

FOR IMMEDIATE RELEASE

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Reflection, Clarification, and Moving Ahead From Senate Bill 61

Senate Bill 61 was the last bill of the House legislative session concerning the highly contentious setback to surface water new landfill permitting rules.

After many months of hearings, conversations, research, and, unfortunately, much-wasted paper, Senate Bill (SB) 61 was killed in non-concurrence on the House floor during the final legislative session of the year on June 29th.

There is much to say about the bill process relative to surface water setbacks for landfills and the new permitting rules needed after June 2024. Earlier this spring, House Bill 56 passed overwhelmingly, only to be nixed by the Senate. This bill

would have provided ample setback requirements comparable to those implemented in recent years in states around us.

We want this press release to clarify several inaccurate statements concerning all the "trash talk" and, frankly, much fear-mongering over the last 24 hours.

The good thing about the demise of SB 61 is that everything is now out in the open, and we can expect more transparency in drafting new rules. Moreover, the legislature will not abrogate its protective oversight responsibilities, as we would have under SB 61.

In particular, we would like to address three assertions made by Senate sponsors following the bipartisan House vote: that the 200-foot rule is "still in effect", that the House turned its back on a two-year abeyance, and that a collaborative and bipartisan process was trampled on.

Concerning the 200-foot Unscientific (Antiquated) Current Setback Rule

From the testimony over the last few years, up to and including the floor debate on June 29th, it is clear that everyone is on the same page (including DES) that the 200-foot setback rule is obsolete. Even though it is "technically" still on the books, DES, the Senate, the House, and ALL the experts (even some industry-hired lobbyists) have repudiated it. As our colleague, Environment and Agriculture (E&A) Committee chairwoman, Rep. Judy Aron (speaking in support of SB 61), said, "200 feet is no longer an acceptable option." Not one person, regardless of where they stood relative to SB 61, made any pretense of defending a 30-year-old rule that is entirely out of step with protections offered by other New England states.

Concerning the Claim that the House Turned its Back on a Two-Year Abeyance

Because NH does not need a new landfill until 2043 *at the earliest*, and we are ALL in agreement that the current unscientific 200-foot setback rule is antiquated and unsafe, we trust that DES will not proceed with processing any new permits while writing new rules. Because there is no need for a landfill for 20-30 years, we are confident that DES wants to avoid jeopardizing the health and well-being of NH citizens. To this end, the department has already begun to plan for a period of public input this summer to guide the drafting of new rules. Through a renewed effort and collaboration with DES and oversight from the legislature, we will get

the best industry/environmental safety-balanced rules written. Until our state can produce new detailed surface water setback rules, there is a simple stopgap improvement DES can use in the meantime with a temporary rule that states, "The Department of Environmental Services will choose a site-specific setback to surface water in every individual permit application from now on, based on local hydrogeologic conditions." There is no need for a two-year abeyance when we are all working together in the best interest of New Hampshire citizens.

Concerning the Supposed "Collaboration and Bipartisanship" of SB 61

Unfortunately, it is simply not true that this was a collaborative process. The Senate killed the bipartisan and overwhelmingly supported House Bill 56 with almost no debate. We received SB 61 in return, drafted in January (by an attorney for Casella). The House E&A Committee was explicitly and repeatedly told no changes were allowed to the bill (from DES recorded testimony) or that the bill would be met with a veto by the Governor. All the modifications that Rep. Bixby brought to the lobbyist were also refused. Our committee was bullied and strongarmed throughout the entire SB 61 process from trying to make a terrible and unprotective bill better, all while DES was asking the lobbyist for permission to change a word, as evidenced by recently released emails between Casella's attorney and DES officials (*Concord Monitor*, "Transparency Issues Arise on Landfill Setback Bill," June 28th).

The lack of genuine collaboration was also made painfully clear when North Country Alliance for Balanced Change came out and publicly opposed SB 61. They saw this one-sided, industry-driven bill for what it was. Our opposition to this bill was shaped by what we heard from them and other groups and individuals who advocate for the interests and needs of Granite Staters – the people we were elected to represent.

We look forward to a clean slate with listening, collaboration, compromise, and transparency throughout the process. The House E&A Committee has already contacted DES to assist in their rulemaking process. We hope to schedule a public meeting in early September (or sooner) to gather the information from diverse experts DES needs to complete its rulemaking. We feel confident that all work ahead on any landfill permitting bills, rules, etc., will be fair and balanced and have the best interests of our constituents at heart.