

LEGISLATIVE COMMITTEE MINUTES

HB1122

Bill as
Introduced

HB 1122 - AS INTRODUCED

2022 SESSION

22-2730
08/11

HOUSE BILL

1122

AN ACT authorizing municipalities to collect and resell construction and demolition debris.

SPONSORS: Rep. Egan, Graf. 2; Rep. Massimilla, Graf. 1; Rep. Alexander Jr., Hills. 6; Rep. Weston, Graf. 8; Sen. Hennessey, Dist 1

COMMITTEE: Municipal and County Government

ANALYSIS

This bill authorizes municipalities to collect and resell construction and demolition debris.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT authorizing municipalities to collect and resell construction and demolition debris.

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

- 1 1 New Paragraph; Town Responsibility and Authority; Construction and Demolition Debris.
- 2 Amend RSA 149-M:17 by inserting after paragraph VI the following new paragraph:
- 3 VII. A town may collect and resell construction and demolition debris at its transfer station
- 4 from a project being completed in town or from a general contracting business which is based in the
- 5 town.
- 6 2 Effective Date. This act shall take effect upon its passage.

Committee Minutes

SENATE CALENDAR NOTICE

Election Law and Municipal Affairs

Sen James Gray, Chair
Sen Regina Birdsell, Vice Chair
Sen Ruth Ward, Member
Sen Donna Soucy, Member
Sen Rebecca Perkins Kwoka, Member

Date: March 17, 2022

HEARINGS

Monday		03/21/2022
(Day)		(Date)
Election Law and Municipal Affairs		State House 100
(Name of Committee)		(Time)
1:00 p.m.	HB 1021	prohibiting regulation of religious land use based on the religious nature of the assembly or speech taking place on the land or in the structure.
1:15 p.m.	HB 1026	relative to budget information provided to a budget committee.
1:30 p.m.	HB 1122	authorizing municipalities to collect and resell construction and demolition debris.
1:45 p.m.	HB 1277	relative to the reporting of cybersecurity incidents.
2:00 p.m.	HB 1456-FN	relative to the Hampton marine memorial.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 1021

Rep. Wuelper

Rep. Gould

Rep. Ankarberg

HB 1026

Rep. Piemonte

HB 1122

Rep. Egan

Rep. Massimilla

Rep. Alexander Jr.

Rep. Weston

Sen. Hennessey

HB 1277

Rep. Somssich

Rep. Meuse

Rep. Hamblet

Rep. Ward

HB 1456-FN

Rep. Edgar

Rep. Shurtleff

Rep. Graham

Rep. Cleaver

Rep. Maggiore

Rep. Pantelakos

Rep. Grote

Sen. Sherman

Sen. Watters

Tricia Melillo 271-3077

James P. Gray
Chairman

Senate Election Law and Municipal Affairs Committee
Tricia Melillo 271-3077

HB 1122, authorizing municipalities to collect and resell construction and demolition debris.

Hearing Date: March 21, 2022

Members of the Committee Present: Senators Gray, Birdsell, Ward, Soucy and Perkins Kwoka

Members of the Committee Absent : None

Bill Analysis: This bill authorizes municipalities to collect and resell construction and demolition debris.

Sponsors:

Rep. Egan
Rep. Weston

Rep. Massimilla
Sen. Hennessey

Rep. Alexander Jr.

Who supports the bill: Representative Joe Alexander, Eric Pauer

Who opposes the bill: None

Who is neutral on the bill: Natch Greyes – NHMA, Henry Veilleux – Resource Waste Services, Mike Wimsatt – NH DES

Summary of testimony presented in support:

Representative Joe Alexander

- This bill allows municipalities to resell construction and demolition debris they have collected.
- It will help homeowners find inexpensive building materials.
- It is a great bill as it forms partnerships with community homebuilders and local contractors and reduces tipping fees at transfer stations.
- This could be an additional source of revenue for towns.
- Senator Perkins Kwoka commented that she is concerned that there is limiting language in the bill that might restrict the authority towns already have when managing their waste and asked whether the language “in the town” in the bill was meant to do that.
 - Rep. Alexander replied that in no way do they want to limit municipalities and he believes there will be an amendment coming that will correct any limiting language.
- Senator Gray commented that construction debris could have lead paint or asbestos and asked why would he want towns to purchase that material and be held liable for the pile of contaminated construction debris.
 - Rep. Alexander replied that when the debris is at the transfer station it is at your own risk that you access or purchase it. This happens all the time when people buy furniture at yard sales that may have lead paint.
- Senator Gray stated he understands that but this would be the city or town that purchasing it and selling it to them and asked why isn't the city liable in the chain of custody of that material.
 - Rep. Alexander answered that the town is not purchasing any of the debris. They are just collecting it at the transfer station and then selling some of it. The only transaction that takes place is a citizen wanting some of the debris and paying the town for it.
- Senator Birdsell commented that DES could probably address this.
 - Rep. Alexander replied yes, absolutely.

Summary of testimony presented in opposition: None

Neutral Information Presented:

Natch Greyes – NH Municipal Association

- They were initially supportive of this enabling legislation.
- Since that time, he has learned a lot about the waste stream.
- This is something that municipalities can already do.
- There are concerns from some municipalities.
- In Lebanon they have a transfer station that collects from multiple other towns.
- They were concerned about the limiting language of the bill and if it would limit them from collecting materials from other municipalities.
- He has reached out to the prime sponsor about the possibility of an amendment.
- The Lancaster transfer station manager elected not to sell construction debris that they collect because of insurance and liability concerns.
- They were also concerned for the safety of citizens that may step on a nail or something like that.
- Even though it is enabling legislation, it still needs some work.

Henry Veilleux - Representing Resource Way Services

- Resource Way Services is one of the largest C&D processing facilities in the state.
- They divert a lot of materials from going into the landfill facilities.
- They break down the wood and metals and send it to markets all over.
- Municipalities can already do this.
- The sponsors may not be thinking of the large scale that the big companies can do.
- This would be for small purchases, a door or window frame that can be used again and there is no prohibition against doing that today.
- He does not believe this legislation is needed as it can already be done.

Mike Wimsatt – Director, Waste Management Division, NH DES

- They are not taking a position on this bill but they do have some concerns.
- They believe it is unnecessary legislation.
- Municipalities that operate transfer stations can do this already.
- Very few do it due to the reasons already discussed.
- When towns do sell any debris, it is a small amount.
- Most towns do not want to do it because of the on site safety concerns and the potential liability.
- It is one thing if someone picks something up from a swap shop, it is another if you have sold it to them. There is an implied liability.
- Their second concern is that the way the bill is worded it implies that towns that collect from each other would not be able to do that and resell it.
- The bill implies that the collected material has to be from the town that is selling it or from contractors based in the town.

TJM

Date Hearing Report completed: March 25, 2022

Speakers

Senate Remote Testify

Election Law and Municipal Affairs Committee Testify List for Bill HB1122 on 2022
Support: 1 Oppose: 0

<u>Name</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>
Pauer, Eric	A Member of the Public	Myself	Support

Testimony

Tricia Melillo

From: Cheryl Jensen <cheryljensen448@gmail.com>
Sent: Sunday, March 20, 2022 12:01 PM
To: James Gray; Regina Birdsell; Ruth Ward; Donna Soucy; Rebecca.PerkinsKwoka@leg.state.nh.uh; Tricia Melillo
Subject: In support of HB 1122
Attachments: Lancaster C&D costs.pdf

I support HB 1122 because it would allow transfer stations – not require them -- to repurpose and sell C&D from homeowners, licensed local contractors and town construction projects. Transfer stations could sell windows, doors, bricks, cinder blocks, pillars, etc., instead of paying money to transport items to a landfill. We are at a point where we must divert more materials, including demolition debris, from landfills to preserve existing capacity.

One fact from the EPA makes it clear why: the amount of C&D debris generated in the U.S. in 2018 was more than twice the amount of municipal solid waste generated.

What is currently an expense for towns in terms of tipping fees, could be turned into an economic advantage by allowing transfer stations to sell C&D, which makes up a large part of what goes into landfills.

What happened recently at the Lancaster Transfer Station is an example of the financial burden imposed by disposing of construction and demolition materials. According to an article in the Dec. 29, 2021 issue of the Caledonian-Record the transfer station was going to be charging more to dispose of C&D: Transfer Station Director Brian Patnoe said the changes were long overdue and would offset \$10,000 to \$15,000 in annual losses for demolition and construction waste disposal. (See attached)

A member of the Lancaster Select Board noted: "The town can't continue to absorb the losses." It was also noted that in many cases the fee increases were simply going to cover disposal costs and were not going to generate revenue.

Lastly, using virgin materials for construction has an environmental cost, it makes sense to reuse materials whenever possible.

HB 1122 seems to be a commonsense solution to some of these issues. Since this bill is enabling legislation and not a mandate, I don't see any reason to oppose it. I hope you agree.

Sincerely,

Cheryl Jensen, 448 Lewis Hill Road, Bethlehem (603-869-5453)
Attachment

Prime Sponsor Testimony on HB1122
Timothy T Egan 3/21/22

Thank you Chairman Gray and the Senate Committee on Election Law and Municipal Affairs

HB 1122 relative to authorizing municipalities to collect and resell construction and demolition debris, is a bill that is important to our protecting our environment, minimizing solid waste into local landfills, helping land owners reduce new construction or renovation costs, supporting local home builders, and helping to keep down the operational costs of our communities transfer stations.

How does collecting and reselling construction and demolition debris benefit our society and saves NH residents money?

- Allowing C&D to be sold, helps homeowners find cost effective building materials
- Allowing C&D to be sold helps transfer stations raise new revenue
- Collecting C&D forges partnerships with community home builders and local contractors
- Putting less C&D in the solid waste stream, reduced town transfer station tipping fees.
- Less tipping fees and costs for transfer station disposal reduces property taxes for town operations
- Putting less C&D in the solid waste stream, lengthens the life span of existing landfills and reduces the needs for new ones

Repurposing construction and demolition debris is an action step based on direction from the Findings in the 2019 Report of the Committee to Study Recycling Streams and Solid Waste Management in NH. And it an OPTIONAL program, that allows for local governance for the transfer station and its oversight board or town authority, to decide if, when, and how to engage in a reselling program.

Thanks for considering this simple bill that can have tremendous impact.

Tricia Melillo

From: Chair ConsComm <bethlehemnhconservation@gmail.com>
Sent: Sunday, March 20, 2022 7:24 PM
To: Chair ConsComm
Subject: Bethlehem Conservation Commission supports HB 1122

Dear members of the Senate Election Law and Municipal Affairs Committee:

The Bethlehem Conservation Commission supports HB 1122. This bill would authorize, not require, municipalities/transfer stations to collect and resell construction and demolition debris.

Supporting this bill is compatible with the mission of NH's Conservation Commissions. Under RSA 36-A, Conservation Commissions are responsible "for the proper utilization and protection of the natural resources and for the protection of watershed resources of...the town."

Landfills are not "the proper utilization and protection of the natural resources." And many years ago, in 1990, the state legislature established a hierarchy of waste in which "landfills are the least favored method of solid waste disposal." At that time the legislature vowed to reduce the amount of solid waste going into landfills by 40 percent by the year 2000. That goal was never achieved.

Therefore, we believe everything must be done to divert whatever we can from landfills and construction and demolition debris (C&D) is particularly important. One fact from the EPA makes it clear why: the amount of C&D generated in the U.S. in 2018 was more than twice the amount of municipal solid waste generated.

Being able to recycle C&D not only conserves valuable landfill space, but it reduces the impact on our natural resources.

Reusing materials such as wood, windows, pillars, bricks, doors, cinder blocks and other architectural features can offset the impact of using raw materials and can preserve old-growth forests, which are finite.

Please vote to pass HB 1122 out of committee.

Lindsay Webb, Chair, and members of the Bethlehem Conservation Commission
(bethlehemnhconservation@gmail.com)

Voting Sheets

**Senate Election Law
& Municipal Affairs Committee
EXECUTIVE SESSION RECORD
2022 Session**

Bill HB 1122

Hearing date: 3/21/22

Executive Session date: 4/4/22

Motion of: ITL Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	X	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	X	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: Consent Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	X	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	X	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sen. Ward

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Monday, April 4, 2022

THE COMMITTEE ON Election Law and Municipal Affairs

to which was referred **HB 1122**

AN ACT

authorizing municipalities to collect and resell
construction and demolition debris.

Having considered the same, the committee recommends that the Bill

IS INEXPEDIENT TO LEGISLATE

BY A VOTE OF: 5-0

Senator Ruth Ward
For the Committee

This bill would have authorized municipalities to collect and resell construction and demolition debris. Municipalities that operate transfer stations already have the ability to do this. Currently, due to citizen safety concerns and liability issues very few cities or towns choose to sell collected material. Although this is enabling legislation, the Election Law and Municipal Affairs Committee believes it is unnecessary at this time.

Tricia Melillo 271-3077

General Court of New Hampshire - Bill Status System

Docket of HB1122

Docket Abbreviations

Bill Title: authorizing municipalities to collect and resell construction and demolition debris.*Official Docket of HB1122.:*

Date	Body	Description
11/16/2021	H	Introduced 01/05/2022 and referred to Municipal and County Government
2/9/2022	H	Public Hearing: 02/09/2022 10:30 a.m. LOB301-303
2/23/2022	H	Executive Session: 02/23/2022 9:00 a.m. LOB301-303
3/3/2022	H	Committee Report: Ought to Pass (Vote 18-0; CC)
3/11/2022	H	Ought to Pass: MA VV 03/10/2022 HJ 5
3/15/2022	S	Introduced 02/24/2022 and Referred to Election Law and Municipal Affairs; SJ 5
3/21/2022	S	Hearing: 03/21/2022, Room 100, SH, 01:30 pm; SC 12
4/6/2022	S	Committee Report: Inexpedient to Legislate; Vote 5-0; CC; 04/14/2022; SC 15
4/14/2022	S	Inexpedient to Legislate, MA, VV === BILL KILLED ===; 04/14/2022; SJ 8

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 1122 Senate Committee: ELMA

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

Final docket found on Bill Status

Bill Hearing Documents: (Legislative Aides)

- Bill version as it came to the committee
- All Calendar Notices
- Hearing Sign-up sheet(s)
- Prepared testimony, presentations, & other submissions handed in at the public hearing
- Hearing Report

N/A Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: (Legislative Aides)

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

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

- Executive Session Sheet
- Committee Report

Floor Action Documents: (Clerk's Office)

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

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

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

Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

Enrolled Bill Amendment(s)
Governor's Veto Message

All available versions of the bill: (Clerk's Office)

as amended by the senate
final version

as amended by the house

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

Tricia Meullo
Committee Aide

6/22/22
Date

Senate Clerk's Office AK