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**National Waste  
& Recycling Association**<sup>SM</sup>

**Memorandum In Opposition**  
**Limiting the Placement of Out-of-State Waste**  
**Going into New Hampshire Landfills**  
**HB 1138 (Germana)**

The Northern New England Chapter of the National Waste & Recycling Association (NWRA) represents a diverse partnership of companies engaged in recycling collection, processing, and disposal throughout the State of New Hampshire. Our members are committed to increasing recycling rates, strengthening infrastructure, and ensuring a sustainable, environmentally responsible waste and recycling system for New Hampshire.

NWRA respectfully submits this memo in opposition to HB 1138, which would impose strict caps on the acceptance of out-of-state solid waste at New Hampshire landfills.

While NWRA members share the goal of protecting New Hampshire's environment and ensuring responsible solid waste management, HB 1138 would undermine these objectives by disrupting existing waste flows, threatening long-term infrastructure investments, and exposing the State to significant legal and economic risk.

HB 1138 would restrict out-of-state waste to no more than 30 percent of total waste at existing permitted landfills by 2030, and just 15 percent for newly permitted facilities. These arbitrary caps fail to account for long-standing interstate waste agreements and contracts that are essential to maintaining reliable and affordable disposal capacity across the region. Waste management is inherently regional in nature, not confined by state borders, and New Hampshire has long played a critical role in responsibly managing waste generated both in-state and throughout Northern New England.

This regional reality is particularly evident given the location of New Hampshire's disposal infrastructure. Several landfills are situated closer to neighboring states than to much of New Hampshire itself. For example, the Turnkey Landfill is approximately 29 miles from the Massachusetts border and 50 miles from the Maine border—closer to both states than it is to a majority of New Hampshire's cities and towns.

Similarly, the Bethlehem Landfill is roughly 20 miles from the Maine border and 30 miles from the Vermont border, again closer to neighboring states than to most population centers within New Hampshire. These facilities were sited, permitted, and financed with the understanding that they would serve a regional waste stream, consistent with decades of policy, practice, and infrastructure planning.

By artificially constraining waste flows based on geographic origin rather than environmental performance or permitted capacity, HB 1138 ignores this reality and risks violating the Dormant Commerce Clause of the U.S. Constitution, potentially subjecting the State and regulated entities to costly and protracted litigation.

New Hampshire landfill operators have invested hundreds of millions of dollars in modern, highly regulated facilities based on predictable permitting frameworks and demonstrated regional demand. HB 1138 would fundamentally alter those expectations midstream, discouraging future investment

and undermining the financial viability of existing infrastructure.

The bill is particularly punitive toward new or expanded facilities, imposing even lower caps on out-of-state waste for operators permitted after January 1, 2026. This creates a chilling effect on permitting and investment at precisely the time when long-term disposal capacity planning is most critical for the State.

Restricting disposal options does not eliminate waste—it simply forces it to travel farther. HB 1138 would likely increase waste transportation distances, resulting in higher greenhouse gas emissions, increased truck traffic, and higher costs for municipalities and businesses both inside and outside New Hampshire. These outcomes directly conflict with the State’s environmental and climate goals and could inadvertently push waste to less efficient or less environmentally protective facilities elsewhere.

Importantly, the bill does not identify any environmental harm uniquely associated with out-of-state waste as compared to in-state waste. New Hampshire landfills are permitted and regulated based on engineering standards, environmental controls, and capacity—not the geographic origin of waste. If a facility can safely and legally accept waste, its point of origin is irrelevant to environmental protection.

HB 1138 represents a blunt, protectionist approach to solid waste management that would destabilize regional waste systems, discourage investment, increase costs, and expose New Hampshire to legal risk—without delivering meaningful environmental benefits.

For these reasons, NWRA respectfully urges the Committee to oppose HB 1138 and instead work collaboratively with stakeholders on policies that strengthen environmental performance, infrastructure resilience, and regional cooperation in solid waste management.

We appreciate the opportunity to share our perspective and would welcome continued dialogue with policymakers.