

Senate Energy and Natural Resources Committee

Max Taylor 271-1403

HB 171, establishing a moratorium on the issuance of permits for new landfills.

Hearing Date: April 15, 2025

Time Opened: 9:00 a.m.

Time Closed: 10:09 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 a moratorium on the issuance of permits for new landfills.

Sponsors:

Rep. N. Germana

Rep. Potenza

Rep. Haskins

Rep. S. King

Who supports the bill: Representative Nicholas Germana (Cheshire County District 15), Representative Linda Haskins (Rockingham County District 11), Representative James Gruber (Cheshire County District 16), Representative Judy Aron (Sullivan County District 4), Representative Kelly Potenza (Stafford County District 19), Wayne Morrison (NCABC), Matt Leahy (New Hampshire Forest Society), Sarah Doucette (NCABC)

Who opposes the bill: Eric Steinhauser (Sanborn Head & Associates)

Who is neutral on the bill: Henry Veilleux (Waste Management)

Summary of testimony presented in support:

Representative Nicholas Germana

Cheshire County District 15

- Representative Germana introduced HB 171, which would establish a three-year moratorium on permitting new municipal solid waste landfills in New Hampshire, extending through 2028.

- He emphasized that New Hampshire does not currently face a landfill capacity issue, citing projections that indicate no additional capacity will be needed until at least mid-2030s.
- Representative Germana stated the moratorium aligns with Governor Ayotte's priorities, noting that the Governor has also proposed a similar pause in landfill permitting.
- He explained there are two reasons for the moratorium: there is no immediate need for new landfill space, and the Governor has made this a top policy priority.
- Representative Germana stressed that the state should delay building a new landfill as long as possible and only proceed when necessary, ensuring it is the last one needed for decades.
- He noted that nearly 50% of landfill waste currently comes from out-of-state, despite New Hampshire law requiring the state to prioritize disposal capacity for in-state residents.
- Representative Germana highlighted progress on several waste reduction efforts, including a new food waste law, which targets the 25% of landfill content that is food waste, and legislation diverting paint from landfills.
- He also mentioned increasing momentum behind initiatives targeting single-use plastics and mattresses, which pose issues due to volume and toxic chemical content.
- Representative Germana stated that the moratorium allows time to move closer to the state's diversion goals and more carefully plan any future siting of new landfills.
- Senator Watters asked whether the moratorium in HB 171 applies to existing landfill expansions.
 - Representative Germana clarified that it does not.
- Senator Watters asked if the language in HB 171 is identical to the version in HB 2.
 - Representative Germana confirmed that it is the same language.
- Senator Watters asked whether it would be better to combine HB 171 with landfill siting policy into a single, standalone bill outside the state budget.
 - Representative Germana responded that the bill was developed collaboratively with the Department of Environmental Services (DES) and the Governor's Office, and they are comfortable with it remaining in HB 2.
- Senator Avard asked about the source of the landfill capacity data cited.
 - Representative Germana stated the data is from the most recent biannual DES solid waste report.

- Senator Avard asked whether 70%-80% of waste at Turnkey Landfill comes from out-of-state.
 - Representative Germana said he did not believe it was that high but could not confirm the exact number.
- Senator Avard asked whether HB 171 addresses out-of-state waste.
 - Representative Germana clarified that it does not address out-of-state waste. He stated the bill only pauses new landfill permitting and does not restrict where waste originates.

Representative Linda Haskins

Rockingham County District 11

- Representative Haskins emphasized that New Hampshire exports very little of its waste and that surrounding states are not willing to accept New Hampshire's trash, reinforcing the need to manage in-state disposal more effectively.
- Representative Haskins noted that testimony and data suggest New Hampshire will not need another landfill for decades.
- She referenced a recent landfill application that was temporarily denied by DES and is currently under appeal, highlighting the urgency of reassessing the state's landfill permitting process.
- Representative Haskins stressed that the moratorium allows residents, legislators, and property owners to work collaboratively to protect public health and the environment.
- She added that the pause will support state goals around waste reduction, reduce reliance on out-of-state waste disposal, and help address challenges related to PFAS-contaminated leachate.

Representative James Gruber

Cheshire County District 16

- Representative Gruber testified in support of HB 171, noting his prior experience siting and permitting in Vermont.
- He stated that now is the right time for a three-year moratorium, as recent waste management legislation needs time to be implemented effectively.
- Representative Gruber emphasized that approximately 45% of the waste disposed of in New Hampshire comes from other states, including PFAS-contaminated waste that has been banned elsewhere.

- He cited DES reports indicting New Hampshire has at least five years of landfill capacity remaining, not including potential expansions. With expansions, that number could reach 10-20 years.
- He explained that the proposed pause does not affect current landfill operations or approved expansions but will give the state time to improve its waste management policies.
- Senator Avard asked how long it took to site a landfill in Vermont.
 - Representative Gruber responded that it took about two years, with full community engagement and the use of outside engineering consultants.

Wayne Morrison

North Country Alliance for Balanced Change

- Mr. Morrison stated the proposed moratorium offers an opportunity to correct worsening issues related to landfill management in New Hampshire.
- He emphasized that the state's forests, tourism industry, and public health are at risk due to insufficient regulations and increasing environmental threats.
- Mr. Morrison clarified that the moratorium is not about delaying progress but about addressing serious concerns, including PFAS contamination, leachate management, and the large volume of out-of-state waste.
- He noted the bill aligns with the priorities of both DES and Governor Ayotte.
- Mr. Morrison stated that approximately 60% of New Hampshire's landfill waste comes from outside the state, and the moratorium provides a necessary pause to evaluate the state's waste policies.
- He warned that, under current law, a new landfill permit could be issued based on outdated siting rules, despite widely acknowledged policy gaps.
- Senator Avard noted that this has been under discussion for 6-9 years. He asked what a reasonable timeline is and suggested using incineration to generate energy.
 - Mr. Morrison responded that while initial discussions began years ago, the current application in question is only three years old.
 - Mr. Morrison emphasized the distinction between expansions and entirely new landfills and said New Hampshire has sufficient capacity.
 - Mr. Morrison expressed his support for expansion in appropriate locations with proper soil conditions to prevent contamination.
- Senator Avard asked Mr. Morrison if he opposes landfill expansions.
 - Mr. Morrison stated he does not oppose them, as long as they are siting in geologically suitable areas.

Representative Judy Aron

Sullivan County District 4

- Representative Aron explained that during the proposed moratorium, DES may still review permit applications for completeness, but it cannot issue new permits.
- Representative Aron cited DES data showing New Hampshire has sufficient landfill capacity to meet in-state needs during the pause and for at least five years afterward. She stated that expected expansions could extend capacity by 10-20 years.
- She clarified that the bill does not prevent the expansion or modification of existing landfills, which are permitted under RSA 149-M:9.
- Representative Aron noted that legislation passed three years ago is still awaiting finalized rules, highlighting the need for additional time to complete the rulemaking process.
- She referenced other active bills, such as HB 566 pertaining to leachate management and HB 707 relative to landfill siting, as well as legislation addressing hazardous waste, to highlight efforts that will help close significant policy gaps during the moratorium.
- Senator Avard asked about the status of DES rule adoption.
 - Representative Aron explained that last year's regulatory updates were initiated in response to expired rules. She stated that while some improvements have been made, other still require attention. She noted that HB 707 is intended to address those remaining gaps.
- Senator Avard asked if DES rules are currently up to date.
 - Representative Aron confirmed that the rules are currently up to date.

Sarah Doucette

North Country Alliance or Balanced Change (NCABC)

- Ms. Doucette emphasized that her organization has devoted extensive time and resources to landfill issues.
- She noted that NCABC's work is informed by leading experts in hydrogeology, environmental law, waste management, and traffic engineering.
- Ms. Doucette stated that neither DES nor Waste Management has refuted the group's findings.
- She stated there is no landfill space shortage projected for decades.
- Ms. Doucette emphasized that the proposed moratorium would create an opportunity to strengthen regulations, limit space used for out-of-state waste,

and address major environmental concerns such as PFAS contamination and methane emissions.

Matt Leahy

New Hampshire Forest Society

- Mr. Leahy emphasized that the siting of a new landfill represents a major and lasting change to the character of a property, with potential impacts on abutters and surrounding landowners.
- Mr. Leahy stated that the proposed three-year moratorium would give the state valuable time to continue advancing efforts to reduce the volume of waste entering New Hampshire landfills.
- He framed the issue as part of a broader question about the future of the state's landscape and environmental identity, stressing that the bill supports a more deliberate, forward-thinking approach to waste management.

Representative Kelly Potenza

Stafford County District 19

- Representative Potenza described the proposed moratorium as a necessary pause following five years of intense legislative and regulatory activity.
- She explained that the initial proposal was for a one-year pause, but after collaboration with DES and the Governor's office, the moratorium was extended to three years.
- Representative Potenza noted that the Senate originally proposed a six-year pause, while the House proposed five, and the final agreement landed at three years.
- She emphasized that rulemaking is a lengthy process as rules are often reviewed and revised only once every ten years, making a meaningful pause essential.
- Representative Potenza stated that the moratorium has broad support from DES, the House Environment Committee, and the Governor, and is now included in HB 2.
- She clarified that New Hampshire is not facing a landfill capacity problem and that the bill does not prevent expansions of existing landfills.
- Representative Potenza concluded by reiterating that the pause serves as a needed "reset" to improve long-term waste management policies.

Summary of testimony presented in opposition:

Eric Steinhauser

Sanborn Head & Associates

- Mr. Steinhauser testified in opposition to the HB 171 moratorium but expressed support for many of its broader goals, such as improving recycling, waste diversion, and implementing waste bans.
- He argued that landfill expansions are already heavily regulated and constrained, and that landfills will still be necessary for managing waste.
- Mr. Steinhauser stated that moratoriums create uncertainty for permit applications and complicate long-term planning for waste infrastructure.
- He noted that DES successfully revised landfill-related rules last year without requiring a moratorium, and emphasized that rulemaking is a continual process that evolves alongside policy and technological changes.
- He clarified that groundwater contamination issues are primarily tied to older, unlined landfill sites, not to modern, engineered landfills currently in operation.
- Senator Rosenwald asked whether a moratorium would assist DES in revising its rules.
 - Mr. Steinhauser responded that DES has already made significant revisions and continues to do so without needing a moratorium.
- Senator Avar asked whether DES rules are currently up to date.
 - Mr. Steinhauser confirmed that DES met its rulemaking deadlines as of December.
- Senator Avar asked if landfill rules change frequently.
 - Mr. Steinhauser stated that landfill rules do change frequently. He explained that the process is ongoing and time-consuming. He stated that he believes the current rules are adequate.

Neutral Information Presented:

Henry Veilleux

Waste Management

- Mr. Veilleux highlighted Sections 2 and 3 of HB 171, which specifically exempt landfill expansions and modifications.
- He stated that Turnkey landfill has sufficient capacity to operate through 2034 or 2035 under current conditions.
- Mr. Veilleux cautioned that legislative changes, such as HB 707, may impact this timeline by restricting new cell construction after 2028.

- He emphasized that HB 171 does not aim to limit expansion of existing landfills.
- Senator Avard asked if a future housing boom could strain landfill capacity.
 - Mr. Veilleux responded that one of the goals of the statute is to ensure adequate capacity. He noted that Turnkey sets the standard in the state and could potentially continue operations beyond 2034.
- Senator Rosenwald asked Mr. Veilleux to clarify what he meant by “if things stay the same.”
 - Mr. Veilleux explained that HB 707 could prevent construction of new landfill cells after 2028, even if there is still capacity, which would change the current outlook.

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Date Hearing Report completed: April 21, 2025