

# Senate Energy and Natural Resources Committee

*Nikolas Liamos 271-7875*

**SB 227-FN-A**, relative to an assessment of solid waste facility setback requirements and making an appropriation therefor.

**Hearing Date:** February 14, 2023

**Time Opened:** 9:45 a.m.

**Time Closed:** 10:20 a.m.

**Members of the Committee Present:** Senators Avard, Pearl, Birdsell, Watters and Altschiller

**Members of the Committee Absent :** None

**Bill Analysis:** This bill requires the department of environmental services to contract for an assessment of solid waste facility setback requirements and makes an appropriation therefor.

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## **Sponsors:**

Sen. Watters

Sen. Perkins Kwoka

Sen. Rosenwald

Sen. Avard

Sen. Chandley

Sen. Carson

Sen. Ricciardi

Sen. Soucy

Sen. Altschiller

Sen. D'Allesandro

Sen. Fenton

Sen. Prentiss

Rep. Ebel

Rep. J. Sullivan

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**Who supports the bill:** In total, 51 individuals signed in support of SB 227-FN. The full sign in sheets are available upon request to the Legislative Aide, Nikolas Liamos (Nikolas.liamos@leg.state.nh.us)

**Who opposes the bill:** In total, 1 individual signed in opposition to SB 227-FN. The full sign in sheets are available upon request to the Legislative Aide, Nikolas Liamos (Nikolas.liamos@leg.state.nh.us)

**Who is neutral on the bill:** No individuals signed in as neutral to SB 227-FN. The full sign in sheets are available upon request to the Legislative Aide, Nikolas Liamos (Nikolas.liamos@leg.state.nh.us)

## **Summary of testimony presented in support:**

**Senator David Watters**

**Senate District 4**

- Senator David Watters introduced Senate Bill 227-FN.
- Senator Watters stated that SB 227-FN directs the Department of Environmental Services to contract for an assessment of the current set-back requirements that are applicable to the permitting of new solid waste facilities.
- Senator Watters stated that the new set-back requirements need to be science-based.
- Senator Watters stated that SB 227-FN allows for the public to add their input on the report for new solid waste facility set-back requirements.
- Senator Watters stated that there have been some discussions of combining SB 227-FN with SB 161.

#### **Wayne Morrison**

##### **North Country Alliance for Balanced Change**

- Wayne Morrison stated that he represents the North Country Alliance for Balanced Change (NCABC).
- Mr. Morrison stated that legislators, the public, advocates for solid waste reform and the Department of Environmental Services all support SB 227-FN.
- Mr. Morrison stated that every year there is legislation introduced to try and develop an effective methodology to implement new set-back requirements.
  - Mr. Morrison stated that each year the legislation is more precise and focused.
- Mr. Morrison stated that the NCABC has three concerns or recommendations.
  - Mr. Morrison said that the first concern is due to the impact of this topic, the NCABC would like to see transparency and inclusion of public input before the request for proposals go out.
  - Mr. Morrison stated the second concern is the independence of the agent who is hired to perform the assessments.
    - Mr. Morrison continued that it is important for the agent to remain nonbiased to any entities when conducting the assessments and proposals.
  - Mr. Morrison stated that the third concern is the topic of new landfills in New Hampshire.
    - Mr. Morrison stated that the NCABC wants to ensure that while the assessments are being conducted, that no new landfill permits are issued by the Department of Environmental Services.
- Mr. Morrison urged the Senate Energy and Natural Resources Committee and the Department of Environmental Services to take their time and not rush the process so that they can ensure our environment is adequately and sufficiently protected.

#### **Mike Wimsatt**

##### **Director of the Waste Management Division, Department of Environmental Services**

- Mike Wimsatt stated that he is aware of the discussions to combine SB 227-FN with SB 161.
  - Mr. Wimsatt stated that he wanted to work with the sponsors of the two pieces of legislation to see if this would be effective.
- Mr. Wimsatt stated that, the topic of the siting of new landfills and their proximity of bodies of water is of great interest to the public and the legislature.

- Mr. Wimsatt continued to state that SB 227-FN would aid the Department of Environmental Services in crafting new rules for creating new set-back requirements.
- Senator Watters asked Mr. Wimsatt if he believed it would be possible to make the determination in a weeks' time to decide to move forward with combining SB 227-FN and SB 161 due to both pieces of legislation having fiscal notes.
  - Mr. Wimsatt responded that the Department of Environmental Services cannot stand in the way of the two pieces of legislation being combined.
- Senator Pearl asked if it is standard operating procedure for the Department to have public hearings on request for proposals.
  - Senator Watters noted that usually request for proposals take at least 30 days so there is more than enough time for the public to weigh in.
  - Mr. Wimsatt replied that the Department supports public comment and wants to ensure that the process is as robust and productive as possible.

NPL

Date Hearing Report completed: February 21, 2023