

SB 226-FN - AS INTRODUCED
2025 SESSION

25-0978
08/09

SENATE BILL **226-FN**

AN ACT suspending applications for new landfills and establishing a committee to study the feasibility of incinerating solid waste.

SPONSORS: Sen. Rochefort, Dist 1; Sen. Fenton, Dist 10; Sen. Ricciardi, Dist 9; Rep. N. Germana, Ches. 15; Rep. Wheeler, Hills. 33

COMMITTEE: Energy and Natural Resources

ANALYSIS

This bill suspends applications for new landfills and establishes a committee to study the feasibility of incinerating solid waste.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 suspending applications for new landfills and establishing a committee to study the feasibility of incinerating solid waste.

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

1 1 Solid Waste Management; Department of Environmental Services; Applications for New
2 Landfills Suspended. In order to ensure that any new landfills are sited properly, meet the need of
3 public benefit, and are aligned with New Hampshire's solid waste goals, the statutory process for
4 issuing permits for the construction of a new landfill under RSA 149-M:9 are hereby suspended until
5 July 1, 2031. The department may accept applications during the period of the suspension, but shall
6 not evaluate or process any applications, in order that any evaluation of need, benefit, harm, or
7 appropriateness of the site proposed will await the development of new regulations, data, and
8 policies.

9 2 Application of Suspension; Expansion or Modification of Landfill facilities. Nothing in section
10 1 of this act shall be construed to prohibit the expansion or modification of any landfill facilities on
11 any site on which, as of December 1, 2022, a RCRA Subtitle D landfill exists that has been fully
12 permitted. For the purposes of this section, the term "site" shall mean a single parcel or adjacent
13 parcels, owned in its entirety by a landfill operator or its affiliates as of December 1, 2022, including
14 a site where one or more public utility easements traverse the site, perennial water bodies traversing
15 a footprint shall still be monitored in accordance with or exceeding United States Environmental
16 Protection Agency regulations and guidelines.

17 3 Committee Established. There is established a committee to study the feasibility of
18 incinerating solid waste.

19 4 Membership and Compensation.

20 I. The members of the committee shall be as follows:

21 (a) One member of the senate, appointed by the president of the senate.

22 (b) Three members of the house of representatives, appointed by the speaker of the
23 house of representatives, including one member from the environment and agriculture committee.

24 II. Members of the committee shall receive mileage at the legislative rate when attending to
25 the duties of the committee.

26 5 Duties. The committee shall review the permit process; current prohibitions; the
27 environmental impact include effects on air, soil and water; and the impact incineration solid waste
28 would have on landfill capacity.

29 6 Chairperson; Quorum. The members of the study committee shall elect a chairperson from
30 among the members. The first meeting of the committee shall be called by the senate member. The

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1 first meeting of the committee shall be held within 45 days of the effective date of this section. Three
2 members of the committee shall constitute a quorum.

3 7 Report. The committee shall report its findings and any recommendations for proposed
4 legislation to the president of the senate, the speaker of the house of representatives, the senate
5 clerk, the house clerk, the governor, and the state library on or before November 1, 2025.

6 8 Effective Date. This act shall take effect upon its passage.

SB 226-FN- FISCAL NOTE
AS INTRODUCED

AN ACT suspending applications for new landfills and establishing a committee to study the feasibility of incinerating solid waste.

FISCAL IMPACT:

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease
<i>Revenue Fund(s)</i>	General Fund			
Expenditures*	\$0	\$0	Indeterminable Increase \$100k-\$500k	Indeterminable Increase \$100k-\$500k
<i>Funding Source(s)</i>	General Fund, Highway Fund, and Various Agency Funds			
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	\$0	\$0	Indeterminable Increase \$10k - \$100k	Indeterminable Increase \$10k - \$100k
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	\$0	\$0	Indeterminable Increase less than \$2.5M	Indeterminable Increase less than \$2.5M

METHODOLOGY:

This bill suspends applications for new landfills and establishes a committee to study the feasibility of incinerating solid waste. The Department of Environmental Services indicates the bill would prohibit the Department from issuing new landfill permits until July 1, 2031. The bill would allow the Department to accept applications for new landfills but would prohibit the evaluation or processing of the applications. Additionally, this bill does not prohibit the Department from issuing expansions or permit modifications for landfills located on a site where a RCRA Subtitle D landfill exists, as of December 1, 2022, provided such landfill has been fully permitted.

The Department states this bill allows the Department to accept but not process solid waste permit applications, potentially resulting in lost revenue. Permit fees, set by administrative rule and deposited into the general fund, amount to \$35,000 for a landfill handling over 601 tons of waste per day with a lifespan exceeding 10 years. Over the past decade, the Department received two such applications. Current administrative rules mandate that applications include a non-refundable fee, meaning any change in processing could impact revenue collection resulting in an indeterminable decrease to General Fund revenue.

Additionally, the Department indicates the anticipated decrease in local waste disposal capacity in FY 2027 and FY 2028 is expected to increase waste transportation and disposal costs, leading to higher expenditures for the State, counties, and local governments. Assuming waste disposal volumes remain stable at 1.1 million tons per year and costs rise by \$5 per ton, local expenditures could increase by over \$2.5 million annually. State expenditures are projected to rise by an indeterminable amount between \$100,000 and \$500,000 per year, while county expenditures may see an increase ranging from \$10,000 to \$100,000. These cost increases are expected to persist through at least 2033, reflecting the time required to construct new landfill capacity after processing and approving new or existing applications.

Lastly, the Department states they could absorb the administration of RSA 149-M and the Solid Waste rules into their existing budget without any additional funding.

It is assumed that any fiscal impact would occur after FY 2025.

AGENCIES CONTACTED:

Department of Environmental Services