

CONSENT CALENDAR

February 3, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Judiciary to which was referred HB
1544,**

**AN ACT prohibiting the placement of construction and
demolition debris in landfills. Having considered the
same, report the same with the following resolution:**

RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Kurt Wuelper

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Judiciary
Bill Number:	HB 1544
Title:	prohibiting the placement of construction and demolition debris in landfills.
Date:	February 3, 2022
Consent Calendar:	CONSENT
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill would prohibit the placement of construction and demolition debris in landfills with penalties starting at \$250 for the first violation and increasing to \$25,000 for violations after the second. There were no provisions for how construction and demolition debris was to be collected or disposed of. The intent is to encourage recycling of construction and demolition debris, but testimony was the two facilities for disposal of construction and demolition debris in NH are operating at capacity and efforts to establish new ones have failed. The committee found the bill unworkable and thought the question should be left to the Solid Waste Task Force.

Vote 21-0.

Rep. Kurt Wuelper
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Judiciary

HB 1544, prohibiting the placement of construction and demolition debris in landfills.
INEXPEDIENT TO LEGISLATE.

Rep. Kurt Wuelper for Judiciary. This bill would prohibit the placement of construction and demolition debris in landfills with penalties starting at \$250 for the first violation and increasing to \$25,000 for violations after the second. There were no provisions for how construction and demolition debris was to be collected or disposed of. The intent is to encourage recycling of construction and demolition debris, but testimony was the two facilities for disposal of construction and demolition debris in NH are operating at capacity and efforts to establish new ones have failed. The committee found the bill unworkable and thought the question should be left to the Solid Waste Task Force. **Vote 21-0.**

Original: House Clerk
Cc: Committee Bill File

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 1544

BILL TITLE: prohibiting the placement of construction and demolition debris in landfills.

DATE: February 3, 2022

LOB ROOM: 206-208

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Wuelper

Seconded by Rep. McLean

Vote: 21-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Kurt Wuelper, Clerk



2021 SESSION

Judiciary

Bill #: 1544 Motion: ITL AM #: _____ Exec Session Date: 2-3-22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Gordon, Edward M. Chairman	✓		
McLean, Mark Vice Chairman	✓		
Sylvia, Michael J.	✓		
Wuelper, Kurt F. Clerk	✓		
Alexander, Joe H.	✓		
Rice, Kimberly A. EDWARDS	✓		
Silber, Norman J. MERNER	✓		
Greene, Bob J.	✓		
Kelley, Diane E.	✓		
Tausch, Lindsay ANDRUS	✓		
Trottier, Douglas R.	✓		
Smith, Marjorie K.	✓		
Berch, Paul S. woods	✓		
Lorrigan, Timothy O.	✓		
DiLorenzo, Charlotte I.	✓		
Chase, Wendy	✓		
Kenney, Cam E.	✓		
Langley, Diane M.	✓		
McBeath, Rebecca Susan	✓		
Paige, Mark	✓		
Simpson, Alexis	✓		

21 0

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HB 1544

BILL TITLE: prohibiting the placement of construction and demolition debris in landfills

DATE: 1-19-22

LOB ROOM: 206/8

Time Public Hearing Called to Order: 3:00 PM

Time Adjourned: 3:35 PM

Committee Members: ~~Reps. Gordon, McLean, Wuelper, Sylvia, Alexander Jr., Rice, Silber, Greene, D. Kelley, Tausch, Trottier, M. Smith, Berch, Horrigan, DiLorenzo, Chase, Kenney, Langley, McBeath, Paige and Simpson~~

Bill Sponsors:

Rep. McWilliams, Merr. 27

TESTIMONY

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

Rep. McWilliams Sponsor Support In 2019, House commission on recycling and debris recommended a task force. Demolition debris is a significant issue in that area. I gave you the first 15 pages of a DES report. We have been working since to reduce solid waste in our landfills. Landfill is the last place we want to put debris. Source reduction is the best place. neighboring states have shown a large reduction in construction of waste going to landfills. In the 5 states, they started tracking how much construction/demolition debris they will accept. So, NH has seen a bout a 50% increase in this kind of waste being dumped in NH, maybe. It also comes from new construction where an old building is demolished to make way for a new one.

This bill would prohibit any landfill licensed by DES from receiving any such debris. The idea is most/all of this can be reused. Massachusetts has set a goal of process separation of 15%. If you fail to meet the threshold, you get retrained, not thrown out of the system. This will make it easier for people to separate C & D debris before it gets here.

Q: Simpson: the 15% is the contractors trying to get down to that amount that would have to be separated at the facility?

Ans: it means the facility will meet the 15% separation target-get contractors to separate first.

Q Sylvia: So, contractors will have to do more work and increase the cost of construction?

Ans: There is trade off there. The contractors pay for separation or the state pays for landfill costs either cleanup later or expanding footprints now. We just can't keep on accepting more and more or we will run out of space.

Q Gordon: Is the 15% by weight or volume?

Ans: I'm not really sure.

***Bob Magnusson Waste Management Opposed** WM heavily involved in C & D debris handling. We support recycling across the board. It's quite a jump to go from where we are to fines, etc. expressed in this bill. [See written]. We reviewed the 2018 facility reports in 2019 and Nh sent over 400,000 tons of C & D waste to recycling. There is a remaining 247,000 tons that went into landfills. Recyclers do not recycle all the material they receive. A significant part of what goes to recycling ends up in landfills. NH has not the capability of handling the amount of C&D waste that might be routed to recycling. Separation at work sites may be difficult, but it's up to the contractors to do. Other recyclers have sought permits in NH without success. Proposed penalties are very high. Our industry might figure out how to pass those costs along to individual depositors but jumping to fines right away is wrong.

Michael Nork NHDES **Opposed** The Department has similar concerns to those expressed by Mr. Magnusson. Recyclers recover as much as they can, but they still have to send a lot to landfills. This bill z establishes a zero-tolerance for C&D waste but NH can't support that. Massachusetts is working toward d a system of reduction and maybe NH should as well, but the actual proposal is simply not workable.

Q Simpson: Do you have a sense of a percentage we might be able to recycle??

Ans: We think a 15% target might be reachable, but there are real challenges in marketing recycled C&D waste.

Q Gordon: Is the Dept working toward that?

Ans: not specifically. But we are looking at total solid waste.



Rep Kurt Wuelper, Clerk

House Remote Testify

Judiciary Committee Testify List for Bill HB1544 on 2022-01-19

Support: 0 Oppose: 1 Neutral: 0 Total to Testify: 0

Export to Excel

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Love, Rep.David	Derry, NH davidlove4rep@gmail.com	An Elected Official	Rockingham 6	Oppose	No	No	1/15/2022 11:23 PM
Howland, Curtis	Manchester, NH howland@priss.com	A Member of the Public	Myself	Oppose	No	No	1/16/2022 5:43 PM
Chester, Russan	Bedford, NH russan.chester@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/19/2022 7:41 AM

HB 1544

BIENNIAL SOLID WASTE REPORT

OCTOBER 2019

Prepared by the New Hampshire Department of
Environmental Services



State of New Hampshire Department of Environmental Services

Robert R. Scott
Commissioner

Clark B. Freise
Assistant Commissioner

Michael J. Wimsatt, P.G.
Director, Waste Management Division

Contact

Waste Management Division
Solid Waste Management Bureau
29 Hazen Drive, PO Box 95
Concord, NH 03302-0095
(603) 271-2925

www.des.nh.gov

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I. Introduction

This report has been prepared pursuant to NH RSA 149-M:29, II, which directs the New Hampshire Department of Environmental Services (NHDES) to prepare a report on New Hampshire's progress toward reaching the 40% solid waste diversion goal established in RSA 149-M:2, as well as proposed strategies for achieving the goal, proposed changes to the goal, and various other details, which are addressed in the body of this document.

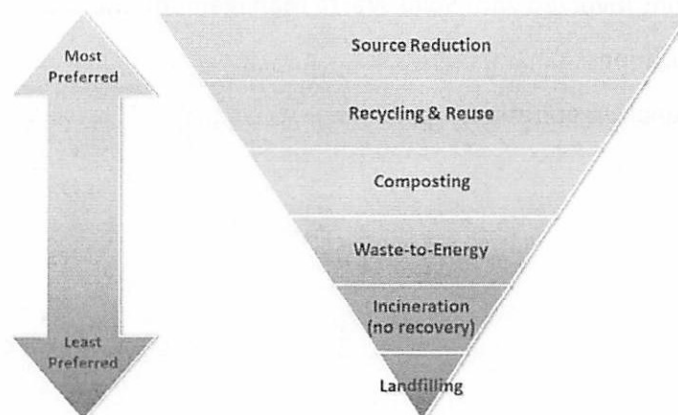
In 1990, RSA 149-M was amended to establish a Waste Reduction Goal, which has been subsequently revised over the years. The current version of this goal, established in 1999, sets a target to divert at least 40% of New Hampshire's solid waste from final disposal by the year 2000 in order to reduce the quantity of solid waste disposed in the state's landfills and incinerators, as measured on a per capita basis. As stated in RSA 149-M:2:

The general court declares its concern that there are environmental and economic issues pertaining to the disposal of solid waste in landfills and incinerators. It is important to reserve landfill and incinerator capacity for solid wastes which cannot be reduced, reused, recycled or composted. The general court declares that the goal of the state, by the year 2000, is to achieve a 40 percent minimum weight diversion of solid waste landfilled or incinerated on a per capita basis. Diversion shall be measured with respect to changes in waste generated and subsequently landfilled or incinerated in New Hampshire. The goal of weight diversion may be achieved through source reduction, recycling, reuse, and composting, or any combination of such methods. The general court discourages the disposal of recyclable materials in landfills or processing of recyclable materials in incinerators. (RSA 149-M:2, I. – effective July 20, 1999)

While the terminology used to express this goal emphasizes diversion, it is evident that the intention was to reduce the overall quantity of waste generated (via source reduction) while also diverting from disposal waste that cannot be reduced (via reuse, recycling, or composting). Although RSA 149-M:2 discourages the disposal of recyclable materials, it does not establish recycling, composting or other forms of waste diversion as mandatory.

To promote achievement of the waste reduction goal, RSA 149-M:3 establishes a hierarchy of waste management methods to be used in New Hampshire (see Figure 1).

Figure 1. New Hampshire's Waste Management Hierarchy



This hierarchy provides a standard of preference for management of solid waste in the state, with priority placed on methods that reduce the generation of waste or divert recoverable materials from disposal. Source reduction is at the top of the hierarchy because such practices prevent a waste from being generated, which results in less waste needing end-of-life management, conserves resources and reduces overall environmental impact. When a waste is generated, managing it via reuse, recycling or composting is preferred because these methods recover and divert materials from disposal, thereby encouraging circular use of resources. Waste-to-energy technologies include incineration with energy recovery, anaerobic digestion, and emerging conversion processes that turn waste into fuel. These technologies are preferable to outright disposal in a traditional incinerator or a landfill because they recover energy, reduce volume and weight, and in some cases may produce useful by-products.

As established by the General Court, the waste management hierarchy, in conjunction with the waste reduction goal, was envisioned to support an integrated waste management system in New Hampshire, combining a variety of approaches to reduce the quantity of waste generated while managing the waste that is generated in the most environmentally-responsible manner available. In this way, the hierarchy serves as a guiding principle not only for NHDES and the state at large, but also for municipalities, commercial and industrial waste generators, solid waste management companies, and the general public. However, it is worth noting that since the hierarchy was established in 1990, waste management infrastructure in New Hampshire has not significantly shifted from disposal (landfilling and incineration) toward more preferred management methods.

In preparing this report, NHDES used readily-available information to address the topic areas required by statute (RSA 149-M:29, II). However, NHDES acknowledges that some of the content contained herein may not meet the robust level of detail that was likely intended by the statute. This is partly due to data and resource limitations, in addition to a lack of statutory clarity. The conclusion of this report provides suggestions on how the waste reduction goal might be revised to enable NHDES to better measure and track progress toward attainment.

HB 1544



TURNKEY RECYCLING & ENVIRONMENTAL ENTERPRISES

14 Taylor Avenue
Rochester, NH 03839
(603) 330-2104
(603) 330-2130 Fax

January 19, 2021

The Honorable Ned Gordon
Chairman, House Judiciary Committee
Legislative Office Building
Concord, NH 03301

Re: HB 1544, An Act prohibiting the placement of construction and demolition debris in landfills

Dear Chairman Pearl and Members of the Committee:

Thank you for the opportunity to provide testimony on HB 1544. This bill prohibits the placement of construction and demolition debris (C&D or CDD) in landfills. Waste Management of New Hampshire (WMNH) opposes this bill as outlined below.

What is C&D?

C&D is generated by most residents, businesses and institutions in the state on a routine basis through construction projects in the home and at their place of employment.

RSA 149-M:4 defines C&D as:

"Construction and demolition debris" means non-putrescible waste building materials and rubble which is solid waste resulting from the construction, remodeling, repair or demolition of structures or roads. The term includes, but is not limited to, bricks, concrete and other masonry materials, wood, wall coverings, plaster, dry wall, plumbing, fixtures, non-asbestos insulation or roofing shingles, asphaltic pavement, glass, plastics that are not sealed in a manner that conceals other wastes, and electrical wiring and components, incidental to any of the above and containing no hazardous liquid or metals. The term does not include asbestos waste, garbage, corrugated container board, electrical fixtures containing hazardous liquids such as fluorescent light ballasts or transformers, furniture, appliances, tires, drums and containers, and fuel tanks.

How much C&D?

NH does not generate as much C&D as municipal solid waste (MSW), but the quantity is significant. The generation of C&D is often related to economic activity since some type of construction is involved. A review of 2018 NH Annual Facility Reports (AFRs) completed by WMNH in 2019 indicated that in 2018 NH generated over 425,000 tons of C&D with 177,700 tons of these tons sent to the two primary privately owned C&D processing facilities which are located in the southern portion of the state. The remaining 247,300 tons of unprocessed C&D generated in NH in 2018 was sent to in state and out of state landfills for disposal. It is also important to note that C&D processing facilities do not recycling 100% of what they receive, and landfills are an important outlet for several products generated by C&D

The Honorable Ned Gordon
January 19, 2022
Page 2

processing facilities. Some of the products that C&D processing facilities produce that typically end up at landfills include screenings or fines, brick and block for roads, ground wood for daily cover and non-processible materials like bulky waste. WMNH estimates more than 325,000 tons of C&D related materials generated in NH is managed annually at landfills.

Alternate Outlets Do Not Exist

First, WMNH opposes HB 1544 since alternative management options for C&D do not currently exist in NH to process the quantity of C&D generated nor are the existing C&D processing facilities located in places to economically serve the entire state. HB 1544 is effectively a requirement for all C&D generated in the state to be recycled, processed, or otherwise diverted away from NH landfills when alternate outlets do not exist. The economic impact of NH C&D generators transporting to alternate out of state landfills or C&D processing facilities would be enormous and poor policy.

Existing Landfills Provide Necessary Outlets for C&D Processing Facilities

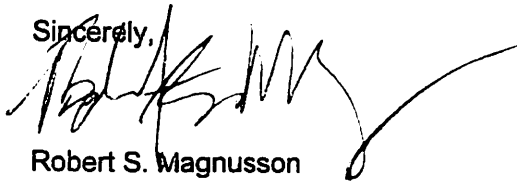
Second, WMNH opposes HB 1544 since the facilities in NH that process C&D depend heavily on landfills (in state and out) to more beneficially use products generated at the C&D processing facilities. If NH landfills could not accept any C&D materials, then existing outlets used by NH C&D Processing facilities would be unavailable.

Penalties are Excessive

Third, WMNH opposes HB 1544 due to the excessively high penalties clause. Such penalties would have to be passed onto generators and would cause major chaos between landfill operators and their customers.

On behalf of WMNH, I thank you for the opportunity to testify on HB 1544. If you have any questions regarding the information provided, please contact me at (603) 330-2164 or by e-mail at bmagnusson@wm.com.

Sincerely,



Robert S. Magnusson
Senior District Manager

Cc: Steve Poggi, WMNH

Best Management Practices for N.H. Solid Waste Facilities

Construction & Demolition Debris

The term “construction and demolition debris,” or “C&D debris,” includes waste building materials and rubble which is solid waste resulting from the construction, remodeling, repair or demolition of structures or roads. C&D debris may contain materials that are harmful to human health and the environment. Those materials include, for example, asbestos, lead based paint, PCBs and chemicals found in wood treatment products and glues.

Burning C&D debris can cause air pollution. Therefore, combustion of C&D debris is prohibited in N.H. by state law, except municipal transfer stations are allowed to burn incidental amounts of unpainted and untreated C&D wood under the supervision of a certified solid waste operator.

Various materials in C&D can be separated for reuse and recycling. For example, concrete, brick and other inert masonry waste can be processed and used as general fill or other construction material without a permit. Wood material can be separated and processed by permitted facilities to produce wood chips used to manufacture chip board or other recycled wood products. Wood chips can also be used as fuel in states that allow it to be burned.

Best Management Practices for Construction & Demolition Debris

- Inspect incoming C&D debris to make sure it does not include asbestos or other materials requiring special handling.
- Store C&D debris in a separate area of the facility, preferably in a container.



This C&D wood waste has been processed into a recyclable material, for use in manufactured wood products such as chip board.

Did You Know?

- Burning treated wood releases pollutants that cause serious human health problems to persons in the vicinity.
- Recycling C&D debris saves contractors money through avoided tipping (disposal) fees and by reselling or reusing C&D materials on future projects.

- Sort C&D debris by type of material according to how it will be recycled or disposed of.
- Never burn painted or treated wood or wood products. Treated wood includes, but is not limited to:
 - > Railroad ties and other pressure treated wood products.
 - > Products containing glue, including plywood, masonite, flakeboard, laminated beams, veneered panels and particle board.
 - > Products with plastic coating or cores such as moulding and plastic composites used for decking.

- At transfer stations with burn piles, control what is burned by having residents leave their waste in a stockpile near the burn area, allowing only facility operators to add acceptable wastes to the burn pile.
- Remove C&D debris from the facility when a full load is accumulated.
- Only dispose of C&D debris at facilities that are authorized to accept it, such as a permitted recycling or processing facility, or a lined landfill.



C & D debris stored loose on the ground.



C & D debris actively managed in a controlled manner.

For additional information, contact:
 Solid Waste Management Bureau
 N.H. Department of Environmental Services
 29 Hazen Drive, PO Box 95 Concord, NH 03302-0095
 (603) 271-2925 fax: (603) 271-2456
solidwasteinfo@des.nh.gov





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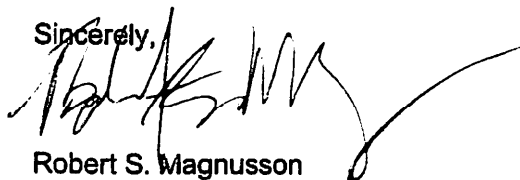
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Sincerely,



Robert S. Magnusson
Senior District Manager

Cc: Steve Poggi, WMNH

Archived: Wednesday, March 16, 2022 10:39:07 AM

From: [David Love](#)

Sent: Saturday, January 15, 2022 11:30:56 PM

To: [~House Judiciary Committee](#)

Subject: NH House Remote Testify: 3:00 pm - HB1544 in House Judiciary

Importance: Normal

My name is Representative David Love and I represent Rockingham County district 6 .

Quite simply ,where will construction debris be put and at what costs ? ..The costs are always bourn by the consumer..making this a Very Anti Business bill

Archived: Tuesday, March 15, 2022 11:57:14 AM
From: Rebecca McWilliams
Sent: Saturday, January 22, 2022 6:59:01 PM
To: ~House Judiciary Committee
Subject: Follow up on HB1544 and Construction Debris
Importance: Normal

Thank you for the opportunity to present this bill. As we discussed during the hearing, Massachusetts DEP requires that Construction and Demolition Waste Handling Facilities achieve a Process Separation Rate (PSR) minimum of 15%, which is defined by **WEIGHT**, not by volume.

From the DEP website:

"PSR is defined as the ratio of the quantity (by weight) of materials recycled as feedstock, recycled as biomass fuel, or diverted as determined by the Department, compared to the quantity (by weight) of the total inbound material accepted. (See Attachment 1 "Process Separation Rate Calculation" for a more detailed description of the calculation methodology."

Attachment 1:

Process Separation Rate = (Recycled + Biomass + Diverted) / (Total Inbound – Inbound Cat2 Fines/Residuals – C&D Material Transferred to MPS compliant facility)

- Diverted material means separation of a specific type of C&D material (e.g., C&D wood) that is then transferred to another facility for aggregation as a recycled product (i.e., sent and received as a separated material; not mixed C&D waste; contaminants shall be at de minimis levels, and in no case greater than 5% by volume.)
- Diverted material does NOT include any landfill dependent uses (e.g., alternative daily cover, road-base stabilization, and shaping & grading).
- The quantity of total inbound material accepted includes ALL materials accepted by the facility (e.g., mixed C&D waste, source separated materials and bulky waste); it excludes any C&D fines and residuals received from an MPS compliant C&D Handling Facility and any municipal solid waste (MSW) if acceptance of such materials are allowed by the facility operating permit, and it excludes any mixed C&D waste transferred to an MPS-compliant facility for further processing.

For further reading:

1. MA DEP Guidance Documents on C&D Waste and required process separation
 - a. <https://www.mass.gov/doc/frequently-asked-questions-faq-minimum-performance-standard-for-cd-handling-facilities/download>
 - b. <https://www.mass.gov/doc/minimum-performance-standard-for-construction-demolition-handling-facilities/download>
2. ME DEP CDD Management information is on page 5 of this report:
 - a. <https://www.nrcm.org/wp-content/uploads/2021/02/DEPwastereport2021.pdf>
3. VT DEC C&D waste recycling requirements
 - a. <https://dec.vermont.gov/waste-management/solid/materials-mgmt/construction-waste>
4. NH DES C&D Debris "best management practices" (note, DES can't require this)
 - a. [https://www.lakesrpc.org/ckfinder/userfiles/files/DES-bmp-construction-demo\(1\).pdf](https://www.lakesrpc.org/ckfinder/userfiles/files/DES-bmp-construction-demo(1).pdf)

5. NH Biennial Solid Waste Report October 2019 showing that total tons of waste disposed in NH in 2015 was 1,973,561 tons, and in 2018 it was 2,388,877 tons (of which 1,160,058 tons were from out of state). The amount of NH landfilled out-of-state waste continues to rise while our neighboring states are mandating separating and recycling waste.

Table 1 below illustrates total quantities of waste disposed over the last four years at New Hampshire's landfills and waste-to-energy facility. The data are broken down by waste received from in-state sources, as well as out-of-state sources. The vast majority of out-of-state waste disposed in New Hampshire is received by the three commercial landfills. As the table shows, disposal tonnages have increased incrementally over the last several years, while the ratio of in-state waste compared to out-of-state waste has hovered around 50%.

Table 1. New Hampshire Disposal Figures 2015 - 2018

Year	Total Tons Disposed	Tons from In-State Sources	Tons from Out-of-State Sources	Percentage In-State Sources
2015	1,973,561	1,053,130	920,431	53%
2016	2,076,656	1,082,138	994,518	52%
2017	2,329,946	1,225,366	1,104,580	53%
2018	2,388,877	1,228,819	1,160,058	51%

a. <https://www.des.nh.gov/sites/g/files/ehbemt341/files/documents/2020-01/r-wmd-19-02.pdf>

In conclusion, NH DES doesn't have the ability to set rules for construction waste diversion, establish threshold criteria for Process Separation, or even set penalties for failure to comply with its recommendations. It's up to the legislature to create a system to prevent out-of-state C&D waste from being diverted into NH landfills.

Thank you for your positive vote to send this bill to Environment and Ag Committee where it can be further amended to protect the natural landscape of our state.

~Rebecca

Rebecca J. McWilliams, Esq., AIA
State Representative, Merrimack 27
Science, Technology & Energy Committee

The Honorable Ned Gordon
January 19, 2022
Page 2

processing facilities. Some of the products that C&D processing facilities produce that typically end up at landfills include screenings or fines, brick and block for roads, ground wood for daily cover and non-processible materials like bulky waste. WMNH estimates more than 325,000 tons of C&D related materials generated in NH is managed annually at landfills.

Alternate Outlets Do Not Exist

First, WMNH opposes HB 1544 since alternative management options for C&D do not currently exist in NH to process the quantity of C&D generated nor are the existing C&D processing facilities located in places to economically serve the entire state. HB 1544 is effectively a requirement for all C&D generated in the state to be recycled, processed, or otherwise diverted away from NH landfills when alternate outlets do not exist. The economic impact of NH C&D generators transporting to alternate out of state landfills or C&D processing facilities would be enormous and poor policy.

Existing Landfills Provide Necessary Outlets for C&D Processing Facilities

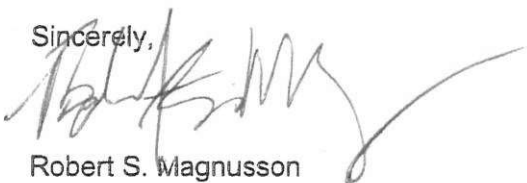
Second, WMNH opposes HB 1544 since the facilities in NH that process C&D depend heavily on landfills (in state and out) to more beneficially use products generated at the C&D processing facilities. If NH landfills could not accept any C&D materials, then existing outlets used by NH C&D Processing facilities would be unavailable.

Penalties are Excessive

Third, WMNH opposes HB 1544 due to the excessively high penalties clause. Such penalties would have to be passed onto generators and would cause major chaos between landfill operators and their customers.

On behalf of WMNH, I thank you for the opportunity to testify on HB 1544. If you have any questions regarding the information provided, please contact me at (603) 330-2164 or by e-mail at bmagnusson@wm.com.

Sincerely,



Robert S. Magnusson
Senior District Manager

Cc: Steve Poggi, WMNH

Archived: Wednesday, March 16, 2022 10:52:08 AM

From: [Beauchesne, Suzanne](#)

Sent: Tuesday, January 18, 2022 11:14:31 AM


To: ~House Judiciary Committee

Cc: [Rebecca McWilliams](#); [Wimsatt, Mike](#); [Nork, Michael](#); [Sanborn, Mark A](#); [Crepeau, Adam](#)

Subject: HB 1544 Letter of Testimony

Importance: Normal

Attachments:

[HB 1544 LOTF - C&D in Landfills 011921.doc](#) 

Dear Chairman Gordon and Members of the Committee:

Attached is a letter of testimony from the NH Department of Environmental Services on HB 1544, an act prohibiting the placement of construction and demolition debris in landfills. Should you have questions about this testimony, or need additional information, please feel free to contact either Michael Nork, Solid Waste Management Bureau (michael.nork@des.nh.gov, 271-2906) or Michael Wimsatt, Waste Management Division Director (michael.wimsatt@des.nh.gov, 271-1997). Thank you. Suzanne

Stay Safe! Be Well!

Suzanne Beauchesne
Office of the Commissioner
NH Department of Environmental Services
29 Hazen Drive, PO Box 95
Concord, NH 03301
Phone: (603) 271-3449
Suzanne.Beauchesne@des.nh.gov

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TURNKEY RECYCLING & ENVIRONMENTAL ENTERPRISES

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January 19, 2021

The Honorable Ned Gordon
Chairman, House Judiciary Committee
Legislative Office Building
Concord, NH 03301

Re: HB 1544, An Act prohibiting the placement of construction and demolition debris in landfills

Dear Chairman Pearl and Members of the Committee:

Thank you for the opportunity to provide testimony on HB 1544. This bill prohibits the placement of construction and demolition debris (C&D or CDD) in landfills. Waste Management of New Hampshire (WMNH) opposes this bill as outlined below.

What is C&D?

C&D is generated by most residents, businesses and institutions in the state on a routine basis through construction projects in the home and at their place of employment.

RSA 149-M:4 defines C&D as:

"Construction and demolition debris" means non-putrescible waste building materials and rubble which is solid waste resulting from the construction, remodeling, repair or demolition of structures or roads. The term includes, but is not limited to, bricks, concrete and other masonry materials, wood, wall coverings, plaster, dry wall, plumbing, fixtures, non-asbestos insulation or roofing shingles, asphaltic pavement, glass, plastics that are not sealed in a manner that conceals other wastes, and electrical wiring and components, incidental to any of the above and containing no hazardous liquid or metals. The term does not include asbestos waste, garbage, corrugated container board, electrical fixtures containing hazardous liquids such as fluorescent light ballasts or transformers, furniture, appliances, tires, drums and containers, and fuel tanks.

How much C&D?

NH does not generate as much C&D as municipal solid waste (MSW), but the quantity is significant. The generation of C&D is often related to economic activity since some type of construction is involved. A review of 2018 NH Annual Facility Reports (AFRs) completed by WMNH in 2019 indicated that in 2018 NH generated over 425,000 tons of C&D with 177,700 tons of these tons sent to the two primary privately owned C&D processing facilities which are located in the southern portion of the state. The remaining 247,300 tons of unprocessed C&D generated in NH in 2018 was sent to in state and out of state landfills for disposal. It is also important to note that C&D processing facilities do not recycling 100% of what they receive, and landfills are an important outlet for several products generated by C&D

HB 1544 - AS INTRODUCED

2022 SESSION

22-2807

08/04

HOUSE BILL ***1544***

AN ACT prohibiting the placement of construction and demolition debris in landfills.

SPONSORS: Rep. McWilliams, Merr. 27

COMMITTEE: Judiciary

ANALYSIS

This bill prohibits the placement of construction and demolition debris in landfills and establishes fines for violations.

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.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT prohibiting the placement of construction and demolition debris in landfills.

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

1 1 New Paragraph; Solid Waste Management; Rulemaking; Construction and Demolition Debris
2 Prohibited. Amend RSA 149-M:7 by inserting after paragraph XIV the following new paragraph:

3 XIV-a. Prohibiting any landfill permitted by the department from accepting construction
4 and demolition debris.

5 2 Solid Waste Management; Penalties. Amend RSA 149-M:15, IV to read as follows:

6 IV.(a) ***Except as provided in subparagraph (b)***, any person who violates any of the
7 provisions of this chapter, or any rule adopted or order issued under this chapter, or any condition in
8 a permit issued under this chapter shall be subject to a civil penalty not to exceed \$25,000 for each
9 violation, or for each day of a continuing violation.

10 (b) ***A landfill permit holder who violates the rules established by the***
11 ***department prohibiting the acceptance of construction and demolition debris for disposal***
12 ***in a landfill shall be subject to a civil penalty of \$250 for the first offense, \$2,500 for the***
13 ***second offense, and \$25,000 for each subsequent offense.***

14 3 Effective Date. This act shall take effect January 1, 2023.