



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

April 24, 2023

The Honorable Judy Aron
Chair, House Environment and Agriculture Committee
Legislative Office Building, Room 303
Concord, NH 03301

RE: SB 211, AN ACT relative to background investigations of solid waste and hazardous waste facility permit applicants.

Dear Chair Aron and Members of the Committee:

Thank you for the opportunity to testify on SB 211, as amended by the Senate. This bill, which was requested by the New Hampshire Department of Environmental Services (NHDES), would amend the language of the state's solid and hazardous waste management statutes to correct deficiencies in the law related to the performance of background investigations of permit applicants. After introduction of the bill, NHDES heard concerns from stakeholders and worked with the sponsor to craft a proposed amendment to address those concerns. That amendment was subsequently adopted by the Senate. NHDES strongly supports this bill as amended.

For many years, the state statutes governing solid and hazardous waste management, RSA 149-M and RSA 147-A, respectively, have directed NHDES to conduct background investigations of applicants for solid and hazardous waste facility permits. Both laws provide that applications must include a performance history of the applicant and of its officers and directors relative to the operation, financial security, and ownership of all facilities owned or operated by the applicant. Further, the law provides that NHDES may deny a permit application to any person who has been convicted of, or pled guilty or no contest to, a felony in any state or federal court during the previous five years. To implement this provision, NHDES is directed to request that the Office of the Attorney General conduct a background investigation of the applicant's performance history and criminal record.

In consultation with NH Department of Justice (NHDOJ), it has come to our attention that the current language in these laws does not outline the procedures necessary to conduct multi-state criminal history records checks. Such checks, which are commonly conducted for a variety of occupations, are implemented through the NH State Police, who conducts a fingerprint-based criminal history records check through its records and through the Federal Bureau of Investigation. In order to access this system, very specific language is required to be contained in the enabling law. NHDES has worked closely with NHDOJ in crafting the language in this bill to ensure that it meets

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The Honorable Judy Aron
Chair, House Environment & Agriculture Committee
April 24, 2023
Page 2

those criteria. Without the addition of this language, national criminal history records checks will not be possible.

Thank you again for the opportunity to provide testimony in support of SB 211. Should you have questions or need additional information, please feel free to contact either Mike Wimsatt, Waste Management Division Director, at michael.wimsatt@des.nh.gov or (603) 271-1997, or me.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert R. Scott", with a long, sweeping horizontal flourish extending to the right.

Robert R. Scott
Commissioner

ec: Sponsors of SB 211: Senators Pearl, Lang