



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

April 15, 2024

The Honorable Kevin Avard
Chairman, Senate Energy and Natural Resources Committee
State House, Room 103
Concord, NH 03301

RE: HB 1145, AN ACT prohibiting private ownership of landfills.

Dear Chairman Avard and Members of the Committee:

Thank you for the opportunity to testify on HB 1145. This bill would require that all newly sited landfills be owned by the State or political subdivisions of the State. The New Hampshire Department of Environmental Services (NHDES) does not take a position on this bill but has concerns about potential impacts on the solid waste disposal market in NH and the potential for adverse economic consequences for NH communities and businesses that must pay for solid waste disposal.

HB 1145 places a limitation on ownership of solid waste landfill facilities, requiring that no new landfill permits shall be granted for facilities owned by any person other than the State or a political subdivision thereof. Effectively, this would prohibit ownership of any new landfills by private entities. The bill requires that the management and operation of any State-owned landfill be contracted out to a private operator. Political subdivisions that own landfills may elect to contract out for these services if desired. The bill further provides that existing operating facilities under private ownership may seek permits to expand.

NHDES takes no position on this bill but has concerns about its potential to disrupt the solid waste disposal market in New Hampshire. It is possible that the State and its political subdivisions may elect not to seek permits for construction of a new landfill for several reasons, including concerns that they lack the requisite expertise, concerns about liability, lack of a suitable site, and an inability to obtain financing or local support. If this were to happen, it could lead to supply pressures on the solid waste disposal market in New Hampshire that could limit the amount and location of in-state disposal capacity for NH communities and businesses and drive up disposal prices.

Thank you again for the opportunity to comment on HB 1145. In summary, NHDES does not take a position on this bill, but has concerns about potential impacts to solid waste disposal capacity and the potential for adverse consequences on local communities and businesses. Should you have questions or need additional information, please feel free to contact either Sarah Yuhas Kirn, Waste

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Management Division Assistant Director (sarah.l.yuhaskirn@des.nh.gov, 271-4978) or Michael Wimsatt, Waste Management Division Director (michael.j.wimsatt@des.nh.gov, 271-1997).

Sincerely,

A handwritten signature in black ink, appearing to read "Robert R. Scott". The signature is fluid and cursive, with a long horizontal stroke at the end.

Robert R. Scott
Commissioner

ec: Sponsor of HB 1145: Representatives Bixby, Germana, Rochefort, Potenza, Stapleton, Senators Altschiller, Fenton