

January 21, 2025

Judy Aron, Chair
House Environment and Agricultural Committee
Legislative Office Building, Room 301
Concord, New Hampshire 03301

RE: Letter in Opposition to HB 215, requiring a landfill permit applicant to submit a report listing potential harms and benefits of the project.

Dear Chair Aron and Honorable Members of the House Environment and Agriculture Committee:

I apologize for being unable to return this afternoon to the continued hearing on HB 215.

The Business and Industry Association (BIA) is New Hampshire's statewide chamber of commerce and leading business advocate. BIA opposes changes to regulations and statutes that create uncertainty for businesses, diminish long-term planning, and increase compliance costs.

HB 215 would, in effect, require the Department of Environmental Services (NHDES) to rewrite the landfill siting rules which were just approved by the Joint Legislative Committee on Administrative Rules (JLCAR) on December 19, 2024. Not only would this have the effect of creating uncertainty for businesses interested in the subject of landfill siting but would also require NHDES to address some of the uncertainty in terminology and processes created by this legislation.

First, the legislation does not create a standard for the "independent third party" who is to be hired by the applicant to review the applicant's proposal and determine whether it meets the public benefit standard. Undoubtedly, there will be challenges to any third party hired by the applicant – if the third party makes findings in the applicant's favor – and the legislation does nothing to elucidate how to determine if that third party qualifies as "independent."

Second, the legislation creates a new standard – a "net benefit" – but does not help determine how the independent third party or NHDES is supposed to weigh the "pros" and "cons" to determine the public benefit. Taking, for example, one of the "impacts" that may be considered – property values – the logical end result is that a project that lowers property values should be located in a community where it would have the least impact on property values (i.e. the community with the lowest property values already) but a project that increases property values should be located in exactly the opposite kind of community. Of course, there are a whole swath of communities where property values are in the middle range and some movement up or down would have nearly equal impact on any of those communities. Yet, how this change in value should be interpreted in light of other potential impacts is also unclear.

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Third, the legislation adds a sentence onto RSA 149-M:11, VIII, which requires that the net public benefit of the project must be evaluated in relation to that project alone, but RSA 149-M:11, III(a)-(c) require that any project be evaluated in relation to the overall state plan and goals. If multiple solid waste projects are pending, it is possible that under the existing statutory scheme that the implementation of one project could affect another – positively or negatively – in terms of its ranking under the state goals and in terms of economic feasibility, keeping in mind that solid waste management is a regional effort.

For these reasons, the BIA urges the committee to oppose HB 215.

Thank you for your time,

A handwritten signature in black ink, appearing to read 'Natch Greyes', is centered on the page. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Natch Greyes
Vice President of Public Policy
Business and Industry Association

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