

REASONS TO SUPPORT HB 1622: “AN ACT requiring the state to  
develop additional solid waste disposal capacity”  
(currently 8 sponsors: 5D, 3R; 6 House, 2 Senate)

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At long last, the Senate has now agreed with the position that the House, DES, the Governor, and the in-state experts have held for years: when New Hampshire needs new solid waste capacity, in 2036 or later, we should provide it by *expanding an existing landfill rather than ruining a new “greenfield” tract and risking the environment and residents around it.*

You need look no further than the Pearl/Watters total rewrite of HB 707, which contains these excellently-reasoned endorsements of expansions over new sites:

III. The general court prefers that new landfill capacity be developed in expansions of existing permitted landfills instead of on greenfield sites because existing sites have already been carefully studied before being permitted and have been found suitable for landfilling by the department of environmental services.

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

Yes, expansions are preferred to greenfields. Why? Because it is impossible to predict with certainty what will happen at a new site—but if an old site is not leaking, it is FAR more reasonable to assume it can continue to accept waste or can be re-opened safely. Moreover, in many cases, the communities around existing sites have adapted to their presence, or even (as in the case of Rochester) generally *welcome* the revenues and services they provide. In other cases, an existing site may not be ideal—but again, we already *know* about those, but *we can't possibly know whether a brand-new site will bring net benefit or irreversible harm.* **With more than 250 such sites to choose from, finding the ONE OR TWO that we need for the rest of the century should be trivially easy.**

*The Question:* So, how should the General Court begin to implement this policy? **How should NH effectuate its “preference” for expansions, and make it easier to identify potential sites for said expansions?**

*The Answer:* HB 1622 is five lines long, and does the obvious: it asks DES to *repackage information already in its hands* to help developers identify potential sites, and then it still allows developers to apply for a greenfield project if none of the sites on the DES list are suitable. There is no principled objection to this simple and helpful first step.

Anyone opposing this bill is essentially disagreeing with the Senate/House/Governor/DES position, and is seeking to keep open developers' options to create a new landfill *anywhere in the state, no matter how inappropriate the site might be.*

Finally, I emphasize that while this bill uses the term "brownfield," **it is a completely different concept than the bill HB 1132 (Massimilla) from two years ago which your committee ITLd.** That bill envisioned ALL contaminated industrial sites as potential for landfilling, whereas this is a MUCH SMALLER universe of only open/closed landfills. DES complained about the burden of identifying all industrial sites, but this smaller universe is completely known to DES.

**In summary, no one (other than lobbyists for Casella and a few Senators) is trying to prejudge WHICH landfill will or won't be expanded or reopened.** I commend the E&A Committee for trying to do the opposite, which is to set up a fair and open process whereby:

- 1) We all have the information needed to see WHICH brownfields are viable (this bill); and
- 2) We create a Site Evaluation Committee, *composed of the right people, required to consider all evidence, and required to involve the affected communities*, that will accept or reject each proposed expansion or reopening *on their merits.*

HB 1622 does the first thing; the House (HB 1189) and Senate (SB 536) bills—both bipartisan and with essentially the same sponsors—do the second thing, and I look forward to both bodies passing both bills for the Governor's expected signature.

Thanks as always for the opportunity to express these views.

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*[the remainder of this document is just a "footnote" about the DES Fiscal Note]*

DES has, for the record, added an ominous Fiscal Note to HB 1622, claiming it will take 7 years and cost \$28 million for it to collect the data required. This is either sabotage or a serious misreading of the bill.

HB 1622 seeks only three bits of information for each open or closed landfill: its name and address, the acreage of the tract, and its setback distance to the nearest home, airport, or water body (all of which might render a site unsuitable for expansion due to state or federal setback requirements).

*The list itself, and the first of the three bits of information, is already publicly available.* A simple 5-minute search on the DES “OneStop Basic Search” site produced the attached spreadsheet containing 262 entries.<sup>1</sup> Finding the acreage of each site should take no more than a few minutes per site, simply by clicking the “map it” function DES has already included for each result, and estimating the area of the tract. Finally, finding the distance to the nearest home/airport/waterbody might take 10 or 20 minutes per site, using Google Earth or similar to draw distance lines.

So the entire burden on DES should consist of *at most* 50 hours of work—not two new staff persons working for seven years (!). No “property visits” at all would be needed. **But if DES truly believes that determining the acreage of each site and its setback distance is onerous, you should consider amending the bill so that this would become the developer’s responsibility, at no cost to the state.** The point of HB 1622 is for the developer to bear the burden of rejecting the brownfields: if DES doesn’t want to do more than re-print their already-existing LIST of sites, then let the developers do the rest.

However, if DES believes that HB 1622 requires it to assess each site’s compliance with *all* DES regulations (alteration of terrain, water quality, etc.), then *this is a drafting issue that the sponsors are surely willing to fix.* The reference to “regulations” in the bill only was intended to flag possible *setback* violations, to help developers narrow the list of sites they would need to consider before insisting on a greenfield project instead of an expansion.

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<sup>1</sup> To generate this result, I went to <https://www4.des.state.nh.us/DESOnestop/BasicSearch.aspx> and clicked “solid waste facility,” and then clicked two of the boxes that then appeared (“lined landfill” and “unlined landfill”)-- I got 262 results. If this wasn’t the proper way to fulfill the instruction of HB 1622, I’m sure DES could do so with a *different* five minutes of work.