

LEGISLATIVE COMMITTEE MINUTES

SB396

Bill as Introduced

SB 396-FN - AS INTRODUCED

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 shall 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			
Funding Source:	<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

SB 396-FN - AS AMENDED BY THE SENATE

02/16/2022 0659s

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SENATE BILL

396-FN

AN ACT

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COMMITTEE:

Energy and Natural Resources

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SB 396-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2022-0659s)

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LOCAL:

Revenue	\$0	\$0	\$0	\$0
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Department of Environmental Services

SB 396-FN - AS AMENDED BY THE SENATE

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COMMITTEE: Energy and Natural Resources

OTPA 5-0 CONSENT

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Department of Environmental Services

**SB 396-FN FISCAL NOTE
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AGENCIES CONTACTED:

Department of Environmental Services

LBA
 22-3077
 Amended 2/22/22

**SB 396-FN FISCAL NOTE
 AS AMENDED BY THE SENATE (AMENDMENT #2022-0659s)**

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AGENCIES CONTACTED:

Department of Environmental Services

CHAPTER 97
SB 396-FN - FINAL VERSION

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.

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CHAPTER 97
SB 396-FN - FINAL VERSION

02/16/2022 0659s

22-3077
08/04

STATE OF NEW HAMPSHIRE

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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 97:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: May 20, 2022
Effective Date: July 19, 2022

Amendments

Energy and Natural Resources
February 10, 2022
2022-0659s
08/04

Amendment to SB 396-FN

1 Amend RSA 149-M:9, XV as inserted by section 1 of the bill by replacing it with the following:

2

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.

Sen. Daniels, Dist 11
February 23, 2022
2022-0810s
08/04

Floor Amendment to SB 396-FN

1 Amend RSA 149-M:9, XV as inserted by section 1 of the bill by replacing it with the following:

2

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. This paragraph shall not apply to a political subdivision of the state.

2022-0810s

AMENDED ANALYSIS

This bill enables the department of environmental services to contract with an engineer or hydrogeologist when evaluating a permit for a landfill. This bill also exempts towns or other governmental units, agencies, or political subdivisions of the state from the requirement of such contract.

Committee Minutes

SENATE CALENDAR NOTICE

Energy and Natural Resources

Sen Kevin Avard, Chair
 Sen Bob Giuda, Vice Chair
 Sen James Gray, Member
 Sen David Watters, Member
 Sen Rebecca Perkins Kwoka, Member

Date: January 20, 2022

HEARINGS

	Tuesday	01/25/2022
	(Day)	(Date)
Energy and Natural Resources	State House 103	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m. SB 256	establishing a committee to study the feasibility of replacing the site evaluation committee.	
9:15 a.m. SB 258-FN-LOCAL	relative to the graves of African Americans alive during the period of American enslavement.	
9:30 a.m. SB 261-FN	relative to net metering participation.	
9:45 a.m. SB 269-FN	relative to the New Hampshire weatherization program.	
10:00 a.m. SB 396-FN	relative to solid waste management.	

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

SB 256

Sen. Giuda	Sen. Watters	Sen. Ward	Rep. Leishman
Rep. Vose	Rep. Harrington		

SB 258-FN-LOCAL

Sen. Watters	Sen. D'Allesandro	Sen. Gannon	Sen. Sherman
Sen. Cavanaugh	Sen. Carson	Sen. Bradley	Sen. Rosenwald
Sen. Whitley	Sen. Prentiss	Sen. Hennessey	Sen. Perkins Kwoka
Sen. Kahn	Rep. DiLorenzo	Rep. Harriott-Gathright	

SB 261-FN

Sen. Gray	Sen. Avard	Sen. Giuda	
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SB 269-FN

Sen. Avard
Sen. Watters

Sen. Bradley
Sen. Rosenwald

Sen. Carson
Sen. Soucy

Sen. Perkins Kwoka
Sen. Prentiss

SB 396-FN

Sen. Cavanaugh
Sen. Sherman
Rep. Bixby

Sen. Rosenwald
Sen. Soucy
Rep. Merner

Sen. Watters
Rep. Amanda Bouldin
Rep. Egan

Sen. Hennessey
Rep. Andrew Bouldin

Daley Frenette 271-3042

Kevin A. Avard
Chairman

Senate Energy and Natural Resources Committee
Daley Frenette 271-3042

SB 396-FN, relative to solid waste management.

Hearing Date: January 25, 2022

Members of the Committee Present: Senators Avard, Giuda, Gray, Watters and Perkins Kwoka

Members of the Committee Absent : None

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

Sponsors:

Sen. Cavanaugh	Sen. Rosenwald	Sen. Watters
Sen. Hennessey	Sen. Sherman	Sen. Soucy
Rep. Amanda Bouldin	Rep. Andrew Bouldin	Rep. Bixby
Rep. Merner	Rep. Egan	

Who supports the bill: Senator Kevin Cavanaugh, Senate District 16, Senator Donna Soucy, Senate District 18, Senator Tom Sherman, Senate District 24, Jon Swan, Save Forest Lake, Senator Cindy Rosenwald, Tom Tower, Nicholas Ortins, Cort Rousell, Stephanie Weiner, Connie White, Ann Griffin, Johann Griffin, Janet Lucas, Laura Aronson, Karen Cambell, Eliot Wessler, Senator Erin Hennessey, Senate District 1, Katie Aman, Bruce Berk, Robert Keene, Michael Fraysse, Susan Richman, Eliot Wesslet, Sarah Doucette, Janet Damiano, Roger Doucette, Cate Whalley, Representative Timothy Egan, Grafton-District 2, Representative Linda Massimilla, Grafton-District 1.

Who opposes the bill: Kristine Koch, BIA

Who is neutral on the bill: Leah McKenna, NHDES

Summary of testimony presented:

Senator Kevin Cavanaugh, Senate District 16

- SB 396-FN requires the Department of Environmental Services to contract with an engineer or hydrogeologist when evaluating a permit for a landfill. NH State Parks are one of the most significant public assets and the legislature should

take responsible steps to protect New Hampshire's natural beauty while acknowledging the high cost of recycling expenses.

- At times, the Department of Environmental Services has had limited access to the necessary resources needed to conduct the analysis outlined in the bill. The bill puts the cost on the applicant for the department to retain an independent licensed professional, engineer, or hydrogeologist to assist in determining what information is necessary to render the application technically complete and assessing whether the application meets the requirements for approval and ensuring that the department processes the application in a timely manner. This helps to ensure a thorough process when determining where to site the landfills.
- The Department of Environmental Safety offered an amendment to the bill changing the language in line three from "shall" to "may".
- Senator Watters clarified that DES has knowledge on surface water issues, however a hydrogeologist may be able to provide knowledge concerning water deep underground. Senator Cavanaugh agreed with Senator Watters and clarified that a hydrogeologist will be able to determine what is safe for surrounding groundwater.
- Senator Avard clarified the change of language on line three and Senator Cavanaugh said he would leave the necessary change to the language up to DES.

Senator Donna Soucy, Senate District 18

- Senator Soucy spoke in support of SB 396-FN.
- Senator Soucy cited the questions that were brought up by previous legislation, HB 177. Such questions included why the distance of two miles underground, why only State Parks, and how do we acquire the best information to make the most informed decisions while recognizing the solid waste issue and that NH has amazing natural beauty that we are responsible for protecting.
- Senator Soucy believes that SB 396-FN will allow experts to provide valuable information on this issue. The bill would allow the legislature to rely on a science and fact-based analysis that considers safety and technology.
- Senator Soucy believes that allowing experts to analyze individual situations as they arise is the best course of action. DES needs the funding described in the fiscal note to accomplish the bills goals.
- Senator Avard asked if the bill impedes on the application process and if so, what would the long-term repercussions look like. Senator Soucy does not believe that it does not impede on the process. She believes that it is important for policy makers to have a broad view on these issues. Senator Soucy believes that SB 396-FN provides the resources and the ability to do fact-based analysis for any situation that arises on this issue.

- Senator Soucy would like to hear why the change of language in line three is necessary. She supports the original language. She stated it ensures that the resources will be available to conduct the necessary studies to protect New Hampshire's resources while recognizing the solid waste issue.

Leah McKenna, Department of Environmental Safety

- DES is not taking a position on SB 396-FN. DES interprets the bill as requiring it to enter into an agreement whereby an applicant for a solid waste facility would be required to hire an engineer or a hydrogeologist to review their permit application. Assistance from an engineer or hydrogeologist would help the department. Especially in cases where specific expertise is needed, or workload is high.
- DES is concerned about the various private consultants speaking on different permits. They want to ensure consistency regarding the rules and standards set in statute.
- DES sees value in the bill but would like for it to give DES more discretion in matters such as compelling an applicant to hire external. They also would like the bill to specifically address permits for landfills and not all solid waste facilities.
- Senator Watters clarified that it is a good idea to allow DES to have flexibility on these matters. Mrs. McKenna agreed with Senator Watters.
- Senator Giuda asked if the applicants would be able to choose the outside expertise. Mrs. McKenna believes that the bill would allow this. Senator Giuda clarified that DES has hired experts already and that the bill is meant to reinforce them. Mrs. McKenna agreed with Senator Giuda.
- Senator Perkins Kwoka clarified that DES is responsible for hiring the experts and therefore the applicants would not have choice in which experts were hired. Mrs. McKenna agreed. The applicants have no say in which experts are hired and they are responsible for the expense of hiring the expert.
- Senator Giuda asked why the applicants must be responsible for the expense of hiring the experts. He believes that the state should be responsible for the expenses instead of the applicants. He is concerned that the applicants are paying for a service but have no choice in who provides the service.
- Senator Gray stated that there is precedence in law that states that an individual who necessitates a project is responsible for the expense of hiring the experts who work on the project.

Speakers

Senate Energy & Natural Resources Committee

SIGN-IN SHEET

Date: 1/25/2022 Time: 10:00 a.m.

SB 396-FN AN ACT relative to solid waste management.

Name/Representing (please print neatly)

	Support	Oppose	Speaking?	Yes	No
SEN KEVIN CARROLL, DISTRICT 16	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kirsten Koch, BIA	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Senator Donna Soucy D-18	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Leah McKenna, NH DES	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Sherman SD24	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Senate Remote Testify

Energy and Natural Resources Committee Testify List for Bill SB396 on 2022-01

Support: 29 Oppose: 0

<u>Name</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>
Swan, Jon	A Member of the Public	Save Forest Lake	Support
Rosenwald, Cindy	An Elected Official	SD 13	Support
Tower, Tom	A Member of the Public	Myself	Support
Ortins, Nicholas	A Member of the Public	Myself	Support
Roussel, Cort	A Member of the Public	Myself	Support
Weiner, Stephanie	A Member of the Public	Myself	Support
White, Connie	A Member of the Public	Myself	Support
Griffin, Ann	A Member of the Public	Myself	Support
Griffin, Johann	A Member of the Public	Myself	Support
Lucas, Janet	A Member of the Public	Myself	Support
Aronson, Laura	A Member of the Public	Myself	Support
Campbell, Karen	A Member of the Public	Myself	Support
WESSLER, ELIOT	A Member of the Public	Myself	Support
Hennessey, Sen Erin	An Elected Official	Myself	Support
Aman, Katie	A Member of the Public	Myself	Support
Berk, Bruce	A Member of the Public	Myself	Support
Keene, Robert	A Member of the Public	Myself	Support
Fraysse, Michael	A Member of the Public	Myself	Support
Richman, Susan	A Member of the Public	Myself	Support
French, Elaine	A Member of the Public	Myself	Support
French, Robert	A Member of the Public	Myself	Support
Moore, Susan	A Member of the Public	Myself	Support
Wesslet, Eliot	A Member of the Public	Myself	Support
Doucette, Sarah	A Member of the Public	Myself	Support
Damiano, Janet	A Member of the Public	Myself	Support
Doucette, Roger	A Member of the Public	Myself	Support
Whalley, Cate	A Member of the Public	Myself	Support
Egan, Timothy	An Elected Official	Grafton #2	Support
Massimilla, Linda	An Elected Official	Grafton 1	Support

Testimony

Daley Frenette

From: Save Forest Lake <saveforestlake@yahoo.com>
Sent: Monday, January 24, 2022 11:30 AM
To: Kevin Avard; Daley Frenette; bob.guida@leg.state.nh.us; James Gray; David Watters; Rebecca Perkins Kwoka
Cc: Kevin Cavanaugh; Cindy Rosenwald; Erin Hennessey; Tom Sherman; Donna Soucy; Amanda Bouldin; Andrew Bouldin; Peter Bixby; Troy Merner; Tim Egan
Subject: Testimony In support of SB396
Attachments: NH House Bills Target Changes To Solid Waste Management, Landfill Siting _ Local News _ caledonianrecord.com HB1454 Jan 24 2022.pdf; HB1454 Text Landfill and Groundwater Text 2022.pdf

Good Morning Senate Energy and Natural Resources Committee:

I am writing in support of SB396, an act relative to solid waste management, which will be heard by your committee tomorrow, Tuesday January 25th. This bill requires that the Department of Environmental Services (NHDES) contract with a third-party engineer or hydrogeologist, at the expense of the applicant, when evaluating a permit for a landfill, in order to assist the department in determining what information is necessary to render the application technically complete. Frankly, I'm surprised that this is not already a requirement for evaluating new landfill permit applications, as we already know NHDES is understaffed and underbudgeted.

HB1454, bill text attached, touches upon the same subject matter, relative to evaluating the groundwater flow from a potential landfill site, particularly the speed of migration of potential landfill contaminants to a nearby body of water. Like HB1454, SB396 would be another welcomed, common-sense fix to existing rules and regulations, intended to protect the natural resources and environment of our great state. I believe that SB396 would be most useful were HB1454 also passed and signed into law, both of which would help save NHDES and the applicant valuable time, money, and resources.

As someone who has been involved for nearly 3 years in the effort to save Forest Lake from a proposed landfill development, at a site just 2800 feet from Forest Lake and approximately 1 mile from the Ammonoosuc River, I am heartened to see so many environmentally-related bills being introduced this session that would address some serious flaws in the siting and permitting of new landfills, which are at the bottom of the waste hierarchy, and for good reason. NHDES has already wasted much time and energy on a project that is poorly-sited, surrounded by wetlands, and with a reported groundwater flow rate of 10 feet per DAY, meaning contaminated groundwater could potentially reach Forest Lake in 280 days and the Ammonoosuc River in 528 days, hardly enough time to detect, react, and remediate, before it's too late for those very important bodies of water.

Thank You!

Jon Swan
25 Cashman Rd

Dalton, NH 03598
(603) 991-2078
Founder, Save Forest Lake

*"Unless someone like you cares a whole awful lot, nothing is going to get better. It's not."
-The Lorax*

Do not allow this proposed development to scar the beautiful landscape of the North Country for generations to come

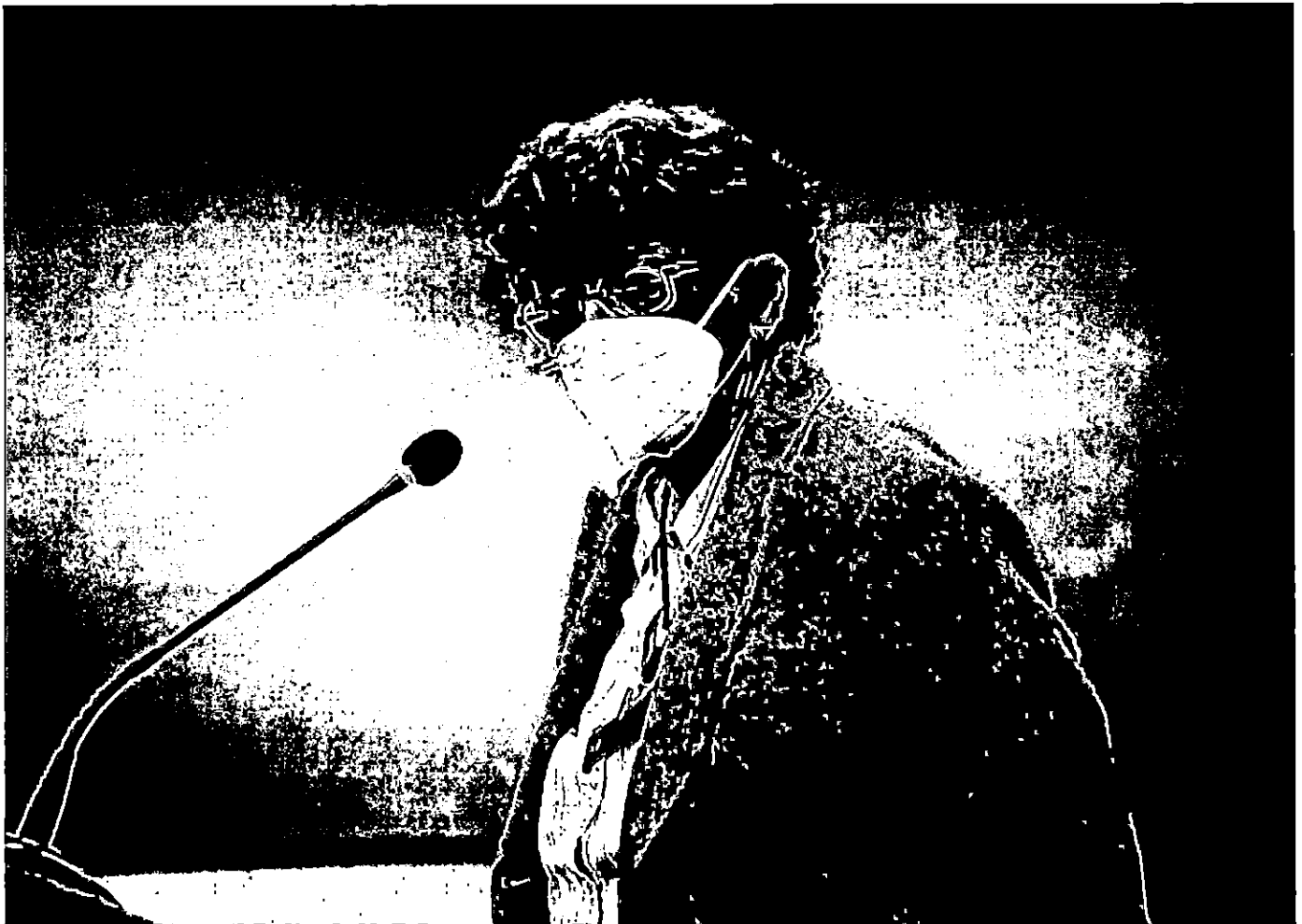
https://www.caledonianrecord.com/news/local/nh-house-bills-target-changes-to-solid-waste-management-landfill-siting/article_e12a15e4-9b2d-5fe3-8b98-4b8afab11f74.html

FEATURED

NH House Bills Target Changes To Solid Waste Management, Landfill Siting

Robert Blechl rblechl@caledonian-record.com Staff Writer

Jan 23, 2022



Sen. Edith Tucker (D-Randolph) speaks during a public listening session hosted by the legislative redistricting committee at the Lancaster Courthouse on Thursday, Oct. 7, 2021. (Photo by Paul Hayes)

After the New Hampshire Senate last year voted to kill House Bill 177, which sought to prohibit any new landfill within two miles of any state park, North Country lawmakers took the input they received and are back with another bill relative to permits and the siting of new landfills in the state.

House Bill 1454, prime-sponsored by state Rep. Edith Tucker, D-Randolph, and co-sponsored by state representatives who include Dennis Thompson, R-Stewartstown; Linda Massimilla, D-Littleton; Timothy Egan, D-Sugar Hill; Troy Merner, R-Lancaster, as well as state Sen. Erin Hennessey, R-Littleton, focuses instead on new landfill siting within a proscribed distance of groundwater sources and uses time as the measure.

On Tuesday, HB 1454 — along with House bills that seek to implement a deposit of 10 cents on beverage containers (known as a “bottle bill”) establish a committee to study ways to extend landfill capacity and the siting criteria for new landfills, establish another committee to study the extended responsibility of producers to provide relief to solid waste disposal costs borne by municipalities, and require applicants of landfills to obtain a bond against all damages — went to a hearing before the New Hampshire House of Representatives’ Environment and Agriculture Committee.

In short, HB 1454 would prohibit the siting of any new landfill in an area where the groundwater from the landfill could reach the nearest perennial tributary, river, lake or coastal water within five years of migrating off-site.

Helping Tucker draft the language of HB 1454 is Adam Finkel, of Dalton, an environmental sciences professor and a former director of health standards programs with the U.S. Occupational Safety and Health Administration.

“There are two big changes in it,” Finkel said Friday. “They both were motivated by specific criticisms we got last year [from several lawmakers]. The weight of the criticisms were why state parks? If you’re trying to protect drinking water or the environment around waterways, then why not go directly to that? The second is we were told a fixed radius of two miles was ‘arbitrary.’ We changed it from a fixed distance of two miles to a variable distance of five years, where the years come from measuring the speed at which groundwater flows and multiplying it out and converting speed to time, which equals distance.”

The formula is common and is used by the U.S. Environmental Protection Agency, which suggests two years, five years or 10 years and for three decades has advised states and towns on the concept of how long it takes groundwater from a facility to reach a sensitive water area like a wetland, lake or river, he said.

Available software can quickly calculate the time, he said.

The concept, said Finkel, is if contaminated groundwater is detected and is moving toward a waterway, it will take time and money to fix it.

"Two years is the minimum the EPA uses and they use up to 10," he said. "We picked five, which is in the middle."

Despite the New Hampshire Department of Environmental Services claiming HB 1454 would cost the department and municipalities money, it would clearly be a cost savings, said Finkel.

"First of all, there's no cost to the applicant because the test to determine how fast the groundwater moves has to be done anyway," he said. "It's just saying you do that on the first day and send in a letter saying we're going to apply with a 2,000-page report and hundreds of thousands of dollars in filing fees based on our belief that we're far enough away from the waterways given that we did a test on how the groundwater moves. Since they're doing it anyway, it just saves them enormous money for not having to do a full application that's not going to pass. And DES will be reviewing fewer applications and more applications that make sense. It can't possibly cost them money."

The bill would allow the state to not even look at an application that doesn't meet the minimum five years, he said.

He called the idea that HB 1454 would cost municipalities money "crazy" because all that the bill does is channel where a landfill can go.

"It's going to save money because the biggest expense is hundreds of millions in remediation money," said Finkel. "Presumably, if you put it in the right place there won't be a need for that."

Maine uses six years, and in New Hampshire, the municipally-owned Mt. Carberry landfill near Berlin used the time formula in its application 10 years ago and in its most recent application, he said.

"They are 60 to 150 years away from the tributary of the Androscoggin River, and DES seems very familiar with that idea, and they should be," he said. "It's not a brand new crazy idea. It's how ground water works. You would pick miles if you were thinking in units of distance and we're picking time because it allows you to change the distance based on the site."

Existing New Hampshire rules allow a landfill to be located 200 feet from a waterway.

But even a fixed distance between a new landfill and a river, wetland or lake can be different because there is fast soil, like gravel, and slow soil, like clay, said Finkel.

“It can vary by over a million-fold at how fast the water moves,” he said. “Literally, on the first day you can figure out how fast the groundwater moves.”

Casella Waste Systems has proposed a new commercial landfill beside Forest Lake State Park in Dalton, which prompted the previous two-mile, landfill-state park buffer bill.

As for groundwater, the flow from Mt. Carberry is about 15 feet per year, while the groundwater in Dalton is measured by a flow rate of about 10 feet per day, making Dalton about 400 times faster and meaning contaminated landfill groundwater at the Dalton site would reach a waterway in just three weeks, said Finkel.

In her testimony before the House committee on Tuesday, Tucker said HB 1454 is based on one basic and indisputable fact, and that is “there are sensible places to site landfills and senseless places to site them.”

“It’s inappropriate and dangerous to build a landfill where groundwater speeds away toward a lake or river,” said Tucker. “It is appropriate and safe to locate a landfill where groundwater happens to flow very, very slowly toward a lake or river.”

All landfills eventually leak, and that’s not only an EPA conclusion from the 1990s, but one the EPA continues to believe today and that is supported by new peer-reviewed studies, said Tucker.

She also said New Hampshire is not projected to have a landfill capacity shortfall until 2034.

The vast majority of testimony before the House committee was in support of HB 1454 and the other bills, and the more than 200 people joining the hearing online were in support, versus one not in favor.

HB 1454 does not pertain to expansions of existing landfills.

Robert Blechl

Voting Sheets

Senate Energy & Natural Resources Committee

EXECUTIVE SESSION RECORD

2021-2022 Session

Bill # SB 396

Hearing Date: ~~1/20~~ 1/25

shall to mg
line 3

Executive Session Date: 2/10

Motion of: OTP Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Avard, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Giuda, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gray	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Watters	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins Kwoka	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: Committee shall to mg Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Avard, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Giuda, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gray	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Watters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins Kwoka	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: OTAA Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Avard, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Giuda, Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gray	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Watters	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins Kwoka	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: Consent Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Avard, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Giuda, Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gray	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Watters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins Kwoka	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Giuda

Notes: _____

Senate Finance Committee

EXECUTIVE SESSION

Bill # SB 396-FN

Hearing date: N/A

Executive session date: 02/22/22

Motion of: OTP

VOTE: 6-0

<u>Made by</u> Daniels <input type="checkbox"/>	<u>Seconded</u> Daniels <input type="checkbox"/>	<u>Reported</u> Daniels <input type="checkbox"/>
<u>Senator:</u> Reagan <input type="checkbox"/>	<u>by Senator:</u> Reagan <input type="checkbox"/>	<u>by Senator:</u> Reagan <input type="checkbox"/>
Giuda <input type="checkbox"/>	Giuda <input checked="" type="checkbox"/>	Giuda <input type="checkbox"/>
Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>
D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>	D'Allesandro <input checked="" type="checkbox"/>
Morse <input type="checkbox"/>	Morse <input type="checkbox"/>	Morse <input type="checkbox"/>
Hennessey <input checked="" type="checkbox"/>	Hennessey <input type="checkbox"/>	Hennessey <input type="checkbox"/>

Motion of: _____

VOTE: _____

<u>Made by</u> Daniels <input type="checkbox"/>	<u>Seconded</u> Daniels <input type="checkbox"/>	<u>Reported</u> Daniels <input type="checkbox"/>
<u>Senator:</u> Reagan <input type="checkbox"/>	<u>by Senator:</u> Reagan <input type="checkbox"/>	<u>by Senator:</u> Reagan <input type="checkbox"/>
Giuda <input type="checkbox"/>	Giuda <input type="checkbox"/>	Giuda <input type="checkbox"/>
Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>
D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>
Morse <input type="checkbox"/>	Morse <input type="checkbox"/>	Morse <input type="checkbox"/>
Hennessey <input type="checkbox"/>	Hennessey <input type="checkbox"/>	Hennessey <input type="checkbox"/>

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Daniels, Chairman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Reagan, Vice-Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Giuda	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Hennessey	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Rosenwald	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Morse	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator D'Allesandro	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Amendments: _____

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Thursday, February 10, 2022

THE COMMITTEE ON Energy and Natural Resources

to which was referred **SB 396-FN**

AN ACT relative to solid waste management.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 0659s

Senator Bob Giuda
For the Committee

SB 396-FN enables the Department of Environmental Services, when necessary and at its discretion, to contract with an engineer or hydrogeologist when evaluating a permit for a landfill. NH State Parks are one of the most significant public assets and the legislature should take responsible steps to protect New Hampshire's natural beauty while acknowledging the high cost of recycling expenses. The amendment to the bill changes the language on line three of the bill to allow greater flexibility for the Department of Environmental Services.

Daley Frenette 271-3042

FOR THE CONSENT CALENDAR

ENERGY AND NATURAL RESOURCES

SB 396-FN, relative to solid waste management.

Ought to Pass with Amendment, Vote 5-0.

Senator Bob Giuda for the committee.

SB 396-FN enables the Department of Environmental Services, when necessary and at its discretion, to contract with an engineer or hydrogeologist when evaluating a permit for a landfill. NH State Parks are one of the most significant public assets and the legislature should take responsible steps to protect New Hampshire's natural beauty while acknowledging the high cost of recycling expenses. The amendment to the bill changes the language on line three of the bill to allow greater flexibility for the Department of Environmental Services.

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Tuesday, February 22, 2022

THE COMMITTEE ON Finance

to which was referred **SB 396-FN**

AN ACT relative to solid waste management.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 6-0

Senator Lou D'Allesandro
For the Committee

Deb Martone 271-4980

Docket of SB396**Bill Title:** relative to solid waste management.*Official Docket of SB396.:*

Date	Body	Description
12/23/2021	S	To Be Introduced 01/05/2022 and Referred to Energy and Natural Resources; SJ 1
1/20/2022	S	Hearing: 01/25/2022, Room 103, SH, 10:00 am; SC 4
2/10/2022	S	Committee Report: Ought to Pass with Amendment #2022-0659s , 02/16/2022; Vote 5-0; CC; SC 7
2/16/2022	S	Committee Amendment #2022-0659s , AA, VV; 02/16/2022; SJ 3
2/16/2022	S	Ought to Pass with Amendment 2022-0659s, MA, VV; Refer to Finance Rule 4-5; 02/16/2022; SJ 3
2/22/2022	S	Committee Report: Ought to Pass, 02/24/2022; SC 8A
2/24/2022	S	Sen. Daniels Floor Amendment #2022-0810s , AF, VV; 02/24/2022; SJ 4
2/24/2022	S	Ought to Pass: MA, VV; OT3rdg; 02/24/2022; SJ 4
3/23/2022	H	Introduced 03/17/2022 and referred to Environment and Agriculture
3/29/2022	H	Public Hearing: 04/05/2022 11:00 am LOB 301-303
4/6/2022	H	==CANCELLED== Subcommittee Work Session: 04/12/2022 02:00 pm LOB 301-303
4/13/2022	H	Committee Report: Ought to Pass (Vote 17-0; CC) HC 15 P. 8
4/25/2022	H	Ought to Pass: MA VV 04/21/2022 HJ 10
5/13/2022	H	Enrolled (in recess of) 05/12/2022
5/13/2022	S	Enrolled Adopted, VV, (In recess 05/12/2022); SJ 13
5/24/2022	S	Signed by the Governor on 05/20/2022; Chapter 0097; Effective 07/19/2022

NH House

NH Senate

General Court of New Hampshire - Bill Status System

Docket of SB396

Docket Abbreviations

Bill Title: relative to solid waste management.**Official Docket of SB396.:**

Date	Body	Description
12/23/2021	S	To Be Introduced 01/05/2022 and Referred to Energy and Natural Resources; SJ 1
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2/16/2022	S	Committee Amendment #2022-0659s , AA, VV; 02/16/2022; SJ 3
2/16/2022	S	Ought to Pass with Amendment 2022-0659s, MA, VV; Refer to Finance Rule 4-5; 02/16/2022; SJ 3
2/22/2022	S	Committee Report: Ought to Pass, 02/24/2022; SC 8A
2/24/2022	S	Sen. Daniels Floor Amendment #2022-0810s , AF, VV; 02/24/2022; SJ 4
2/24/2022	S	Ought to Pass: MA, VV; OT3rdg; 02/24/2022; SJ 4
3/23/2022	H	Introduced 03/17/2022 and referred to Environment and Agriculture
3/29/2022	H	Public Hearing: 04/05/2022 11:00 am LOB 301-303
4/6/2022	H	==CANCELLED== Subcommittee Work Session: 04/12/2022 02:00 pm LOB 301-303
4/13/2022	H	Committee Report: Ought to Pass (Vote 17-0; CC) HC 15 P. 8
4/25/2022	H	Ought to Pass: MA VV 04/21/2022 HJ 10
5/13/2022	H	Enrolled (in recess of) 05/12/2022
5/13/2022	S	Enrolled Adopted, VV, (In recess 05/12/2022); SJ 13
5/24/2022	S	Signed by the Governor on 05/20/2022; Chapter 0097; Effective 07/19/2022

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: SB 396-FN

Senate Committee: FINANCE

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

- Bill version as it came to the committee
- All Calendar Notices
- Hearing Sign-up sheet(s)
- Prepared testimony, presentations, & other submissions handed in at the public hearing
- Hearing Report
- Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

___ - amendment # _____ ___ - amendment # _____
 ___ - amendment # _____ ___ - amendment # _____

- Executive Session Sheet
- Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

- amendment # 0810 ___ - amendment # _____
 ___ - amendment # _____ ___ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

- Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):
- Enrolled Bill Amendment(s)
- Governor's Veto Message

All available versions of the bill: {Clerk's Office}

___ as amended by the senate ___ as amended by the house
 final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Debra C. Martore
 Committee Aide

06/23/32
 Date

Senate Clerk's Office AK

Senate Inventory Checklist for Archives

Bill Number: SB 396 - FN

Senate Committee: Energy

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

- Bill version as it came to the committee
- All Calendar Notices
- Hearing Sign-up sheet(s)
- Prepared testimony, presentations, & other submissions handed in at the public hearing
- Hearing Report
- Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

- amendment # 06595 ___ - amendment # _____
- ___ - amendment # _____ ___ - amendment # _____
- Executive Session Sheet
- Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

- ___ - amendment # _____ ___ - amendment # _____
- ___ - amendment # _____ ___ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

- ___ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):
- ___ Enrolled Bill Amendment(s)
- ___ Governor's Veto Message

All available versions of the bill: {Clerk's Office}

- as amended by the senate ___ as amended by the house
- ___ final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Deed
Committee Aide

6/24/22
Date

Senate Clerk's Office AK