

Rep. Potenza, Straf. 19
Rep. N. Germana, Ches. 15
Rep. S. King, Coos 4
Rep. Gruber, Ches. 16
Rep. Scully, Hills. 8
February 10, 2026
2026-0629h
07/09

Amendment to HB 1622-FN

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to the state's solid waste disposal capacity.

4

5 Amend the bill by replacing all after the enacting clause with the following:

6

7 1 Statement of Purpose. The general court hereby finds that:

8 I. New landfill capacity should be developed in expansions of existing permitted landfills
9 instead of on greenfield sites.

10 II. Existing sites have already been carefully studied before being permitted and have been
11 found suitable for landfilling by the department of environmental services.

12 III. The department of environmental services typically has decades of familiarity with
13 conditions at such sites and the expansion of an existing use is generally consistent with the overall
14 objectives of land use controls.

15 2 New Subparagraph; Solid Waste Management; Public Benefit Requirement. Amend RSA 149-
16 M:11, V by inserting after subparagraph (d) the following new subparagraphs:

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

21 (f) For an applicant seeking to develop a new landfill at a site where none currently
22 exists, the department shall find that the new project shall satisfy the state's capacity need if, during
23 the years for which the permit shall be granted, the state will face a capacity shortfall for at least
24 one-half of those years. However, the department shall not allow the new landfill to begin accepting
25 waste until the first year in which a shortfall is expected to exist.

26 3 Directive; Department of Environmental Services.

27 I. In its consideration of applications for additional landfill capacity in the state, the
28 department of environmental services shall give first preference to expansions, where appropriate, in
29 accordance with existing statutes and rules and consistent with any existing municipal agreements.

Amendment to HB 1622-FN
- Page 2 -

1 II. Second preference shall be given to development of brownfield sites, where appropriate,
2 in accordance with existing statutes and rules and consistent with any existing municipal
3 agreements. If a greenfield application is received, and there are no pending applications for an
4 expansion or brownfield development, the department may process the greenfield application after
5 the developer reviews and explains the choice of a greenfield site with reference to the list of sites
6 developed by the department.

7 III. Using existing data, the department shall compile a list of all existing landfills in
8 operation and all known closed landfills. The department shall use the tools at its disposal to
9 determine, to the best of its ability, which sites would be unsuitable for future development because
10 they are too close to schools, homes, airports, surface waterbodies, or other features to align with
11 department setback regulations. A final list, excluding the sites deemed unsuitable for development,
12 shall be made public.

13 IV. For its biennial solid waste reports, in addition to existing capacity at currently
14 operating landfills in the state, the department shall report on potential future capacity for these
15 operations in the event of future expansion.

16 4 Effective Date. This act shall take effect 60 days after its passage.

Amendment to HB 1622-FN
- Page 3 -

2026-0629h

AMENDED ANALYSIS

This bill directs the department of environmental services to give first preference to applications for additional landfill capacity.