

From: Kelley Potenza
Sent: Tuesday, June 27, 2023 6:11 PM
To: ~Republican House Members; ~Democratic House Members
Subject: NON-CONCUR SB 61 - KILL THE BILL!

Good afternoon NH House:

I am writing to the entire body to provide inside information on the reasons why **we must NON-CONCUR with the Committee of Conference and "KILL THE BILL" (SB 61) on landfill siting.**

1. This bill was not, in fact, crafted by the Senate. This bill was crafted in January by the attorney representing Casella Waste Management Systems (Casella). Attached are the 91a email documents that prove such. I understand that legislators and bureaucrats consulting with lobbyists and "industry" professionals is acceptable in politics, BUT we cannot allow one special interest to craft our legislation or ask them for permission to make changes to a (their) bill, giving them veto power over every word! **SB 61 has to be rejected for this reason alone.** We can't let this happen again!

2. Many people keep arguing that SB 61 is "better than nothing." We are not in the "better than nothing" business, but in any event, here are some reasons why that is NOT an accurate argument.

A. SB 61 removes legislative oversight. The final taxpayer-funded report will be presented to DES, and the legislature will merely get a copy. Rules will be finalized and sent over to JLCAR with no hearings in the legislature. These rules will favor the industry (Casella) and not the delicate balance needed between industry and environmental protection. Without SB 61, the legislature stays in the driver's seat where it should be.

B. The company who wrote the bill (Casella) crafted it in such a way that their associates are going to be hired to write the report that will determine the permitting rules. The bill does not require science to be a part of their qualifications. The company chosen to write the report does not have to have credentials or experience in evaluating the health and safety risks associated with environmental protection and the engineering and hydrogeological aspects of landfill design and siting.

C. The lobbyists not only wrote the bill but REFUSED to allow the House to make a series of sensible changes, such as our request to change the legislation's goal from "adequate protection" of the waters of NH to "protect water with a margin of safety." The bipartisan floor amendment contained about a half-dozen of these common-sense improvements, and we amassed more than 150 votes in favor of it, but the lobbyists and the Senate refused to consider any of them.

D. But, but, but, SB 61 has two-year abeyance... that is the misleading bait and possible switch. DES has repeatedly said they are already well into writing new site-specific setback permitting rules. So, if the firm hired completes a report within a month or two, DES could have new rules submitted to JLCAR by January 2024. **There is only abeyance if new rules aren't completed!**

3. The rules expire in July of 2024, and since DES said they are already working on them, this bill is NOT necessary. DES said they don't have the in-house expertise to complete these rules, but this has an easy and routine fix: the legislature can hold a one-day public hearing, and all experts and advocates can attend and provide their information, data, models, and expertise to be compiled for DES. Over the last 3 years of hearings, we already have a ton of this FREE and readily available information from all points of view they can utilize to help them.

4. NHDES could have one rule, and we would be set. With or without new legislation, they could literally say, "*Now that we've finally realized that a one-size-fits-all 200-foot rule is ridiculous, DES will choose a site-specific setback to surface water in every individual permit application from now on, based on local hydrogeologic conditions.*" **This is the ONLY rule that is needed. PERIOD. No need for SB 61 and no need to spend \$200K of taxpayer dollars.**

5. The Senate had no intention of considering the few minor but critical changes that needed to occur to make SB 61 acceptable legislation. Mr. Sanborn (DES) told the Environment and Agricultural (E & A) Committee there were no

changes allowed to the bill, and his stakeholder in this process was the Governor. Mr. Sanborn worked directly with the attorney representing Casella on crafting SB 61. Before SB 61 even reached the house for a vote on June 15th, the Senate attached SB 61 to another House bill just in case the bipartisan floor amendment I introduced passed. Rep. Bixby's amendment did not change anything critical needed and, instead, gave more money (\$150K upped to \$200K) to the private entity that will be chosen to conduct an industry-friendly study. Rep. Bixby met with a Casella lobbyist to try and negotiate changes to SB 61 as well.

6. The Senate disrespected the House at every turn in regard to the landfill siting legislation. HB 56, which passed the House overwhelmingly, was killed in the Senate within about 2 minutes of "discussion" in Committee. The Senate was handed the "Governor's bill" SB 61 to shove down our throats no matter what the cost, and in the Committee of Conference (COC), the Senate insisted on changing the Bixby version of SB 61 back closer to their original version.

So, in closing, the sky won't fall if SB 61 is killed on Thursday--actually, far from it. Let's come together and make the right, ethical decision for New Hampshire citizens. SB 61 doesn't pass the core Republican test of fiscal responsibility or the core Democratic test of precaution in the face of dangers to health and the environment.

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 [Wimsatt & Gould Emails 2 1.png](#)

 [Wimsatt & Gould Emails 3 1.png](#)

 [Sanborn & Wimsatt 'directed on' Emails 1.png](#)

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