



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

February 14, 2023

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

RE: SB 227, AN ACT relative to an assessment of solid waste facility setback requirements and making an appropriation therefor.

Dear Chair Avard and Members of the Committee:

Thank you for the opportunity to testify on SB 227. This bill would require the New Hampshire Department of Environmental Services (NHDES) to contract for an assessment of the current setback requirements that are applicable to the permitting of new solid waste facilities and makes an appropriation of \$150,000 to fund such a contract. NHDES supports this bill.

Over the last few years, NHDES' administrative rules relative to the siting of solid waste landfills and the required setback distances from surface waters have been a topic of significant interest to the General Court and the public. This bill would direct NHDES to contract with a qualified firm or individual to conduct an assessment of current setback requirements and related protections that are applicable to new solid waste facilities, and to make recommendations for changes if any were determined to be needed. NHDES believes that such an assessment would be of great value and would assist us in future efforts to review and revise our current rules to ensure adequate protection of surface waters. We also understand that there are efforts under consideration to combine this bill with SB 61, which would direct NHDES to undertake rulemaking to establish criteria for setting site-specific surface water setbacks for landfills. NHDES believes that combining the bills could be effective and looks forward to working with sponsors of both bills.

Thank you again for the opportunity to provide testimony in support of SB 227. 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,

Robert R. Scott
Commissioner

cc: Sponsors of SB 227: Senators Watters, Perkins Kwoka, Rosenwald, Avard, Chandley, Carson, Ricciardi, Soucy, Altschiller, D'Allesandro, Fenton, Prentiss, Representatives Ebel, Jared Sullivan