**HB 1420-FN - AS INTRODUCED**

2022 SESSION

22-2649

08/10

HOUSE BILL ***1420-FN***

AN ACT prohibiting the issuance of new landfill permits**, excluding expansions of existing landfills,** ~~until~~  **when** the state's solid waste plan **has not been updated and is thus,** ~~is updated~~ **out of date.**

SPONSORS: Rep. Massimilla, Graf. 1; Rep. Thompson, Coos 1; Rep. Burroughs, Carr. 1; Rep. Theberge, Coos 3; Sen.Hennessey, Dist 1

COMMITTEE: Environment and Agriculture

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ANALYSIS

This bill prohibits the issuance of new landfill permits ~~under~~ **until** the state's solid waste plan is updated.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

22-2649

08/10

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Two*

AN ACT prohibiting the issuance of new landfill permits**, excluding expansions of existing landfills,** ~~until~~  **when** the state's solid waste plan **has not been updated and is thus,** ~~is updated~~ **out of date.**

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

1 New Paragraph; Landfill Permits; Solid Waste Plan. Amend RSA 149-M:9 by inserting after paragraph ~~V~~ **XIV** the following new paragraph:

~~V-a.~~ **XV**. The department shall not issue a permit for the construction of a new ~~facility~~ **landfill, excluding expansions of existing landfills**, unless the department makes a positive determination that the permit application is consistent with the state's solid waste plan that has been updated **and is current**, consistent with the requirements of RSA 149-M:29.

2 Effective Date. This act shall take effect upon its passage.

LBA

22-2649

11/18/21

**HB 1420-FN- FISCAL NOTE**

**AS INTRODUCED**

AN ACT

prohibiting the issuance of new landfill permits until the state's solid waste plan is updated.

**FISCAL IMPACT: [ X ] State [ ] County [ X ] Local [ ] None**

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| --- | --- | --- | --- | --- |
| **Estimated Increase / (Decrease)** | | | | |
| **STATE:** | **FY 2022** | **FY 2023** | **FY 2024** | **FY 2025** |
| **Appropriation** | $0 | $0 | $0 | $0 |
| **Revenue** | $0 | $0 | $0 | $0 |
| **Expenditures** | Indeterminable | Indeterminable | Indeterminable | Indeterminable |
| ***Funding Source:*** | [ X ] General [ ] Education [ ] Highway [ ] Other | | | |
| **LOCAL:** | | | | |
| **Revenue** | Indeterminable | Indeterminable | Indeterminable | Indeterminable |
| **Expenditures** | Indeterminable | Indeterminable | Indeterminable | Indeterminable |

**METHODOLOGY:**

This bill would prohibit the Department of Environmental Services from issuing permits for the construction of any new ~~solid waste facility~~ **landfills, excluding expansions of existing landfills**, unless such permitting decision is consistent with an updated state solid waste management plan.

The Department makes the following assumptions regarding this bill:

~~The term “new facility” includes all types of solid waste facilities, including expansions of existinglandfills.~~

That “updated consistent with the requirements of RSA 149-M:29” means a permitting decision cannot be issued until the state plan is updated in accordance with the schedule identified in RSA 149-M:29,~~namely, by October 1, 2022, and every ten years thereafter.~~ (NHDES is erring in that they are confusing the report of the NH Solid Waste Working Group with actual compliance with RSA 149-M:29, which states: **149-M:29 State Solid Waste Plan and Report. –**  
I. Beginning October 1, 2022, in accordance with the state waste planning update schedule requirements of this section dating to October 1, 1998, and every 10 years thereafter, the department shall update the state's solid waste plan, which shall be made available for public review and comment before final publication)

That it will not be able to issue decisions on applications under review at the time the bill becomes effective (upon passage).

The Department states the “positive determination” will be made during review of a solid waste application in accordance with their existing review procedures relative to RSA 149-M:11. While additional staff is not needed for application reviews, the Department expects slightly more staff time would be required to complete application reviews and prepare decision documents, which may result in an increase in state expenditures. **(This makes no sense, if the solid waste plan is out of date, then NHDES simply cannot issue a permit until the time that the waste plan is updated and current)**

The Department adds that the inability to permit new facilities would be disruptive to the solid waste market, resulting in changes to solid waste management prices due to lack of adequate capacity. (**HOW would NHDES KNOW this, IF the current plan is OUTDATED?)** This may result in state, county and local government expenditures for waste management and disposal to increase. **(AGAIN, this makes NO SENSE)** In addition, the Department states revenues to local governments that are host municipalities may decrease due to a lack of new facilities. **(this bill EXCLUDES expansions of current landfills, so it’s not applicable)**

**AGENCIES CONTACTED:**

Department of Environmental Services