

Bill as Introduced

HB 617 - AS INTRODUCED

2019 SESSION

19-0675
08/06

HOUSE BILL

617

AN ACT

establishing a committee to study recycling streams in New Hampshire.

SPONSORS:

Rep. Ebel, Merr. 5; Rep. Turcotte, Merr. 22; Rep. Carson, Merr. 7; Rep. Tucker, Coos 5; Rep. O'Connor, Rock. 6; Rep. Malloy, Rock. 23; Sen. Ward, Dist 8; Sen. Watters, Dist 4; Sen. Fuller Clark, Dist 21

COMMITTEE:

Environment and Agriculture

ANALYSIS

This bill establishes a committee to study recycling streams in New Hampshire.

Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through~~].

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nineteen

AN ACT establishing a committee to study recycling streams in New Hampshire.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Committee Established. There is established a committee to study recycling programs in
2 New Hampshire.

3 2 Membership and Compensation.

4 I. The members of the committee shall be as follows:

5 (a) Three members of the house of representatives, appointed by the speaker of the
6 house of representatives.

7 (b) One member of the senate, appointed by the president of the senate.

8 II. Members of the committee shall receive mileage at the legislative rate when attending to
9 the duties of the committee.

10 3 Duties. The committee shall study:

11 I. The state of recycling programs in New Hampshire in light of changing market
12 conditions.

13 II. Challenges faced by municipalities in running recycling programs.

14 III. Such other related issues as the committee deems necessary, including potential
15 legislation.

16 4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from
17 among the members. The first meeting of the committee shall be called by the first-named house
18 member. The first meeting of the committee shall be held within 45 days of the effective date of this
19 section.

20 5 Report. The committee shall report its findings, any recommendations for proposed
21 legislation, and recommendations for actions that can be taken by municipalities and the state to
22 the speaker of the house of representatives, the president of the senate, the house clerk, the senate
23 clerk, the governor, and the state library on or before November 1, 2019.

24 6 Effective Date. This act shall take effect upon its passage.

HB 617 - AS AMENDED BY THE SENATE

05/30/2019 2344s

2019 SESSION

19-0675

08/06

HOUSE BILL **617**

AN ACT establishing a committee to study recycling streams and solid waste management in New Hampshire.

SPONSORS: Rep. Ebel, Merr. 5; Rep. Turcotte, Merr. 22; Rep. Carson, Merr. 7; Rep. Tucker, Coos 5; Rep. O'Connor, Rock. 6; Rep. Malloy, Rock. 23; Sen. Ward, Dist 8; Sen. Watters, Dist 4; Sen. Fuller Clark, Dist 21

COMMITTEE: Environment and Agriculture

AMENDED ANALYSIS

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9 the duties of the committee.

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12 II. Challenges faced by the state and municipalities in running recycling programs and solid
13 waste management.

14 III. Such other related issues as the committee deems necessary, including potential
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23 clerk, the governor, and the state library on or before November 1, 2019.

24 6 Effective Date. This act shall take effect upon its passage.

CHAPTER 265
HB 617 - FINAL VERSION

05/30/2019 2344s

2019 SESSION

19-0675
08/06

HOUSE BILL

617

AN ACT

establishing a committee to study recycling streams and solid waste management in New Hampshire.

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CHAPTER 265
HB 617 - FINAL VERSION

05/30/2019 2344s

19-0675
08/06

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nineteen

AN ACT establishing a committee to study recycling streams and solid waste management in New Hampshire.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 265:1 Committee Established. There is established a committee to study recycling programs
2 and solid waste management in New Hampshire.

3 265:2 Membership and Compensation.

4 I. The members of the committee shall be as follows:

5 (a) Three members of the house of representatives, appointed by the speaker of the
6 house of representatives.

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9 the duties of the committee.

10 265:3 Duties. The committee shall study:

11 I. The state of recycling programs in New Hampshire in light of changing market conditions.

12 II. Challenges faced by the state and municipalities in running recycling programs and solid
13 waste management.

14 III. Such other related issues as the committee deems necessary, including potential
15 legislation.

16 265:4 Chairperson; Quorum. The members of the study committee shall elect a chairperson
17 from among the members. The first meeting of the committee shall be called by the first-named
18 house member. The first meeting of the committee shall be held within 45 days of the effective date
19 of this section.

20 265:5 Report. The committee shall report its findings, any recommendations for proposed
21 legislation, and recommendations for actions that can be taken by municipalities and the state to the
22 speaker of the house of representatives, the president of the senate, the house clerk, the senate
23 clerk, the governor, and the state library on or before November 1, 2019.

265:6 Effective Date. This act shall take effect upon its passage.

Approved: July 19, 2019
Effective Date: July 19, 2019

Amendments

Rep. Ebel, Merr. 5
May 24, 2019
2019-2300h
08/05

Amendment to HB 617

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT establishing a committee to study recycling programs and solid waste management
4 in New Hampshire.

5

6 Amend the bill by replacing sections 1-3 with the following:

7

8 1 Committee Established. There is established a committee to study recycling programs and
9 solid waste management in New Hampshire.

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11 I. The members of the committee shall be as follows:

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15 II. Members of the committee shall receive mileage at the legislative rate when attending to
16 the duties of the committee.

17 3 Duties. The committee shall study:

18 I. The state of recycling programs in New Hampshire in light of changing market
19 conditions and the impact on solid waste management.

20 II. Challenges faced by the state and municipalities in running recycling programs and
21 managing solid waste.

22 III. Such other related issues as the committee deems necessary, including potential
23 legislation.

2019-2300h

AMENDED ANALYSIS

This bill establishes a committee to study recycling programs and solid waste management in New Hampshire.

UNAPPROVED

Amendment to HB 617

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20 II. Challenges faced by the state and municipalities in running recycling programs and
21 solid waste management.

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23 legislation.

2019-2344s

AMENDED ANALYSIS

This bill establishes a committee to study recycling streams and solid waste management in New Hampshire.

Committee Minutes

SENATE CALENDAR NOTICE

Energy and Natural Resources

Sen Martha Fuller Clark, Chair
 Sen Dan Feltes, Vice Chair
 Sen David Watters, Member
 Sen Jeb Bradley, Member
 Sen Bob Giuda, Member

Date: March 21, 2019

HEARINGS

Tuesday

03/26/2019

(Day)

(Date)

Energy and Natural Resources

SH 103

9:00 a.m.

(Name of Committee)

(Place)

(Time)

9:00 a.m.	HB 228	extending the commission to study the current statutes related to management of non-tidal public waterways and the construction or placement of structures within them.
9:15 a.m.	HB 617	establishing a committee to study recycling streams in New Hampshire.
9:30 a.m.	HB 283	relative to the age rabbits can be transferred.
9:45 a.m.	HB 162	repealing the requirement for the inspection of timber.
10:00 a.m.	HB 281	relative to flow devices designed to control beaver damming and minimize the risk of flooding behind an existing beaver dam.
10:15 a.m.	HB 476-FN	replacing the milk producers emergency relief fund with the dairy premium fund.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 228

Rep. Suzanne Smith

Rep. Ebel

HB 617

Rep. Ebel

Rep. Turcotte

Rep. Carson

Rep. Tucker

Rep. O'Connor

Rep. Malloy

Sen. Ward

Sen. Watters

Sen. Fuller Clark

HB 283

Rep. Danielson

HB 162

Rep. Pearl

Rep. Turcotte

Rep. Moffett

Rep. Lang

HB 281

Rep. Myler

Rep. Wallner

HB 476-FN

Rep. O'Connor

Rep. Pearl

Sen. Kahn

Griffin Roberge 271-7875

Martha Fuller Clark
Chairman

Senate Energy and Natural Resources Committee

Griffin Roberge 271-7875

HB 617, establishing a committee to study recycling streams in New Hampshire.

Hearing Date: March 26, 2019.

Time Opened: 9:15 a.m.

Time Closed: 9:33 a.m.

Members of the Committee Present: Senators Feltes, Watters and Giuda.

Members of the Committee Absent: Senators Bradley and Fuller Clark.

Bill Analysis: This bill establishes a committee to study recycling streams in New Hampshire.

Sponsors:

Rep. Ebel

Rep. Turcotte

Rep. Carson

Rep. Tucker

Rep. O'Connor

Rep. Malloy

Sen. Ward

Sen. Watters

Sen. Fuller Clark

Who supports the bill: Mike Durfor (Northeast Resource Recovery Association), Adam Schmidt (NH Beverage Association), Representative Suzanne Smith (Grafton – District 8), Simon Thomson (New England Convenience Store & Energy Marketers Association), Stuart Trachy (NH Grocers Association), Erle Pierce (American Progressive Plastic Bag Association), Amy Farnum (NH Department of Administrative Services), Curtis J, Barry (NH Retail Association).

Who opposes the bill: None.

Who is neutral on the bill: None.

Summary of testimony presented in support:

Representative Karen Ebel – provided written testimony

Merrimack – District 5

- HB 617 would create a study committee to study recycling streams in New Hampshire.
- The market for recyclables, especially plastics and mixed papers, has been collapsing, leading towns to stop recycling programs and diverting all waste to landfill. Landfills have a finite capacity. Adding recycling to landfills is not a feasible, long-term solution.
- NH municipalities must address the economic impact of recycling costs. It can cost more to transport recycling than what one would receive at market.
- HB 617 aims to work in tandem with SB 79 (2019) in determining New Hampshire's long-term, solid waste management plan.
- Senator Giuda asked about the disparity between the use of "recycling streams" in the bill title and "recycling programs" in the text of the bill.
 - Representative Ebel responded that the use of the word "streams" allows for the study of a broad range of recyclables – tin, aluminum, mixed papers, plastics, etc. Representative Ebel did not believe that there was a meaningful difference between "recycling streams" and "recycling programs."
- Senator Watters asked if the study committee would examine extended producer responsibility.
 - Representative Ebel said the study committee would examine that issue.

Mike Durfor – provided written testimony

Executive Director, Northeast Resource Recovery Association (NRRA)

- The collapse of the recycling market has a detrimental fiscal impact on our town budgets. The collapse of the recycling market has led to some towns taking a step backward with respect to NH's Solid Waste Plan (Apr 2003) and its goals for recycling streams. Towns are moving recyclables to landfill to save costs.
- Since 2011, the recycling market has been like the sub-prime mortgage crisis of 2007-2010.
- Recycling with clean materials is working fine. Cardboard is going for between \$60 and \$120 per ton on the market, aluminum cans are going for \$.50 to \$.90 per pound, and plastics 1 and 2 are going for \$.20 to \$.40 per pound, depending on the month. However, many NH recycling programs have a problem with sorting and baling operations for recycling, as well as contamination of recycling materials. The rules for recycling are changing, but the value of recycling is still there. That issue needs to be addressed.
- Before China increased their recycling standards, Americans would throw \$6.5 billion in recyclable products into landfills each year. This is money that should not be thrown away. Additionally, it reduces the lifespan of existing landfills.
- Senator Giuda asked Mr. Durfor about the state's involvement in local recycling programs.
 - Mr. Durfor responded that it was a lot like state involvement on local school boards. Each municipality acts a little differently. Those differences have been curtailed by the market price. It is no longer acceptable to ship a percentage of contaminant with cardboard – the market will not accept cardboard if it is not pure cardboard. The state's role would be helping to facilitate these logistical problems.

Michael Nork – permitted written testimony

Environmental Analyst, Solid Waste Management Bureau, New Hampshire Department of Environmental Services (NHDES)

- Reiterated earlier testimony in support of HB 617.
- RSA 149-M and RSA 149-M:2 set a goal of 40% solid waste diversion from landfill or incineration on a per capita basis. NH has not achieved that goal.

Summary of testimony presented in opposition: None.

Neutral Information Presented: None.

GJR. edited by Cameron Lapine.

Date Hearing Report completed: March 26, 2019.

Speakers

Testimony

TITLE X PUBLIC HEALTH

CHAPTER 149-M SOLID WASTE MANAGEMENT

Section 149-M:2

149-M:2 Waste Reduction Goal. –

I. The general court declares its concern that there are environmental and economic issues pertaining to the disposal of solid waste in landfills and incinerators. It is important to reserve landfill and incinerator capacity for solid wastes which cannot be reduced, reused, recycled or composted. The general court declares that the goal of the state, by the year 2000, is to achieve a 40 percent minimum weight diversion of solid waste landfilled or incinerated on a per capita basis. Diversion shall be measured with respect to changes in waste generated and subsequently landfilled or incinerated in New Hampshire. The goal of weight diversion may be achieved through source reduction, recycling, reuse, and composting, or any combination of such methods. The general court discourages the disposal of recyclable materials in landfills or processing of recyclable materials in incinerators.

II. In exercising any and all powers conferred upon the department under this chapter, the department shall use and consider criteria relevant to the waste reduction goal and disposal hierarchy established in RSA 149-M:2 and 149-M:3. The department shall not take any action relative to the 40 percent weight reduction goal which causes the municipalities organized under RSA 53-A and 1986, 139 or RSA 53-B to violate or incur penalties under legal obligations existing on June 26, 1990.

Source. 1996, 251:2, 251:27; 261:2. 1999, 43:1, eff. July 20, 1999.

TITLE X PUBLIC HEALTH

CHAPTER 149-M SOLID WASTE MANAGEMENT

Section 149-M:3

149-M:3 Achieving Goals; Hierarchy. –

The general court supports integrated solid waste disposal solutions which are environmentally safe and economically sound. The general court endorses, in order of preference, the following waste management methods:

- I. Source reduction.
- II. Recycling and reuse.
- III. Composting.
- IV. Waste-to-energy technologies (including incineration).
- V. Incineration without resource recovery.
- VI. Landfilling.

Source. 1996, 251:2, eff. Aug. 9, 1996.

FROM THE DIRECTOR'S CHAIR

"Recycling Still Rule\$-But the Rules are a Changin"

I am sharing two long articles this month. The first is a link to a recent NY Times article that continues to recount towns across the country that are giving up on recycling because it costs too much.

<https://www.google.com/url?sa=t&source=web&rct=j&url=https://www.nytimes.com/2019/03/16/business/local-recycling-costs.amp.html&ved=2ahUKEwj6mN2csIvhAhUhmuaAKHVEXACIQFjAAegQIBhAB&usg=AOvVaw3gShKdRXsGXCud25RqZrbK&cf=1>

I would point out that a big part of that problem is single stream processing costs and contamination, but the author also raises the possibility that it may be more profitable to landfill recyclables than recycle them.

For source separation facilities whose residents sort almost religiously, there has been a tightening of the specifications for what the domestic processors can accept. Once the new rules are understood and adopted then there is no issue with recycling.

The second article is co-authored by Pres. Watson and me and will appear in the May issue of the NHMA magazine as NRRA continues to rebut the idea that recycling is in trouble when source separation still provides good positive values for all, but mixed paper and we are sourcing better markets for that material.

Our view is that now more than ever before, "Recycling makes \$ and Cents!" Some processing facilities are struggling and will continue to pass their increased costs on to their customers without any end in sight.

In light of these cost increases and the looming shortage of MSW outlets in the Northeast, NRRA is advocating municipal investment in sorting and baling operations for recyclables at transfer stations to insure long term solutions to move market ready, non-contaminated materials. Not only are source separating towns continuing to receive positive revenues for their recyclables contrary to these national articles, they are now moving to recycle even more glass and look to increase composting to reduce the overall trash weight and increase cost avoidance. NRRA is working in 3 states to increase awareness of the value of composting through its YIMBY Grant from USDA and "yes in my backyard" will yield even more savings as trash costs continue to rise. Thanks to the work of NH the Beautiful over the last 3 decades helping town invest in equipment for recycling, on NRRA member town recently saved over \$60,000 between avoided tip fees and revenues for recyclables.

"Recycling Still Rule\$"for those who do it right.

“Recycling Still Rule\$!” But the “Rules they are a Changin” – Co-Authored by Mike Durfor – Executive Director of the Northeast Resource Recovery Association and by Duncan Watson, Assistant Public Works Director, City of Keene, NH & President of NRRA.

The theme for the 38th Annual NRRA conference on May 20 and 21, is “Recycling Still Rule\$”, and for good reason. Regardless of the increasing number of communities that are facing drastic budget shortfalls and the number of articles that report on the demise of recycling, recycling is just fine – thank you very much – the real problem is trash!

In Pres. Watson’s analysis in the second half of this article you can gain an understanding of what China has done to the recycling markets over the last 5 years, why it had to do it, and why the impact is now beginning to hit home as more and more communities are faced with a choice of paying (average non contracted rates) \$140 per ton for single stream recycling compared to \$70 per ton for MSW (trash), or even less -\$35 per ton for recycling glass.

In addition to the “CRISIS” in recycling and towns taking their recyclables to landfills and burn plants, the Northeast is facing the “Titanic” of all Municipal Solid Waste icebergs. Like they say, **“We have seen this movie and it doesn’t end well.”**

Shown here is the projection from the State of Massachusetts on landfills closing in that state in the next 6-7 years. The shortage will grow this year by 800,000 tons and by 2025 Massachusetts alone will have a shortfall of MSW capacity over 2 Million tons!

Disposal Projections in Massachusetts (MSW) 0% per Year Disposal Reduction Scenario

Year	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
Total Disposal Tons (Baseline)	5,610,000	5,610,000	5,610,000	5,610,000	5,610,000	5,610,000	5,610,000	5,610,000	5,610,000	5,610,000
Total Disposal Tons (No reduction)	5,610,000	5,610,000	5,610,000	5,610,000	5,610,000	5,610,000	5,610,000	5,610,000	5,610,000	5,610,000
Average WTE Availability (Tons)†	3,130,000	3,227,000	3,227,000	3,227,000	3,227,000	3,227,000	3,227,000	3,227,000	3,227,000	3,227,000
Landfill Capacity (Tons)	1,330,000	1,330,000	1,330,000	1,330,000	1,330,000	1,330,000	1,330,000	1,330,000	1,330,000	1,330,000
Total Capacity (Tons)	4,500,000	4,714,015	4,829,970	4,949,243	4,949,243	4,949,243	4,949,243	4,949,243	4,949,243	4,949,243
Deficit (Tons)	(1,090,000)	(895,155)	(700,030)	(499,733)	(499,733)	(499,733)	(499,733)	(499,733)	(499,733)	(499,733)
Estimated Total Ash Disposal (Tons)	637,000	643,000	643,000	643,000	643,000	643,000	643,000	643,000	643,000	643,000

Assumed 0% reduction in disposal

† WTE Calculated at Average Completion Rate 2010 - 2016

Source - Mass DEP, SWAC, 2016 Solid Waste & Waste Reduction Data

Waste companies are currently exploring all options including baling trash and hauling it to Pennsylvania, Virginia, and even Ohio. The Northeast already has the highest tipping fees for trash in the country and they will only continue to escalate and have an even bigger impact on community budgets than recyclables. Putting recyclables in a landfill or burning them only guarantees a shorter lifespan for the landfill and higher tip fees sooner.

As you can see from this figure, even before China Sword we were throwing valuable materials away.

We are sending money to the landfill

Material	Recycling Rate	Value of Unrecovered Materials
Paper	61%	\$3.1 Billion
Aluminum Cans	65%	\$1.3 Billion
Plastic Bottles	31% HDPE, 30% PET	\$1.6 Billion
Steel Cans	65%	\$0.4 Billion
Glass Bottles	28%	\$0.1 Billion
Total		\$6.5 Billion

We need another moon landing as Pres. Watson describes below but we need to land right here on earth this time. While we are waiting, those NRRA members that keep producing good clean material for market are getting paid good value, (in most cases higher value because they are not contaminated), for their recyclables. Mixed paper is the one piece of the stream that was hit the hardest by the China Sword and NRRA has been searching for alternative uses and for a long-term domestic capacity solution just as it found for glass recycling. The rules for recycling may be changin but the value is still there if not contaminated. – Mike Durfor

Trade journals and the mainstream media is awash with articles about the impact of China's National Sword policy that took the 2013 Green Fence policy, the proverbial shot across the bow, and in July of 2017 turned it into a crippling blow that has left recyclers scrambling.

Around 2 decades ago China began incorporating capitalism into its economy and the result was at first a trickle, then a torrent of demand for raw materials to fuel their double-digit economic growth rate. Imagine, if you will, what American society was like during the Wild West years-kind of a free for all with little law or regulation to keep things in check. China had its own Wild West at the beginning of its economic growth and well-established economies in developed countries seized on the opportunity to send discards to a place where there was an insatiable appetite for pretty much everything, and for pennies on the pound, waste brokers were making a killing as there was little in the way of specifications to risk a load being rejected. Soon upwards of 2,000 shipping containers filled with discards – paper, plastic, metal were leaving U.S. ports bound for China each day.

In 2013 Chinese officials realized their country was becoming a dumping ground with, in some cases, over 20% of a received load being off specification and therefore requiring alternate disposal other than recycling. This problem was further exacerbated by the lack of infrastructure to properly dispose of the non-recyclable material. The result was polluted waterways, open burning dumps, and an environmental disaster of the worst kind.

What is Happening in China?

China is facing a Severe Environmental Crisis

• 60% of groundwater unfit for human consumption...

19% of arable land contaminated with heavy metals ...

only 84 out of 338 prefecture-level or higher cities attained the national standard for air quality ...

• Rising social pressure: pollution related social incidents leading cause of social instability

Result of many factors, including:

- Decades of putting economic growth above the environment
- Lack of enforcement of existing environmental laws
- Lack of centralized control
- Staggering increase in urbanization
- 100 million new cars on the road in the last decade



When the Green Fence policy deployed in 2013, China began the deliberate process of gaining control over their sovereignty and put the world on notice that if demand called for a ton a mixed paper to feed a Chinese paper mill the expectation was a ton of paper, not 80% paper and 20% garbage. Initially a couple of container ships were turned back because of non-compliance of specifications. It was still mostly a free for all and China continued to have an unquenchable appetite for raw materials, so with a token effort at improving quality control, the world continued to send China its discards. While the Green Fence policy was in place it became clear that economic growth was more important than environmental protection and the beat went on.

In July of 2017, China announced a new policy would come into effect. National Sword, which took effect on January 1, 2018 took everyone by “surprise” because little to no heed was given to what impact a country that took approximately 55% of the worlds scrap paper would have if they suddenly put up a closed sign.

China's Scrap Ban

- July 18 WTO Notice
- “4 classes, 24 kinds of scrap”
- All plastics, unsorted mixed paper, textiles, some glass and metals

The image shows a screenshot of a World Trade Organization (WTO) notification document. The document is titled 'China's Scrap Ban' and is dated July 18, 2017. It is a notification from China to the WTO Committee on Technical Barriers to Trade. The document is in English and is page 1 of 2. The notification is about a ban on scrap paper and other materials. The text of the notification is as follows:

WORLD TRADE ORGANIZATION
G/TBT/W/CSN/1211
18 July 2017
(17-3880) Page: 1/2
Committee on Technical Barriers to Trade Original: English

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

1. Notifying Member: CHINA
If applicable, name of local government involved (Article 3.2 and 7.2):

Chinese authorities seize 85,000 tons in 'Sword' raid



RECYCLINGPARTNERSHIP.ORG

While the national recycling rate in the U.S. is nothing to crow about, we are in a short-term crisis mode as the painful adjustment to the global commodities market continues to settle in. Yes, there will be some developing countries with lax environmental laws filling some of the void, but the simple fact is there is not the capacity to shift all of the available material to a new source. Nor should we. We should be responsible for improved quality of the material processed by materials recovery facilities, and we should have greater capacity to utilize these raw materials domestically.

As this crisis continues to unfold, communities and recycling processors in the U.S. are forced to make some uncomfortable decisions. There is no practical way to stockpile all the material that would normally be shipped to China. As painful as it is to admit, there will be a need to burn or bury large amounts of material until the market responds to make recycling domestically more economical.

Because Keene operates a dual stream materials recovery facility it can produce a quality of material that continues to be both desirable and marketable. That may change as this crisis continues to grow. As difficult as this is making things I support China's crackdown. While I may believe the new specifications are literally impossible to meet, it is incumbent on recyclers to improve the quality of their product to the greatest extent possible as for years there was little to no accountability. This "CRISIS" is akin to the wakeup call provided by the MOBRO garbage barge from New York City that sailed the oceans for six months before being allowed to return and landfill the trash. The remarkable response to that episode created a culture of recycling in the U.S. that is laudable.

It's now time one again for our next moonshot and for us to take greater care of how we manage our recyclables. We might throw some things away in the near term which to a die-hard recycler such as myself is beyond painful, but I will keep my eye on the larger prize which is finally taking that quantum leap in treating our recyclables as the valuable commodities they deserve to be.

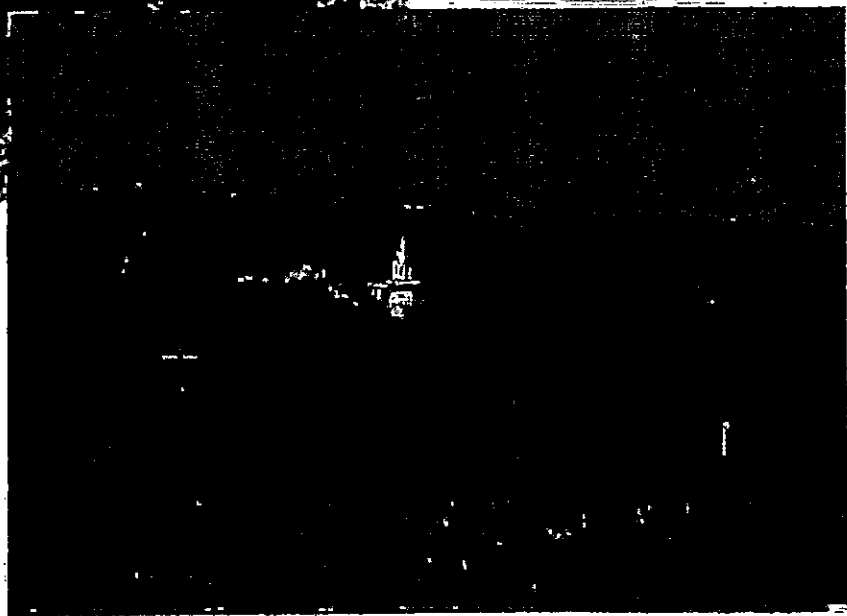
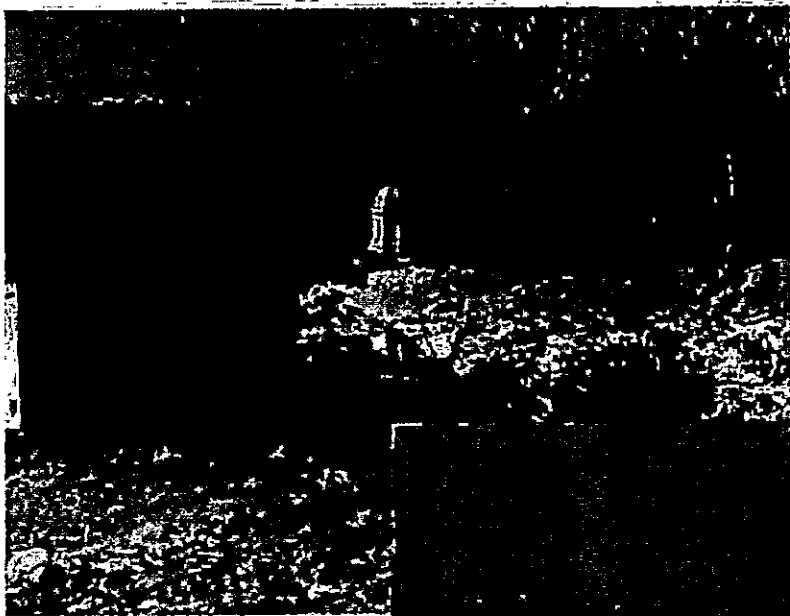
As President Kennedy commented on the trip to the moon,

"We choose to go to the moon in this decade and do the other things, not because they are easy, but because they are hard,"

"We choose to recycle not because it is easy but because it is hard, it does cost money, and most importantly it is the right thing to do". Mike Durfor – NRRA 2019

STATE OF NEW HAMPSHIRE SOLID WASTE PLAN

April 2003





Craig Benson
Governor

Executive Council

Raymond S. Burton

Ruth L. Griffin

Peter J. Spaulding

David K. Wheeler

Raymond J. Wiczorek

**New Hampshire Department
of Environmental Services**

Robert Monaco

Acting Commissioner

Phillip J. O'Brien, Ph.D., P.G.

Director, Waste Management Division

cover photos: Concord Landfill; before and after undergoing closure

Preface

This planning document is intended to provide the reader with an overview of the courses of action that will be pursued by the Department of Environmental Services (DES) in solid waste management over the next several years. The Plan, as such, is constantly evolving. It is an ambitious Plan and one that includes the recommendations of the 1999 Governor's Solid Waste Task Force delivered in 2001, the elements of the 2001 Solid Waste Report to the Legislature and the DES Strategic Objectives. The statutory requirement for DES to prepare the Solid Waste Plan is found at RSA 149-M:29.

While the Plan specifies the *Guiding Principles, Goals, Sub-goals and Objectives* for DES, it is also apparent that many other parties, including the Legislature, municipalities, the Waste Management Council, the business community, non-governmental organizations and the public at large all substantially influence the outcomes and that no single entity can achieve the lowest cost, least environmental impact goal. The combined effort of all the above entities is needed to produce a successful outcome over the next few years.

As a means to keeping the Plan succinct while making detailed information quickly available, DES has placed on its web site (www.des.state.nh.us) supporting documentation describing:

- Solid Waste Generation,
- Solid Waste Facilities And Services,
- Solid Waste Disposal Capacity,
- Waste Stream Analysis, And
- Related Reports.

As a result of this approach, DES's objective is to make the solid waste plan more easily accessible and useful to everyone; more efficient to update and modify as conditions change; and functionally consistent with and supportive of DES's overall Strategic Objectives.

I. Introduction

The Department of Environmental Services (DES) administers a solid waste program that must achieve a balance between the critical need to protect the environment and the realities of a culture whose people generate more solid waste per person than any other country in the world. This Solid Waste Plan strikes that balance by promoting reduction of the volume and toxicity of the waste stream and diversion of recyclables and compostables, and also by providing objectives to secure sufficient disposal capacity and safe handling and management of solid waste.

The Plan addresses the following goals:

1. Reduce the volume of the solid waste stream;
2. Reduce the toxicity of the solid waste stream;
3. Maximize diversion of residential and commercial/industrial solid wastes;
4. Assure disposal capacity for New Hampshire; and
5. Assure that solid waste management activities are conducted in a manner protective of human health and the environment.

The first three goals address the concepts that solid waste should be minimized when possible and managed as a resource rather than a waste, placing a strong emphasis on reuse, toxics reduction, recycling and composting. For example, when the toxics are removed from the waste, there is more likelihood that it will be composted, because the resulting product will be cleaner and more in demand. The last two goals are directed at the need for solid waste facilities and services available that are protective of public health and the environment. These goals are not entirely independent of one another. When toxic constituents are removed from the waste stream, there is less concern about the safety of incineration, the ash resulting from incineration and the leachate from landfills, offering more protection to human health and the environment. Similarly, reducing the volume of the waste stream means there is less demand for disposal capacity.

The State of New Hampshire has reached a crossroad in its efforts to expand recycling and to reduce the solid waste stream. Diligent efforts over the last decade have resulted in a 24% diversion rate in 2001 despite a legislative goal of 40% by the year 2000. DES and the Governor's Recycling Program, and other organizations have worked extensively with New Hampshire communities to provide support and assistance in efforts to reduce, reuse and recycle; and many municipalities and businesses have made important progress. But this progress is not enough if we are to take real strides forward. Additional, bold steps are needed by the Legislature, business community, municipalities and individuals to improve solid waste management in our state.

II. Guiding Principles

In carrying out its objectives, DES adheres to the seven principles listed below. These statements are consistent with the *Proper Waste Management & Effective Site Remediation* goal of DES's Strategic Objectives, and the findings of the Governor's Solid Waste Task Force, which published its report in 2001.

1. ***The responsibility for solid waste management is shared between state government, local government and industry.***

The burden of environmental protection is not left to the regulators alone. Certainly, government plays a leadership role in ensuring that the environment and human health are not threatened by the ways that citizens work and play, but it is incumbent upon all sectors to do their part.

2. ***Manufacturers must subscribe to product stewardship and take responsibility for their role in source reduction, altering the manufacturing process to avoid using toxic materials to produce a product and minimizing the volume of packaging.***

If the manufacturer can not or will not use source reduction to address the problem, they should be obligated to take responsibility for the waste through collection programs. All too often, the burden of paying for the disposal of toxic products, excess packaging and bulky items falls to the local government that provides its residents with waste management services. This end-of-the-pipe approach is the least effective way to approach the problem of toxics and waste reduction.

3. ***Whenever possible, solid waste should be reused, recycled or composted rather than disposed of by incineration or landfilling.***

There is a continuing need to manage waste according to what is best for the environment in the long-term. Unfortunately, decisions on managing solid waste often hinge on short-term costs rather than environmental soundness. We need to focus on innovative ways to create more options for waste diversion rather than disposal.

4. ***The public and private sectors should have access to solid waste management options at a competitive cost.***

New Hampshire's primary reliance on the private sector to provide disposal capacity has not allowed the State much influence on the amount of capacity available and the cost of that capacity. Further, increased diversion of wastes in New Hampshire will not necessarily contribute to reservation of NH capacity for NH wastes.

5. ***Planning for the future of solid waste management is critical to our ability to meet our needs.***

In order to determine the needs for solid waste management in the future, we must review past and current trends, then project that data for years to come. The most important element for success of this exercise is a baseline of data.

6. *Education, compliance assistance and enforcement actions are necessary to promote compliance.*

The Department of Environmental Services is committed to a consistent, predictable and appropriate compliance assurance program which is protective of public health and the environment while creating a credible deterrent against future violations. DES believes that compliance with environmental laws is best ensured by using a multi-tiered, multi-media approach that includes education and outreach, compliance assistance, compliance monitoring, and where appropriate, formal enforcement.

7. *Proper closure and post-closure care of solid waste landfills are critical to protection of the State's waters.*

Proper closure of landfills is necessary to protect public health and the environment. To ensure the proper performance of a closed landfill, it is necessary to monitor groundwater quality; maintain and monitor a gas control system; monitor settling, slope stability, and erosion; maintain groundwater and surface water management systems; maintain and repair the final cover system; provide financial assurance; and in certain instances, monitor the leachate control systems (lined landfills). All of the data must be summarized in a formal report provided to the DES on an annual basis for a minimum of 30 years or until the facility stops generating leachate, ceases generating decomposition gasses, achieves maximum settlement, has no adverse impacts on air, groundwater or surface water, and does not otherwise pose a risk to human health or the environment.

III. Goals and Objectives

Goal 1: Reduce the volume of the solid waste stream.

Basis for Goal

Reducing the quantity of solid waste helps prolong the availability of existing landfill capacity and lessens the need to develop replacement capacity. Further, because volume source reduction involves a redesign of products to result in less waste at the end of the product's use, it slows the depletion of environmental resources and decreases costs of transportation and waste management. Source reduction does *not* rely on post-waste activities, such as recycling and composting, to remove items from the solid waste stream; these *diversion* activities are addressed in Goal 3.

The U.S. Environmental Protection Agency has established a voluntary partnership program (Design for the Environment) that works directly with industry to integrate health and environmental considerations into business decisions. These partnerships inform businesses in the design or redesign of products and processes that are cleaner, more cost-effective, and safer for workers and the public. The Design for the Environment process promotes voluntary environmental improvement by addressing industries' need for key information on how to incorporate environmental concerns into business decisions. These environmental concerns are critical if reserving landfill capacity remains a high priority in the future.

Source reduction of solid waste is also accomplished when a product is reused or repaired, rather than replaced. Reuse makes the most of a product before it is ultimately disposed. This happens everyday when common household items and "hand-me-down" clothes are given second lives, when restaurants forgo the use of disposable utensils, and when office workers use both sides of a piece of paper. On a larger scale, the Solid Waste Rules encourage beneficial reuse of waste materials that can serve a useful life as a component of some other product. The process allows for certification of these waste-derived products; once certified, they are no longer regulated as solid waste. A waste-derived product certification is not like a permit for a solid waste facility; it is a certification for a particular product made from a particular waste. Simply, the product is not a waste until it is discarded. There is an initial application process, but once certified, anyone can use the product, as long as the terms of the certification are met. Examples of typical products that have met this certification include: a 50/50 mixture of processed construction/ demolition debris and soil used as an alternate daily cover at lined landfills; and crushed glass used for purposes of pipe bedding, road sub-base and foundation backfill.

In its 2001 Report, the Governor's Solid Waste Task Force emphasized source reduction along with recycling and composting as key components in the efforts to extend disposal capacity and lower the costs of solid waste disposal. The recommendation to increase these activities in order to achieve these two goals was directed to both "public and private entities" to stress that the burden does not lie with either side, but with a combination of the two, since cost and capacity are affected by activities in both sectors.

Sub-goal 1.1: Work with the commercial and residential sector to increase reuse of products and by-products.

Objectives (Target completion dates are noted in parentheses.)

- 1.1.1 Determine whether the waste exchange program coordinated by WasteCapReCon can be enhanced by assistance from or involvement with the State and/or the Department of Environmental Services. (January, 2004)
- 1.1.2 Develop a strategy for increasing construction & demolition waste processing. (January, 2005)
- 1.1.3 Develop an outreach campaign to promote the purchase of products and packaging that are reusable and repairable. (July, 2005)

Sub-goal 1.2: Increase source reduction at the manufacturing level.

Objectives

- 1.2.1 Pursue legislation to establish a state-wide tipping fee on the disposal of solid waste in New Hampshire as a disincentive to disposal and as a mechanism to raise funds to support diversion activities. (July, 2005)
- 1.2.2 Develop a strategy in conjunction with national and regional organizations to encourage and require manufacturers to accomplish more volume source reduction in products and packaging. (January, 2006)
- 1.2.3 Partner with WasteCap ReCon to offer technical assistance to a minimum of 10 NH manufacturers on how to use source reduction within their companies. (July, 2006)

Goal 2: Reduce the toxicity of the solid waste stream.

Basis for Goal

The toxicity of the waste stream is just as important as the focus on the volume of material, the costs, or the use of virgin materials in manufacturing. Twenty years ago, the emphasis was on toxic wastes in open lagoons and 55-gallon drums found in fields. The fact that the toxicity of everyday items, such as fluorescent lamps, electronic devices and components, are now of concern is an indicator of how much progress has been made. Today, there is a much better understanding that the potential to harm human health and the environment comes from many sources, common and otherwise. From the perspective of waste management, a proliferation of toxic components in the waste stream significantly increases the potential for groundwater contamination from landfills and air emissions from incinerators.

There are many chemical elements or compounds that have environmental and public health implications. In addition to categories of toxic substances, such as pesticides and organic solvents, there are specific substances of concern, like mercury and lead. The focus should be on practicing *source reduction* during manufacturing products to remove or minimize toxics in waste, and to require *separation and special handling* of wastes when toxic constituents have not been removed. Solid wastes should have management options that are consumer-friendly and highly protective of the environment and public health. This means the components of the waste should be safely handled or disposed of without fear of environmental or health repercussions due to toxic compounds.

Sometimes, this change comes about as a result of legislation and regulation. For example, in 1990, New Hampshire passed the toxics in packaging law to curb the amount of toxic metals entering the municipal solid waste stream, and ultimately, landfills and incinerators. The law prohibits manufacturers from intentionally introducing lead, mercury, cadmium and hexavalent chromium in packaging and packaging components that are distributed in New Hampshire. Eighteen states have adopted the same model as New Hampshire and 10 of these states work together to ensure consistent application of the law through the Toxics in Packaging Clearinghouse. This law has resulted in changes at companies that distribute a large volume of products and packaging to consumers throughout the country.

Recently, there has been a paradigm shift in industry that shows real promise. *Product stewardship* means that manufacturers accept responsibility for the end-of-life problems associated with their toxic products. For example, several organizations, including the Product Stewardship Institute, the Northeast Waste Management Officials Association and the Northeast Recycling Council, are participating in a national dialogue with manufacturers to address disposal of electronic products. The *National Electronic Product Stewardship Initiative* (NEPSI) is looking at strategies like "take back" programs to collect the used products and "design for the environment," which would incorporate source reduction concepts at the manufacturing stage.

Sub-goal 2.1: Reduce waste toxicity in products and packaging through pollution prevention concepts.

Objectives

- 2.1.1 Work with national and regional initiatives to develop industry standards for production, identification of material substitutes and the reduction of volume, targeting consumer items that are responsible for contributing to the toxicity of the waste stream. (ongoing)
- 2.1.2 In coordination with the Toxics in Packaging Clearinghouse, develop model legislation to reduce or eliminate the presence of dioxin precursors in packaging. (October, 2004)
- 2.1.3 Pursue legislation requiring toxic consumer items to be labeled to educate consumers about the availability and use of alternatives to toxic products. (July, 2006)

Sub-goal 2.2: Minimize the release of hazardous materials into the solid waste stream.

Objectives

- 2.2.1 Continue to implement DES's Mercury Reduction Strategy and provisions of Chapter 278, Laws of 2000 (*An Act Relative to Mercury-Containing Products*). (ongoing)
- 2.2.2 Pursue legislation to require car manufacturers to pay for the removal of mercury switches and to phase out the use of mercury in motor vehicles. (July, 2006)
- 2.2.3 Finalize a strategy on reuse and recycling and proper disposal of electronic equipment. (December, 2003)
- 2.2.4 Review the implementation of the universal waste rule to determine if it is keeping these wastes out of landfills and incinerators. (October, 2005)
- 2.2.5 Increase by at least 10% the cost effectiveness (cost per pound) and management efficiency of household hazardous waste collection through education and promotion of permanent collection centers. (July, 2004)
- 2.2.6 Research legislation to require manufacturer product collection programs with a phased-in Advanced Disposal Fee (ADF) on products for which manufacturers do not demonstrate product responsibility. (July, 2005)
- 2.2.7 Ensure that 95% of New Hampshire's political subdivisions have access to a do-it-yourself (DIY) used oil collection center. (October, 2005)

Goal 3: "Maximize" diversion of residential and commercial/industrial solid wastes.

Basis for Goal

After waste is generated, it should be diverted from disposal in landfills and incinerators by recycling or composting whenever possible. The more waste that is managed through alternatives to disposal, the less concern there is about the public health and environmental impacts of disposal. When wastes are incinerated, there is concern about the release of harmful air emissions and the quality of the ash. Landfilling wastes causes concerns about groundwater contamination and leachate, and the release of gases that contribute to climate change. Wasteful practices must be replaced with a more responsible attitude of resource management.

People often look at recycling as a way to reduce dependence on landfills and incinerators, but this is only one in a list of benefits. First, there is an economic benefit to recycling. Sometimes, this includes revenue from the sale of the recyclable materials, but more often, the economic benefit is derived from savings that result from *cost avoidance*. Cost avoidance refers to the fact that, even when the cost of handling recyclables is factored in, there are still savings from avoiding the "per ton" tipping fee at the landfill or incinerator. Using recycled feedstock saves energy, conserves natural resources, and reduces greenhouse gases and is often more economical than using virgin material. Finally, more jobs are created in the processing and marketing of recyclables and in the use of recycled feedstock than there are created by the disposal of waste.

Composting is nature's way of returning resources to the earth. Over 50% of municipal solid waste is organic (food waste, paper and paperboard, and leaf and yard waste) and, therefore, compostable. Like recycling, composting reduces waste disposal costs and conserves natural resources. In addition, composting produces a valuable soil amendment, reduces the need for chemical fertilizers and protects soils from erosion. With even a little space in the back yard, most residents can compost kitchen wastes in addition to their leaf and yard waste. Many towns operate a leaf and yard waste compost pile and there are several commercial facilities as well.

New Hampshire's legislative goal from 1990 was to reach 40% diversion by the year 2000. The solid waste facility reports for calendar year 2001 indicate that our percentage of diversion was about 24%. DES believes that it is possible to achieve higher levels of diversion, but not without the full participation of towns, businesses, manufacturers and the State.

New Hampshire has access to a variety of organizations that share the goal to divert as much waste as possible. In addition to state government, there are organizations such as the NH Business & Industry Association's WasteCap Resource Conservation Program that work in the business community to reduce wastes. The Northeast Resource Recovery Association has provided technical, educational and marketing support to municipal recycling programs since 1981. The Northeast Recycling Coalition and the Northeast Waste Management Officials' Association are multi-state organizations involved in promoting recycling.

Sub-goal 3.1: Develop and promote markets for recyclable commodities.

Objectives

- 3.1.1 Work with appropriate partners to identify where new markets are needed and prepare strategies to develop the markets. (ongoing)
- 3.1.3 Pursue legislation that provides tax incentives for NH manufacturers that use recycled feedstock. (July, 2005)

Sub-goal 3.2: Assist municipalities and businesses in diverting more recyclables and compostables from the waste stream.

Objectives

- 3.2.1 Pursue legislation to provide DES with the resources to award grants to maximize recycling and composting activities. (December, 2005)
- 3.2.2 Focus technical assistance on communities in NH with the highest population and the lowest diversion rate. (ongoing)
- 3.2.3 Publish a guidance document for recycling and composting at short-term events, such as fairs and conferences. (October, 2003)
- 3.2.4 Develop a strategy for recycling and composting at multiple-family dwellings. (January, 2004)
- 3.2.5 Develop a strategy to increase diversion of commercially generated solid waste. (July, 2004)
- 3.2.6 Pursue legislation imposing a ban on the disposal of certain recyclables. (July, 2005)
- 3.2.7 Encourage the composting of food waste from institutional buildings by developing and publishing a guidebook, and by sponsoring workshops. (July, 2005)
- 3.2.8 Increase by 30% the composting and other diversion of food wastes. (October, 2005)

Goal 4: Assure disposal capacity for New Hampshire

Basis for Goal

With the life span of existing landfill capacity estimated to last until 2012, concerns have been raised as to whether there will be enough capacity for New Hampshire's waste in a long-term manner that is cost effective. Without sufficient disposal facilities, haulers will need to transport waste long distances. This would be unacceptable for the long term considering the costs of hauling, the potential for liability and environmental impact, and the strategies devised by states to curb imports. While DES does not subscribe to the concept of "crisis" for our capacity outlook, there is a need for new initiatives now to address the demand for long-term capacity within the borders of New Hampshire. New Hampshire should maintain a constant future disposal capacity of 7-10 years for solid waste generated in the state that is cost effective and environmentally safe.

A concern regarding adequate capacity was expressed by the Waste Management Council to Governor Shaheen in its annual report for 1998. In response to this and other concerns about industry concentration and increasing costs of solid waste disposal, the Governor issued Executive Order 99-6, which created a 27 member Solid Waste Task Force to investigate these issues. The Task Force found that there are two sides to assuring adequate capacity: using existing capacity wisely; and encouraging new capacity. The Task Force recommended increasing source reduction, recycling and composting, as well as limiting imported solid waste, to extend the use of existing capacity. Because most of New Hampshire currently relies on privately owned capacity, the Task Force recommended facilitation of collaborative host community agreements and regional municipal agreements to encourage public development of new capacity.

Imports of solid waste can have more than just a physical and environmental effect on a state or community. Imported trash creates a feeling of resentment among people in the receiving location. People do not think it is fair to suffer the increased truck traffic and noise or that they should have to be the "dumping ground" for waste from another state. Further, there is a demoralizing effect on recycling efforts when people wonder why they are working so hard to save disposal capacity that is only used up by waste from another location or another state. Finally, there is an additional cost to the host state for permitting and regulating landfills and incinerators that is borne by the citizens of that state, unless there is a fee that reimburses the State for its costs. New Hampshire does not have such a fee.

Not surprisingly, the Department of Environmental Services places a high priority on extending capacity for the disposal of solid waste. Goal 4.1 of DES's Strategic Objectives (*Effective Waste Management and Site Remediation*) is "Continue efforts to minimize waste volumes and toxicity through programs, policies and rules which extend waste management capacity and minimize exposure to persistent, bioaccumulative and toxic (PBT) chemicals." This is the basis for DES's ongoing source reduction, recycling and composting program and for a new emphasis on diverting commercially generated solid wastes from disposal.

Sub-goal 4.1: Obtain more thorough data regarding solid waste generation, diversion activities and disposal and assist in assuring solid waste disposal capacity at a reasonable cost to NH municipalities and businesses.

Objectives

- 4.1.1 Report on the benefits of a state solid waste disposal contract designed for state as well as municipal use in order to obtain a less expensive tipping fee. (July, 2004)
- 4.1.2 Pursue legislation for registration of and reporting by solid waste haulers operating in New Hampshire. (July, 2005)
- 4.1.3 Report on the benefits of publicly owned solid waste disposal facilities, including one or more owned and/or operated by the State. (July, 2006)

Goal 5: Assure that solid waste management activities are conducted in a manner protective of human health and the environment.

Basis for Goal

As authorized by state law (RSA 149-M), the *New Hampshire Solid Waste Rules (Rules)* set forth the requirements for solid waste management. Permittees and operators are obligated by law to comply with those requirements. Whether the solid waste is recycled or composted, or disposed of in an incinerator or landfill, it must be done in accordance with standards designed to protect human health and the environment.

DES believes that compliance with environmental laws is best ensured by using a multi-tiered, multi-media approach that includes education and outreach, compliance assistance, compliance monitoring, and where appropriate, formal enforcement. Goal 10 – *Compliance Assurance* – of DES's Strategic Objectives states, "To foster full compliance with the laws it is responsible for administering, DES provides education and outreach to the public, provides assistance to the regulated community, monitors compliance on an on-going basis, and maintains a fair and effective enforcement process."

Many of DES's activities are geared toward helping the regulated community to comply with regulations and all of the solid waste programs in the Waste Management Division have education and outreach components. One of the main functions of the Solid Waste Technical Assistance Section is to offer technical assistance on source reduction, recycling and composting to businesses and towns. Since 1990, more than 2,200 operators have been certified through the Solid Waste Operator Training program. Staff members make regular visits to solid waste facilities, publish a quarterly newsletter and sponsor an annual conference to help operators and local officials. Also, the Pollution Prevention & Education Program offers free non-regulatory assistance to industry and communities and the Household Hazardous Waste (HHW) Coordinator runs a grant program and is available for technical assistance with HHW issues. A new initiative to establish Best Management Practices for Motor Vehicle Salvage Yards has education at the center of activities.

Although the regulated community is required to comply with the Rules, there are errors, intentional and not. For this reason, DES is obligated by law to undertake an inspection and compliance assurance program. Permitted facilities are subject to inspections for monitoring compliance activities of the operations. Facilities not in compliance with the Rules may be subject to enforcement actions ranging from a report of initial compliance inspection, letter of deficiencies, administrative orders, administrative fines and civil or criminal actions.

New Hampshire's solid waste regulations are performance-based, which means that the regulated community has some flexibility in achieving the desired standards. For situations where more flexibility is warranted, there is a waiver provision available if the applicant can demonstrate that an alternative method can still deliver the same degree of protection to human health and the environment.

Sub-goal 5.1: Minimize the release of contaminants to the environment and risk to public health and safety from the improper management of solid waste through education, outreach, well-reasoned regulations and compliance assurance activities.

Objectives

5.1.1 Revise and recertify the *Solid Waste Rules* to retain regulatory oversight and to ensure they reflect current and changing technology. Schedule:

July, 2005	Main body of rules
May, 2009	Landfill closure and incinerators grant rules
April, 2010	Asbestos disposal site rules
July, 2010	Automotive Recycling Facility rules

5.1.2 Regulate asbestos disposal sites (ADS) to prevent the release of asbestos fibers to the environment. (July, 2004)

5.1.3 Maintain a 95% rate of appropriate level certified operators at solid waste facilities. (ongoing)

5.1.4 Decrease the average screening time for complaints from 21 days to 14 days. (July, 2005)

5.1.5 Ensure all approved outdoor asbestos remediation projects are performed in a manner that is environmentally safe and protects public health. (July, 2006)

5.1.6 Register automotive recycling facilities. (January, 2007)

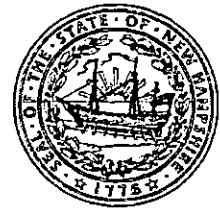
5.1.7 Provide annual payments from the grant program for closure of unlined landfills and small municipal incinerators by including awards to all eligible facilities that properly proceed with the closure process. (July, 2007)

5.1.8 Inspect all 216 operating permitted solid waste facilities. (September, 2007)

5.1.9 Ensure 30 of the remaining uncapped, post-1981 unlined landfills are properly capped. (December, 2007)



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

March 22, 2019

The Honorable Martha Fuller Clark
Chair, Senate Energy and Natural Resources Committee
State House, Room 103
Concord, NH 03301

RE: HB 617, AN ACT Establishing a Committee to Study Recycling Streams in New Hampshire

Dear Chair Fuller Clark and Members of the Committee:

Thank you for the opportunity to testify on HB 617. This bill would establish a committee to study the challenges currently facing recycling programs in New Hampshire. The New Hampshire Department of Environmental Services (NHDES) supports this bill.

Recent changes in the global recycling market since 2017 have affected recycling programs in cities and towns across the country. In some cases, these market conditions have made it difficult for New Hampshire municipalities to find viable recycling outlets for certain materials, such as mixed paper or glass. At the same time, many municipalities have seen drastic cost increases related to management of recyclables. Although NHDES does not actively track recycling markets, we are anecdotally aware that some municipalities are currently paying more per ton to recycle than what it costs them to send trash to a landfill. This is concerning because it creates an economic disincentive for communities to continue recycling. In fact, media reporting has revealed that because of rising costs, some towns have decided to stop recycling certain items or temporarily discontinue curbside recycling services, ultimately making it more difficult for residents to divert recyclables from disposal.

A joint committee established by HB 617 would provide an opportunity for further exploration of these developments and what might be done to make recycling systems in New Hampshire more resilient over the long term. NHDES fully supports this initiative, and should a committee be formed, we would be pleased to assist its efforts as deemed appropriate.

www.des.nh.gov

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(603) 271-3503 • Fax: 271-2867 TDD Access: Relay NH 1-800-735-2964

The Honorable Martha Fuller Clark
Chair, Senate Energy & Natural Resources Committee
March 22, 2019
Page 2

Thank you again for the opportunity to comment on HB 617. Should you have further questions or need additional information, please feel free to contact either Michael Nork, Environmental Analyst (Michael.nork@des.nh.gov, 271-2936) or Todd Moore, Solid Waste Management Bureau Administrator (Todd.Moore@des.nh.gov, 271-6467).

Sincerely,



Robert R. Scott
Commissioner

cc: Sponsors of HB 617: Representatives Ebel, Turcotte, Carson, Tucker, O'Conner, Malloy; Senators Ward, Watters, Fuller Clark

Voting Sheets

Senate Energy & Natural Resources Committee
EXECUTIVE SESSION RECORD
2019-2020 Session

Bill # HB 617

Hearing date: 03/26/19

Executive Session date: 05/28/2019

Motion of: 2019-2300h Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Fuller Clark, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Feltes, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Watters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Bradley	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Giuda	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: OTPA Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Fuller Clark, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Feltes, Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Watters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Bradley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Giuda	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: Consent Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Fuller Clark, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Feltes, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Watters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Bradley	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Giuda	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reported out by: Fuller Clark

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Tuesday, May 28, 2019

THE COMMITTEE ON Energy and Natural Resources

to which was referred **HB 617**

AN ACT

establishing a committee to study recycling streams
in New Hampshire.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 2344s

Senator Martha Fuller Clark
For the Committee

This bill establishes a committee to study recycling programs and solid waste management in New Hampshire. The collapse of recycling markets, especially for plastics, mixed papers, and glass, has impacted recycling programs in New Hampshire. Some municipalities have chosen to end their programs and divert all their waste to landfills. New Hampshire's landfills have a finite capacity. The addition of recyclable materials to landfills is not a feasible, long-term solution. This bill would create a study committee to examine the state of New Hampshire's recycling programs, the challenges to the state and municipalities in running these programs, and other related issues as the committee deems necessary.

Griffin Roberge 271-7875

FOR THE CONSENT CALENDAR

ENERGY AND NATURAL RESOURCES

HB 617, establishing a committee to study recycling streams in New Hampshire.

Ought to Pass with Amendment, Vote 5-0.

Senator Martha Fuller Clark for the committee.

This bill establishes a committee to study recycling programs and solid waste management in New Hampshire. The collapse of recycling markets, especially for plastics, mixed papers, and glass, has impacted recycling programs in New Hampshire. Some municipalities have chosen to end their programs and divert all their waste to landfills. New Hampshire's landfills have a finite capacity. The addition of recyclable materials to landfills is not a feasible, long-term solution. This bill would create a study committee to examine the state of New Hampshire's recycling programs, the challenges to the state and municipalities in running these programs, and other related issues as the committee deems necessary.

Docket of HB617

Docket Abbreviations

Bill Title: (New Title) establishing a committee to study recycling streams and solid waste management in New Hampshire.

Official Docket of HB617.:

Date	Body	Description
1/16/2019	H	Introduced 01/03/2019 and referred to Environment and Agriculture HJ 3 P. 22
1/23/2019	H	Public Hearing: 01/29/2019 01:45 pm LOB 303
1/30/2019	H	Executive Session: 02/05/2019 01:00 pm LOB 303
2/6/2019	H	Committee Report: Ought to Pass for 02/14/2019 (Vote 19-0; CC) HC 11 P. 5
2/14/2019	H	Ought to Pass: MA VV 02/14/2019 HJ 5 P. 10
3/12/2019	S	Introduced 03/07/2019 and Referred to Energy and Natural Resources; SJ 8
3/21/2019	S	Hearing: 03/26/2019, Room 103, SH, 09:15 am; SC 15
5/28/2019	S	Committee Report: Ought to Pass with Amendment #2019-2344s , 05/30/2019; Vote 5-0; CC; SC 24A
5/30/2019	S	Committee Amendment #2019-2344s , AA, VV; 05/30/2019; SJ 18
5/30/2019	S	Ought to Pass with Amendment 2019-2344s, MA, VV; OT3rdg; 05/30/2019; SJ 18
6/13/2019	H	House Concurs with Senate Amendment 2344s (Rep. Gourgue): MA VV 06/13/2019 HJ 19 P. 3
6/28/2019	S	Enrolled (In recess 06/27/2019); SJ 21
6/28/2019	H	Enrolled 06/27/2019 HJ 20 P. 53
7/24/2019	H	Signed by Governor Sununu 07/19/2019; Chapter 265; Eff: 07/19/2019

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 617

Senate Committee: ENR

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

- Bill version as it came to the committee
- All Calendar Notices
- Hearing Sign-up sheet(s)
- Prepared testimony, presentations, & other submissions handed in at the public hearing
- Hearing Report
- Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

- amendment # 2300h - amendment # 2344
- amendment # _____ - amendment # _____
- Executive Session Sheet
- Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

- amendment # _____ - amendment # _____
- amendment # _____ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

- Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):
- Enrolled Bill Amendment(s)
- Governor's Veto Message

All available versions of the bill: {Clerk's Office}

- as amended by the senate as amended by the house
- final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Committee Aide

Date

Senate Clerk's Office JM