerns and stated that New Hampshire was confronting similarly complex regulatory issues, which could effectively reduce usable capacity and increase transportation costs despite remaining theoretical capacity.

Senator Avard asked how long the issue had been under discussion.

Mr. Greyes replied that it had been discussed since 2019, when he began his role, and that the problem remained unresolved.

Senator Avard then asked how long it takes to build a landfill, referencing the projected 2037 capacity timeline.

Mr. Greyes said he was unsure of the timeline.

Senator Avard stated that it typically takes approximately six years to build a landfill.

Mark Dell'Orfano, PUC

- He took no position on the bill. He stated that since 2005, this has been an ongoing and unresolved issue.
- He raised concerns that an employee of the Public Utilities Commission (PUC) would be responsible for staffing and supporting the proposed committee. He questioned whether another state agency might be better suited to fill that role, noting that his responsibilities include training and that he does not have the subject-matter expertise to adequately prepare or support individuals serving on the proposed committee.
- He recommended assigning this responsibility to an agency with more relevant expertise, such as the Department of Environmental Services (DES) or the Department of Energy (DOE).

Amy Manzelli, North Country Alliance

- Ms. Manzelli supported the bill, calling it a step in the right direction.
- The legislation builds on a well-established process under RSA 162 H, which has been in place for some time and is widely regarded as important. She noted that the solid-waste industry could benefit from applying this proven framework.
- It creates a "one-stop shop" for permitting, which does not lengthen the project approval timeline but makes the process more effective.
- The bill allows state applicants to have their permits and applications heard concurrently. Rather than attending multiple hearings on different dates and at different locations, all approvals could be considered at once.
- She said this approach was more efficient, reduced the burden on both the committee and the applicants, and streamlined decision-making without compromising oversight.

Senator Avard noted that, based on Chairman Dell’Orfano’s testimony, the PUC did not appear to be equipped to handle this issue and asked what Ms. Manzelli would recommend instead.

Ms. Manzelli agreed that it was more appropriate for DES than the PUC to take on this role, citing the chairman’s comments. She acknowledged the concern but explained that the prime sponsor likely chose the current approach because it seemed easier within the existing process.

Senator Rosenwald asked about the makeup of the commission, noting that up to two of the seven members could come from the waste management industry. He asked whether someone with a business management background could also serve and whether there might be a better-suited person for the committee.

Ms. Manzelli responded that, in her experience, the RSA had evolved over time, including major changes to add public members. She noted that the language in the law was broad and that whatever was enacted would likely change over time. She added that future amendments could include more scientific or public representation to make the committee fairer and more balanced.

Michael Wimsatt, Waste Management Division (DES)

- The Department of Environmental Services (DES) supports the bill, noting that it addresses both local and regional impacts. While DES evaluates environmental considerations, the bill also accounts for broader impacts beyond the department’s purview, including economic costs and benefits. These economic and community impacts fall outside DES’s core expertise, and the bill appropriately provides a framework to ensure they are evaluated as part of the decision-making process.
- He explained that the bill provides an important platform for full public participation and will allow for a more comprehensive evaluation of both impacts and benefits.

Senator Avard noted landfill changes in Nashua and the fire department’s plan to move its training site due to PFAS contamination and asked if DES would be involved in the evaluation process.

Mr. Wimsatt said that anything that involves regulated areas of the landfill could be subject to permit modification under the purview of DES.

Senator Avard said that he understood that an independent agency was hired to site the property. Are you aware

Mr. Wimsatt said no they were not aware of anything. His understanding was that the future expansion of the landfill is up to the city/municipality and confirmed that there was a site that had PFAS contamination which they must address before expanding their landfill capacity or making any changes.

Senator Avard asked whether the bill would affect potential site modifications for Nashua.

Mr. Wimsatt said he did not believe it would.

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Date Hearing Report completed: February 5, 2026