

CONSENT CALENDAR

April 13, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Environment and Agriculture to
which was referred SB 396-FN,**

**AN ACT relative to solid waste management. Having
considered the same, report the same with the
recommendation that the bill OUGHT TO PASS.**

Rep. Howard Pearl

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Environment and Agriculture
Bill Number:	SB 396-FN
Title:	relative to solid waste management.
Date:	April 13, 2022
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

This bill allows NH Department of Environmental Services (DES) to contract with an independent hydrogeologist or engineer to provide technical information for a pending application under Chapter 149-M:9, and to bill those services to the applicant. DES requested this to help process applications they receive.

Vote 17-0.

Rep. Howard Pearl
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Environment and Agriculture

SB 396-FN, relative to solid waste management. **OUGHT TO PASS.**

Rep. Howard Pearl for Environment and Agriculture. This bill allows NH Department of Environmental Services (DES) to contract with an independent hydrogeologist or engineer to provide technical information for a pending application under Chapter 149-M:9, and to bill those services to the applicant. DES requested this to help process applications they receive. **Vote 17-0.**

Original: House Clerk
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HOUSE COMMITTEE ON ENVIRONMENT AND AGRICULTURE

EXECUTIVE SESSION on SB 396-FN

BILL TITLE: relative to solid waste management.

DATE: 4. 12-22

LOB ROOM: 301 - 303

MOTION: (Please check one box)

- OTP ITL Retain (1st year) Adoption of Amendment # _____
- Interim Study (2nd year) *(if offered)*

Moved by Rep. Pearl Seconded by Rep. Aptar Von Pinsky Vote: 17-0

MOTION: (Please check one box)

- OTP OTP/A ITL Retain (1st year) Adoption of Amendment # _____
- Interim Study (2nd year) *(if offered)*

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP OTP/A ITL Retain (1st year) Adoption of Amendment # _____
- Interim Study (2nd year) *(if offered)*

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

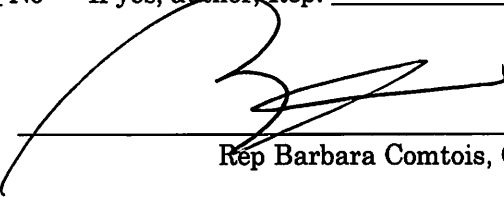
MOTION: (Please check one box)

- OTP OTP/A ITL Retain (1st year) Adoption of Amendment # _____
- Interim Study (2nd year) *(if offered)*

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: YES NO

Minority Report? Yes No If yes, author, Rep: _____ Motion: _____

Respectfully submitted: 
Rep Barbara Comtois, Clerk

HOUSE COMMITTEE ON ENVIRONMENT AND AGRICULTURE

EXECUTIVE SESSION on SB 396-FN

BILL TITLE: relative to solid waste management.

DATE: April 12, 2022

LOB ROOM: 301 -303

MOTIONS: OUGHT TO PASS

Moved by Rep. Pearl

Seconded by Rep. Von Plinsky

Vote: 17-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Barbara Comtois, Clerk



2022 SESSION

Environment and Agriculture

SB 396-FN
Bill #: _____ Motion: OJP AM #: _____ Exec Session Date: 4.12.22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Pearl, Howard C. Chairman	✓		
Aron, Judy F. Vice Chairman	✓		
Comtois, Barbara Clerk	✓		
Verville, Kevin G. Simon, Matthew	✓		
Davis, Arnold G.	✓		
Stapleton, Walter A.	✓		
Homola, Susan	✓		
Kennedy, Margaret Anne Johnson, Dawn	✓		
Mason, James L.	✓		
Sanborn, Gail E.	✓		
Bixby, Peter W.	✓		
Sofikitis, Catherine M.			
Bouldin, Andrew J. Spang, Judith	✓		
Dutzy, Sherry	✓		
Murray, Megan A.	✓		
Von Plinsky, Sparky	✓		
Caplan, Tony	✓		
Perez, Maria	✓		
TOTAL VOTE:	17	0	

HOUSE COMMITTEE ON ENVIRONMENT AND AGRICULTURE

PUBLIC HEARING ON SB 396-FN

BILL TITLE: relative to solid waste management.

DATE: April 5, 2022

LOB ROOM: 301 - 303

Time Public Hearing Called to Order: 11:00 a.m.

Time Adjourned: 11:04 a.m.

Committee Members: Reps. Pearl, Aron, Comtois, Davis, Stapleton, Homola, Kennedy, Mason, G. Sanborn, Bixby, Dutzy, M. Murray, Von Plinsky and Perez

Bill Sponsors:

Sen. Cavanaugh

Sen. Rosenwald

Sen. Watters

Sen. Sherman

Sen. Soucy

Rep. Amanda Bouldin

Rep. Andrew Bouldin

Rep. Bixby

Rep. Merner

Rep. Egan

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Senator Kevin Cavanaugh – introducing bill – DES has limited access to necessary resources outlined in this bill. This puts the cost on the applicant to retain a licensed professional engineer or hydrogeologist to assist in rendering if the application is technically complete. Hoping to give the experts the tools they need to make informed decisions.

Rep. Bixby – Q. hydrogeologist is that the sort of thing this bill can help with A. Yes

Rep. Comtois Q. the wording May into a written agreement and further states that if the applicant fails to enter into an agreement, it may be grounds to deny the application – there are a lot of IF's and how do we know the Cost to applicant A. when working with DES they thought if they had the experts in-house, they could utilize them eliminating the need to put in Shall. As far as cost, would need to ask experts in the field.

Respectfully submitted,

Rep. Barbara Comtois

Clerk

SB 396-FN - AS AMENDED BY THE SENATE

02/16/2022 0659s

2022 SESSION

22-3077

08/04

SENATE BILL **396-FN**

AN ACT relative to solid waste management.

SPONSORS: Sen. Cavanaugh, Dist 16; Sen. Rosenwald, Dist 13; Sen. Watters, Dist 4; Sen. Hennessey, Dist 1; Sen. Sherman, Dist 24; Sen. Soucy, Dist 18; Rep. Amanda Bouldin, Hills. 12; Rep. Andrew Bouldin, Hills. 12; Rep. Bixby, Straf. 17; Rep. Merner, Coos 7; Rep. Egan, Graf. 2

COMMITTEE: Energy and Natural Resources

ANALYSIS

This bill requires the department of environmental services to contract with an engineer or hydrogeologist when evaluating a permit for a landfill.

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 Two

AN ACT relative to solid waste management.

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

1 1 New Paragraph; Solid Waste Management; Permit Required for Landfill. Amend RSA 149-
2 M:9 by inserting after paragraph XIV the following new paragraph:

3 XV. The department may enter into a written agreement with the applicant for the
4 department to retain, at the applicant's expense, an independent licensed professional engineer or
5 hydrogeologist to assist the department in determining what information is necessary to render the
6 application technically complete, assessing during the technical review of the application whether it
7 meets the requirements for approval in this chapter and the rules adopted under RSA 149-M:7, and
8 ensuring that the department processes the application in a timely manner as required by this
9 section. The applicant's failure to enter into such an agreement may be grounds to deny the
10 application.

11 2 Effective Date. This act shall take effect 60 days after its passage.

**SB 396-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to solid waste management.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	Indeterminable Net-Zero Increase in Both Revenue and Expenditures (See Methodology Below)		
Expenditures	\$0			
<i>Funding Source</i>	<input type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input checked="" type="checkbox"/> Other
	Restricted Revenue to Cover Costs of Outside Technical Assistance			

LOCAL:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

METHODOLOGY:

This bill requires the Department of Environmental Services to enter into an agreement with an applicant seeking a solid waste facility permit, requiring such applicant to cover costs associated with contracting with a professional engineer or hydrogeologist to assist the Department in determining whether a solid waste application is complete, and whether such application meets the technical requirements statute and administrative rules. If an applicant fails to enter into such an agreement, the Department may deny the application. To the extent a local government seeks to apply for such a permit, it would see an increase in expenses directly related to covering the costs for the engineer or hydro geologist the Department has an agreement. Mechanically speaking, to that extent, this bill would also increase state revenue and expenditures, for a net zero, related to the flow of funds for the contracted technical assistance.

AGENCIES CONTACTED:

Department of Environmental Services