

The Honorable Judy Aron, Chairperson  
Committee on Environment and Agriculture  
Legislative Office Building, Room 303  
Concord, NH 03301

January 20, 2025

Re: Testimony of Eric S. Steinhauser, PE, CPESC, CPSWQ to HB 215 Relative to Requiring a Landfill Permit Applicant to Submit a Report Listing Potential Harms and Benefits of the Project

Dear Chairperson Aron and Committee Members:

Thank you for this opportunity to provide written comments to the Committee regarding HB 215. My testimony is in opposition to HB 215.

For the record, my name is Eric Steinhauser, and I am a Senior Vice President and Principal at Sanborn, Head & Associates, Inc. (Sanborn Head), a multi-disciplinary engineering and geosciences consulting firm headquartered in Bedford, New Hampshire. Sanborn Head has provided environmental and engineering services to public and private solid waste clients in New Hampshire and in other states since the firm was founded in 1993. We currently serve private and public clients at several of the New Hampshire's lined and unlined landfills. Our clients also include the New Hampshire Department of Environmental Services (NHDES) and the New Hampshire Department of Transportation.

I am a Professional Engineer with nearly 40 years of experience in the fields of civil, environmental, geotechnical, remediation, and solid waste engineering. I am a licensed Professional Engineer in New Hampshire as well as in 17 other states. I also hold professional certifications in erosion and sediment control and stormwater quality. I have been working on New Hampshire landfill projects since moving here over 20 years ago.

For the record, please know that I am a member of the New Hampshire Waste Management Council representing licensed professionals and I represent the Council on the New Hampshire Solid Waste Working Group. My testimony is based on my professional experience as a landfill designer and does not represent the opinions or thoughts of the New Hampshire Waste Management Council, the New Hampshire Solid Waste Working Group, nor a specific client or project.

As presented, HB 215 would add significant unnecessary burden to both the regulating and regulated communities to a statute that is already protective of the human health, property, values, tourism, outdoor recreation, and wildlife. Also, HB 215 introduces additional subjectivity to the permitting process that will significantly delay an already lengthy and expensive permitting process without adding to the protection of human health, property, values, tourism, outdoor recreation, and wildlife. In fact, it is feasible that the opposite effect

can occur to human health, property, values, tourism, outdoor recreation, and wildlife as these values can be harmed by increasing the permitting process time and increasing the cost for applicants. Please consider the following in your deliberation of HB 215.

1. It is well known that there is a waste disposal crisis looming in New England. Several of our sister states have taken actions to reduce the volume of material that needs to be disposed. Last year, New Hampshire joined in this effort by establishing a food waste ban, which recently went into effect. Measures that are intended to reduce the volume of materials to be disposed, which are consistent with New Hampshire's Solid Waste Management Plan (NH SWMP), should be the focus of legislation as it will support the efforts of the NHDES and result in extended site life for the existing solid waste disposal facilities and may actually create new businesses and job opportunities, which would improve human health, property, values, tourism, outdoor recreation, and wildlife by increasing revenues to the state and municipalities so that they have the financial resources to address the goals and objectives of the NH SWMP. Legislation that reduces the NHDES's focus on reducing waste generation and disposal will be harmful to the human health, property, values, tourism, outdoor recreation, and wildlife.
2. The basis of HB 215 appears to be a means to provide additional roadblocks to permitting solid waste facilities. This is an unfair standard as it is not applied to other development projects that also may have an impact on human health, property, values, tourism, outdoor recreation, and wildlife. Because any development project has the potential to have a negative impact on human health, property, values, tourism, outdoor recreation, and wildlife, this standard should be applied universally and not in isolation. Obviously, applying this standard universally would stymie any future development in the state and cause significant and irrevocable economic harm.
3. As RSA 149-M is currently written, the New Hampshire Solid Waste Rules require an in-depth evaluation of the public benefit of a proposed solid waste project. As currently regulated, the onus is on the applicant to demonstrate to the NHDES's satisfaction that the proposed project will benefit the public (i.e., consider human health, property, values, tourism, outdoor recreation, and wildlife). Currently, parties opposed to proposed projects can submit, and have submitted, their own evaluations of public benefit, which the NHDES is obligated to consider in its review of the application. By requiring another party to duplicate these efforts already required of the applicant, which the applicant would be required to fund, is merely a means to increase the overall cost of the application process at the applicant's expense. This is a ridiculous requirement that is clearly intended to dissuade applicants from pursuing solid waste projects. By preventing future solid waste projects in New Hampshire, the environmental benefits related to our solid waste management system, which we all take advantage of, will be reduced and its cost will increase. Arguably, reduced service and increase disposal costs will result in increased illegal dumping, which will, unquestionably, have a direct and immediate negative impact on human health, property, values, tourism, outdoor recreation, and wildlife. Of particular concern is costs increases to those in our state that can least afford increases to services they rely on (e.g., low income families and individuals, single parent families, non-profits entities that serve



the less fortunate, etc.). While we pride ourselves on our state’s pristine natural beauty, illegal dumping within our borders, which is a potential outcome of this bill, will negatively impact tourism, property values, and wildlife and the desire for people to move here and start or join businesses.

4. The intent of HB 215 appears to be a means to increase an applicant’s cost to permitting a solid waste project by requiring additional, duplicative studies and increase the NHDES permitting timeline. The basis of the proposed additional study is vague and, as such, will require even more NHDES time to adjudicate a likely anti-project biased report, that will require the applicant to reply to, and potentially resulting in a never ending series of back and forth submittals, the goal of which is to increase the permitting costs to a point that the applicant will eventually drop, or possibly never initiate, the project. Therefore, this proposed process is not about a project’s public benefit, but rather a process to prevent any solid waste project, even those that are clearly needed and have substantial benefit to the State of New Hampshire.
5. HB 215 is flawed in that it ignores the existing, well-defined and implemented processes that the NHDES is required to follow in its evaluation of solid waste permit applications. The NHDES has newly adopted environmentally protective rules that govern the permitting process and the siting, design, operation, and closure of solid waste facilities. HB 215 appears to look to subvert these rules by ignoring the existing environmental protective rules and regulations designed to protect human health, property, values, tourism, outdoor recreation, and wildlife.
6. HB 215 does not set a standard for who would be allowed to submit an “independent” assessment that focuses on “harms that a landfill would likely cause.” The bill lists categories that are presumably harmed by any development project, not just a solid waste project. As such, the intent of HB 215 is misguided as it:
  - a. Is biased as any project will have a negative impact to human health, property, values, tourism, outdoor recreation, and wildlife of some magnitude;
  - b. Neglects the consideration of existing rules related to aesthetics, noise, and odor; and
  - c. Ignores the existing rules specific to the protection of groundwater, surface water, and air quality.
7. HB 215 does not define the meaning of “net” public benefit, and its substitution for the “substantial” public benefit as a standard is unclear. What is clear is that permit applications will be subject to additional appeals from both sides as there is no clear definition of the bill’s intent.

In summary, HB 215 appears to take a pre-defined position that any solid waste project should be delayed indefinitely or until the applicant withdraws its application. This intended process is not only wrong and bad policy human health, property, values, tourism, outdoor recreation, and wildlife, but is detrimental to New Hampshire from a public health, environmental protection, and economic perspectives. Permitting solid waste projects must be carefully and properly processed, and the existing laws and regulations allow for this to occur. By adding unrealistic and burdensome requirements that increase cost and time to the permitting process



we will only harm human health, property, values, tourism, outdoor recreation, and wildlife in New Hampshire. As such, HB 215 is not good for New Hampshire should not pass this committee.

I trust my testimony as a New Hampshire licensed design professional experienced in solid waste management in New Hampshire and other states is helpful to the Committee as you consider the validity and appropriateness of HB 215. In my professional opinion, HB 215 will not improve the human health, property, values, tourism, outdoor recreation, and wildlife in New Hampshire. Rather, HB 215 will ensure that no new solid waste project will be permitted in the state, which is not prudent for the New Hampshire's future solid waste management.

Very truly yours,  
SANBORN, HEAD & ASSOCIATES, INC.



Eric S. Steinhauser PE, CPESC, CPSWQ  
*Senior Vice President and Principal*