

# Committee Report

**CONSENT CALENDAR**

**May 24, 2021**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on Resources, Recreation and Development to which was referred SB 146-FN,**

**AN ACT adopting omnibus legislation relative to the environment. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.**

**Rep. Andrew Renzullo**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	<b>Resources, Recreation and Development</b>
Bill Number:	<b>SB 146-FN</b>
Title:	<b>adopting omnibus legislation relative to the environment.</b>
Date:	<b>May 24, 2021</b>
Consent Calendar:	<b>CONSENT</b>
Recommendation:	<b>OUGHT TO PASS WITH AMENDMENT 2021-1573h</b>

### STATEMENT OF INTENT

This bill is a seven part omnibus bill containing legislation relative to the environment. Part one of this bill establishes the New Hampshire Coastal Program within the Department of Environmental Services (DES) in order to implement the Coastal Zone Management Act (U.S.C 16 Section 1452) to assist state and federal agencies and coastal zone municipalities in the sustainable use of resources while considering ecological, cultural, historic, and esthetic values, along with the needs for economic development. The New Hampshire DES coastal program gained federal approval in 1982. However, the program was never authorized under state law. This bill corrects that, thus ensuring federal provisions more closely align with state regulations. This bill also establishes a coastal fund at the state treasury that will be nonlapsing and continually appropriated to DES and allows for the Commissioner of DES to make the rules pertaining to the distribution of funds from the coastal fund for the coastal program. New Hampshire DES supports part one. Part two of this bill extends the deadline for the PFAS firefighting foam take-back program. DES requested and supports the deadline extension based on the current inability to identify appropriate disposal facilities for legacy firefighting foams containing PFAS. Currently, thermal destruction (“incineration”) is the preferred and best available control technology for disposal. However, regulatory, technical, and industry uncertainties relative to foam disposal persist across the country. Thus, very few approved treatment, storage, and disposal facilities are available, and DES has been unable to identify an acceptable facility. In late August 2020, the United States Environmental Protection Agency (EPA) announced a partnership with the Department of Defense (DOD) and state and local partners to identify innovative ways to destroy PFAS in fire fighting foam. DES believes that extending the deadline to 2023 would allow for time necessary for EPA and others to resolve technical and regulatory issues, and identify suitable facilities to accept legacy foams for disposal. Part three of this bill concerns the prevention of zoonotic disease transmission. Zoonotic disease can spread from animals to humans, with an estimated three out of four new or emerging diseases being zoonotic in nature. Evidence indicates that many of the worst epidemics and pandemics in recent decades have been zoonotic in origin, including COVID-19, ebola virus, avian influenza, swine influenza, and Middle East respiratory syndrome. Wildlife trafficking and trade has been shown to contribute to the transmission and pervasiveness of zoonotic diseases. Part three of this tasks the Fish and Game Department with monitoring available information on animals and fish, not currently restricted under state and federal wildlife trafficking laws, that if transported into the state, will risk zoonotic disease transmission. The department may consult as needed with the Department of Health and Human Services (DHHS), the state veterinarian, and scientific and educational institutions. The department shall make recommendation to the Legislature on any legislation or rules needed for import or other restrictions on identified species, and to the Governor if an executive order is deemed necessary. Part three of this bill also lists prohibitions in the operation of live animal markets. No animal shall be offered for sale at a live animal market that is of a taxon (species, family, or class) known or likely to be responsible for zoonotic transmission of a disease. Wildlife species that are identified as known or likely carriers of zoonotic disease shall not be caged, handled, or transported with livestock or domestic animals, and shall not be sold in spaces near livestock or domestic animals.

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Wildlife species that are identified as known or likely carriers of zoonotic disease shall also not be permitted to be sold in a live animal market or a live wildlife market. In addition to wildlife covered by federal statutes on wildlife trafficking, no bat, rodent, or primate species shall be sold in live animal markets. Part three of this bill also tasks the Department of Agriculture, Markets, and Food to adopt rules governing the storing and sale of animals for live animal markets and live wildlife markets. This part shall not prohibit livestock markets or prohibit the sale or offer for sale of livestock that are currently allowed under New Hampshire law and shall not prohibit seafood or shellfish markets or the sale or offer for sale of seafood or shellfish that are currently allowed under New Hampshire law. Any person who violates this chapter shall be issued a written warning for a first violation. For any subsequent violation, the person shall be guilty of a class B misdemeanor, punishable by a fine of at least \$250, but not exceeding \$1,000. The NH Fish and Game Department supported this bill. Also, the House Fish and Game and Marine Resources Committee participated in the hearing of Part three, and recommended amendments and unanimously recommended passage if amendments adopted. Part four clears up red tape in the testing regimen for pollutants discharged into tidal waters. Currently holders of discharge permits from the National Pollution Discharge System monitor fecal coliform levels by a specific laboratory method. Currently, state statutes also require that those tidal waters where shellfish could potentially be harvested are subject to the requirements of the National Shellfish Sanitation Program. Unfortunately, that program accepts a different laboratory method for measuring fecal coliform levels. This bill alleviates the conflict by providing the specific fecal coliform criteria, but does not specify the laboratory method. The bill is supported by DES. Part five establishes the derelict fishing gear and coastal cleanup fund. This bill would make it so any fines collected for littering on beaches, coastal waters, or abandoning fishing gear shall be deposited into the derelict fishing gear and coastal cleanup fund. This section would also create a surcharge ranging from \$10 to \$25 for licenses for lobster and crab fishing, commercial salt water licenses, commercial shrimp licenses and oyster aquaculture licenses. Those who participate in a coastal cleanup program will not be required to pay this fee. It should be noted that representatives of the regulated industry supported the surcharge because it provides a direct benefit to them through the fund. The NH Fish and Game Department Supported the Bill. Also, the House Fish and Game and Marine Resources Committee participated in the hearing of Part five, recommended amendments and unanimously recommended passage if amendments adopted. Part six makes a technical correction to RSA 483-C:1 regarding the definition of high water mark of public trust shorelands. The NH Supreme Court in *William Purdie vs Attorney General* (1999) overturned the definition of high water mark, changing "the furthest landward limit reached by the highest tidal flow, commonly referred to as the highest spring or highest "syzygy" tide occurring during the 19-year Metonic cycle" to "the average height of all the high waters over a complete tidal cycle commonly referred to as the mean high tide line." This change brings the state statute into line with the NH Supreme Court Ruling. Part Seven is the text of HB 235 (2021), addressing impacts to other water users from new sources of water for community water systems. HB 235 has passed the House and Senate and has an amendment attached for which a committee of conference has been requested. SB 146, being an omnibus bill, had amendments to several parts. The most prominent amendment is the removal of the original contents of Part two. In this bill as amended by the Senate, part two dealt with Establishing a Solid Waste Disposal Reduction Goal. Solid waste is the purview of the Environment and Agriculture Committee. While we proceeded with the hearing of part two, The Solid Waste Reduction Goal, negotiations between the bill's sponsor and the Leadership of the Environment and Agriculture committee produced an amendment to a bill in that committee still in possession of the Senate that mimicked part two of this bill. This made Part two of this bill moot. As such, a non-germane amendment, which was heard along with the bill, concerning extending the date for a PFAS firefighting foam take-back program, was moved into the vacant part two slot. In Part three, based on the Recommendation of the Fish and Game Committee, the word "emergency" was changed to "executive" so that a specific sentence reads "The department shall make recommendation to the legislature on any legislation or rules needed for import or other restrictions on identified species, and to the governor if an executive order is deemed necessary. Rather than,..." and to the governor if an emergency order is deemed necessary. In Part five, the bill's sponsor submitted an amendment simplifying the language of the surcharge sections. Also, based on the recommendation of the Fish and Game Committee, the name of the fund was changed to the "Derelict Fishing Gear and Coastal Cleanup Fund" from the "Derelict Fishing Gear, Coastal Cleanup, and Fishing For Energy Fund". And finally, part seven was added to protect HB 235 which could be the subject of a committee of conference.

Original: House Clerk

Cc: Committee Bill File

Vote 21-0.

Rep. Andrew Renzullo  
FOR THE COMMITTEE

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Cc: Committee Bill File

## CONSENT CALENDAR

Resources, Recreation and Development

**SB 146-FN**, adopting omnibus legislation relative to the environment. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Andrew Renzullo for Resources, Recreation and Development. This bill is a seven part omnibus bill containing legislation relative to the environment. Part one of this bill establishes the New Hampshire Coastal Program within the Department of Environmental Services (DES) in order to implement the Coastal Zone Management Act (U.S.C 16 Section 1452) to assist state and federal agencies and coastal zone municipalities in the sustainable use of resources while considering ecological, cultural, historic, and esthetic values, along with the needs for economic development. The New Hampshire DES coastal program gained federal approval in 1982. However, the program was never authorized under state law. This bill corrects that, thus ensuring federal provisions more closely align with state regulations. This bill also establishes a coastal fund at the state treasury that will be nonlapsing and continually appropriated to DES and allows for the Commissioner of DES to make the rules pertaining to the distribution of funds from the coastal fund for the coastal program. New Hampshire DES supports part one. Part two of this bill extends the deadline for the PFAS firefighting foam take-back program. DES requested and supports the deadline extension based on the current inability to identify appropriate disposal facilities for legacy firefighting foams containing PFAS. Currently, thermal destruction ("incineration") is the preferred and best available control technology for disposal. However, regulatory, technical, and industry uncertainties relative to foam disposal persist across the country. Thus, very few approved treatment, storage, and disposal facilities are available, and DES has been unable to identify an acceptable facility. In late August 2020, the United States Environmental Protection Agency (EPA) announced a partnership with the Department of Defense (DOD) and state and local partners to identify innovative ways to destroy PFAS in fire fighting foam. DES believes that extending the deadline to 2023 would allow for time necessary for EPA and others to resolve technical and regulatory issues, and identify suitable facilities to accept legacy foams for disposal. Part three of this bill concerns the prevention of zoonotic disease transmission. Zoonotic disease can spread from animals to humans, with an estimated three out of four new or emerging diseases being zoonotic in nature. Evidence indicates that many of the worst epidemics and pandemics in recent decades have been zoonotic in origin, including COVID-19, ebola virus, avian influenza, swine influenza, and Middle East respiratory syndrome. Wildlife trafficking and trade has been shown to contribute to the transmission and pervasiveness of zoonotic diseases. Part three of this tasks the Fish and Game Department with monitoring available information on animals and fish, not currently restricted under state and federal wildlife trafficking laws, that if transported into the state, will risk zoonotic disease transmission. The department may consult as needed with the Department of Health and Human Services (DHHS), the state veterinarian, and scientific and educational institutions. The department shall make recommendation to the Legislature on any legislation or rules needed for import or other restrictions on identified species, and to the Governor if an executive order is deemed necessary. Part three of this bill also lists prohibitions in the operation of live animal markets. No animal shall be offered for sale at a live animal market that is of a taxon (species, family, or class) known or likely to be responsible for zoonotic transmission of a disease. Wildlife species that are identified as known or likely carriers of zoonotic disease shall not be caged, handled, or transported with livestock or domestic animals, and shall not be sold in spaces near livestock or domestic animals. Wildlife species that are identified as known or likely carriers of zoonotic disease shall also not be permitted to be sold in a live animal market or a live wildlife market. In addition to wildlife covered by federal statues on wildlife trafficking, no bat, rodent, or primate species shall be sold in live animal markets. Part three of this bill also tasks the Department of Agriculture, Markets, and Food to adopt rules governing the storing and sale of animals for live animal markets and live wildlife markets. This part shall not prohibit livestock markets or prohibit the sale or offer for sale of livestock that are currently allowed under New Hampshire law and shall not prohibit seafood or shellfish markets or the sale or offer for sale of seafood or shellfish that are currently allowed under New Hampshire law. Any person who violates this chapter shall be issued a written warning for a first violation. For any subsequent violation, the person shall be guilty of a class B misdemeanor, punishable by a fine of at least \$250, but not exceeding \$1,000. The NH Fish and Game Department supported this bill. Also, the House Fish and Game and Marine Resources Committee participated in the hearing of Part three, and recommended amendments and unanimously recommended passage if amendments adopted. Part four clears up red tape in the testing regimen for pollutants discharged into tidal waters. Currently holders of

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discharge permits from the National Pollution Discharge System monitor fecal coliform levels by a specific laboratory method. Currently, state statutes also require that those tidal waters where shellfish could potentially be harvested are subject to the requirements of the National Shellfish Sanitation Program. Unfortunately, that program accepts a different laboratory method for measuring fecal coliform levels. This bill alleviates the conflict by providing the specific fecal coliform criteria, but does not specify the laboratory method. The bill is supported by DES. Part five establishes the derelict fishing gear and coastal cleanup fund. This bill would make it so any fines collected for littering on beaches, coastal waters, or abandoning fishing gear shall be deposited into the derelict fishing gear and coastal cleanup fund. This section would also create a surcharge ranging from \$10 to \$25 for licenses for lobster and crab fishing, commercial salt water licenses, commercial shrimp licenses and oyster aquaculture licenses. Those who participate in a coastal cleanup program will not be required to pay this fee. It should be noted that representatives of the regulated industry supported the surcharge because it provides a direct benefit to them through the fund. The NH Fish and Game Department Supported the Bill. Also, the House Fish and Game and Marine Resources Committee participated in the hearing of Part five, recommended amendments and unanimously recommended passage if amendments adopted. Part six makes a technical correction to RSA 483-C:1 regarding the definition of high water mark of public trust shorelands. The NH Supreme Court in William Purdie vs Attorney General (1999) overturned the definition of high water mark, changing "the furthest landward limit reached by the highest tidal flow, commonly referred to as the highest spring or highest "syzygy" tide occurring during the 19-year Metonic cycle" to "the average height of all the high waters over a complete tidal cycle commonly referred to as the mean high tide line." This change brings the state statute into line with the NH Supreme Court Ruling. Part Seven is the text of HB 235 (2021), addressing impacts to other water users from new sources of water for community water systems. HB 235 has passed the House and Senate and has an amendment attached for which a committee of conference has been requested. SB 146, being an omnibus bill, had amendments to several parts. The most prominent amendment is the removal of the original contents of Part two. In this bill as amended by the Senate, part two dealt with Establishing a Solid Waste Disposal Reduction Goal. Solid waste is the purview of the Environment and Agriculture Committee. While we proceeded with the hearing of part two, The Solid Waste Reduction Goal, negotiations between the bill's sponsor and the Leadership of the Environment and Agriculture committee produced an amendment to a bill in that committee still in possession of the Senate that mimicked part two of this bill. This made Part two of this bill moot. As such, a non-germane amendment, which was heard along with the bill, concerning extending the date for a PFAS firefighting foam take-back program, was moved into the vacant part two slot. In Part three, based on the Recommendation of the Fish and Game Committee, the word "emergency" was changed to "executive" so that a specific sentence reads "The department shall make recommendation to the legislature on any legislation or rules needed for import or other restrictions on identified species, and to the governor if an executive order is deemed necessary. Rather than,..." and to the governor if an emergency order is deemed necessary. In Part five, the bill's sponsor submitted an amendment simplifying the language of the surcharge sections. Also, based on the recommendation of the Fish and Game Committee, the name of the fund was changed to the "Derelict Fishing Gear and Coastal Cleanup Fund" from the "Derelict Fishing Gear, Coastal Cleanup, and Fishing For Energy Fund". And finally, part seven was added to protect HB 235 which could be the subject of a committee of conference. **Vote 21-0.**

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SB-146. Omnibus Legislation Relative to the Environment. OTP/A. 21-0 Consent

SB-146 is a 7 part omnibus bill containing legislation relative to the environment.

Part one of SB146 establishes the New Hampshire Coastal program within the Department of Environmental Services (DES) in order to implement the Coastal Zone Management Act ([U.S.C 16 Section 1452](#)) to assist state and federal agencies and coastal zone municipalities in the sustainable use of resources while considering ecological, cultural, historic, and esthetic values, along with the needs for economic development. The New Hampshire DES coastal program gained federal approval in 1982. However, the program was never authorized under state law. This bill corrects that, thus ensuring federal provisions more closely align with state regulations. This bill also establishes a coastal fund at the state treasury that will be nonlapsing and continually appropriated to DES and allows for the Commissioner of DES to make the rules pertaining to the distribution of funds from the coastal fund for the coastal program. New Hampshire DES supports SB-146 Part 1.

Part two of SB-146 extends the deadline for the PFAS firefighting foam take-back program. The Department of Environmental Services (NHDES) requested and supports the deadline extension based on the current inability to identify appropriate disposal facilities for legacy firefighting foams containing PFAS . Currently, thermal destruction (“incineration”) is the preferred and best available control technology for disposal. However, regulatory, technical, and industry uncertainties relative to foam disposal persist across the country. Thus, very few approved treatment, storage and disposal facilities are available, and NHDES has been unable to identify an acceptable facility. In late August 2020, the United States Environmental Protection Agency (EPA) announced a partnership with the Department of Defense and state and local partners to identify innovative ways to destroy PFAS in fire fighting foam. NHDES believes that extending the deadline to 2023 would allow for time necessary for EPA and others to resolve technical and regulatory issues, and identify suitable facilities to accept legacy foams for disposal.

Part three of SB-146 concerns the prevention of zoonotic disease transmission. Zoonotic disease can spread from animals to humans, with an estimated 3 out of 4 new or emerging diseases being zoonotic in nature. Evidence indicates that many of the worst epidemics and pandemics in recent decades have been zoonotic in origin, including COVID-19, ebola virus, avian influenza, swine influenza, and Middle East respiratory syndrome. Wildlife trafficking and trade has been shown to contribute to the transmission and pervasiveness of zoonotic diseases. Part three of SB-146 tasks the fish and game department with monitoring available information on animals and fish, not currently restricted under state and federal wildlife trafficking laws, that if transported into the state, will risk zoonotic disease transmission. The department may consult as needed with the department of health and human services, the state veterinarian, and scientific and educational institutions. The department shall make recommendation to the legislature



on any legislation or rules needed for import or other restrictions on identified species, and to the governor if an executive order is deemed necessary. Part three of SB-146 also lists prohibitions in the operation of live animal markets. No animal shall be offered for sale at a live animal market that is of a taxon (species, family, or class) known or likely to be responsible for zoonotic transmission of a disease. Wildlife species that are identified as known or likely carriers of zoonotic disease shall not be caged, handled, or transported with livestock or domestic animals, and shall not be sold in spaces near livestock or domestic animals. Wildlife species that are identified as known or likely carriers of zoonotic disease shall not be permitted to be sold in a live animal market or a live wildlife market. In addition to wildlife covered by federal statutes on wildlife trafficking, no bat, rodent, or primate species shall be sold in live animal markets. Part three of SB-146 also tasks the department of agriculture, markets, and food to adopt rules governing the storing and sale of animals for live animal markets and live wildlife markets. There are exceptions. Part three of SB-146 shall not prohibit livestock markets or prohibit the sale or offer for sale of livestock that are currently allowed under New Hampshire law. Part three of SB-146 shall not prohibit seafood or shellfish markets or the sale or offer for sale of seafood or shellfish that are currently allowed under New Hampshire law. There are penalties. Any person who violates this chapter shall be issued a written warning for a first violation. For any subsequent violation, shall be guilty of a class B misdemeanor, punishable by a fine of at least \$250, but not exceeding \$1,000. The NH Fish and Game Department Supported the Bill. Also, the House Fish and Game and Marine Resources Committee participated in the hearing of Part three of SB-146, recommended amendments and unanimously recommended passage if amendments adopted.

Part four of SB-146 clears up red tape in the testing regimen for pollutants discharged into tidal waters. Currently holders of Discharge Permits from the National Pollution Discharge System monitor fecal coliform levels by a specific laboratory method. Now state statutes also require that those tidal waters where shellfish could potentially be harvested are subject to the requirements of the National Shellfish Sanitation Program. Unfortunately, that program accepts a different laboratory method for measuring fecal coliform levels. This bill alleviates the conflict by providing the specific fecal coliform criteria, but does not specify the laboratory method. The bill is supported by New Hampshire Department of Environmental Services.

Part five of SB-146 establishes the Derelict Fishing Gear and Coastal Cleanup Fund. This bill would make it so any fines collected for littering on beaches, coastal waters, or abandoning fishing gear shall be deposited into the derelict fishing gear and coastal cleanup fund. This section would also create a surcharge ranging from \$10 to \$25 for licenses for lobster and crab fishing, commercial salt water licenses, commercial shrimp licenses and oyster aquaculture licenses. Those who participate in a coastal cleanup program will not be required to pay this fee. It should be noted that representatives of the regulated industry supported the surcharge because it provides a direct benefit to them

through the Fund. The NH Fish and Game Department Supported the Bill. Also, the House Fish and Game and Marine Resources Committee participated in the hearing of Part five of SB-146, recommended amendments and unanimously recommended passage if amendments adopted.

Part six of SB-146 makes a technical correction to [RSA 483-C:1](#) regarding the definition of high water mark of public trust shorelands. The NH Supreme Court in *William Purdie vs Attorney General* (1999) overturned the definition of High water mark, changing “the furthest landward limit reached by the highest tidal flow, commonly referred to as the highest spring or highest "syzygy" tide occurring during the 19-year Metonic cycle” to “the average height of all the high waters over a complete tidal cycle commonly referred to as the mean high tide line.” This change brings the state statute into line with the NH Supreme Court Ruling.

Part Seven of SB-146 is the text of HB 235, addressing impacts to other water users from new sources of water for community water systems. HB235 has passed the House and has an amendment attached for which a committee of conference has been requested.

SB-146, being an omnibus bill, had amendments to several parts. The most prominent amendment is the removal of the original contents of Part 2. In SB-146 as amended by the Senate, Part 2 dealt with Establishing a Solid Waste Disposal Reduction Goal. Solid waste is the purview of the Environment and Agriculture Committee. While we proceeded with the hearing of HB-146 Part 2, The Solid Waste Reduction Goal, negotiations between the bill’s sponsor and the Leadership of the E & A committee produced an amendment to an E&A bill still in possession of the Senate that mimicked Part 2 of SB-146 – Establishing a Solid Waste Reduction Plan. This made Part 2 to SB-146 moot. As such, a non-germane amendment, which was heard along with SB-146, concerning extending the date for a PFAS firefighting foam take-back program, was moved into the vacant Part 2 slot. In Part 3 of SB146, based on the Recommendation of the Fish and Game Committee the word “emergency” was changed to “executive” so that a specific sentence reads “The department shall make recommendation to the legislature on any legislation or rules needed for import or other restrictions on identified species, and to the governor if an executive order is deemed necessary. Rather than,…” and to the governor if an emergency order is deemed necessary. In Part 5 of SB-146, the Bill’s sponsor submitted an amendment simplifying the language of the surcharge sections. Also, based on the recommendation of the Fish and Game Committee, the name of the Fund was changed to the Derelict Fishing Gear and Coastal Cleanup Fund from the Derelict Fishing Gear, Coastal Cleanup, and Fishing For Energy Fund. And finally, a Part 7 was added to SB-146 to protect HB-235 which could be the subject of a committee of conference.

Amendment to SB 146-FN

1 Amend the bill by replacing section 1, Sponsorship, with the following:

2

3 1 Sponsorship. This act consists of the following proposed legislation:

4 Part I. LSR 21-0255, establishing the coastal program administered by the department of  
5 environmental services, sponsored by Sen. Watters, Prime/Dist 4; Sen. Gannon, Dist 23; Sen. Gray,  
6 Dist. 6; Sen. Sherman, Dist 24; Sen. Perkins Kwoka, Dist 21; Rep. Edgar, Rock 21; Rep. Spang, Straf  
7 6.

8 Part II. Extending the deadline for the PFAS firefighting foam take-back program.

9 Part III. LSR 21-0926, relative to the prevention of zoonotic disease transmission, sponsored  
10 by Sen. Watters, Prime/Dist 4; Sen. Sherman, Dist 24; Sen. Bradley, Dist 3; and Rep. Bixby, Straf  
11 17.

12 Part IV. LSR 21-0927, relative to tidal waters, sponsored by Sen. Watters, Prime/Dist 4;  
13 Sen. Sherman, Dist 24; Sen. Perkins Kwoka, Dist 21; Rep. Cushing, Rock 21; and Rep. Simpson,  
14 Rock 36.

15 Part V. LSR 21-0823, establishing a surcharge on certain saltwater licenses and establishing  
16 a fund for derelict fishing gear and coastal cleanup, sponsored by Sen. Watters, Prime/Dist 4; Sen.  
17 Perkins Kwoka, Dist 21; Sen. Sherman, Dist 24; and Rep. Spang, Straf 6.

18 Part VI. LSR 21-1062, relative to public use of coastal shorelands, sponsored by Sen.  
19 Sherman, Prime/Dist 24; Sen. Soucy, Dist 18; Rep. Murray, Rock 24; and Rep. Cushing, Rock 21.

20 Part VII. HB 235, addressing impacts to other water users from new sources of water for  
21 community water systems, sponsored by Rep. M. Pearson, Rock 34; Rep. Guthrie, Rock 13; Rep.  
22 Green, Rock 13; Rep. Welch, Rock 13; Rep. Hobson, Rock 35; Rep. Weyler, Rock 13; Rep. Salloway,  
23 Straf 5; and Sen. Birdsell, Dist 19

24

25 Amend the bill by replacing Part II with the following:

26

27 PART II

28 Extending the deadline for the PFAS firefighting foam take-back program.

29 1 Extending the Deadline for PFAS Firefighting Foam Take-Back Program. Amend RSA 154:8-  
30 b, VIII to read as follows:

31 VIII. The department shall survey municipalities throughout the state on the quantitative  
32 stock of legacy foams and determine the cost of instituting a take-back program for the purpose of

1 safe and contained disposal. The development and processing of the survey shall be subject to rules  
2 adopted by the commissioner of the department of environmental services pursuant to RSA 541-A.  
3 On or before December 1, 2020, the department shall submit a report of its findings and any  
4 recommendations for proposed legislation to the president of the senate, the speaker of the house of  
5 representatives, the senate clerk, the house clerk, the governor, and the state library. Beginning on  
6 July 1, ~~2021~~ 2023, the department shall institute a take-back program of legacy foams for the  
7 purpose of safe and contained disposal.

8 2 Effective Date. Part II of this act shall take effect upon its passage.

9  
10 Amend Part III of the bill by replacing section 2 with the following:

11 2 New Section; Prohibited Import of Animals and Fish; Risk of Zoonotic Disease Transmission.  
12 Amend RSA 207 by inserting after section 14-a the following new section:

13 207:14-b Prohibited Import of Animals and Fish; Risk of Zoonotic Disease Transmission. The  
14 fish and game department shall monitor available information on animals and fish, not currently  
15 restricted under state and federal wildlife trafficking laws, that if transported into the state, will  
16 risk zoonotic disease transmission. The department may consult as needed with the department of  
17 health and human services, the state veterinarian, and scientific and educational institutions. The  
18 department shall make recommendation to the legislature on any legislation or rules needed for  
19 import or other restrictions on identified species, and to the governor if an executive order is deemed  
20 necessary.  
21

22  
23 Amend the bill by replacing Part V with the following:

24  
25 PART V

26 Establishing a surcharge on certain saltwater licenses and  
27 establishing a fund for derelict fishing gear and coastal cleanup.

28 1 New Subparagraph; Application of Receipts; Derelict Fishing Gear and Coastal Cleanup Fund  
29 Established. Amend RSA 6:12, I(b) by inserting after subparagraph (364) the following new  
30 subparagraph:

31 (365) Moneys deposited into the derelict fishing gear and coastal cleanup fund  
32 established in RSA 211:77.

33 2 New Paragraph; Litter Control Law; Penalties. Amend RSA 163-B:4 by inserting after  
34 paragraph I the following new paragraph:

35 I-a. Any fines collected under this section for littering in coastal waters or beaches and for  
36 abandoning fishing gear shall be credited to the derelict fishing gear and coastal cleanup fund  
37 established in RSA 211:77.

1           3 New Paragraph; Lobsters and Crabs; Surcharge Added. Amend RSA 211:18 by inserting after  
2 paragraph III-b the following new paragraph:

3           III-c. The executive director shall establish a surcharge on each class of license issued under  
4 paragraph III-a of not more than \$25 nor less than \$10 to be deposited in the derelict fishing gear  
5 and coastal cleanup fund, established in RSA 211:77, and shall adopt rules for implementing and  
6 collecting the surcharge. Any person who satisfactorily demonstrates to the executive director that  
7 he or she is participating in a coastal cleanup program shall not be required to pay the surcharge.  
8 The executive director shall adopt rules pursuant to RSA 541-A to determine satisfactory  
9 participation in a coastal cleanup program and to account for licensees who are exempt from the  
10 surcharge each year.

11           4 Nonresident Commercial Salt Water License; Surcharge Added. Amend RSA 211:49-a, II to  
12 read as follows:

13           II. The fee for an annual license shall be set by the executive director pursuant to RSA  
14 206:10, I. The license shall be for the operator of the boat, vessel, flotation device, or gear, and  
15 helpers; provided, however, that helpers shall not be allowed for the taking of sea urchins or scallops  
16 by diving. *The executive director shall establish a surcharge on each license issued under  
17 this section of not more than \$25 nor less than \$10 to be deposited in the derelict fishing  
18 gear and coastal cleanup fund established in RSA 211:77, and shall adopt rules for  
19 implementing and collecting the surcharge. Any person who satisfactorily demonstrates to  
20 the executive director that he or she is participating in a coastal cleanup program, or the  
21 sea urchin or scallop fishery, shall not be required to pay the surcharge. The executive  
22 director shall adopt rules pursuant to RSA 541-A to determine satisfactory participation in  
23 a coastal cleanup program and to account for licensees who are exempt from the surcharge  
24 each year.*

25           5 Resident Commercial Salt Water License; Surcharge Added. Amend RSA 211:49-b, II to read  
26 as follows:

27           II. The fee for such annual license shall be set by the executive director pursuant to RSA  
28 206:10, I. The license shall be for the operator of the boat, vessel, flotation device, or gear, and  
29 helpers; provided, however, that helpers shall not be allowed for the taking of sea urchins or scallops  
30 by diving. *The executive director shall establish a surcharge on each license issued under  
31 this section of not more than \$25 nor less than \$10 to be deposited in the derelict fishing  
32 gear and coastal cleanup fund established in RSA 211:77, and shall adopt rules for  
33 implementing and collecting the surcharge. Any person who satisfactorily demonstrates to  
34 the executive director that he or she is participating in a coastal cleanup program, or the  
35 sea urchin or scallop fishery, shall not be required to pay the surcharge. The executive  
36 director shall adopt rules pursuant to RSA 541-A to determine satisfactory participation in*

1 *a coastal cleanup program and to account for licensees who are exempt from the surcharge*  
2 *each year.*

3 6 Aquaculture; Surcharge Added. Amend RSA 211:62-e, II-b to read as follows:

4 II-b. The executive director shall adopt rules, pursuant to RSA 541-A, for the issuance of 5-  
5 year licenses under this section to oyster aquaculture operations in the Great Bay estuary, and the  
6 fees, terms, and conditions therefor as authorized under paragraph II-a. *The executive director*  
7 *shall establish a surcharge on each license issued under this section of not more than \$25*  
8 *nor less than \$10 to be deposited in the derelict fishing gear and coastal cleanup fund*  
9 *established in RSA 211:77, and shall adopt rules for implementing and collecting the*  
10 *surcharge. Any person who satisfactorily demonstrates to the executive director that he or*  
11 *she is participating in a coastal cleanup program shall not be required to pay the*  
12 *surcharge. The executive director shall adopt rules pursuant to RSA 541-A to determine*  
13 *satisfactory participation in a coastal cleanup program and to account for licensees who*  
14 *are exempt from the surcharge each year.*

15 7 New Subdivision; Derelict Fishing Gear and Coastal Cleanup Fund. Amend RSA 211 by  
16 inserting after section 76 the following new subdivision:

17 Derelict Fishing Gear and Coastal Cleanup Fund

18 211:77 Derelict Fishing Gear and Coastal Cleanup Fund Established. There is hereby  
19 established a separate fund to be known as the derelict fishing gear and coastal cleanup fund. The  
20 fund shall be administered by the executive director and shall be nonlapsing and continually  
21 appropriated to the executive director for the purposes of this section. The executive director shall  
22 credit to this fund all federal moneys, state funds appropriated, fines or settlements for derelict  
23 fishing gear or other items, and fines for littering in coastal waters or beaches collected under RSA  
24 163-B:4. The executive director may accept and expend all funds, including any gifts, grants, or  
25 donations made to the fund. The moneys in the fund shall be used to establish and support new and  
26 existing programs to retrieve and dispose of derelict fishing gear, to conduct periodic coastal cleanup  
27 programs for the removal of derelict fishing gear and marine trash, and to support recycling efforts  
28 for fishing gear and other marine trash. In this section, "derelict fishing gear" means lost, discarded,  
29 or abandoned fishing gear.

30 8 Effective Date.

31 I. Sections 3-6 of part V of this act shall take effect January 1, 2022.

32 II. The remainder of part V of this act shall take effect upon its passage.  
33

34 Amend the bill by inserting after Part VI the following:  
35

36 PART VII

37 Addressing impacts to other water users from new sources of water for community water systems.

Amendment to SB 146-FN

- Page 5 -

1           1 New Section; Small Groundwater Withdrawals. Amend RSA 485-C by inserting after section  
2 25 the following new section:

3           485-C:26 Groundwater Withdrawals Less than 57,600 Gallons Over Any 24-Hour Period for  
4 Community Water Systems. The department shall adopt rules pursuant to RSA 541-A specifying  
5 criteria and procedures to ensure a groundwater withdrawal less than 57,600 gallons over any 24-  
6 hour period from a new source of water for a community water system as defined by RSA 485:1-a  
7 and subject to RSA 485:8 does not cause an unmitigated impact to an existing private water supply  
8 well in accordance with RSA 485-C:21, V-c(a) or RSA 485-C:21, V-c(c).

9           2 Effective Date. Part VII of this act shall take effect 60 days after its passage.

2021-1573h

AMENDED ANALYSIS

This bill adopts legislation relative to:

- I. Establishing the coastal program administered by the department of environmental services.
- II. Establishing a statewide solid waste disposal reduction goal.
- III. The prevention of zoonotic disease transmission.
- IV. Tidal waters.
- V. Establishing a surcharge on certain saltwater licenses and establishing a fund for derelict fishing gear and coastal cleanup.
- VI. Public use of coastal shorelands.
- VII. Addressing impacts to other water users from new sources of water for community water systems.



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# Voting Sheets

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HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on SB 146-FN

**BILL TITLE:** adopting omnibus legislation relative to the environment.

**DATE:** May 19, 2021

**LOB ROOM:** Hybrid

**MOTIONS:** OUGHT TO PASS WITH AMENDMENT

Moved by Rep. Creighton                      Seconded by Rep. Suzanne Smith              AM Vote: 21-0

Amendment # 2021-1573h

Moved by Rep. Creighton                      Seconded by Rep. Suzanne Smith              Vote: 21-0

**CONSENT CALENDAR: YES**

**Statement of Intent:**              Refer to Committee Report

Respectfully submitted,

Rep Juliet Harvey-Bolia, Clerk





*Vote on  
Amendment 1573*

1/22/2021 10:09:09 AM  
Roll Call Committee Registers  
Report

2021 SESSION

**Resources, Recreation and Development**

Bill #: \_\_\_\_\_ Motion: \_\_\_\_\_ AM #: \_\_\_\_\_ Exec Session Date: 05/19/21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Renzullo, Andrew Chairman	✓		
<del>Gunski, Michael D. Vice Chairman</del> <i>Merner</i>	✓		
<del>Gould, Linda R.</del> <i>Lascelles</i>	✓		
Horgan, James F.	✓		
Harb, Robert D.	✓		
Creighton, Jim L.	✓		
Dodge, Dustin	✓		
Harvey-Bolia, Juliet Clerk	✓		
Healey, Robert V.	✓		
Mayville, Mary L.	✓		
Post, Lisa C.M.	✓		
Smith, Suzanne J.	✓		
Spang, Judith T.	✓		
Grassie, Chuck W.	✓		
Gottling, Suzanne H.	✓		
Cohen, Bruce L.	✓		
Rung, Rosemarie <i>Weston</i>	✓		
Connors, Erika F.	✓		
Vail, Suzanne M.	✓		
Kelley, Eamon P.	✓		
Moran, Melbourne R.	✓		

*21*      *Ø*



2021 SESSION

Resources, Recreation and Development

Bill #: SB 146-FN Motion: OTP/A AM #: 1573 Exec Session Date: 05/19/21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Renzullo, Andrew Chairman	✓		
<del>Gunski, Michael D. Vice Chairman</del> <i>Rep Merner</i>	✓		
<del>Gould, Linda R.</del> <i>Rep Lascelles</i>	✓		
Horgan, James F.	✓		
Harb, Robert D.	✓		
Creighton, Jim L.	✓		
Dodge, Dustin	✓		
Harvey-Bolia, Juliet Clerk	✓		
Healey, Robert V.	✓		
Mayville, Mary L.	✓		
Post, Lisa C.M.	✓		
Smith, Suzanne J.	✓		
Spang, Judith T.	✓		
Grassie, Chuck W.	✓		
Gottling, Suzanne H.	✓		
Cohen, Bruce L.	✓		
Rung, Rosemarie <i>Rep Weston</i>	✓		
Connors, Erika F.	✓		
Vail, Suzanne M.	✓		
Kelley, Eamon P.	✓		
Moran, Melbourne R.	✓		
	21	0	

Amendment to SB 146-FN

1 Amend the bill by replacing section 1, Sponsorship, with the following:

2  
3 1 Sponsorship. This act consists of the following proposed legislation:

4 Part I. LSR 21-0255, establishing the coastal program administered by the department of  
5 environmental services, sponsored by Sen. Watters, Prime/Dist 4; Sen. Gannon, Dist 23; Sen. Gray,  
6 Dist. 6; Sen. Sherman, Dist 24; Sen. Perkins Kwoka, Dist 21; Rep. Edgar, Rock 21; Rep. Spang, Straf  
7 6.

8 Part II. Extending the deadline for the PFAS firefighting foam take-back program.

9 Part III. LSR 21-0926, relative to the prevention of zoonotic disease transmission, sponsored  
10 by Sen. Watters, Prime/Dist 4; Sen. Sherman, Dist 24; Sen. Bradley, Dist 3; and Rep. Bixby, Straf  
11 17.

12 Part IV. LSR 21-0927, relative to tidal waters, sponsored by Sen. Watters, Prime/Dist 4;  
13 Sen. Sherman, Dist 24; Sen. Perkins Kwoka, Dist 21; Rep. Cushing, Rock 21; and Rep. Simpson,  
14 Rock 36.

15 Part V. LSR 21-0823, establishing a surcharge on certain saltwater licenses and establishing  
16 a fund for derelict fishing gear and coastal cleanup, sponsored by Sen. Watters, Prime/Dist 4; Sen.  
17 Perkins Kwoka, Dist 21; Sen. Sherman, Dist 24; and Rep. Spang, Straf 6.

18 Part VI. LSR 21-1062, relative to public use of coastal shorelands, sponsored by Sen.  
19 Sherman, Prime/Dist 24; Sen. Soucy, Dist 18; Rep. Murray, Rock 24; and Rep. Cushing, Rock 21.

20 Part VII. HB 235, addressing impacts to other water users from new sources of water for  
21 community water systems, sponsored by Rep. M. Pearson, Rock 34; Rep. Guthrie, Rock 13; Rep.  
22 Green, Rock 13; Rep. Welch, Rock 13; Rep. Hobson, Rock 35; Rep. Weyler, Rock 13; Rep. Salloway,  
23 Straf 5; and Sen. Birdsell, Dist 19

24  
25 Amend the bill by replacing Part II with the following:

26  
27 PART II

28 Extending the deadline for the PFAS firefighting foam take-back program.

29 1 Extending the Deadline for PFAS Firefighting Foam Take-Back Program. Amend RSA 154:8-  
30 b, VIII to read as follows:

31 VIII. The department shall survey municipalities throughout the state on the quantitative  
32 stock of legacy foams and determine the cost of instituting a take-back program for the purpose of

1 safe and contained disposal. The development and processing of the survey shall be subject to rules  
2 adopted by the commissioner of the department of environmental services pursuant to RSA 541-A.  
3 On or before December 1, 2020, the department shall submit a report of its findings and any  
4 recommendations for proposed legislation to the president of the senate, the speaker of the house of  
5 representatives, the senate clerk, the house clerk, the governor, and the state library. Beginning on  
6 July 1, ~~2024~~ 2023, the department shall institute a take-back program of legacy foams for the  
7 purpose of safe and contained disposal.

8 2 Effective Date. Part II of this act shall take effect upon its passage.

9  
10 Amend Part III of the bill by replacing section 2 with the following:

11 2 New Section; Prohibited Import of Animals and Fish; Risk of Zoonotic Disease Transmission.  
12 Amend RSA 207 by inserting after section 14-a the following new section:

13 207:14-b Prohibited Import of Animals and Fish; Risk of Zoonotic Disease Transmission. The  
14 fish and game department shall monitor available information on animals and fish, not currently  
15 restricted under state and federal wildlife trafficking laws, that if transported into the state, will  
16 risk zoonotic disease transmission. The department may consult as needed with the department of  
17 health and human services, the state veterinarian, and scientific and educational institutions. The  
18 department shall make recommendation to the legislature on any legislation or rules needed for  
19 import or other restrictions on identified species, and to the governor if an executive order is deemed  
20 necessary.  
21

22  
23 Amend the bill by replacing Part V with the following:

24  
25 PART V

26 Establishing a surcharge on certain saltwater licenses and  
27 establishing a fund for derelict fishing gear and coastal cleanup.

28 1 New Subparagraph; Application of Receipts; Derelict Fishing Gear and Coastal Cleanup Fund  
29 Established. Amend RSA 6:12, I(b) by inserting after subparagraph (364) the following new  
30 subparagraph:

31 (365) Moneys deposited into the derelict fishing gear and coastal cleanup fund  
32 established in RSA 211:77.

33 2 New Paragraph; Litter Control Law; Penalties. Amend RSA 163-B:4 by inserting after  
34 paragraph I the following new paragraph:

35 I-a. Any fines collected under this section for littering in coastal waters or beaches and for  
36 abandoning fishing gear shall be credited to the derelict fishing gear and coastal cleanup fund  
37 established in RSA 211:77.

1           3 New Paragraph; Lobsters and Crabs; Surcharge Added. Amend RSA 211:18 by inserting after  
2 paragraph III-b the following new paragraph:

3           III-c. The executive director shall establish a surcharge on each class of license issued under  
4 paragraph III-a of not more than \$25 nor less than \$10 to be deposited in the derelict fishing gear  
5 and coastal cleanup fund, established in RSA 211:77, and shall adopt rules for implementing and  
6 collecting the surcharge. Any person who satisfactorily demonstrates to the executive director that  
7 he or she is participating in a coastal cleanup program shall not be required to pay the surcharge.  
8 The executive director shall adopt rules pursuant to RSA 541-A to determine satisfactory  
9 participation in a coastal cleanup program and to account for licensees who are exempt from the  
10 surcharge each year.

11           4 Nonresident Commercial Salt Water License; Surcharge Added. Amend RSA 211:49-a, II to  
12 read as follows:

13           II. The fee for an annual license shall be set by the executive director pursuant to RSA  
14 206:10, I. The license shall be for the operator of the boat, vessel, flotation device, or gear, and  
15 helpers; provided, however, that helpers shall not be allowed for the taking of sea urchins or scallops  
16 by diving. *The executive director shall establish a surcharge on each license issued under  
17 this section of not more than \$25 nor less than \$10 to be deposited in the derelict fishing  
18 gear and coastal cleanup fund established in RSA 211:77, and shall adopt rules for  
19 implementing and collecting the surcharge. Any person who satisfactorily demonstrates to  
20 the executive director that he or she is participating in a coastal cleanup program, or the  
21 sea urchin or scallop fishery, shall not be required to pay the surcharge. The executive  
22 director shall adopt rules pursuant to RSA 541-A to determine satisfactory participation in  
23 a coastal cleanup program and to account for licensees who are exempt from the surcharge  
24 each year.*

25           5 Resident Commercial Salt Water License; Surcharge Added. Amend RSA 211:49-b, II to read  
26 as follows:

27           II. The fee for such annual license shall be set by the executive director pursuant to RSA  
28 206:10, I. The license shall be for the operator of the boat, vessel, flotation device, or gear, and  
29 helpers; provided, however, that helpers shall not be allowed for the taking of sea urchins or scallops  
30 by diving. *The executive director shall establish a surcharge on each license issued under  
31 this section of not more than \$25 nor less than \$10 to be deposited in the derelict fishing  
32 gear and coastal cleanup fund established in RSA 211:77, and shall adopt rules for  
33 implementing and collecting the surcharge. Any person who satisfactorily demonstrates to  
34 the executive director that he or she is participating in a coastal cleanup program, or the  
35 sea urchin or scallop fishery, shall not be required to pay the surcharge. The executive  
36 director shall adopt rules pursuant to RSA 541-A to determine satisfactory participation in*



1 *a coastal cleanup program and to account for licensees who are exempt from the surcharge*  
2 *each year.*

3 6 Aquaculture; Surcharge Added. Amend RSA 211:62-e, II-b to read as follows:

4 II-b. The executive director shall adopt rules, pursuant to RSA 541-A, for the issuance of 5-  
5 year licenses under this section to oyster aquaculture operations in the Great Bay estuary, and the  
6 fees, terms, and conditions therefor as authorized under paragraph II-a. *The executive director*  
7 *shall establish a surcharge on each license issued under this section of not more than \$25*  
8 *nor less than \$10 to be deposited in the derelict fishing gear and coastal cleanup fund*  
9 *established in RSA 211:77, and shall adopt rules for implementing and collecting the*  
10 *surcharge. Any person who satisfactorily demonstrates to the executive director that he or*  
11 *she is participating in a coastal cleanup program shall not be required to pay the*  
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14 *are exempt from the surcharge each year.*

15 7 New Subdivision; Derelict Fishing Gear and Coastal Cleanup Fund. Amend RSA 211 by  
16 inserting after section 76 the following new subdivision:

17 Derelict Fishing Gear and Coastal Cleanup Fund

18 211:77 Derelict Fishing Gear and Coastal Cleanup Fund Established. There is hereby  
19 established a separate fund to be known as the derelict fishing gear and coastal cleanup fund. The  
20 fund shall be administered by the executive director and shall be nonlapsing and continually  
21 appropriated to the executive director for the purposes of this section. The executive director shall  
22 credit to this fund all federal moneys, state funds appropriated, fines or settlements for derelict  
23 fishing gear or other items, and fines for littering in coastal waters or beaches collected under RSA  
24 163-B:4. The executive director may accept and expend all funds, including any gifts, grants, or  
25 donations made to the fund. The moneys in the fund shall be used to establish and support new and  
26 existing programs to retrieve and dispose of derelict fishing gear, to conduct periodic coastal cleanup  
27 programs for the removal of derelict fishing gear and marine trash, and to support recycling efforts  
28 for fishing gear and other marine trash. In this section, "derelict fishing gear" means lost, discarded,  
29 or abandoned fishing gear.

30 8 Effective Date.

31 I. Sections 3-6 of part V of this act shall take effect January 1, 2022.

32 II. The remainder of part V of this act shall take effect upon its passage.  
33

34 Amend the bill by inserting after Part VI the following:  
35

36 PART VII

37 Addressing impacts to other water users from new sources of water for community water systems.

Amendment to SB 146-FN

- Page 5 -

1           1 New Section; Small Groundwater Withdrawals. Amend RSA 485-C by inserting after section  
2 25 the following new section:

3           485-C:26 Groundwater Withdrawals Less than 57,600 Gallons Over Any 24-Hour Period for  
4 Community Water Systems. The department shall adopt rules pursuant to RSA 541-A specifying  
5 criteria and procedures to ensure a groundwater withdrawal less than 57,600 gallons over any 24-  
6 hour period from a new source of water for a community water system as defined by RSA 485:1-a  
7 and subject to RSA 485:8 does not cause an unmitigated impact to an existing private water supply  
8 well in accordance with RSA 485-C:21, V-c(a) or RSA 485-C:21, V-c(c).

9           2 Effective Date. Part VII of this act shall take effect 60 days after its passage.

2021-1573h

AMENDED ANALYSIS

This bill adopts legislation relative to:

- I. Establishing the coastal program administered by the department of environmental services.
- II. Establishing a statewide solid waste disposal reduction goal.
- III. The prevention of zoonotic disease transmission.
- IV. Tidal waters.
- V. Establishing a surcharge on certain saltwater licenses and establishing a fund for derelict fishing gear and coastal cleanup.
- VI. Public use of coastal shorelands.
- VII. Addressing impacts to other water users from new sources of water for community water systems.

# Hearing Minutes

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

PUBLIC HEARING ON SB 146-FN - Amendment #2021-1098h

**BILL TITLE:** adopting omnibus legislation relative to the environment.

**DATE:** April 28, 2021

**LOB ROOM:** Hybrid                      **Time Public Hearing Called to Order:** 3:00 p.m.

**Time Adjourned:** 3:13 p.m.

**Committee Members:** Reps. Renzullo, Gunski, Harvey-Bolia, Horgan, Harb, Creighton, Healey, Post, Suzanne Smith, Spang, Grassie, Gottling, Cohen, Connors, Vail and E. Kelley

**Bill Sponsors:**  
Sen. Watters

**TESTIMONY**

\* Use asterisk if written testimony and/or amendments are submitted.

Rep. Smith introduced the amendment which seeks to extend the deadline for the PFAS Firefighting Foam Take-back Program.

Mike Wimsatt from NHDES spoke in favor of the amendment.

Rep. Renzullo stated that this amendment would be inserted in SB 146 as Part VII.

A discussion ensued regarding future Committee work.

The Chair adjourned the meeting at 3:13 pm.

Respectfully submitted,

Rep. Julia Harvey-Bolia  
Clerk

**At 3:00 PM, Chair Renzullo reconvened the meeting on SB-146 to address Amendment 1098H.**

Rep. Smith introduced the amendment which seeks to extend the deadline for the PFAS Firefighting Foam Take-back Program.

Mike Wimsatt from NHDES spoke in favor of the amendment.

Rep. Renzullo stated that this amendment would be inserted in SB 146 as Part VII.

A discussion ensued regarding future Committee work.

The Chair adjourned the meeting at 3:13 pm.

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

PUBLIC HEARING ON SB 146-FN

**BILL TITLE:** adopting omnibus legislation relative to the environment.

**DATE:** April 28, 2021

**LOB ROOM:** Hybrid                      **Time Public Hearing Called to Order:** 9:00 a.m.

**Time Adjourned:** 3:00 p.m.

**Committee Members:** Reps. Renzullo, Gunski, Harvey-Bolia, Horgan, Harb, Creighton, Healey, Post, Suzanne Smith, Spang, Grassie, Gottling, Cohen, Connors, Vail and E. Kelley

**Bill Sponsors:**  
Sen. Watters

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

**Members present from the Environment and Agriculture Committee:** Chairman Pearl, Reps. Bixby, Murray, Hyland and Caplan

Chair Renzullo explained the process of receiving guidance for the omnibus bill from the Environment and Agriculture and Fish and Game and Marine Resources Committees.

Rep. Gunski joined the meeting in-person at 9:10 AM.

Sen. Watters introduced SB 146-FN and stated the intent of the bill is to reduce solid waste. The bill was created with NH DES as well as waste management companies with the goal of reducing waste 25% by 2030 and an additional 45% by 2030.

Chairman Pearl of the E&A Committee asked about landfills and goals as referred to on page 3 of the bill.

Sen. Watters stated that the goals referred to on page 3 do not intend to set hard and fast goals for waste reduction, but refers to overall numbers as far as waste reduction is concerned.

Rep. Creighton asked how the goal of not creating so much waste will be achieved.

Sen. Watters answered that industry will figure out how to reduce waste by recycling and composting.

Rep. Smith asked why certain materials such as automobile waste on page 4 were excluded.

Sen. Watters stated that the use of these items would not be reduced and it would be onerous to include them in the program.

Rep. Ebel testified in support of part 2 of SB 146. She emphasized that NH needs to improve their solid waste reduction efforts. The steps of the reduction goals are 25% and 45% respectively. Ebel stated that our landfill capacity in NH is dwindling. We need to reduce our waste, tipping fees are increasing which impacts municipalities. Since 2003, NH has not had a long-range waste reduction program though such a program is required by statute.

Rep. Harvey-Bolia asked if the goals took into account population growth or were there based on existing population numbers. Rep. Ebel stated that there was discussion around population numbers and that she expected some growth.

Michael Nork of NH DES Solid Waste Bureau testified that DES supports this bill and thinks that tracking the data is important for waste reduction goals.

Rep. Kelley asked about reporting. Nork stated reports would be annual.

Rep. Smith asked about the exclusion of such material as automobile, wood stoves and sludge waste. Nork stated that you can't recycle certain items effectively and so these materials were excluded. Rep. Smith stated that some of these materials such as ash can be recycled. Nork stated that ash from municipal waste is not the same as wood ash. Sludge is a "tricky issue" but there are opportunities to use sludge in other ways.

Rep. Creighton asked what, in particular, will bring about the reduction of waste in accordance with the plan. Nork answered that the goal will not lead to a mandate, but it creates legislative intent so that participatory departments will take actions that would result in achieving the reduction through recycling programs and other measures.

Rep. Bixby asked about grant opportunities to meet these goals. Nork answered that the funding is the crux of the matter regarding how this goal will be achieved. DES does not have much in the way of funding capabilities.

Rep. Bixby asked if more robust waste reduction goals would help NH achieve federal grants. Nork did not know.

Rep. Smith asked what is "industrial process waste." Nork stated it could be such things as casting metal or casting sand.

John Gay from Cassella Waste Systems, Inc., spoke in support part 2 of the bill and intends to help NH reach this goal. He stated that perhaps a new large-scale recycling facility in NH would be instrumental to achieving the stated goals.

Rep. Caplan requested that Mr. Gay's testimony be shared with members.

Steve Poggi of Waste Management, Inc., spoke in support of the bill.

Rep. Creighton asked why the goals set in 1990 were not achieved. Poggi answered that difficulty in tracking was a contributing factor. The new bill sets a simplistic number making it easier for the DES to track.

Ted Diers of NHDES spoke in support of Part 1 of SB-146.

Rep. Renzullo thanked Rep. Pearl and closed the hearing of Part 2.

**At 10:26 Chair Renzullo opened the hearing on Part I, IV and VI of SB-146.**

Sen. Watters introduced Part 1 regarding coastal programs which establishes a fund to receive grant funds to ensure they are spent the right way. There are no expenditures or fiscal notes or regulatory functions in Part 1.



Rep. Creighton asked where the money comes from. Sen. Watters stated that the funds come from NOAA.

Ted Diers of NHDES spoke in support of Part 1 of SB-146 and stated that this bill will provide tools to help coastal fisherman among other benefits.

Rep. Renzullo asked how things will be different with the passage of this bill. Diers stated that the bill creates more flexibility for towns to seek grants for projects than in the past.

Rep. Renzullo asked if the NOAA funding would go into this fund. Diers stated that it would be discussed in the next budget.

The hearing was closed.

**Rep. Renzullo opened Part IV of SB-146 concerning Tidal Waters.** Amend RSA 485- A:8. Sen. Watters stated the bill was needed to negotiate an appropriate level of cleanliness of the water but gives some relief from the demands of the EPA. It will better serve the aquaculture and fisheries industry.

Diers stated that this bill solves a problem with sampling methods and avoids an outdated, slower EPA methodology of testing. It meets Clean Water Act and other standards, is quicker and will save money.

**Part VI was introduced by Sen. Watters- regarding the Mean High Tide Line.**

Rep. Spang asked if some areas will be unprotected with this change. Sen. Watters stated that this is not so. He stated that the change is common sense and not changing in any meaningful way of land protected. Rep. Spang noted that eliminating the highest of high waters may have a undesirable impact. Sen. Watters stated that this change represents a better representation for practical purposes and makes for more consistent language in our statute.

Sen. Tom Sherman spoke in favor of this part of the bill and stated that it brings NH up-to-date in our statute.

Rep. Post asked if this change will lead to insurance rate changes. Sen. Watters stated that it would not lead to rate changes because those rates are determined by FEMA maps.

Rep. Smith asked if this change refers to a state definition rather than federal. Sen. Watters stated that this change applies to the State.

Rep. Spang asked how are regulation relate to those of other states. Sen. Sherman stated he wasn't certain but that definitions need to be consistent throughout the statute. Sen. Watters stated that this change is technical and won't have an effect on practical use.

Discussion was closed.

**Rep. Renzullo stated the RR &D Committee will address HB 115 and HB311.**

Rep. Smith took up **HB 115** regarding wake-surfing. The word "specifically" was removed from the bill regarding propulsion systems. The bill text was put on the screen.

Chair Renzullo explained that although the Chair has the authority to approve such matters, he sought Committee consensus. The change is minor.

Rep. Post asked for clarification.

**No objections were noted. Senate change adopted.**

**HB 311- regarding Rail Trails- Change** is regarding who will appoint the Senate member. Rep. Renzullo concurred with the change.

**No objections were noted. Senate change adopted.**

Chair Renzullo called a recess at 11:22 am.

Chair Renzullo came out of recess at 1:00 PM.

Members of the Fish and Game and Marine Committee present in the room: Chair Timothy Lang, Rep. Spillane, Rep. Read, Other members of Fish and Game were present online.

### **SB 146- Parts III and V:**

Sen. Watters introduced Part III regarding disease transmission from animals to humans as a commonsense measure. The Fish and Game director can keep an eye on epidemiological disease trends. The bill will regulate live wildlife animal markets but won't prohibit livestock, seafood or shellfish markets.

Chairman Lang asked whether it should read "executive order" rather than "emergency order" which would be more appropriate to expedite action if an emergent situation should arise. Sen. Watters concurred.

Rep. Spillane about timing. Sen. Watters said that the F & Game Director makes the decisions to pursue protective actions.

Spillane asked if mad cow disease fits in this category. Sen. Watters said the intention of this bill was to catch some of the smaller markets.

Rep. Kittredge asked if there were already statute governing some animals. Sen. Watters stated that there were very stringent guidelines for laboratory research.

Paul Sanderson legal coordinator of the Fish and Game Department spoke in favor of the bill and stated that this bill codifies their process and gives the department a roadmap to handle issues.

Rep. Spillane asked about species such as snails and other consumables. Sanderson said that there are statutes and the DHHS, to address this issue.

Rep. Kahn asked about out-of-state commerce. Sanderson stated nothing in this bill would prohibit such commerce.

### **Part V: establishing a surcharge on certain saltwater licenses and establishing a fund for derelict fishing gear and coastal cleanup.**

Sen. Watters introduced this part of the bill and stated that ocean plastics show up in aquatic species and are now showing up in humans that consume such species. Grant funding to continue a cleanup event is about to run out. Northern shrimp stock has been dwindling as warmer waters are present. Coastal cleanup participants will be exempt from paying these fees.

Rep. Lang asked about the language "fishing for energy" and its meaning. "Fishing for Energy" is a Yankee Fisherman's Coop recycling program.

Rep. Spillane asked about timing and fees and expansion of fee revenues to use towards other uses such as to reverse the declination of marine species. Sen. Watters stated the fee doesn't have to be paid the first year.

Rep. Kahn asked when the cleanup grant was ending. Sen. Watters stated that the grant was running out in the next couple of years. The fee will be a flat surcharge.

Rep. Renzullo asked where the fines for dumping end up. Sen. Watters said these are "littering" fines and are treated as such in the budget.

Eric Anderson, of the NH Commercial Fisherman's Assn- spoke in favor of the bill and stated that he has been involved in the cleanup for over 20 years.

Rep. Smith asked if the fisherman are in support of the surcharge. Anderson stated that he felt the fisherman were in favor of continuing the cleanup and felt it was important to continue the work.

Rep. Spillane asked how cleanup participants would get credit for their work. Spillane asked about the amendment to remove shrimp. Sanderson stated that provisions will be made to establish a credit program. The shrimp amendment was sent to the RR & D Committee at 9:00 AM and no one has looked at it.

Rep. Lang clarified that the bill refers to commercial licenses only.

The hearing was closed. Chair Renzullo declared a recess until 3:00 PM.

Respectfully submitted,

Rep. Julia Harvey-Bolia  
Clerk

RR & D Minutes  
May 19, 2021

**Members Present:** Reps. Renzullo, Harvey-Bolia, Horgan, Harb, Creighton, Dodge, Healey, Mayville, Post, Smith, Spang, Grassie, Gottling, Cohen, Connors, Vail, E. Kelley and Moran. Substitute members present: Rep. Merner, Lascelles, and Weston.

The meeting was convened as a Zoom webinar at 9:06 a.m. by Rep. Renzullo as Chair, who proceeded to read the script prepared by Committee staff regarding authorization for the Committee to meet remotely in accordance with the Governor's Emergency Order #12 and pursuant to Executive Order 2020-4.

A roll call attendance was taken. Staff: Brad Greenland and Heather Goley. 21 Members present.

At 9:07 a.m., Rep Renzullo discussed SB 146-FN.

At 9:15 AM Rep. Creighton made a motion that SB146 OTP with Amendment 1573. Rep. Smith seconded the motion.

Renzullo reviewed changes. The original bill had a solid waste part to it (Part II), which has been removed and no longer part of RR & D's purview. The contents of this Part have been added to E & A bill. Part III addresses the zoonotic transmission of disease. One word has been changed. Part V, which establishes a surcharge on certain saltwater licenses, had changes made to some of the language regarding to the naming of a program.

Post spoke against Part III, expressing that she believes there would be enforcement issues and an expansion of gov't. Additionally, no problem currently exists.

Rep. Smith spoke in favor, stated that the language with this amendment is consistent with W.H.O recommendations. State Legislature.

Commented [O1]:

Creighton spoke in favor, stating that Fish and Game expressed a need to proceed with this bill.

Renzullo spoke in favor of the amendment, stating that allowing the legislature to oversee the issue is appropriate.

Post stated that the language was too broad and is that normal. Renzullo stated that broad language is common.

Grassie stated broad language is not unusual. The administration develops the policy and enforcement.

Renzullo stated that he could take a straw poll to RR & D with regards to the removal of the zoonotic.

Paul Sanderson, from Fish and Game stated that this bill helps the Fish and Game works with other departments concerning identified threats.

Harvey-Bolia asked why the F & G Department didn't simply add the problematic species to their already existing list of restricted species. Sanderson stated that this process of adding species takes six to nine months.

Renzullo asked if there were anyone who wished to remove the amendment. Post and Dodge indicated that they would remove the amendment.

The Chair asked about concerns on other portions of the bill. Spang was concerned about aspects of the high-tide language in the bill, but felt those concerns were put to rest.

A roll call vote was called on amendment 1573. The vote was as follows:

	<u>Yes</u>	<u>No</u>
Rep. Renzullo	X	
Rep. Merner	X	
Rep. Lascelles	X	
Rep. Horgan	X	
Rep. Harb	X	
Rep. Creighton	X	
Rep. Dodge	X	
Rep. Harvey-Bolia	X	
Rep. Healey	X	
Rep. Mayville	X	
Rep. Post	X	
Rep. Smith	X	
Rep. Spang	X	
Rep. Grassie	X	
Rep. Gottling	X	
Rep. Cohen	X	
Rep. Connors.	X	
Rep. Vail	X	
Rep. Kelley	X	
Rep. Moran	X	
Rep. Weston	X	

21 yays and 0 nays: Motion passed.

A roll call vote was called on OTP SB 146-FN. The vote was as follows:

	<u>Yes</u>	<u>No</u>
Rep. Renzullo	X	
Rep. Merner	X	
Rep. Lascelles	X	
Rep. Horgan	X	
Rep. Harb	X	
Rep. Creighton	X	
Rep. Dodge	X	
Rep. Harvey-Bolia	X	

Rep. Healey	X
Rep. Mayville	X
Rep. Post	X
Rep. Smith	X
Rep. Spang	X
Rep. Grassie	X
Rep. Gottling	X
Rep. Cohen	X
Rep. Connors.	X
Rep. Vail	X
Rep. Kelley	X
Rep. Moran	X
Rep. Weston	X

21 yays and 0 nays: Motion passed.

10:19 a.m. Executive session closed.

Merner and Lascelles left the meeting.

**HBs 397,399, 235:** Chair Renzullo addressed these bills. There was general agreement on HB 399.

**HB 99:** The Chair addressed HB 99 relative to seasonal platforms. Smith clarified some on the language on the bill and spoke in favor of the changes. Renzullo concurred as did the rest of the committee with the changes.

**HB 235,** relative to small groundwater withdrawals. Smith discussed the history of this bill. The main issue is that private well-owner should have redress to address PFAS contamination in their wells.

Creighton spoke in favor of the bill.

Harvey-Bolia asked if there was not already a process in the state to handles remediation. Smith stated not to her knowledge.

Renzullo stated that he was going to non-concur on HB 235 and request a committee of conference and asked if there was any discussion regarding his recommendation. There was none.

10:50 AM meeting adjourned.

# Testimony

# The Future of Materials Recovery

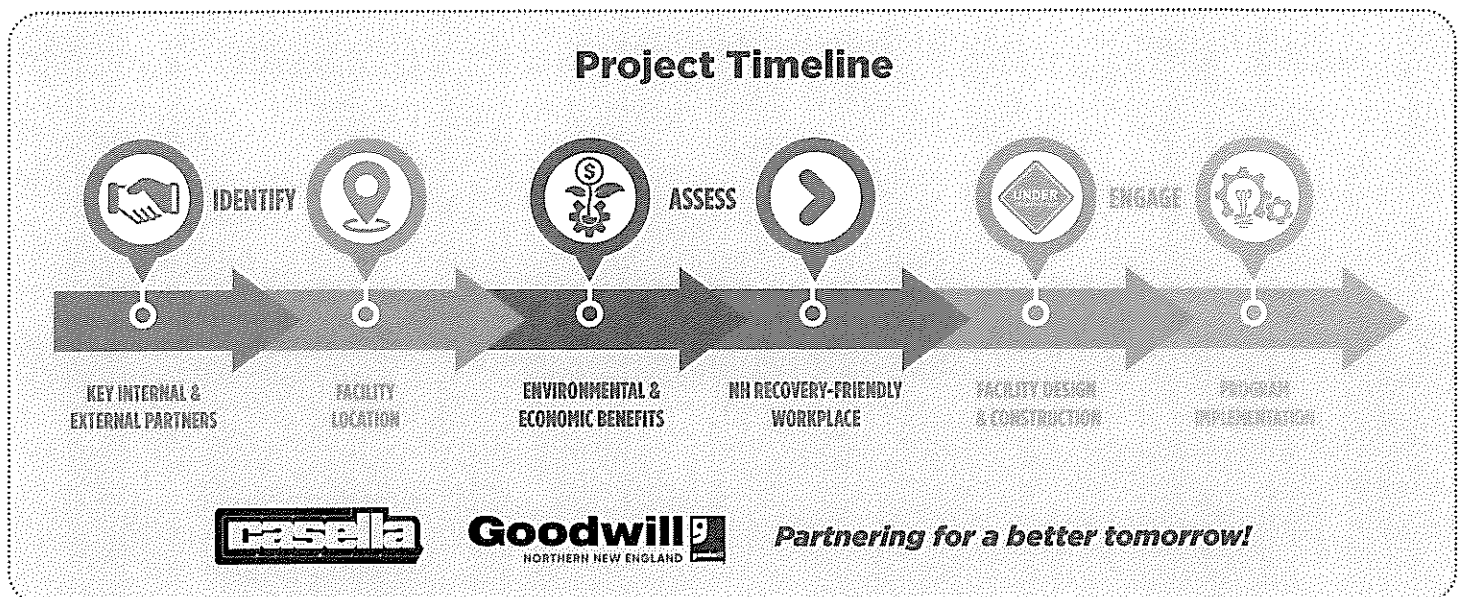
## A Public-Private Partnership in New Hampshire

**Casella Waste Systems, Inc. and Goodwill of Northern New England are collaborating across Northern New England to create innovative new ways to address and overcome social and environmental challenges related to resource recovery, waste diversion, and job placement for individuals who have historically struggled to reintegrate into society while recovering from substance abuse disorders and/or incarceration.**

Using our successful and unique collaboration as a starting point, we are in initial stages of envisioning the Materials Recovery Facility (MRF) of the Future in New Hampshire, with the following conceptual underpinnings:

- 1. Site Location:** The Southern part of New Hampshire represents an outstanding opportunity for both organizations to invest in meaningful infrastructure. The state lacks recycling capacity and with the appropriate level of public-private partnership, Casella Recycling and the residents and businesses of New Hampshire would benefit greatly from a state-of-the-art facility located in its more populous region. This area also represents an excellent opportunity for Goodwill NNE to expand its New Hampshire operations, including warehouse, collection, sorting, and possibly even its innovative “Buy the Pound” initiative.
- 2. Job Connections:** A facility of this potential size and scope would require 45-60 employees just in the recycling operations. We are committed to hiring a significant percentage of these employees through the Goodwill Job Connections program and/or Governor Sununu’s newly formed Recovery Friendly Workplace Program. Goodwill Northern New England’s Job Connection programs have supported individuals by creating stability in their lives through employment. This has been achieved in various communities throughout Northern New England, with a special focus on Manchester, New Hampshire.
- 3. Conventional Recycling and Textile and Bulky Waste Recovery:** Core to the mission of both organizations is the desire to achieve a higher and better use for what has traditionally been considered waste. In addition to the latest single-stream sorting technology designed to divert recyclable plastics, glass, tin, aluminum, mixed paper, and cardboard from landfills, the MRF of the Future will also include infrastructure to assess, process, sort, and inventory unwanted textiles and bulky waste for resale through Goodwill’s various retail models. This effort not only serves to enhance Goodwill’s retail mission, but also removes a waste stream that is a large contributor to emerging contaminants such as PFAs in landfills, all while creating good jobs for those with barriers to sustainable employment.
- 4. Community Engagement:** Goodwill and Casella are committed to bringing and sharing value with the communities in which we operate. This facility will provide untold engagement opportunities through education around substance abuse, recycling, and resource management.

As we continue to explore this opportunity both organizations are committed to working together as strategic partners in bringing the necessary resources to the table to ensure all avenues for success are explored.





NH SOLID WASTE DISPOSAL 2015-2018

Year	In-State	Out-of-State	% In-State	Est. Remaining Capacity	
	tons	tons	%	Cubic Yards	Years
<b>Landfills - Unlimited Service Area</b>					
North Country Environmental Services (NCES)					
Bethlehem, NH Permitted life expectancy through at least March 2021					
2015	242,924	101,164	71%	-	-
2016	251,699	181,307	58%	1,335,000	4.3
2017	237,853	134,075	64%	916,000	3.3
2018	231,515	120,770	66%	599,000	2.0
TLR-III Refuse Disposal Facility (aka Waste Management, Turnkey)					
Rochester, NH Permitted life expectancy through at least June 2034					
2015	392,362	703,961	36%	-	-
2016	392,460	698,250	36%	9,494,000	7.3
2017	569,329	845,339	40%	8,134,000	6.3
2018	569,558	918,798	38%	6,987,000	5.4
Mt. Carberry Landfill					
Success, NH Permitted life expectancy through a least April 2025					
2015	120,447	95,680	56%	-	-
2016	148,466	96,023	61%	2,184,000	7.1
2017	138,129	93,621	60%	1,928,000	6.3
2018	145,222	90,209	62%	1,673,000	5.7
<b>Total (Landfills - Unlimited Service Area)</b>					
2015	<b>755,733</b>	<b>900,805</b>	<b>46%</b>	-	-
2016	<b>792,624</b>	<b>975,580</b>	<b>45%</b>	<b>13,013,000</b>	-
2017	<b>945,311</b>	<b>1,073,035</b>	<b>47%</b>	<b>10,978,000</b>	-
2018	<b>946,295</b>	<b>1,129,777</b>	<b>46%</b>	<b>9,259,000</b>	-
<b>Landfills - Limited Service Area</b>					
Lower Mount Washington Valley Secure Solid Waste Landfill					
Conway, NH No minimum permitted life expectancy					
2015	2,290	0	100%	-	-
2016	2,302	0	100%	262,000	20
2017	2,426	0	100%	249,000	19
2018	2,486	0	100%	238,000	18
Lebanon Regional Solid Waste Facility					
Lebanon, NH No minimum permitted life expectancy					
2015	31,150	12,031	72%	-	-
2016	29,007	11,547	72%	1,128,000	13
2017	27,518	11,312	71%	850,000	10
2018	28,394	11,625	71%	810,000	9
Four Hills Secure Landfill Expansion					
Nashua, NH Permitted life expectancy through at least June 2015					
2015	68,129	0	100%	-	-
2016	68,471	0	100%	794,116	9
2017	75,579	0	100%	687,054	7
2018	76,971	0	100%	553,172	4.5
<b>Total (Landfills - Limited Service Area)</b>					
2015	<b>101,569</b>	<b>12,031</b>	<b>89%</b>	-	-
2016	<b>99,780</b>	<b>11,547</b>	<b>90%</b>	<b>2,184,116</b>	-
2017	<b>105,523</b>	<b>11,312</b>	<b>90%</b>	<b>1,786,054</b>	-
2018	<b>107,851</b>	<b>11,625</b>	<b>90%</b>	<b>1,601,172</b>	-

**NH SOLID WASTE DISPOSAL 2015-2018**

Year	In-State	Out-of-State	% In-State	Est. Remaining Capacity	
	tons	tons	%	Cubic Yards	Years
<b>Incinerators - Unlimited Service Area</b>					
Wheelabrator Claremont Claremont, NH					
2015	* stopped operating on 9/29/2013			-	-
2016				-	-
2017				-	-
2018				-	-
Wheelabrator Concord Penacook, NH					
2015	195,828	7,595	96%	-	-
2016	189,734	7,391	96%	-	-
2017	174,531	20,233	90%	-	-
2018	174,673	18,656	90%	-	-
<b>Total (All Disposal Facilities: Landfills &amp; Incinerators - Unlimited &amp; Limited Service Areas)</b>					
2015	1,053,130	920,431	53%	-	-
2016	1,082,138	994,518	52%	-	-
2017	1,225,366	1,104,580	53%	-	-
2018	1,228,819	1,160,058	51%	-	-

**Notes:**

1. Data compiled from annual facility reports submitted to NHDES-SWMB.
2. Alternate Daily Cover (ADC) is not included in any of the amounts presented in this table.
3. WMNH-Turnkey expansion was approved on 6/11/2018 for an additional 15.9 million cubic yards; life expectancy through 2034.
4. Mt. Carberry reports additional remaining capacity for a conceptual expansion (Phase III) of about 7,718,000 cubic yards or 32 years.
5. Mt. Carberry expansion application approved February 2019; about 2 years additional capacity to 2025.
6. Expansion application under review for NCES; application requests approximately 2 additional years of capacity.
7. Boscawen Corn Hill Road C&D Landfill and Epping Bulky Waste Disposal Area not included (small amounts relative to facilities included; operations expected to cease by 2025)
8. Merrimack Station Coal Ash Landfill, located in Bow, NH, not included (small amounts relative to facilities included; limited private facility)
9. Bridgewater incinerator not included (small amounts relative to facilities included).

# NH Projected Waste Disposal Need and Capacity (2020 - 2040)

Source: NHDES 2019 Biennial Solid Waste Report

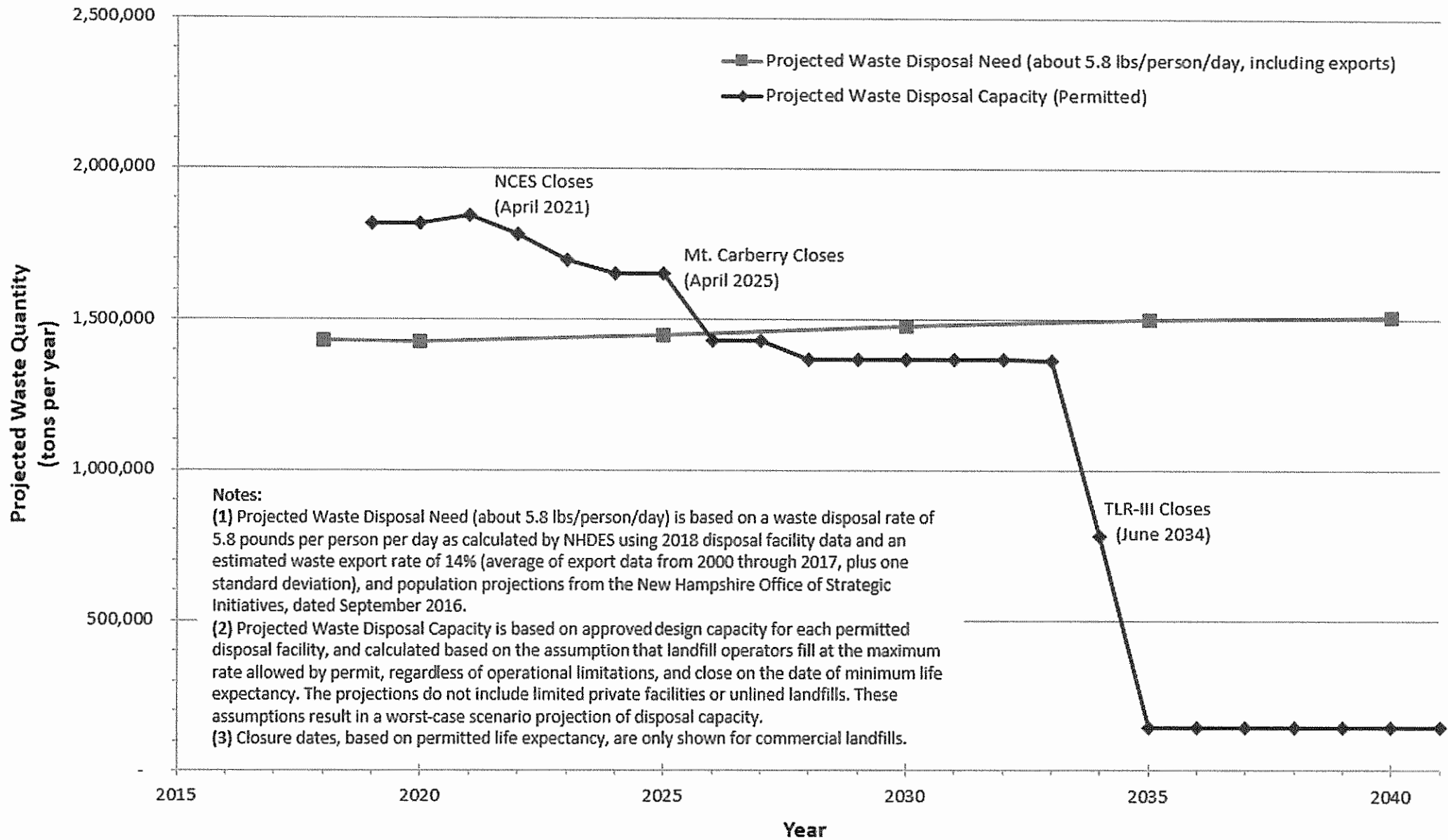
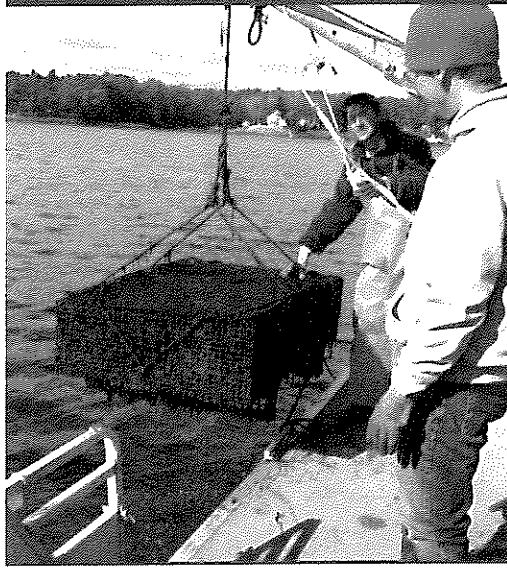




Photo credit: Will Brown

# NEW HAMPSHIRE COASTAL MANAGEMENT

The Coastal Program protects clean water, restores coastal habitats, and helps make communities more resilient to flooding and other natural hazards through staff assistance and funding to 42 coastal towns and cities as well as other local and regional groups.



## State Program in Action

- Developed and released new mapping products and data that characterize tidal crossings for use by community officials and road managers to enact strategic repairs and replacement of tidal crossing infrastructure and to identify high priority restoration and conservation opportunities at tidal crossings sites.
- Funded work by the Town of Newmarket for final design, engineering and permitting to replace a dramatically undersized and flood prone culvert at Lubberland Creek to accommodate sea level rise and 100-year storm events, enables marsh migration, improves fish passage and ensures safe passage during storm events.
- Worked with the Department of Environmental Services Wetlands Bureau to rewrite administrative rules that incorporate sea-level rise and resilience into a new tidal chapter of rules. As a result of Coastal Program input, the rules now include a project vulnerability assessment.

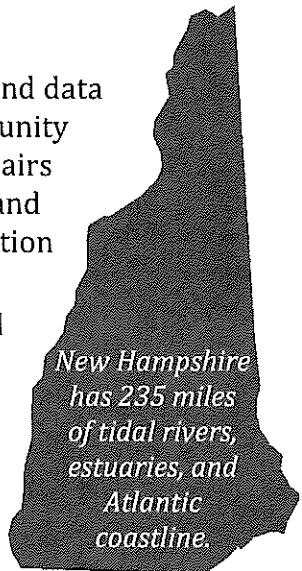


Photo credit: Mike Barron

## Looking to the Future

The Coastal Program and NH Sea Grant will partner to develop a technical assistance program to assist and empower coastal landowners. Staff will conduct onsite assessments to help homeowners learn about potential actions that they can take to manage their own properties to mitigate storm and flood impacts. Potential landowner actions will also support dune and salt marsh habitats and the many benefits that they provide.



Photo credit: David Murray

# HELPING PREPARE FOR COASTAL HAZARDS

Faced with increasingly frequent and severe coastal flooding, the Town of Hampton and its residents are working to prevent future flood damages and continue enjoying their beloved oceanfront community for years to come. The NHCP collaborated with the Seabrook-Hamptons Estuary Alliance and Town staff on multiple resilience building initiatives in 2019, including convening and facilitating Hampton's Coastal Hazards and Adaptation Team to guide long term adaptation planning; providing funding to develop the Vision and Coastal Hazards and Adaptation content for the Town's Master Plan update; and developing preliminary designs for nature-based strategies to mitigate coastal flooding in low-lying neighborhoods with a National Fish and Wildlife Federation Coastal Resilience grant. Together these projects comprise a creative, and multipronged approach for addressing coastal flooding in Hampton.

*"Coming to grips with current and projected flooding in Hampton has required taking on issues that have not previously been explored, and finding ways to address questions, concerns, and fears that have been expressed across the community. The Coastal Program has been a great partner in developing the 'Building a Flood Smart Workshop' series for Hampton residents applying for and securing grant funding from the Consensus Building Institute to introduce the concept of "managed retreat" in Hampton; and helping to develop the 'Coastal Hazards Adaptation Team,' which is a unique assembly of municipal officials that meet monthly to explore flooding issues and adaptation strategies in Hampton. Each of those efforts have been much more effective than they would have been without the Coastal Program's knowledge, guidance and support."*

*– Jay Diener, President, Seabrook-Hamptons Estuary Alliance*

**FY20 Federal Funds: \$1,172,000**  
**FY20 State & Local Matching Funds: \$1,095,000**  
**FY20 Total: \$2,267,000**

Steven Couture,  
Coastal Program Administrator  
New Hampshire Department of  
Environmental Services  
Phone: (603) 271-8801  
Email: [steven.couture@des.nh.gov](mailto:steven.couture@des.nh.gov)

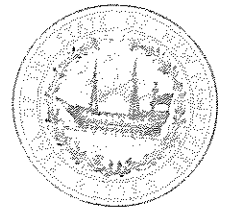


Coastal States Organization  
50 F St., NW, Suite 570  
Washington, DC 20001  
(202) 800-0580  
[www.coastalstates.org](http://www.coastalstates.org)

Website: <http://www.des.nh.gov/organization/divisions/water/wmb/coastal/>  
Twitter: @NHDES; @nhcaw Facebook: @NHEnvironmentalServices, @nhcoastaladaptation  
Instagram: @nhcoastaladaptation



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



Robert R. Scott, Commissioner

April 27, 2021

The Honorable Andrew Renzullo  
Chairman, House Resources, Recreation and Development Committee  
Legislative Office Building, Room 305  
Concord, NH 03301

**RE: SB 146, An Act Adopting Omnibus Legislation Relative to the Environment  
Part II – Establishing a Statewide Solid Waste Disposal Reduction Goal**

Dear Chairman Renzullo and Members of the Committee:

Thank you for the opportunity to testify on SB 146, specifically Part II of this omnibus bill, related to establishing a disposal reduction goal. This bill would replace the current waste diversion goal in RSA 149-M:2 with a goal to reduce New Hampshire's disposal of solid waste by 25% by the year 2030, and 45% by the year 2050. This bill would also change the interval for updating the state solid waste management plan from every six years to every ten years. The Department of Environmental Services (NHDES) supports this bill.

The current goal in RSA 149-M:2 sets a target to divert at least 40% of New Hampshire's solid waste from disposal by the year 2000. Because this goal is diversion-based, tracking progress depends on data related to various diversion pathways such as recycling, composting, and reuse (i.e., methods other than landfilling or incineration). NHDES issued a report in October 2019 to provide a progress report on achievement of this 40% diversion goal. In the report, NHDES concluded that current achievement of this goal is undetermined, due primarily to the difficulty in collecting and analyzing data that would enable NHDES to reliably measure and track progress.

The current language of RSA 149-M:2 directs NHDES to measure diversion "with respect to changes in waste generated and subsequently landfilled or incinerated in New Hampshire." In essence, this requires NHDES to quantify how much waste is generated across the state and compare how much of that waste ultimately gets disposed in lieu of being recycled or otherwise diverted. This metric is problematic because NHDES does not track waste generation. Instead, NHDES regulates the management of solid waste at permitted solid waste facilities within the state (e.g., landfills, incinerators, transfer stations, etc.). This only provides NHDES with data on wastes managed at these facilities and does not capture all solid waste actually generated within the state. For instance, refuse and recycling from some industrial, commercial and institutional generators may be hauled directly to out-of-state destinations without ever passing through a New Hampshire permitted solid waste facility. Further, there is an indeterminable quantity of waste that is generated but never reaches a permitted solid waste facility because it is managed at the site of generation, such as home composting, or is diverted directly to reuse (for instance, donation). Similar to the challenges quantifying waste generation, NHDES also has difficulty compiling reliable information on recycling

[www.des.nh.gov](http://www.des.nh.gov)

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095  
(603) 271-3503 • Fax: 271-2867 TDD Access: Relay NH 1-800-735-2964

The Honorable Andrew Renzullo  
Chairman, House Resources, Recreation and Development Committee  
April 27, 2021

and diversion rates in New Hampshire. This is partly due to the fact that recyclables are often collected and transferred between multiple facilities before reaching their “final” destination, which can result in double-counting due to multiple facilities reporting the same data. At the present time NHDES lacks the basic program resources to properly compile, analyze and quality-control this kind of data to produce comprehensive recycling/diversion estimates.

SB 146 would re-frame the goal to track changes in disposal over time instead of changes in generation. This would simplify measurement of the goal because New Hampshire’s active disposal facilities already report the necessary data to NHDES. Therefore, NHDES would be able to use readily-available data without need for complicated analyses. Not only would a disposal reduction target be easier to track, but NHDES believes it would also serve as a useful indicator of waste reduction and diversion – because a decrease in waste being sent for disposal is directly related to waste diversion efforts and/or a reduction in the overall quantity of waste generated.

NHDES believes the ambitious targets set by the goal (25% reduction in disposal by 2030, and 45% by 2050) will help to advance waste reduction and diversion efforts. Whereas the current diversion goal only considers waste generated in New Hampshire, the proposed disposal reduction targets would apply to all waste landfilled or incinerated in New Hampshire, whether from in-state or out-of-state sources (in 2019, about 44% of waste disposed at New Hampshire’s landfills and incinerators came from out-of-state). Achieving these targets will require a coordinated effort between NHDES, the General Court, the waste industry, the business community, municipalities, and the public at large. By setting a specific, measurable goal, Part II of SB 146 would help NHDES better assess progress, and would also establish legislative intent for additional waste reduction and diversion initiatives to set the state on a path to achieving the goal.

Thank you again for the opportunity to comment on SB 146, Part II. Should you have further questions or need additional information, please feel free to contact either Michael Nork, Solid Waste Management Bureau ([michael.nork@des.nh.gov](mailto:michael.nork@des.nh.gov), 271-2936) or Michael Wimsatt, Waste Management Division Director ([michael.wimsatt@des.nh.gov](mailto:michael.wimsatt@des.nh.gov), 271-1997).

Sincerely,

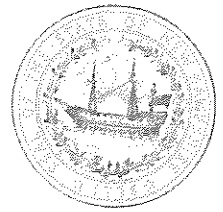


Robert R. Scott  
Commissioner

ec: Sponsors of SB 146, Part II: Senators Watters, D’Allesandro, Rosenwald, Prentiss, Perkins Kwoka, Whitley, Sherman; Representatives Ebel, Grassie, M. Murray



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



**Robert R. Scott, Commissioner**

April 27, 2021

The Honorable Andrew Renzullo  
Chairman, House Resources, Recreation and Development Committee  
LOB Room 305  
Concord, NH 03301

**RE: SB 146-FN (Part I)– Establishing the coastal program administered by the Department of Environmental Services.**

Dear Chairman Renzullo and Members of the Committee:

Thank you for the opportunity to comment on SB 146-FN, Part I. This section of the bill proposes to create a state authorization for the federally-funded coastal program administered by the New Hampshire Department of Environmental Services (NHDES) and establishes a dedicated coastal fund. NHDES supports this legislation.

In 1972, Congress passed the Coastal Zone Management Act (CZMA) in recognition of the importance of the nation's coastal resources. The NHDES Coastal Program (NHDES-CP) gained federal approval in 1982. However, the program was never authorized under state law. It exists only as a grant-funded federal program. State authorization is needed to: 1) ensure that state law backs up any potential changes to federal law, and 2) more closely align federal consistency provisions with state regulations.

The NHDES Coastal Program provides funding and staff assistance to towns and cities, and other local and regional groups who protect clean water, restore coastal habitats, and help make communities more resilient to flooding and other natural hazards. The NHDES-CP supports the region's economy by helping to preserve the environmental health of the coast and Great Bay and Hampton-Seabrook estuaries for fishing and shell fishing, and assisting with the maintenance of our ports, harbors and tidal rivers for commercial and recreational uses.

Importantly, the NHDES-CP is charged with implementing Section 307 of the CZMA, known as the federal consistency provision, which is the formal mechanism to manage coastal uses and resources and to facilitate cooperation and coordination with federal agencies. The NHDES-CP administers the federal consistency review process to ensure that all federal activities affecting any land or water use, or natural resource in New Hampshire's coastal zone (map attached) will be conducted in a manner consistent with the NHDES-CP's enforceable policies. These policies are essentially other state laws and regulations that fall within state jurisdiction. Federal consistency is the tool that requires federal agencies pay attention to state concerns.



The Honorable Andrew Renzullo  
Chairman, House Resources, Recreation and Development Committee  
April 27, 2021  
Page 2

Federal consistency review could prove to be a critical tool as applied to offshore wind development in federal waters. Given the recent creation of the Gulf of Maine Offshore Wind Task Force, now is the right time to authorize the coastal program. This bill has the added benefit of solidifying the link between the National Oceanic and Atmospheric Administration's (NOAA) approved program, the enforceable policies (state laws and regulations), and the coastal program at NHDES as the lead state agency for CZMA issues. This bill alleviates legal uncertainty of NHDES federal consistency authority by codifying it in state statute to ensure that the state has the ability to defend decisions regarding federal actions in the coastal zone.

Given the depth of services provided to NH's coastal communities, the NHDES-CP often seeks additional funds to meet critical natural resource management needs, and has been successful at garnering competitive grants. NOAA reviews the NHDES-CP every five years. One consistent finding by NOAA in these reviews is the need for state and other financial resources to help address the coastal communities' management needs. If funds are obtained in the future, this fund will provide a mechanism to administer the funds for the state's coastal management priorities.

Thank you again for the opportunity to comment on SB 146-FN, Part I. Should you have questions or need additional information, please feel free to contact Steve Couture, NHDES Water Division, Coastal Program Administrator, at [steven.couture@des.nh.gov](mailto:steven.couture@des.nh.gov) or 271-8801.

Sincerely,



Robert R. Scott  
Commissioner

Attachments: Coastal Zone Map  
NH Coastal Management Fact Sheet

cc: Sponsors of SB 146 (Part I): Senators Watters, Sherman, Perkins Kwoka, Gray, Gannon  
Representatives Spang, Edgar

Testimony of Rep. Karen Ebel in Support of SB 146, Part II  
Merrimack District #5  
House Committee on Resources, Recreation and Development  
April 28, 2021

I testify today an enthusiastic cosponsor of SB 146, Part II and urge the committee recommend passage of this important legislation. Part II would redefine our state solid waste disposal goal, which is long overdue. It would also recast the solid waste plan requirements, as well as extend the reporting period from 6 to 10 years. Last term, this bill, along with two other pivotal solid waste related bills, passed on a voice vote on the consent calendar as part of an administrative-related omnibus bill, HB 1234. The bill, for unrelated reasons, was vetoed by the Governor. The delay in passage is unfortunate because these bills dealt with issues of great importance to our state, municipalities, businesses and citizens.

As you will recall, in mid-2019, China decided to stop taking solid waste from the United States where it had been recycled, particularly plastics and mixed paper. This put a tremendous strain on our cities and towns and on their pocketbooks. I introduced HB 617, which created a study committee on solid waste management and recycling. Former Rep. John O'Connor was on that committee, along with Rep. Megan Murray and Senator David Watters. The committee's goal was to hear from as many stakeholder groups as possible: public and private landfill operators, municipalities, schools, recyclers, state agencies and non-profits, among them. What followed was an extraordinarily active 8-week study with 14 hearings and over 50 stakeholders participating.

This resulted in a comprehensive study committee report, which can be accessed at this link:

<http://gencourt.state.nh.us/statstudcomm/committees/1476/reports/2019%20Final%20Report.pdf> It is worthy of your review so as to fully appreciate the many critical solid waste issues our state faces. You can access the committee webpage here to view stakeholder testimony, minutes and even the Continuing Education session we did due to the very high interest level of the members at that time.

<http://gencourt.state.nh.us/statstudcomm/committees/1476/>

In short, we have problems. COVID stalled our efforts, but the situation has only gotten worse, starting with a brewing crisis in our landfill capacity and the limited capacity of the DES Solid Waste Bureau to deal with more than day-to-day

responsibilities due to continual budget cuts and agency staffing decisions. This makes the Bureau's statutorily required advance planning capabilities very limited, all to our state's detriment.

The HB 617 study committee made many recommendations, but among the most important was the redefining of our solid waste disposal goal, which is at least 20 years past due and is not workable, and the recasting our state solid waste plan, and changing the reporting period. It is difficult to express how important this is to every resident and entity in this state. We all consume many products and we all generate waste. Our municipalities, businesses and our state must handle that waste. That costs time and money. We are short on both.

Pursuant to RSA 149-M, in 1990, this legislature established two interdependent objectives to "conserve precious and dwindling natural resources." One was the establishment of a preferred hierarchy of waste management methods, from most preferred to least: source reduction, recycling and reuse, composting, waste-to-energy, incineration with no recovery and last, landfilling. Right now, landfilling is our go-to method. The other objective was to achieve by 2000, a 40% minimum weight diversion of solid waste landfilled or incinerated on a per capita basis relying on the waste management hierarchy.

As noted in its 2019 Biennial Solid Waste Report and its oral testimony to the HB 617 committee, DES indicated that this formulation is unworkable based on how waste is now tracked in the state. This led the committee to analyze and recommend unanimously the measurable waste disposal reduction goal approach with specified targets and timelines to reduce annual tonnage disposal embodied in this bill. Based on this analysis and days of testimony, the committee endorsed the specified targets and timelines set forth in this bill *at a minimum*: 25% disposal reduction by 2030 and 45% disposal reduction by 2050. (Please see Committee Recommendation #7, page 20 of report.)

With this testimony, I also emailed DES's analysis of our projected permitted landfill capacity to the committee. It is not a pretty picture. I am not here to endorse ever-increasing landfill capacity, which is the last resort for disposal under our statutes, but I do endorse the establishment of meaningful, achievable goals that are vital to our state's future. If the HB 617 study committee established anything, it established that we have an evolving solid waste crisis that affects all of us. These goals must be incorporated into a long-range solid waste plan after careful analysis, promptly and with stakeholder input.

I have great respect for the hard work and dedication of the DES staff, but it is unacceptable that the agency has not produced a long-range solid waste plan since 2003, almost *two* decades. This means it has not complied with our state law requiring it to complete a long-range plan every 6 years. As much as this may be a result of the unfortunate Bureau's staffing and funding challenges, the legal requirements remain. The cracks are showing and to our state's detriment. DES is required to review and permit many solid waste projects, many of great import, in compliance with our long-range solid waste plan. What we have is so woefully out-of-date, it can hardly be called a plan. This is an untenable situation given the magnitude of some of these projects, which puts our state at a major disadvantage, especially given what is happening all around us in the northeast.

Other states are way ahead of us. This affects our state very directly. Our neighboring states are increasingly instituting specific solid waste bans whereby certain solid waste cannot be landfilled. In some cases, where refuse is cannot be landfilled in one state, we are the recipients. Massachusetts and Vermont are two examples. At this link is testimony the HB 617 study committee received from the Northeast Recycling Council (NERC). On pages 6-7, you will see a summary of the disposal bans that existed in October 2019.

<http://gencourt.state.nh.us/statstudcomm/committees/1476/documents/NERC%20comments.pdf> NERC has updated this document, which you can find here: <https://nerc.org/documents/disposal%20bans%20mandatory%20recycling%20united%20states.pdf>

Because of the Interstate Commerce Clause, we cannot ban out-of-state waste. Our tipping fees are frequently less, so out-of-state municipalities and businesses look to our landfills for trash disposal. We need to preserve our landfill capacity for our residents and businesses and work continuously to decrease what we put in our landfills. This is fiscally responsible and to the benefit of public health.

You can see the percentages of out-of-state vs. in-state tonnage going into our landfills here:

<http://gencourt.state.nh.us/statstudcomm/committees/1476/documents/NH%20Disposal%20Figures%202015-2018.pdf>

For these reasons, it is clear we need new solid waste reduction goals in place as soon as possible, to be coupled with a new long-range solid waste plan with workable, up-to-date solutions to achieve those goals.

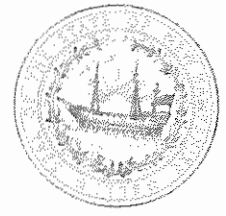
Therefore, we need to create a workable timeline for the creation of a worthwhile, well-conceived solid waste plan. The ten-year time period proposed by this bill, accompanied by the current two-year biennial reporting cycle, should allow for better long range planning. It will also greatly increase the likelihood that such a plan will actually be produced. With respect to the plan itself, the DES asked that there be more guidance in the statute for their work. SB146, Part II will provide that much-needed statutory guidance.

In summary, our state has fallen far behind our region and many other states in planning and accomplishing meaningful solid waste reduction goals. The current statutes outlining our solid waste reduction goals and the requirements of our solid waste plan must be updated. DES has done a wonderful job given the ever-dwindling resources it has had. Its job is even harder if it does not have a realistic statutory framework within which to work.

I urge passage of this important legislation.



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



Robert R. Scott, Commissioner

April 27, 2021

The Honorable Andrew Renzullo  
Chairman, Resources, Recreation and Development Committee  
Legislative Office Building, Room 305  
Concord, NH 03301

**RE: SB 146 – Part IV – An Act regarding tidal waters**

Dear Chairman Renzullo and Members of the Committee:

Thank you for the opportunity to comment on SB 146, Part IV. This bill proposes to change the surface water quality standards for fecal bacteria as they relate to shell fishing uses. The NH Department of Environmental Services (NHDES) supports this legislation.

This issue stems from the recent issuance of discharge permits from the National Pollutant Discharge Elimination System (NPDES) for facilities in the seacoast area. Through EPA, the NPDES program issues permits for the discharge of pollutants into waters of the state. In the case of the 13 facilities (primarily municipal waste water treatment plants) that discharge to tidal waters, of particular concern with that discharge is contaminants that could impact the health of humans who consume shellfish. Fecal bacteria are one such concern. New Hampshire state law and regulations state that those tidal waters where shellfish could potentially be harvested are subject to the requirements of the National Shellfish Sanitation Program (NSSP), as administered by NHDES. This is an important requirement so that harvested shellfish can be sold by New Hampshire's nascent and rapidly expanding shellfish aquaculture industry. Certain regulations (see Env-Wq 1703.06 and Env-Wq Appendix E) require that limitations on fecal bacteria at these facilities be applied at the discharge point, or "end of pipe".

For many years, the permittees in the seacoast, based on information from NHDES and upon a permit waiver from EPA, have been testing for fecal bacteria in their discharge using a particular laboratory method called Colilert-18. This is a method that is approved by EPA for NPDES compliance. Unfortunately, it is not a method approved by the NSSP. A strict interpretation of the state's rules and statutes requires that only an NSSP-approved method can be used to be in compliance with NPDES requirements in tidal waters. The proposed statute change in this bill will address this situation. Because the proposed language includes specific fecal bacteria criteria but does not specifically require a particular laboratory method, NHDES and EPA agree that the language will allow for greater flexibility in laboratory method selection, including the use of Colilert-18.

[www.des.nh.gov](http://www.des.nh.gov)

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The Honorable Andrew Renzullo  
Resources, Recreation and Development Committee  
April 27, 2021

It is important that the permittees be allowed to continue to use this method for several reasons: 1) all of them have invested in the equipment and training to be able to apply this method in their own facilities without taking them to an outside laboratory; 2) the only lab in the state that is certified to perform the NSSP methods is the State Public Health Lab. This means that, on a daily basis, permittees would be required to employ expensive courier services to take their samples either to Concord or to out-of-state private labs. Furthermore, the state lab may have limited capacity. And, 3) the Colilert-18 method returns sample results faster than other methods, and because it is done in-house, alerts the facility to any lapses in treatment. This means that should a problem arise, the facility will immediately call the Shellfish Program and begin the process of testing and potentially recalling any shellfish that may have been contaminated. This helps to ensure the safety of the consumer and the viability of the industry.

Finally, NHDES has had multiple conversations with EPA and their attorneys about the proposed language. The consensus amongst those parties is that the current language in the bill will be sufficient to solve the problem. In order to truly move past this issue, the language as passed by the NH Senate demonstrates a way that dischargers can meet the requirements of both the EPA and the NSSP.

The state is also pursuing two other avenues to solve this issue. First, we have commenced a project to compare the EPA and NSSP methods to see if they yield similar results. This may ultimately result in having the Colilert-18 method approved for use in the NSSP. Second, we will look for any research that might exist that could determine the methods' equivalency so that communities could potentially seek a waiver in their current permit testing requirements. The first of these avenues is very lengthy and the second is uncertain, so this proposed statute change is necessary.

Thank you again for the opportunity to comment on SB 146, Part IV. Should you have questions or need additional information, please feel free to contact Ted Diers, Watershed Management Bureau Administrator at [ted.diers@des.nh.gov](mailto:ted.diers@des.nh.gov) or 603-271-3289.

Sincerely,

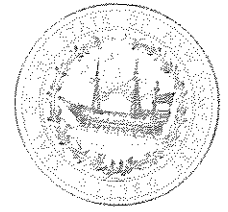


Robert R. Scott  
Commissioner

cc: Sponsors of SB 146, Part IV:  
Senators Watters, Sherman, Perkins Kwoka; Representatives Cushing, Simpson



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



Robert R. Scott, Commissioner

April 27, 2021

The Honorable Andrew Renzullo  
Chairman, House Resources, Recreation and Development Committee  
Legislative Office Building, Room 305  
Concord, NH 03301

**RE: SB 146, *An Act Adopting Omnibus Legislation Relative to the Environment*  
Amendment 2021-1098h: Part VII Extending the deadline for the PFAS firefighting  
foam take-back program**

Dear Chairman Renzullo and Members of the Committee:

Thank you for the opportunity to testify on proposed amendment 2021-1098h to SB 146. This amendment would extend the deadline established under RSA 154:8-b., VII. for instituting a take-back program for legacy firefighting foams containing per- and polyfluoroalkyl substances (PFAS) from July 1, 2021 to July 1, 2023.

The Department of Environmental Services (NHDES) supports the proposed amendment based on the current inability to identify appropriate disposal facilities for legacy firefighting foams containing PFAS (AFFF). Currently, thermal destruction ("incineration") is the preferred and best available control technology for AFFF disposal. However, regulatory, technical, and industry uncertainties relative to AFFF disposal persist across the country. As a result of these uncertainties, very few approved treatment, storage and disposal facilities are available to handle AFFF, and NHDES has been unable to identify an acceptable facility.

In late August 2020, the United States Environmental Protection Agency (EPA) announced a partnership with the Department of Defense and state and local partners to identify innovative ways to destroy PFAS in AFFF. NHDES believes that extending the deadline to 2023 would allow for time necessary for EPA and others to resolve technical and regulatory issues, and identify suitable facilities to accept legacy AFFF for disposal. Once the disposal options are known, NHDES will be in a position to finalize a plan, estimate disposal costs, and institute an AFFF takeback program.

Thank you again for the opportunity to provide testimony in support of Amendment 2021-1098h to SB 146. Should you have further questions or need additional information, please feel free to contact either Amy Doherty, Hazardous Waste Remediation Bureau ([amy.t.doherty@des.nh.gov](mailto:amy.t.doherty@des.nh.gov); 271-6542) or Michael Wimsatt, Waste Management Division Director ([michael.wimsatt@des.nh.gov](mailto:michael.wimsatt@des.nh.gov), 271-1997).

Sincerely,

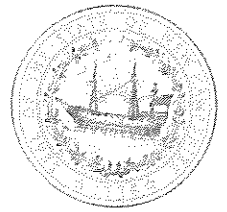
Robert R. Scott, Commissioner

cc: Sponsor of SB 146: Senator Watters; Sponsor of Amendment 2021-1098h: Representative Smith





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



Robert R. Scott, Commissioner

April 27, 2021

The Honorable Andrew Renzullo  
Chairman, House Resources, Recreation and Development Committee  
Legislative Office Building, Room 305  
Concord, NH 03301

**RE: SB 146, An Act Adopting Omnibus Legislation Relative to the Environment  
Part II – Establishing a Statewide Solid Waste Disposal Reduction Goal**

Dear Chairman Renzullo and Members of the Committee:

Thank you for the opportunity to testify on SB 146, specifically Part II of this omnibus bill, related to establishing a disposal reduction goal. This bill would replace the current waste diversion goal in RSA 149-M:2 with a goal to reduce New Hampshire's disposal of solid waste by 25% by the year 2030, and 45% by the year 2050. This bill would also change the interval for updating the state solid waste management plan from every six years to every ten years. The Department of Environmental Services (NHDES) supports this bill.

The current goal in RSA 149-M:2 sets a target to divert at least 40% of New Hampshire's solid waste from disposal by the year 2000. Because this goal is diversion-based, tracking progress depends on data related to various diversion pathways such as recycling, composting, and reuse (i.e., methods other than landfilling or incineration). NHDES issued a report in October 2019 to provide a progress report on achievement of this 40% diversion goal. In the report, NHDES concluded that current achievement of this goal is undetermined, due primarily to the difficulty in collecting and analyzing data that would enable NHDES to reliably measure and track progress.

The current language of RSA 149-M:2 directs NHDES to measure diversion "with respect to changes in waste generated and subsequently landfilled or incinerated in New Hampshire." In essence, this requires NHDES to quantify how much waste is generated across the state and compare how much of that waste ultimately gets disposed in lieu of being recycled or otherwise diverted. This metric is problematic because NHDES does not track waste generation. Instead, NHDES regulates the management of solid waste at permitted solid waste facilities within the state (e.g., landfills, incinerators, transfer stations, etc.). This only provides NHDES with data on wastes managed at these facilities and does not capture all solid waste actually generated within the state. For instance, refuse and recycling from some industrial, commercial and institutional generators may be hauled directly to out-of-state destinations without ever passing through a New Hampshire permitted solid waste facility. Further, there is an indeterminable quantity of waste that is generated but never reaches a permitted solid waste facility because it is managed at the site of generation, such as home composting, or is diverted directly to reuse (for instance, donation). Similar to the challenges quantifying waste generation, NHDES also has difficulty compiling reliable information on recycling

The Honorable Andrew Renzullo  
Chairman, House Resources, Recreation and Development Committee  
April 27, 2021

and diversion rates in New Hampshire. This is partly due to the fact that recyclables are often collected and transferred between multiple facilities before reaching their “final” destination, which can result in double-counting due to multiple facilities reporting the same data. At the present time NHDES lacks the basic program resources to properly compile, analyze and quality-control this kind of data to produce comprehensive recycling/diversion estimates.

SB 146 would re-frame the goal to track changes in disposal over time instead of changes in generation. This would simplify measurement of the goal because New Hampshire’s active disposal facilities already report the necessary data to NHDES. Therefore, NHDES would be able to use readily-available data without need for complicated analyses. Not only would a disposal reduction target be easier to track, but NHDES believes it would also serve as a useful indicator of waste reduction and diversion – because a decrease in waste being sent for disposal is directly related to waste diversion efforts and/or a reduction in the overall quantity of waste generated.

NHDES believes the ambitious targets set by the goal (25% reduction in disposal by 2030, and 45% by 2050) will help to advance waste reduction and diversion efforts. Whereas the current diversion goal only considers waste generated in New Hampshire, the proposed disposal reduction targets would apply to all waste landfilled or incinerated in New Hampshire, whether from in-state or out-of-state sources (in 2019, about 44% of waste disposed at New Hampshire’s landfills and incinerators came from out-of-state). Achieving these targets will require a coordinated effort between NHDES, the General Court, the waste industry, the business community, municipalities, and the public at large. By setting a specific, measurable goal, Part II of SB 146 would help NHDES better assess progress, and would also establish legislative intent for additional waste reduction and diversion initiatives to set the state on a path to achieving the goal.

Thank you again for the opportunity to comment on SB 146, Part II. Should you have further questions or need additional information, please feel free to contact either Michael Nork, Solid Waste Management Bureau ([michael.nork@des.nh.gov](mailto:michael.nork@des.nh.gov), 271-2936) or Michael Wimsatt, Waste Management Division Director ([michael.wimsatt@des.nh.gov](mailto:michael.wimsatt@des.nh.gov), 271-1997).

Sincerely,



Robert R. Scott  
Commissioner

cc: Sponsors of SB 146, Part II: Senators Watters, D’Allesandro, Rosenwald, Prentiss, Perkins Kwoka, Whitley, Sherman; Representatives Ebel, Grassie, M. Murray



# Northeast Resource Recovery Association

*"Partnering to make recycling strong through economic and environmentally sound solutions"*

## **SB 146 Part II: Solid Waste Disposal Reduction Goal & Solid Waste Plan**

House Resources, Recreation and Development Committee

April 28, 2021 Hearing

*Testimony by Reagan Bissonnette, Executive Director, Northeast Resource Recovery Association*

### **About the Northeast Resource Recovery Association**

The Northeast Resource Recovery Association (NRRA), a recycling nonprofit, has enabled both small rural and large urban communities to manage their own recycling programs and reduce their waste for forty years. NRRA is one of only a handful of nonprofits in the country that offers a recyclables marketing cooperative model, which means that we directly connect municipalities selling recyclable material to companies that wish to acquire those materials. In 2020 we returned over \$1.8 million to our members from the sale of their recyclables. NRRA has a deep expertise in the recycling markets, and we share that information through education and technical assistance.

NRRA has over 450 members throughout New England, including over 80% of New Hampshire's (NH) towns and cities.

### **NRRA Takes No Position on SB 146**

NRRA does not take a position on SB 146. This testimony will share with the Committee NRRA's experience supporting municipalities with their recycling and waste reduction efforts in NH as it relates to the bill.

### **Solid Waste Disposal Costs Continue to Rise in NH**

The Northeast has the highest cost of disposal for municipal solid waste in the country, in large part because we have the least amount of available space for new or expanded landfills. The average cost of disposal in the Northeast is approximately \$85 per ton. There are parts of the country where the cost is less than half that amount. Therefore, reducing the solid waste disposed of in landfills and incinerators in NH will generally benefit municipalities through cost savings and therefore benefit residents with lower taxes for solid waste management.

The cost of solid waste disposal is expected to increase over time, as it has historically. This will make recycling, composting, and other waste reduction methods more financially attractive over time for municipalities. By setting a waste reduction goal and having NHDES issue a regular report on the state's progress toward meeting that goal, SB 146 Part II could help municipalities save money by helping them reduce their waste disposal costs.

## **Solid Waste Disposal Reduction Goal Must be Measurable**

With respect to NH establishing a new solid waste reduction goal, NRRRA does not express an opinion on whether the proposed goals are appropriate. However, it is critically important that the NH Department of Environmental Services (NHDES) have the authority and ability to collect the data needed to measure any waste reduction goal. Currently, NHDES is unable to measure the state's progress toward the existing waste reduction goal with certainty. Under the new goal and framework proposed by SB 146 Part II, NHDES will be able to measure and track progress toward that goal.



April 28, 2021

Representative Andrew Renzullo, Chair  
House Resources, Recreation, and Development Committee  
Legislative Office Building, Room 305  
Concord, NH 03301

Re: Comments SB 146 – AN ACT adopting omnibus legislation relative to the environment.  
*II Establishing a statewide solid waste disposal reduction goal.*

Dear Chairman Renzullo:

Casella Waste Systems, Inc. is a regional solid waste resource management company serving more than 50,000 households and 5,500 businesses across 150 towns and cities in New Hampshire through collection, transfer, recycling, and waste disposal operations. We are proud to directly employ more than 175 people across our New Hampshire operations, providing an annual payroll that exceeds \$10 million.

It is with this in mind that we offer our full support of Senate Bill 146 and feel uniquely positioned to offer this letter as the company's official comments.

We have seen similar legislation in other states in which we operate be a catalyst to finding solutions to complex challenges such as those faced by New Hampshire residents today and have come to find that a comprehensive approach is the best way to achieve reduction goals.

In 2020 the North Country Environmental Services (NCES) landfill in Bethlehem safely and securely disposed of more than 185,000 tons of waste generated by New Hampshire residents, businesses, and municipalities.. More than 80 percent of the municipal solid waste accepted by NCES in 2020 (excluding cover material and special waste) originated in New Hampshire and in 2021 that projection is expected to exceed 80 percent once again. In conjunction with our disposal operation, we also diverted more than 40,000 tons of New Hampshire waste from NCES and other landfills or incinerators through our Recycling and Organics operations.

One avenue where we see an immediate opportunity for waste reduction is through single-stream curbside recycling programs.

We are currently collecting over 30,000 tons of recyclables from the state of New Hampshire annually, and transporting them for processing at our Materials Recovery Facilities (MRF) in Auburn and Boston, Massachusetts. While these facilities are capable of handling New Hampshire's recyclables, it does significantly increase transportation costs.

We are seeing New Hampshire municipalities abandon their recycling programs at alarming rates due to these costs, much of which could be controlled by an investment in processing infrastructure in New Hampshire. However, to invest the millions of dollars in that critical infrastructure there must be adequate landfill capacity available to ensure a comprehensive approach and the ability to continue to do business throughout the state.

A recent study estimated that this comprehensive approach, that included permitting landfill capacity in the North Country and a new MRF in the more densely populated Southern portion of the state would result in an annual reduction of greenhouse gas emissions by more than 29,000 metric tons of carbon due to increased recycling rates and the avoidance of additional transportation. That's equivalent to taking more than 6,200 passenger cars off the road each year.

It is also estimated that this new infrastructure would deliver more than \$400 million to the state's economy in addition to allowing residents, businesses, and municipalities of New Hampshire to avoid nearly \$75 million in additional waste and transportation costs over the next 20 years.

This is just one opportunity to explore should this bill come to pass as we believe it should. We look forward to continued collaboration on potential solutions and to our continued service to the people of New Hampshire.

We appreciate the opportunity to provide this insight as we seek to help modernize New Hampshire's solid waste and resource management future.

Sincerely,  
CASELLA WASTE SYSTEMS, INC.



Brian Oliver  
Regional Vice President

cc Rep. Michael Gunski, Vice Chairman  
Rep. Juliet Harvey-Bolia, Clerk  
Rep. Linda Gould  
Rep. James Horgan  
Rep. Robert Harb  
Rep. Jim Creighton  
Rep. Dustin Dodge  
Rep. Robert Healey  
Rep. Mary Mayville  
Rep. Lisa Post  
Rep. Suzanne Smith  
Rep. Judith Spang  
Rep. Chuck Grassie  
Rep. Bruce Cohen  
Rep. Erika Connors  
Rep. Suzanne Vail  
Rep. Eamon Kelley  
Rep. Melbourne Moran



# New Hampshire Fish and Game Department

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TDD Access: Relay NH 1-800-735-2964

**New Hampshire Fish and Game Department  
Testimony on SB 146, Sections III and V  
Adopting Omnibus Legislation Relative to the Environment.  
House Resources and Recreation Committee  
April 28, 2021**

We write to express the support of the New Hampshire Fish and Game Department and the New Hampshire Fish and Game Commission for two sections of this omnibus bill, Sections III, The prevention of zoonotic disease transmission, and Section V. Establishing a surcharge on certain saltwater licenses and establishing a fund for derelict fishing gear and coastal cleanup.

We have worked closely on Section III with Senator Watters and the Department of Agriculture to deal with concerns over the potential spread of zoonotic diseases within the State of New Hampshire, and acknowledge that the Covid-19 pandemic has brought this concern to the forefront in this state and across the world. As such, an expression of concern for the issue is warranted in the statutes. Existing processes of our two departments, as well as the Department of Health and Human Services are in place to carefully watch for the emergence of any issues and to seek assistance from the legislature and the Governor when necessary. The addition of requirements to Fish and Game law at RSA 207:14-b sets forth a workable process to respond to challenges when and if they are identified, and we support the proposal.

As to Section V, this language is identical to SB 712 from the 2020 session, which was passed by the Senate, but died in the House without a hearing due to the pandemic. I would refer the Committee members to the History section of the bill, which may be found upon the General Court website. It contains 32 pages of material, showing the full level of support and all materials from the 2020 committee review.

The New Hampshire Fish and Game Department and the New Hampshire Fish and Game Commission supports this proposed legislation to help financially address the complexities of the recovery and disposal of marine debris including derelict and ghost fishing gear on the New Hampshire coastline and its waters.

Many commercial and recreational fisheries create marine debris. Gear can be lost or abandoned, due to severe weather, snags beneath the surface, conflict with other gear, interaction with vessels, or intentional discard when no other options are available. Some of this gear can later be washed ashore creating unsightly or hazardous coastline debris. The fishing industry also suffers economic hardships when the gear remains in the water where it can continue to fish and trap animals, entangle and kill marine life, smothers habitat, and act as a hazard to navigation.

**REGION 1**  
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225 Main Street  
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**REGION 4**  
15 Ash Brook Court  
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(603) 352-9669  
FAX (603) 352-8798  
email: [reg4@wildlife.nh.gov](mailto:reg4@wildlife.nh.gov)

Proper disposal of fishing and derelict gear has increasingly become more difficult for the fishing communities. Municipalities are either not accepting or restricting the disposal of fishing gear at transfer stations or charging the fishing industry members at a high cost. Yet, these same municipalities, as well as all tourism interests in the affected areas, could potentially be burdened with the negative impacts of this debris were it to be left to accumulate upon our shores.

Federal and state agencies and non-governmental organizations have been working with a variety of fishing industries to address derelict gear and ghost fishing issues. The NOAA Marine Debris Program has collaborated with the fishing industry and non-governmental agencies to provide a place to dispose of fishing gear free of charge and support new, innovative, prevention strategies through technological advancements in fishing gear. For example, through the Fishing for Energy Partnership (NOAA Fisheries, National Fish and Wildlife Foundation, Covanta Energy Corporation, and Schnitzer Steel Industries, Inc.) there is nearly a cost-free solution provided to the fishing industry to dispose of old, derelict, or unusable fishing gear to reduce the amount of derelict fishing gear in and around the coastline and coastal waters. However, this addresses only certain types of gear, such as metal, rope, and fishing line, but not materials that cannot be recycled or burned in energy plants (e.g., buoys, Styrofoam, rollers).

New Hampshire Fish and Game has applied for and received a grant through the Fishing for Energy Program and has a 30-yard roll off dumpster located at the Yankee Fishermen's Cooperative for the New Hampshire fishing community to use. The Program initially allowed for three transfers per year, however it quickly expanded to the maximum allowed under the Program of four transfers per year as New Hampshire had nearly exceeded the three dumpster transfer limit on a frequent basis.

In addition to providing this disposal service to the fishing industry, the New Hampshire Fish and Game Department, the Commercial Fishermen's Association, Division of Ports and Harbors, and Hampton Public Works conduct an annual coastal trap clean-up on a weekend each April.

This year was the 27th year this event has occurred and to date more than 156 tons of fishing gear has been removed from New Hampshire's coastline. The cost of this one clean-up event (heavy equipment, dumpsters, etc.) which has ranged between \$1,300 and \$2,500 and has been shared over the years with the NH Fish and Game, NH Department of Environmental Services, NH Department of Natural and Cultural Resources, and Sea Grant. This year, a similar grant under the NOAA Marine Debris Program provided funding for this annual event. Similar to municipalities, funding for the disposal from these events through state and federal avenues are becoming more difficult to find.

Section V of this bill will provide the ongoing stable financial support for the program through a Fish and Game dedicated fund, specifically for the removal and proper disposal of derelict fishing gear. The funds come directly from the fishing industry through this surcharge on the stated marine licenses. This bill extends the responsibility of derelict and ghost fishing gear to the producer; the fishing community. This fund will allow for the continuation and expansion of gear removal options that may, over-time, include not just gear on the shoreline but also the derelict and ghost gear within our coastal waters. Please note that this is a dedicated fund, with carefully defined purposes. The use of funds over time will be transparent at all times to all in the industry, and to all other stakeholders. The amount of the surcharge is determined by rule, and cannot be implemented without full legislative review in JLCAR. The fund itself will be reviewed by the legislature periodically in accordance with RSA 6:12.



Please note the support for this surcharge as shown in the online history documents. Please also note that any licensee may avoid this fee by participating in the annual cleanup effort. The annual event was held on Sunday April 18, 2021 in Rye Harbor and Hampton Harbor State Marina. More than 60 commercial harvesters appeared, and helped to clean up six tons of traps and fishing gear, showing a high level of industry support for this effort. While it is a new fee, it is one supported by the regulated industry, and which provides a benefit directly to the regulated industry through the new dedicated fund.

Please note that industry members have commented that participants in the shrimp, sea urchin, and scallop fisheries do not use the type of gear that becomes “marine debris”, and that these licensees should not be required to pay this surcharge. We will leave to the committee whether this exemption should be adopted in the statutory language, or should be exempted in rules adopted by the department to implement the program.

Therefore, we respectfully request that the Committee find and report this bill favorably so that these benefits to the industry may be implemented, and costs to the affected municipalities and tourism interests may be avoided.

Sincerely,  
Paul G. Sanderson  
Legal Coordinator  
NH Fish and Game Department

# **Fiscal Note**

**SB 146-FN- FISCAL NOTE  
 AS INTRODUCED**

AN ACT adopting omnibus legislation relative to the environment.

**PART I Establishing the coastal program administered by the department of environmental services.**

**FISCAL IMPACT:**  State  County  Local  None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
<b>Funding Source</b>	<input type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other- Coastal Fund			

**METHODOLOGY:**

The Department of Environmental Service states the part of the bill establishes a coastal program to be administered by the Department and establishes a nonlapsing, continually appropriated coastal fund. The coastal fund would consist of funds from any source including gifts; donations of money; grants; federal, local, private, and other matching funds and incentives and interests in land for the purposes of the proposed chapter. The Department indicates the coastal program currently administered by the Department is federally funded. Additional state expenditures would only occur if additional funding is identified and deposited into the new fund. County and local entities could be the recipients of grants if the state receives money for the fund, however, this is not required by the bill. The Department states, because there is no specific funding source proposed in the bill, revenue and expenditures in the proposed coastal fund cannot be determined. County and local expenditures are not required for this legislation.

**AGENCIES CONTACTED:**

Department of Environmental Services

**PART II Establishing a statewide solid waste disposal reduction goal.**

This part of the bill has no fiscal impact.

**PART III Prohibiting incineration of PFAS in New Hampshire.**

**FISCAL IMPACT:**  State  County  Local  None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<b>Funding Source:</b>	[X] General Government Funds [ ] Education [X] Highway [X] Other - Various			

**COUNTY:**

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

**LOCAL:**

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

**METHODOLOGY:**

The Department of Environmental Services indicates this bill could result in an indeterminable increase in State, county and local expenditures, depending on the interpretation of the definition of "Incineration" and the undefined term "PFAS containing waste, leachate, or sludge". Proposed RSA 154:8-d, II could increase costs to local and state entities for disposal of Class B firefighting foam. The bill may also increase costs to certain municipal wastewater treatment facilities for handling of sludge and/or leachate determined to contain PFAS (For example, the City of Manchester operates a sludge incinerator). The Department indicates municipal waste streams often contain items that have been coated to enhance water or grease repellency such as clothing, furniture, carpet and food containers. If under this bill, municipal waste were interpreted to be "PFAS containing", the cost of disposal to local, county and state entities may increase depending on the results of determinations made by the Department as required.

**AGENCIES CONTACTED:**

Department of Environmental Services

**PART IV Relative to the prevention of zoonotic disease transmission.**

FISCAL IMPACT: [X] State [X] County [ ] Local [ ] None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0

<b>Expenditures</b>	\$0	Indeterminable	Indeterminable	Indeterminable
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

**COUNTY:**

<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	Indeterminable	Indeterminable	Indeterminable

**METHODOLOGY:**

This part of the bill contains penalties that may have an impact on the New Hampshire judicial and correctional systems. There is no method to determine how many charges would be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures. However, the entities impacted have provided the potential costs associated with these penalties below.

Judicial Branch	FY 2021	FY 2022
Class A Misdemeanor	\$78	\$78
Appeals	Varies	Varies
It should be noted that average case cost estimates for FY 2021 and FY 2022 are based on data that is more than ten years old and does not reflect changes to the courts over that same period of time or the impact these changes may have on processing the various case types.		
Judicial Council		
Public Defender Program	Has contract with State to provide services.	Has contract with State to provide services.
Contract Attorney – Misdemeanor	\$300/Case	\$300/Case
Assigned Counsel – Misdemeanor	\$60/Hour up to \$1,400	\$60/Hour up to \$1,400
It should be noted that a person needs to be found indigent and have the potential of being incarcerated to be eligible for indigent defense services. The majority of indigent cases (approximately 85%) are handled by the public defender program, with the remaining cases going to contract attorneys (14%) or assigned counsel (1%).		
NH Association of Counties		
County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Daily Cost of Incarcerating an Individual	\$105 to \$120	\$105 to \$120

Many offenses are prosecuted by local and county prosecutors. When the Department of Justice has investigative and prosecutorial responsibility or is involved in an appeal, the Department

would likely absorb the cost within its existing budget. If the Department needs to prosecute significantly more cases or handle more appeals, then costs may increase by an indeterminable amount.

**AGENCIES CONTACTED:**

Judicial Branch, Department of Justice, Judicial Council, and New Hampshire Association of Counties

**PART V Relative to tidal waters.**

This part of the bill has no fiscal impact.

**PART VI Establishing a surcharge on certain saltwater licenses and establishing a fund for derelict fishing gear and coastal cleanup.**

**FISCAL IMPACT:**  State  County  Local  None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
<b>Appropriation</b>	\$0	\$0	\$0	\$0
<b>Revenue</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<b>Expenditures</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<b>Funding Source</b>	<input type="checkbox"/> General Fund <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Derelict Fishing Gear, Coastal Cleanup, and Fishing for Energy Fund			

**METHODOLOGY:**

This part of the bill establishes a non-lapsing, continually appropriated dedicated fund called the derelict fishing gear, coastal cleanup, and fishing for energy fund, which will be used for new and existing programs relative to certain coastal cleanup efforts. In addition to any future available federal funds, state appropriations, or other grants, gifts, or donations, under this bill revenue from fines for littering in coastal waters or beaches, or abandoning fishing gear, as well as a new surcharge on certain fishing licenses (lobster and crab, commercial salt water, commercial shrimp, and aquaculture) would be credited to the fund. While, it is not known how much littering fine revenue may be diverted from the general fund to the new dedicated fund, as the number of qualifying littering offenses cannot be estimated, the Fish and Game Department estimates the potential revenue from the surcharge on certain licenses would range from \$8,600 to \$21,500. This range is based on 860 current licenses and a surcharge of \$10 to \$25 (surcharge will be set by the rulemaking process, as well as a method for individuals to avoid the surcharge by demonstrating participation in a coastal cleanup program). Expenditures in FY 2022 and beyond are indeterminable and would be limited to available funds.

**AGENCIES CONTACTED:**

Fish and Game Department

**PART VII Relative to the acquisition and preservation of agricultural land for food producing in the land and community heritage program.**

This part of the bill has no fiscal impact.

**PART VIII Relative to class 2 obligations under the electric portfolio standards.**

**FISCAL IMPACT:**     State             County             Local             None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
<b>Appropriation</b>	\$0	Indeterminable	Indeterminable	Indeterminable
<b>Revenue</b>	\$0	Indeterminable	Indeterminable	Indeterminable
<b>Expenditures</b>	\$0	\$0	\$0	\$0
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input checked="" type="checkbox"/> Highway <input checked="" type="checkbox"/> Other-Renewable Energy Fund, Various Government Funds			

**COUNTY:**

<b>Revenue</b>	\$0	Indeterminable	Indeterminable	Indeterminable
<b>Expenditures</b>	\$0	Indeterminable	Indeterminable	Indeterminable

**LOCAL:**

<b>Revenue</b>	\$0	Indeterminable	Indeterminable	Indeterminable
<b>Expenditures</b>	\$0	Indeterminable	Indeterminable	Indeterminable

**METHODOLOGY:**

The Public Utilities Commission (PUC) indicates this part of the bill modifies the annual Renewable Portfolio Standard (RPS) compliance target for Class II (new solar). The revised requirements begin for compliance (calendar) year 2021 and are as follows:

- 2.2 percent beginning in 2021,
- 3.0 percent beginning in 2022,
- 3.8 percent beginning in 2023,
- 4.6 percent beginning in 2024, and
- 5.4 percent beginning in 2025.

This part of the bill further states that Classes III and IV shall remain at the same percentages from 2015 through 2025 except as provided in RSA 362-F:4, VI, and the requirements for classes

I-II are subject to the provisions of RSA 362-F:4, V. RSA 362-F:4, V and VI provide the Commission the authority to accelerate, delay, or modify Class requirements after notice and hearing. The part also provides an exemption from the Class II increases in the annual purchase percentages for certain electrical supply contracts.

The Commission indicates New Hampshire's competitive electricity providers and electric distribution utilities include Eversource, Liberty Utilities, Unitil Energy Systems, Inc. and the New Hampshire Electric Cooperative. These providers must obtain renewable energy certificates (RECs) for each of the four classes as a set percentage of their retail electric load. One REC represents one megawatt-hour of electricity or the equivalent amount of thermal energy (3,412,000 Btu), generated from a renewable source. The RPS is a market-based policy and RECs are bought and sold in a regional market administered by NEPOOL (New England Power Pool). If electricity providers cannot, or choose not to, purchase or obtain sufficient RECs to comply with the RPS law, they must make alternative compliance payments (ACPs) to the Renewable Energy Fund (REF). The REF supports grant and rebates programs which incentivize the development of renewable energy projects.

The ACP rate serves as a ceiling price in the market for RECs. Generally, REC prices trading at or near the ACP rate indicate an under supply of RECs in the market, whereas RECs trading well below the ACP rate indicate an ample supply of RECs in the market. The supply of RECs is dependent upon the state and regional development, interconnection (electric only) and certification of renewable energy facilities. ACP rates are defined by RPS Class and are adjusted annually. Pursuant to RSA 362-F:6, II-a and Puc 2503.04(d), the Commission annually computes the percentage credit for Class I and Class II based on the capacity of the customer-sited sources that are net metered and are not certified to create Class I or II RECs (Class II Credit).

The Commission states several factors must be considered when estimating this part of the bill's revenue and expenditure impacts to state, county and local governments. These factors include supply of RECs, market prices for RECs, the ACP rates, regional RPS policies, and the Class I & II Credit. Assuming no change in the state, local or county governments' electricity usage, with the passage of this bill, expenditures for electricity may increase. If there is an insufficient supply of RECs for providers to meet their RPS requirements, ACPs would be made into the Renewable Energy Fund thereby increasing the revenue to state, county and local governments (i.e., REF). The REF supports grant and rebates programs which state, county and local governments could utilize to develop of renewable energy projects. Nonetheless, the amount of revenue and expenditures to state, county, and local governmental entities as a result of this bill over each of the next 4 fiscal years is indeterminable.



**AGENCIES CONTACTED:**

Public Utilities Commission

**PART IX Relative to public use of coastal shorelines.**

This part of the bill has no fiscal impact.

Bill as  
Introduced

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SB 146-FN - AS INTRODUCED

2021 SESSION

21-0255  
08/04

SENATE BILL        ***146-FN***

AN ACT            adopting omnibus legislation relative to the environment.

SPONSORS:        Sen. Watters, Dist 4

COMMITTEE:      Energy and Natural Resources

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ANALYSIS

This bill adopts legislation relative to:

- I. Establishing the coastal program administered by the department of environmental services.
- II. Establishing a statewide solid waste disposal reduction goal.
- III. Prohibiting incineration of PFAS in New Hampshire.
- IV. The prevention of zoonotic disease transmission.
- V. Tidal waters.
- VI. Establishing a surcharge on certain saltwater licenses and establishing a fund for derelict fishing gear and coastal cleanup.
- VII. The acquisition and preservation of agricultural land for food producing in the land and community heritage program.
- VIII. Class 2 obligations under the electric renewable portfolio standards.
- IX. Public use of coastal shorelands.

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Explanation:      Matter added to current law appears in ***bold italics***.  
                         Matter removed from current law appears [~~in brackets and struckthrough.~~]  
                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.



1 Establishing the coastal program administered by the department of environmental services.

2 1 New Chapter; Coastal Program and Fund. Amend RSA by inserting after chapter 485-H the  
3 following new chapter:

4 CHAPTER 485-I

5 COASTAL PROGRAM AND FUND

6 485-I:1 Statement of Policy. The water and related land resources of New Hampshire's coastal  
7 and estuarine environments have significant ecological, commercial, cultural, and recreational  
8 values for the state and its citizens. Therefore, it is the policy of the state to ensure the continued  
9 viability and improved resiliency of these environments and communities in which they are located  
10 as valued ecologic, economic, public health and safety, and social assets for the benefit of current and  
11 future generations.

12 485-I:2 Program Established. There is established within the department of environmental  
13 services the New Hampshire coastal program to implement 16 U.S.C. section 1452, the Coastal Zone  
14 Management Act. It is the intent of the state to encourage and assist state and federal agencies and  
15 coastal zone municipalities in the sustainable use of the land and water resources of the coastal zone  
16 giving full consideration to ecological, cultural, historic, and esthetic values as well as the needs for  
17 compatible economic development. The coastal program should encourage and assist to support:

18 I. The protection of natural resources, including wetlands, floodplains, coastal and  
19 estuarine waters, beaches, sand dunes, and fish and wildlife and their habitat within the coastal  
20 zone.

21 II. The management of coastal development to minimize the loss of life and property caused  
22 by improper development in flood-prone, storm surge, geological hazard, and erosion-prone areas  
23 and in areas likely to be affected by or vulnerable to sea level rise, ground water rise, and saltwater  
24 intrusion, and by the destruction of natural protective features such as beaches, sand dunes, and  
25 wetlands.

26 III. The management of coastal development to improve, safeguard, and restore the quality  
27 of coastal waters, and to protect natural resources and existing uses of those waters.

28 IV. Public access to the coasts for recreation purposes.

29 V. The redevelopment of deteriorating urban waterfronts and ports, and sensitive  
30 preservation and restoration of historic, cultural, and esthetic coastal features.

31 VI. The coordination and simplification of procedures in order to ensure expedited  
32 governmental decision making for the management of coastal resources.

33 VII. Continued consultation and coordination with, and the giving of adequate  
34 consideration to the views of affected state and federal agencies.

35 VIII. The giving of timely and effective notification of, and opportunities for, public and  
36 local government participation in coastal management decision making.

1 IX. Comprehensive planning, conservation, and management for living marine resources,  
2 including planning for the siting of pollution control and aquaculture facilities within the coastal  
3 zone, and improved coordination between state and federal coastal zone management agencies and  
4 state and wildlife agencies.

5 X. The study and development of plans for addressing the adverse effects upon the coastal  
6 zone in accordance with the updating of storm surge, sea-level rise, precipitation and other relevant  
7 projections recommending in the coastal risks and hazards commission 2014 report "Sea-Level Rise,  
8 Storm Surges, and Extreme Precipitation in Coastal New Hampshire: Analysis of Past and Projected  
9 Trends" in RSA 483-B:22, I.

10 485-I:3 Federal Consistency. The coastal program established under this chapter shall be the  
11 entity charged with implementing 16 U.S.C section 1456 and 15 C.F.R. Part 930.

12 485-I:4 Coastal Fund.

13 I. There is hereby established in the state treasury the coastal fund which shall be kept  
14 distinct and separate from all other funds. All moneys in the fund shall be nonlapsing and  
15 continually appropriated to the department of environmental services for the purposes of this  
16 chapter.

17 II. The commissioner may apply for and accept, from any source, gifts; donations of money;  
18 grants; federal, local, private, and other matching funds and incentives; and interests in land for the  
19 purposes of this chapter. The moneys collected under this paragraph shall be deposited in the fund  
20 established under paragraph I.

21 III. The commissioner shall make rules relative to the distribution of money from the  
22 coastal fund for the New Hampshire coastal program established in RSA 485-I:2.

23 2 Effective Date. Part I of this act shall take effect July 1, 2021.

24 PART II

25 Establishing a statewide solid waste disposal reduction goal.

26 1 Solid Waste Disposal Reduction Goal. Amend RSA 149-M:2 to read as follows:

27 149-M:2 *Solid Waste Disposal* Reduction Goal.

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

1           II. [~~In exercising any and all powers conferred upon the department under this chapter, the~~  
2 ~~department shall use and consider criteria relevant to the waste reduction goal and disposal~~  
3 ~~hierarchy established in RSA 149-M:2 and 149-M:3. The department shall not take any action~~  
4 ~~relative to the 40 percent weight reduction goal which causes the municipalities organized under~~  
5 ~~RSA 53-A and 1986, 139 or RSA 53-B to violate or incur penalties under legal obligations existing on~~  
6 ~~June 26, 1990.] *The general court further declares a goal to reduce the quantity by weight of*  
7 *solid waste disposed in landfills and incinerators by 25 percent by the year 2030, and by 45*  
8 *percent by the year 2050. For the purposes of this goal, disposal reduction targets shall*  
9 *apply, on a combined basis, to disposal of municipal solid waste and construction and*  
10 *demolition debris, and shall be measured against baseline quantities of these wastes*  
11 *disposed of in the year 2018. For the purposes of this goal only, municipal solid waste*  
12 *means solid waste generated at residences, commercial or industrial establishments, and*  
13 *institutions, but excludes automobile scrap and other motor vehicle waste, infectious*  
14 *waste, asbestos waste, contaminated soil and other absorbent media, sludge, industrial*  
15 *process waste, and ash other than ash from household stoves. Disposal reduction may be*  
16 *achieved through source reduction as well as diversion including but not limited to reuse,*  
17 *recycling, and composting.*~~

18           III. *In exercising any and all powers conferred upon the department under this*  
19 *chapter, the department shall use and consider criteria relevant to the disposal reduction*  
20 *goal and solid waste management hierarchy established in this section and RSA 149-M:3.*  
21 *The department shall not take any action relative to the reduction goal which causes the*  
22 *municipalities organized under RSA 53-A and 1986, 139 or RSA 53-B to violate or incur*  
23 *penalties under legal obligations existing on June 26, 1990.*

24           2 State Solid Waste Disposal Reduction Goal. Amend the introductory paragraph of RSA 149-  
25 M:29, II to read as follows:

26           II. [~~At least every~~] *Beginning* October 1, 2022 [~~of every odd-numbered~~] *and every even-*  
27 *numbered year thereafter*, the department shall prepare a report on the level of achievement in  
28 reaching the [~~40 percent diversion~~] goal established in RSA 149-M:2 and on proposed strategies for  
29 achieving the goal and any proposed changes to the goal. The report shall contain information  
30 regarding:

31           3 State Solid Waste Plan. Amend RSA 149-M:29, I to read as follows:

32           I. Beginning October 1, [~~1998~~] 2021, and every [~~6~~] 10 years thereafter, the department shall  
33 update the state's solid waste plan, *which shall contain, at minimum, the following elements:*

34           (a) *Goals and strategies for solid waste management in New Hampshire that*  
35 *are consistent with the provisions of this chapter.*

36           (b) *Discussion of opportunities to reduce solid waste generation through source*  
37 *reduction and increase diversion through methods such as recycling and composting.*





1 I. "Fluorinated chemical," "perfluorinated chemical," or "PFAS" means a class of fluorinated  
2 organic compounds containing at least one fully fluorinated carbon atom, also known as  
3 perfluoroalkyl and polyfluoroalkyl substances, or PFAS chemicals.

4 II. "Food packaging" means a package that is designed for direct food contact, including a  
5 food or beverage product that is contained in a food package or to which a food package is applied, a  
6 packaging component of a food package, and plastic disposable gloves used in commercial or  
7 institutional food service.

8 III. "Intentionally added" means the addition of a chemical in a product that serves an  
9 intended function in the product component.

10 IV. "Package" means a container providing a means of marketing, protecting, or handling a  
11 product and shall include a unit package, an intermediate package, and a shipping container.  
12 "Package" also means unsealed receptacles, such as carrying cases, crates, cups, pails, rigid foil and  
13 other trays, wrappers and wrapping films, bags, and tubs.

14 V. "Packaging component" means an individual assembled part of a package, such as any  
15 interior or exterior blocking, bracing, cushioning, weatherproofing, exterior strapping, coatings,  
16 closures, inks, and labels.

17 149-R:3 Prohibition on Certain Packaging Containing PFAS.

18 I. Beginning January 1, 2023, producers or manufacturers of food packaging materials shall  
19 report to the department of environmental services the presence of PFAS or other toxic chemicals  
20 that are not Biodegradable Products Institute's (BPI) certified in such materials. The department of  
21 environmental services shall maintain a list of reported packaging.

22 II. Beginning January 1, 2024, a person shall not manufacture, sell, offer for sale, distribute  
23 for sale, or distribute for use in this state a food package to which PFAS have been intentionally  
24 added in any amount.

25 III. Beginning January 1, 2024 producers and manufacturers of plastic, fiber, and paper food  
26 packaging materials shall not import, use, or offer for sale any packaging materials labeled or  
27 represented as compostable that are not certified by the BPI or packaging that contains PFAS or  
28 other toxic materials demonstrated to be harmful for human consumption. No packaging shall claim  
29 to be compostable if it contains PFAS chemicals.

30 IV. Beginning January 1, 2024, no materials containing PFAS shall be labeled compostable  
31 or accepted for composting in New Hampshire. The department of environmental services shall use  
32 the BPI standard for fluorinated chemicals effective January 1, 2020 to determine acceptable  
33 compostable materials. Products shall not claim to be BPI certified, whether on the product itself, or  
34 on a product's packaging or marketing materials, unless it meets all conditions of the rule, including  
35 no intentionally added fluorinated chemicals and a test report showing less than 100 ppm total  
36 fluorine, or a higher standard approved by the department. Items such as paper wrappings and

1 other food packaging that contain PFAS chemicals not marketed as compostable and thus not  
2 subject to BPI certification are prohibited.

3 V. The department of environmental services shall designate a material "fluorinated  
4 chemical free" if an item contains no intentionally added fluorinated chemicals beyond a  
5 department-determined acceptable threshold, as determined in rules adopted by the department  
6 under RSA 541-A, and is certified by the BPI or other third party as recognized by the department,  
7 or standards developed by the department of environmental services, or is made entirely of natural  
8 fiber.

9 149-R:4 Rulemaking. The commissioner of the department of environmental services shall  
10 make rules under RSA 541-A relative to:

11 I. All forms and reports necessary to administer the requirements of this chapter.

12 II. Standards for maximum contaminant levels of fluorinated chemicals in food packaging  
13 and paper wrappings used for compost.

14 III. Processes for determining a material is fluorinated chemical free.

15 149-R:5 Penalties.

16 I. The commissioner may issue an order to any person in violation of this chapter, any rule  
17 adopted under this chapter or any condition in any exemption granted under this chapter to comply  
18 with the chapter, the rule or condition, and may require such remedial measures as may be  
19 necessary.

20 II. The commissioner may request the attorney general to bring a civil action in superior  
21 court for appropriate relief, including a temporary or permanent injunction, or both, to enforce any  
22 provision of this chapter, any rule adopted under this chapter, any condition in any exemption  
23 granted under this chapter, or any order issued pursuant to this chapter.

24 CHAPTER 149-S

25 PLASTICS ADVISORY COUNCIL

26 149-S:1 Findings and Purpose.

27 I. The general court finds and declares that, since 1950, global annual production of plastics  
28 has increased from 2,000,000 tons to over 381,000,000 tons; that approximately one third of all  
29 plastics produced are single-use plastics, which are plastics designed to be used only once and then  
30 thrown away; and that an estimated 100 billion single-use plastic carryout bags and 25 billion  
31 styrofoam plastic coffee cups are thrown away in the United States each year.

32 II. The general court further finds that, in 2017, only 8.4 percent of plastics in the United  
33 States were recycled; that most single-use plastics are disposed of in landfills, are incinerated, or  
34 become litter in waterways and oceans; that plastics released in the environment do not biodegrade,  
35 but instead break down into smaller pieces, known as microplastics, which accumulate in the  
36 natural environment and are eaten by fish and other marine life; and that microplastic pollution

1 moves through natural food webs and accumulates in fish and shellfish tissues, which means  
2 microplastics and associated pollutants can move into the food chain.

3 III. The general court further finds that approximately 8,000,000 tons of plastic end up in  
4 the oceans annually; that, without action, scientists estimate that by 2050 the mass of plastic  
5 pollution in the ocean will exceed the mass of fish; that currently; that one study found plastics in  
6 the gut of every sea turtle examined and in 90 percent of seabirds examined; and that plastics have  
7 been known to cause death or reproductive failure in sea turtles, birds, and other organisms that  
8 ingest plastic.

9 IV. The general court further finds that, as plastics break down through photodegradation,  
10 they release harmful chemicals such as bisphenol A (BPA) into the environment that have been  
11 linked to health problems in humans; that these chemicals enter the food chain when consumed by  
12 marine life; and that single-use plastic waste creates visual pollution, degrades water quality, and  
13 impacts the tourism, fishing, and shipping industries, all of which are major contributors to the New  
14 Hampshire economy.

15 149-S:2 Plastics Advisory Council Established. There is established in the department of  
16 environmental services the plastics advisory council. The council shall consider emerging scientific  
17 research on health and environmental effects of plastics, recycling practices, and ways to reduce or  
18 eliminate single-use plastics and plastic waste in the state.

19 149-S:3 Plastics Advisory Council; Membership.

20 I. The council shall consist of members as follows:

- 21 (a) The commissioner of the department of environmental services, or designee.  
22 (b) The commissioner of the department of health and human services, or designee.  
23 (c) One member representing the environmental community, appointed by the governor.  
24 (d) One member representing stores and food service businesses in the state, appointed  
25 by the governor.  
26 (e) One member representing the polystyrene foam industry, appointed by the governor.  
27 (f) One member representing the recycling industry, appointed by the governor.  
28 (g) One member representing local governments, appointed by the New Hampshire  
29 Municipal Association.  
30 (h) A toxicologist, epidemiologist, or environmental health professor from the University  
31 of New Hampshire, appointed by the chancellor.

32 II. The term of office of each public member shall be 3 years. Each member shall serve until  
33 a successor has been appointed and qualified, and vacancies shall be filled in the same manner as  
34 the original appointments for the remainder of the unexpired term. A member may be reappointed  
35 to the council. The members of the council shall serve without compensation.

36 III. The council shall organize as soon as practicable following the appointment of its  
37 members and shall select a chairperson and a vice-chairperson from among its members, as well as a

1 secretary who need not be a member of the council. A majority of the membership of the council  
2 shall constitute a quorum for the transaction of council business. The council may meet and hold  
3 hearings at the place or places it designates.

4 149-S:4 Plastics Advisory Council; Duties.

5 I. The council shall report on December 1 of each calendar year on its activities and  
6 recommendations to the governor, the speaker of the house of representatives, the senate president,  
7 and chairpersons of the senate energy and natural resources committee and the house environment  
8 committee.

9 II. The council shall also study the environmental and public health impacts of single-use  
10 plastics and micro-plastics; healthy and environmentally-friendly alternatives to single-use plastics;  
11 strategies and policies to increase the recyclability of plastics and reduce the amount of plastic  
12 entering the environment; the technological feasibility of increasing recycled content of consumer  
13 plastics and expanding the types of plastics that may be manufactured from recycled material; and  
14 ways to enhance the development and expansion of markets of post-consumer recycled plastic,  
15 including state and local purchasing and procurement practices.

16 III. The council shall recommend to the legislature and state departments ways to reduce  
17 the use of plastics and the amount of plastic entering the environment, and increase the rate of  
18 recycling of plastics, and shall identify threats to human and environmental health, including  
19 animal and aquatic species, due to plastics.

20 3 PFAS Standards. Amend RSA 149-M:32 to read as follows:

21 149-M:32 Statement of Purpose. The general court finds that the presence of heavy metals *and*  
22 *(perfluorinated substances) PFAS* in packaging is to be considered a matter of concern in  
23 connection with the overall solid waste stream because such metals *and PFAS* are likely to be  
24 present in leachate when packaging is landfilled or in emissions when packaging is incinerated. The  
25 general court further finds that lead, cadmium, mercury, [~~and~~] hexavalent chromium, *and PFAS* on  
26 the basis of available scientific and medical evidence, are of particular concern and that elimination  
27 of the addition of these heavy metals *and PFAS* to packaging is a desirable first step in reducing the  
28 toxicity of packaging waste. Further, the general court finds that such a reduction in the toxicity of  
29 packaging waste should be accomplished without impeding or discouraging the expanded use of  
30 recycled materials in the production of packaging and its components.

31 4 Compost; PFAS. Amend RSA 149-M:4, IV to read as follows:

32 IV. "Compost" means a stable, humus-like substance which is derived from a process  
33 involving the biological decomposition of any readily biodegradable material, such as animal  
34 manure, garbage, yard waste, septage, sludge, or other organic solid wastes, and which can be  
35 beneficially re-used for land application. *Compost shall not include packaging or other items*  
36 *containing PFAS. Materials may be certified compostable by the Biodegradable Product*

1 *Institute or other third party recognized by the department, or is a napkin, stirrer, splash*  
2 *stick, cocktail stick, toothpick, or utensil made entirely of natural fiber.*

3 5 New Paragraph; Per and Polyfluoroalkyl Substances. Amend RSA 149-M:33 by inserting after  
4 paragraph VIII the following new paragraph:

5 IX. "Per and polyfluoroalkyl substances (PFAS) a class of fluorinated organic chemicals  
6 containing at least one fully fluorinated carbon atom.

7 6 Exemptions. Amend RSA 149-M:35, I(b) and (c) to read as follows:

8 (b) Those packages or packaging components to which lead, cadmium, mercury, *PFAS*  
9 *in food packaging*, or hexavalent chromium have been added in the manufacturing, forming,  
10 printing, or distribution process in order to comply with health or safety requirements of federal law,  
11 provided that the manufacturer of a package or packaging component petitions the commissioner for  
12 an exemption from the provisions of this subdivision for a particular package or packaging  
13 component based upon compliance with health or safety requirements of federal law. The  
14 commissioner may grant an exemption for no more than 2 years and such an exemption may, upon  
15 reapplication for exemption and meeting the criterion for exemption under this paragraph, be  
16 renewed at 2-year intervals.

17 (c) A package or packaging component in which lead, cadmium, mercury, *PFAS in food*  
18 *packaging* or hexavalent chromium have been added in the manufacturing, forming, printing, or  
19 distribution process for which there is no feasible alternative, provided that the manufacturer of a  
20 package or packaging component shall petition the commissioner for an exemption from the  
21 provisions of this subdivision for a particular package or packaging component based upon this  
22 criterion and shall submit such documentation as is necessary to support the request for the  
23 exemption. The commissioner may grant an exemption for no more than 2 years if warranted by the  
24 circumstances, provided that such an exemption may, upon reapplication for exemption and meeting  
25 the criterion for exemption under this paragraph, be renewed at 2-year intervals. For purposes of  
26 this paragraph, a use for which there is no feasible alternative is one in which the petitioner  
27 conclusively demonstrates that the regulated substance is essential to the protection, safe handling,  
28 or function of the package's contents and that technical constraints preclude the substitution of other  
29 materials. "No feasible alternative" does not include use of any of the regulated metals for the  
30 purposes of marketing.

31 7 Exemptions. Amend RSA 149-M:35, I(h) to read as follows:

32 (h) A package or packaging component that is glass or ceramic which has a vitrified  
33 label that, when tested in accordance with Toxicity Characteristic Leaching Procedure, test Method  
34 1311, published in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA  
35 Publication SW-846, does not exceed one part per million for cadmium, 5 parts per million for lead,  
36 or 5 parts per million for total chromium. Mercury *and PFAS in food packaging*, shall not be  
37 exempted by this provision.

1 8 Effective Date. Part III of this act shall take effect 60 days after its passage.

2 PART IV

3 Relative to the prevention of zoonotic disease transmission.

4 1 Findings. The general court finds:

5 I. Zoonotic disease can spread from animals to humans, with an estimated 3 out of 4 new or  
6 emerging diseases being zoonotic in nature. Evidence indicates that many of the worst epidemics  
7 and pandemics in recent decades have been zoonotic in origin, including COVID-19, ebola virus,  
8 avian influenza, swine influenza, Middle East respiratory syndrome, human immunodeficiency  
9 virus, and severe acute respiratory syndrome.

10 II. Wildlife trafficking and trade has been shown to contribute to the transmission and  
11 pervasiveness of zoonotic diseases. The COVID-19 pandemic has underscored the immense loss of  
12 human life and economic disruption that zoonotic disease can cause. The COVID-19 pandemic has  
13 spurred other states to introduce legislation to ban the importation of wildlife and live animal  
14 markets, which could shift those activities to New Hampshire.

15 III. New Hampshire's existing laws and rules do not adequately address the evolving risks  
16 and novel zoonotic pathogens that threaten public health, food security, biological diversity and  
17 economic security.

18 2 New Sections; Prohibited Import of Animals and Fish; Risk of Zoonotic Disease Transmission.  
19 Amend RSA 207 by inserting after section 14-a the following new sections:

20 207:14-b Prohibited Import of Animals and Fish; Risk of Zoonotic Disease Transmission.

21 I. The fish and game commission shall make rules under RSA 541-A under which it shall  
22 compile a list of animals and fish that shall not be imported or transported into this state due to risk  
23 of zoonotic disease transmission by December 31, 2021. In creating the list, the commission shall  
24 consult with the department of health and human services, the state veterinarian, and scientific or  
25 educational institutions, making decisions that are informed by the best available science. The list  
26 shall include all identified species that scientific evidence suggests could readily transmit zoonotic  
27 diseases. An identified species may be excluded from the list if, pursuant to paragraph III, the  
28 commission finds that the importation restriction on a species is not necessary.

29 II. The commission shall place an animal or fish on the list if it determines that prohibiting  
30 the importation or transportation of such animal or fish into the state is necessary to protect the  
31 public health and safety, native wildlife or fish, or agricultural interests of the state.

32 III. The commission shall remove an animal or fish from the list if it determines that  
33 prohibiting the importation or transportation of such animal or fish into the state is not necessary to  
34 protect public health and safety, native wildlife or fish, or agricultural interests of the state.

35 207:14-c Penalties.

36 I. A person shall not import into this state or transport within this state an animal or fish on  
37 the list established under RSA 207:14-b, I.



1 (c) No animal shall be offered for sale at a live animal market that is an invasive species  
2 or of a taxon known or likely to be responsible for zoonotic transmission of a disease, as determined  
3 by the fish and game commission under RSA 207:14-b.

4 (d) Wildlife species shall not be caged, handled, or transported with livestock or domestic  
5 animals, and shall not be sold in spaces near livestock or domestic animals.

6 (e) Wildlife species showing signs of illness shall not be permitted to be sold in live  
7 animal markets.

8 (f) No bat, rodent or primate species shall be sold in live animal markets.

9 II. The fish and game commission may inspect the records of sellers at live animal markets  
10 to ensure compliance with the fish and game commission's own rules.

11 428-A:3 Regulation of Live Animal Markets. The department of agriculture, markets, and food  
12 shall adopt rules under RSA 541-A governing the storing and sale of animals for live animal  
13 markets.

14 428-A:4 Exceptions.

15 I. This chapter shall not prohibit livestock markets or the sale or offer for sale of livestock  
16 that are currently allowed under New Hampshire law.

17 II. This chapter shall not prohibit seafood or shellfish markets or the sale or offer for sale of  
18 seafood or shellfish that are currently allowed under New Hampshire law.

19 428-A:5 Penalties.

20 I. Any person who violates this chapter:

21 (a) Shall be issued a written warning in a language that is understood by the person  
22 receiving such warning for a first violation.

23 (b) For any subsequent violation, shall be guilty of a class A misdemeanor, punishable  
24 by a fine of at least \$250, but not exceeding \$1,000.

25 4 Effective Date. Part IV of this act shall take effect January 1, 2022.

26 PART V

27 Establishing the coastal program administered by the department of environmental services.

28 1 Tidal Waters. Amend RSA 485-A:8, V to read as follows:

29 V. Tidal waters utilized for swimming purposes shall contain not more than either a  
30 geometric mean based on at least 3 samples obtained over a 60-day period of 35 enterococci per 100  
31 milliliters, or 104 enterococci per 100 milliliters in any one sample, unless naturally occurring. *The*  
32 *operation and sampling of facilities subject to permits under the National Pollutant*  
33 *Discharge and Elimination System are not subject to the provisions of the National*  
34 *Shellfish Sanitation Program except as may be required by the department.*

35 *V-a. In accordance with RSA 487:34, [These] those* tidal waters used for growing or  
36 taking of shellfish for human consumption shall, in addition to the foregoing requirements, be in



1 accordance with the criteria recommended under the National Shellfish Program Manual of  
2 Operation, United States Department of Food and Drug Administration.

3 2 Effective Date. Part V of this act shall take effect 60 days after its passage.

4 PART VI

5 Establishing the coastal program administered by the department of environmental services.

6 1 New Subparagraph; Application of Receipts; Derelict Fishing Gear, Coastal Cleanup, and  
7 Fishing For Energy Fund Established. Amend RSA 6:12, I(b) by inserting after subparagraph (364)  
8 the following new subparagraph:

9 (365) Moneys deposited into the derelict fishing gear, coastal cleanup, and fishing for  
10 energy fund established in RSA 211:77.

11 2 New Paragraph; Litter Control Law; Penalties. Amend RSA 163-B:4 by inserting after  
12 paragraph I the following new paragraph:

13 I-a. Any fines collected under this section for littering in coastal waters or beaches and for  
14 abandoning fishing gear shall be credited to the derelict fishing gear, coastal cleanup, and fishing for  
15 energy fund established in RSA 211:77.

16 3 New Paragraph; Lobsters and Crabs; Surcharge Added. Amend RSA 211:18 by inserting after  
17 paragraph III-b the following new paragraph:

18 III-c. The executive director shall establish a surcharge on each class of license issued under  
19 paragraph III-a of not more than \$25 nor less than \$10 to be deposited in the derelict fishing gear,  
20 coastal gear cleanup, and fishing for energy fund established in RSA 211:77, and shall adopt rules  
21 for implementing and collecting the surcharge. Any person who satisfactorily demonstrates to the  
22 executive director that he or she is participating in a coastal cleanup program shall not be required  
23 to pay the surcharge. The executive director shall adopt rules pursuant to RSA 541-A to determine  
24 satisfactory participation in a coastal cleanup program and to account for licensees who are exempt  
25 from the surcharge each year.

26 4 Nonresident Commercial Salt Water License; Surcharge Added. Amend RSA 211:49-a, II to  
27 read as follows:

28 II. The fee for an annual license shall be set by the executive director pursuant to RSA  
29 206:10, I. The license shall be for the operator of the boat, vessel, flotation device, or gear, and  
30 helpers; provided, however, that helpers shall not be allowed for the taking of sea urchins or scallops  
31 by diving. *The executive director shall establish a surcharge on each license issued under  
32 this section of not more than \$25 nor less than \$10 to be deposited in the derelict fishing  
33 gear, coastal gear cleanup, and fishing for energy fund established in RSA 211:77, and  
34 shall adopt rules for implementing and collecting the surcharge. Any person who  
35 satisfactorily demonstrates to the executive director that he or she is participating in a  
36 coastal cleanup program shall not be required to pay the surcharge. The executive  
37 director shall adopt rules pursuant to RSA 541-A to determine satisfactory participation in*

1 *a coastal cleanup program and to account for licensees who are exempt from the surcharge*  
2 *each year.*

3 5 Resident Commercial Salt Water License; Surcharge Added. Amend RSA 211:49-b, II to read  
4 as follows:

5 II. The fee for such annual license shall be set by the executive director pursuant to RSA  
6 206:10, I. The license shall be for the operator of the boat, vessel, flotation device, or gear, and  
7 helpers; provided, however, that helpers shall not be allowed for the taking of sea urchins or scallops  
8 by diving. *The executive director shall establish a surcharge on each license issued under*  
9 *this section of not more than \$25 nor less than \$10 to be deposited in the derelict fishing*  
10 *gear, coastal gear cleanup, and fishing for energy fund established in RSA 211:77, and*  
11 *shall adopt rules for implementing and collecting the surcharge. Any person who*  
12 *satisfactorily demonstrates to the executive director that he or she is participating in a*  
13 *coastal cleanup program shall not be required to pay the surcharge. The executive*  
14 *director shall adopt rules pursuant to RSA 541-A to determine satisfactory participation in*  
15 *a coastal cleanup program and to account for licensees who are exempt from the surcharge*  
16 *each year.*

17 6 Commercial Shrimp License; Surcharge Added. Amend RSA 211:49-e, II to read as follows:

18 II. The fees for the northern shrimp resident and nonresident licenses shall be set by the  
19 executive director pursuant to RSA 206:10, I. *The executive director shall establish a*  
20 *surcharge on each license issued under this section of not more than \$25 nor less than \$10*  
21 *to be deposited in the derelict fishing gear, coastal gear cleanup, and fishing for energy*  
22 *fund established in RSA 211:77, and shall adopt rules for implementing and collecting the*  
23 *surcharge. Any person who satisfactorily demonstrates to the executive director that he or*  
24 *she is participating in a coastal cleanup program shall not be required to pay the*  
25 *surcharge. The executive director shall adopt rules pursuant to RSA 541-A to determine*  
26 *satisfactory participation in a coastal cleanup program and to account for licensees who*  
27 *are exempt from the surcharge each year.*

28 7 Aquaculture; Surcharge Added. Amend RSA 211:62-e, II-b to read as follows:

29 II-b. The executive director shall adopt rules, pursuant to RSA 541-A, for the issuance of 5-  
30 year licenses under this section to oyster aquaculture operations in the Great Bay estuary, and the  
31 fees, terms, and conditions therefor as authorized under paragraph II-a. *The executive director*  
32 *shall establish a surcharge on each license issued under this section of not more than \$25*  
33 *nor less than \$10 to be deposited in the derelict fishing gear, coastal gear cleanup, and*  
34 *fishing for energy fund established in RSA 211:77, and shall adopt rules for implementing*  
35 *and collecting the surcharge. Any person who satisfactorily demonstrates to the executive*  
36 *director that he or she is participating in a coastal cleanup program shall not be required*  
37 *to pay the surcharge. The executive director shall adopt rules pursuant to RSA 541-A to*

1 *determine satisfactory participation in a coastal cleanup program and to account for*  
2 *licensees who are exempt from the surcharge each year.*

3 8 New Subdivision; Derelict Fishing Gear, Coastal Cleanup, and Fishing for Energy Fund.  
4 Amend RSA 211 by inserting after section 76 the following new subdivision:

5 Derelict Fishing Gear, Coastal Cleanup, and Fishing for Energy Fund

6 211:77 Derelict Fishing Gear, Coastal Cleanup, and Fishing for Energy Fund Established.  
7 There is hereby established in the state treasury a separate fund to be known as the derelict fishing  
8 gear, coastal gear cleanup, and fishing for energy fund. The fund shall be administered by the  
9 executive director and shall be nonlapsing and continually appropriated to the executive director for  
10 the purposes of this section. The executive director shall credit to this fund all federal moneys, state  
11 funds appropriated, fines or settlements for derelict fishing gear or other items, and fines for  
12 littering in coastal waters or beaches collected under RSA 163-B:4. The executive director may  
13 accept and expend all funds, including any gifts, grants, or donations made to the fund. The moneys  
14 in the fund shall be used establish and support new and existing programs to retrieve and dispose of  
15 derelict fishing gear, to conduct periodic coastal cleanup programs for the removal of derelict fishing  
16 gear and marine trash, and to support recycling efforts for fishing gear and other marine trash. In  
17 this section, "derelict fishing gear" means lost, discarded, or abandoned fishing gear.

18 9 Effective Date.

19 I. Sections 3-7 of part VI of this act shall take effect January 1, 2022.

20 II. The remainder of part VI of this act shall take effect upon its passage.

21 PART VII

22 Establishing the coastal program administered by the department of environmental services.

23 1 Land and Community Investment Program Established. Amend RSA 227-M:3 to read as  
24 follows:

25 227-M:3 Land and Community Heritage Investment Program Established. There is hereby  
26 established the New Hampshire land and community heritage investment program. The program  
27 shall acquire resource assets, through voluntary negotiations with property owners and utilization of  
28 all available federal, state, local, private, and other matching funds and incentives. The program  
29 shall also provide funding for restoration and rehabilitation of cultural and historical resources and  
30 for certain costs associated with the acquisition of resource assets. All deeds or other documents  
31 evidencing purchase of any fee interest or other easement interest in resources under this chapter  
32 shall be drawn and held in the name of the municipality, other political subdivision, or qualified  
33 publicly-supported nonprofit corporation purchasing the interest through the use of program funds.  
34 All easement interests and legal obligations that are attached in perpetuity to any property shall be  
35 recorded in the deed. The state of New Hampshire shall hold an executory interest in all easement  
36 interests acquired by the program and held by municipalities, other political subdivisions, or  
37 qualifying nonprofit corporations. There shall be no power by the state of New Hampshire to take

1 any resource by eminent domain, nor shall any funds made available by this program be used to take  
2 by eminent domain except in cases involving the voluntary quieting of title. All acquisition projects  
3 shall involve a willing seller and willing buyer, or a willing donor of resource assets. *Acquisition*  
4 *and preservation of agricultural land for food production shall be a priority for this*  
5 *program.*

6 2 Effective Date. Part VII of this act shall take effect 60 days after its passage.

7 PART VIII

8 Relative to class 2 obligations under the electric renewable portfolio standards.

9 1 Electric Renewable Portfolio Standard; Minimum Standards. Amend the footnote to RSA 362-  
10 F:3 to read as follows:

11 \*Class I increases an additional 0.9 percent per year from 2015 through 2025. A set percentage of  
12 the class I totals shall be satisfied annually by the acquisition of renewable energy certificates from  
13 qualifying renewable energy technologies producing useful thermal energy as defined in RSA 362-  
14 F:2, XV-a. The set percentage shall be 0.4 percent in 2014, 0.6 percent in 2015, 0.8 percent in 2016,  
15 and increased annually by 0.2 percent per year from 2017 through 2023, after which it shall remain  
16 unchanged. Class II shall increase to 0.5 percent beginning in 2018, 0.6 percent beginning in 2019,  
17 [~~and~~] 0.7 percent beginning in 2020, **2.2 percent beginning in 2021, 3.0 percent beginning in**  
18 **2022, 3.8 percent beginning in 2023, 4.6 percent beginning in 2024, and 5.4 percent**  
19 **beginning in 2025**[~~otherwise~~]. Classes [~~H~~] III-IV shall remain at the same percentages from 2015  
20 through 2025 except as provided in RSA 362-F:4, [~~V-VI~~] VI. *The requirements for classes I-II are*  
21 *subject to the provisions of RSA 362-F:4, V.*

22 2 New Section; Minimum Electric Renewable Portfolio Standards; Exemption Period for Certain  
23 Electrical Supply Contracts. Amend RSA 362-F by inserting after section 3 the following new  
24 section:

25 362-F:3-a Exemption Period for Certain Electrical Supply Contracts.

26 I. The increases in the annual purchase percentages under RSA 362-F:3 applicable to class  
27 II for 2021 and thereafter as compared to the class II annual purchase percentages in effect as of  
28 January 1, 2021, shall not apply to the megawatt-hours delivered during the contract term under  
29 any electrical power supply contract entered into before the effective date of this section, provided  
30 that the contract term in effect before such effective date has not been extended or otherwise  
31 increased after that date.

32 II. Providers shall inform the commission by July 1 of each year, through July 1, 2022, of all  
33 such exempted contracts, including but not limited to, the execution date and expiration date of the  
34 contract, the basis for exemption under this section, and if applicable, the annual megawatt-hours  
35 supplied and exempted, or the annual amount of exempted methane gas certificates and the basis for  
36 exemption. All such information filed with the commission shall be exempt from the provisions of  
37 RSA 91-A:5, IV.

