



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

February 13, 2024

The Honorable Judy Aron
Chair, House Environment and Agriculture Committee
Legislative Office Building, Room 301
Concord, NH 03301

RE: HB 1490, AN ACT relative to the solid waste management act.

Dear Chair Aron and Members of the Committee:

Thank you for the opportunity to testify on HB 1490. This bill, which was requested by the New Hampshire Department of Environmental Services (NHDES), seeks to amend or clarify a number of sections in the state's solid waste management statute, RSA 149-M. Specifically, this bill would modify the existing definition of "abutter" and "end-of-life motor vehicle", clarify that solid waste permits can be terminated in cases where a facility has closed and will no longer conduct solid waste activities, and changes the statute which prescribes time limits for making decisions on solid waste facility permit applications. NHDES supports this bill.

RSA 149-M:4, I currently defines "abutter" to mean "any person who owns property adjacent to, or across a road, railroad, or stream from the property on which a solid waste facility may be permitted." This bill seeks to clarify the definition to ensure that property owners located across a utility corridor or water course receive notifications regarding these facilities.

RSA 149-M:4, VIII-b. currently defines "end-of-life motor vehicle" to mean a wrecked, worn-out, junk, or other motor vehicle that is no longer intended for use according to its original purpose and is destined for final disposal. The term does not include a motor vehicle that is being kept for repair or restoration, or that is temporarily impounded pending identification of last owner of record or settlement of an insurance claim." This bill seeks to add "as defined in RSA 259:60, I" which would tie in an existing statutory definition of motor vehicle.

RSA 149-M:9 XI states that "all permits shall be continuous in duration, but may be suspended or revoked for cause as provided in this chapter." However, there are solid waste facilities that close, with no waste remaining. NHDES believes that the additional language will allow for development of a method to administratively terminate a permit in these cases without having to go through the permit suspension or revocation process.

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RSA 149-M:9, VIII states that NHDES “shall act upon each permit application within the time periods specified in rules adopted under RSA 149-M:7” This bill corrects a drafting error dating back to the 2019 legislative session. SB 163 amended the timelines for review of solid waste permit applications in RSA 149-M:9, VIII but failed to amend the corresponding language in RSA 149-M:12, III to reflect this change.

Thank you again for the opportunity to provide testimony in support of HB 1490. Should you have questions or need additional information, please feel free to contact either Leah McKenna, Solid Waste Management Bureau (leah.l.mckenna, 271-2945) or Michael Wimsatt, Waste Management Division Director (michael.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: Sponsors of HB 1490: Representatives Ebel, Simpson, M. Murray, Creighton, Rochefort, Massimilla, Grote, and Senators Watters, Perkins Kwoka, D’Allesandro