



The State of New Hampshire  
**Department of Environmental Services**



**Robert R. Scott, Commissioner**

January 23, 2023

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

**RE: SB 62, AN ACT relative to landowner liability under RSA 147-B, the hazardous waste cleanup fund.**

Dear Chair Avard and Members of the Committee:

Thank you for the opportunity to testify on SB 62. This bill would correct and clarify language in RSA 147-B regarding limitations on liability for landowners relative to hazardous waste and hazardous materials contamination. This bill is a request of the New Hampshire Department of Environmental Services (NHDES) and we strongly support its passage.

RSA 147-B, the Hazardous Waste Cleanup Fund statute, establishes liability provisions relative to releases of hazardous wastes or hazardous materials. It also provides for certain defenses and limitations on the liability of landowners at Section 147-B:10-a. Unfortunately, when this section was drafted several decades ago, the term "hazardous substance" was used in some places in the section where the correct terms "hazardous wastes or hazardous materials" should have been used. "Hazardous substance" is not defined in the statute, and has other important meanings in other state and federal laws. As a result, its use is misplaced in this law and needs to be corrected. This bill would make those corrections, along with some additional language amendments that serve to clarify the law. It is the understanding of NHDES that none of these corrections would change the intent or principal meaning of the law but will serve to avoid confusion in the law's application moving forward.

Thank you again for the opportunity to provide testimony in support of SB 62. 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](mailto:michael.wimsatt@des.nh.gov) or (603) 271-1997, or me.

Sincerely,

Robert R. Scott  
Commissioner

cc: Sponsors of SB 62: Senators Avard, Watters, and Murphy