

Senate Energy and Natural Resources Committee

Griffin Roberge 271-3042

HB 413, establishing a solid waste working group on solid waste management planning and relative to compost.

Hearing Date: April 12, 2021.

Time Opened: 2:00 p.m.

Time Closed: 2:36 p.m.

Members of the Committee Present: Senators Avard, Gray, Watters and Perkins Kwoka.

Members of the Committee Absent: Senator Giuda.

Bill Analysis: This bill establishes a solid waste working group on solid waste management planning.

This bill also requires the department of environmental services to make certain rules regarding compost.

Sponsors:

Rep. Ebel	Rep. M. Murray	Rep. Sykes
Rep. Wolf	Rep. Merner	Rep. Suzanne Smith
Rep. Graham	Rep. Milz	Rep. Massimilla
Rep. Von Plinsky	Sen. Hennessey	Sen. Whitley
Sen. Watters	Sen. Ward	Sen. Prentiss

Who supports the bill: Patricia Anastasia, Londonderry, NH; Representative Judy Aron, Sullivan - District 7; David Bates; Rudy Bazelmans, NH Waste Management Council; Kathleen Bigford; Representative Peter Bixby, Strafford - District 17; Sandra Bravo; Susan Bruce; Susan Chase; Representative Karen Ebel, Merrimack - District 5; Elizabeth Fenner-Lukaitis; Kimberly Hallquist; Sarah Hansen; Robert Harrington, Town of New London, NH; Senator Erin Hennessey, NH Senate District 1; Edward Hoyt; Robert Johnson, NH Farm Bureau Federation; Cordell Johnston, NH Municipal Association; Joseph Kubit, Town of New London, NH; Joy Kubit; Matt Leahy, Society for the Protection of NH Forests; Paula Minnehan, NH Hospital Association; Russell Moore; Representative Megan Murray, Hillsborough - District 22; Samuel Nicolai, Casella Waste Systems; Michael Nork, NH Department of Environmental Services; Nicholas Ourusoff; Eric Pauer; Representative Howard Pearl, Merrimack - District 26; Steven Poggi, Waste Management, Inc.; Maureen Prohl; John Raby; Representative Suzanne Smith, Grafton - District 8; Senator Ruth Ward, NH Senate District 8; Senator David Watters, NH Senate District 4.

Who opposes the bill: None.

Who is neutral on the bill: Reagan Bissonnette, Northeast Resource Recovery Association.

Summary of testimony presented in support:

*Representative Karen Ebel – provided written testimony
Merrimack – District 5*

- HB 413 creates a solid waste working group to be convened by the NH Department of Environmental Services (NHDES) in support of its solid waste planning efforts. The bill also requires NHDES to enact administrative rules by September 30, 2021 relative to requirements and best practices for facilities that compost organics.
- The House Environment and Agriculture Committee recommended HB 413 “ought to pass with amendment” by a vote of 19-0 and was placed on the House consent calendar. The bill passed the full House on a voice vote.
- 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 municipalities. HB 617 (2019) created a study committee on solid waste management and recycling. 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 active eight-week study with fourteen hearings and over fifty stakeholders participating.
- NH faces many solid waste challenges, such as its limited landfill capacity and the limited capacity of NHDES’s Solid Waste Management Bureau (SWMB) to deal with more than its day-to-day responsibilities due to drastic budget cuts. The lack of resources at the SWMB made advance planning difficult to accomplish. The SWMB is funded through the state’s General Fund. Through consistent budget cuts, the SWMB has lost its planning division and failed to produce a long-range solid waste plan.
- The Waste Management Council is supposed to help with strategic planning but given its appellate responsibilities and the volunteer nature of the Council, it has little or no time to do so. Representative Ebel noted the letter of support for HB 413 from Rudy Bazelmans, the chair of the Waste Management Council.
- Surrounding states like Vermont and Massachusetts are instituting specific solid waste plans. When these states ban certain refuse, NH becomes the recipient of that waste. Due to the Interstate Commerce Clause in the US Constitution, NH cannot ban out-of-state waste.
- NH has solid waste capacity issues. One obvious example is to decrease the amount of trash being landfilled. One obvious example is food waste. Food waste alone accounts for nearly 20% of solid waste in weight and should be composted to the extent possible. NHDES has struggled to get revised composting regulations done due to staffing shortages. This task has been pending since 2015. NH needs new regulations. Streamlining this process will help new businesses to develop, help maintain our landfill capacity, save municipalities money, and reduce methane in our atmosphere.
- The HB 617 Study Committee made many recommendations, but one of the most important recommendations was the creation of a solid waste task force to help NHDES work with stakeholders to develop innovative solutions to NH’s challenges. HB 413 creates that task force.
- Senator Watters asked if it would be fair to say that HB 413 and SB 146’s Part II were written in close consultation with the waste management industry as there is a shared sense to address NH’s solid waste challenges.
 - Representative Ebel agreed with Senator Watters. The HB 617 Study Committee gathered input from a wide variety of stakeholders and sought to build consensus on the committee’s final recommendations. HB 413 and SB 146’s Part II seek to involve as many stakeholders as possible to advance the interests of the state.
- Senator Watters noted the bipartisan support for HB 413 and SB 146’s Part II. He asked if it was fair to say that HB 413 and SB 146’s Part II are meant to work in tandem as HB 413’s working group would help NHDES develop the long-term solid waste plans as outlined in SB 146’s Part II.
 - Representative Ebel said the two bills are very closely connected. As NHDES develops the state’s solid waste plan under SB 146, it is important to have stakeholder participation and input through HB 413’s working group.
- Senator Watters noted HB 413’s Section 3, which requires NHDES to adopt administrative rules relative to composting. He asked if it would be fair to assume that some business development could come out of composting.
 - Representative Ebel agreed with Senator Watters. There are business opportunities available in composting, especially in NH’s agricultural community. Farmers could compost on a commercial scale if NH’s composting regulations were in effect.
- Senator Watters noted that local school districts could benefit from composting regulations instead of paying to dispose of their waste.
 - Representative Ebel agreed with Senator Watters. There are commercial businesses in NH that collect food waste in NH and ship that waste out-of-state due to NH’s lack of composting regulations.

- Senator Avard asked if Representative Ebel could expand on the amount of food waste that is landfilled in NH.
 - Representative Ebel said the HB 617 Study Committee found that food waste alone accounts for 20% of the solid waste in weight going into NH's landfills. NH has a dwindling landfill capacity and composting could lessen the amount going into NH's landfills.

Representative Peter Bixby

Strafford – District 17

- Representative Bixby was involved with SB 251 (2015), which required NHDES to develop composting regulations. At the time, there were no technical issues with composting. The issue was having the regulations in place. Representative Bixby was shocked to find that the HB 617 Study Committee concluded that NHDES was stalled in finalizing these composting regulations for nearly six years. Putting composting regulations in place is important.

Cordell Johnston

Government Affairs Counsel, NH Municipal Association

- NH has limited landfill capacity that will become a greater issue. Overtime, solid waste facilities have limited the kinds of waste they can recycle due to the nature of the recycling market. These are issues municipalities are facing and they cannot address them on their own. HB 413 will help bring interested parties together to find ways to address NH's solid waste problems.

Samuel Nicolai

Vice President of Engineering and Compliance, Casella Waste Systems (CWS)

- People have very little understanding of the operations, facilities, and programs that are utilized to provide solid waste services. Given that lack of understanding, people do not understand how solid waste issues evolve and change.
- HB 413's proposed working group will be important to help keep the state abreast of the needs and changes in the solid waste industry. The bill will allow different parties to work together to confront solid waste challenges into the future.
- HB 413 will allow the solid waste industry to work closely with regulators and public policymakers so that appropriate regulations and opportunities can be created for NH businesses to manage solid waste.

Steven Poggi

Area Director of Disposal Operations, Waste Management, Inc. (WM)

- HB 413 will help address the state's challenges in recycling and solid waste disposal. WM looks forward to working collaboratively with stakeholders to help the state find ways to confront its solid waste challenges.

John O'Connor

Former Representative, Derry, NH

- Representative O'Connor served on the HB 617 Study Committee. In his ten years in the House of Representatives, the HB 617 Study Committee was one of the most comprehensive studies he had ever been involved with. The study generated a wealth of information.
- NH has limited landfill capacity. Waste to energy should be reviewed by the working group under HB 413. Representative O'Connor noted that Japan converts nearly 98% of their solid waste into energy.
- Reiterated the testimony made by Representative Bixby. Composting represents an important business opportunity for agricultural interests.

Michael Nork – provided written testimony

Environmental Analyst, Solid Waste Management Bureau, NHDES

- NHDES's SWMB has suffered from resource deficiencies over the last two decades, which have made it challenging to fulfill many duties. HB 413 will not address NHDES's need for additional resources to accomplish various solid waste management responsibilities. However, HB 413's working group could play an important role in advising and aiding NHDES as it prepares an updated Solid Waste Management Plan and develops policies, priorities, and goals to address NH's solid waste challenges.
- NH is clearly falling behind other states in regard to general waste management planning and policy. HB 413's working group would not resolve these issues but would be an important first step to do so.
- HB 413 would require NHDES to adopt revised administrative rules for facilities that compost food waste. The task has been a priority for NHDES since passage of SB 251 (2015), which directed NHDES to clarify

requirements for facilities that compost meat and dairy food waste. NHDES's progress in adopting rules has been significantly slower due to limited resources. NHDES will make every effort to meet the September 30, 2021 deadline to finalize the compost administrative rules.

- Mr. Nork clarified earlier testimony regarding the amount of food waste going into NH's landfills. The EPA estimates that food waste accounts for 24% of municipal solid waste going into landfill nationwide. Municipal solid waste is not the only type of waste landfilled in NH. Other waste like construction and demolition debris, asbestos waste, contaminated soils, and sludge also go into NH's landfills. Municipal solid waste accounts for roughly 60% of the waste going into NH's landfills. Using the EPA's food waste figure, food waste accounts for roughly 15% of the total amount of waste deposited in NH's landfills.

Summary of testimony presented in opposition: None.

Neutral Information Presented:

Reagan Bissonnette – provided written testimony

Executive Director, Northeast Resource Recovery Association (NRRA)

- The 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, directly connecting municipalities selling recyclable material to companies that wish to acquire those materials. NRRA has over 400 members throughout New England, and most members are municipalities in New Hampshire (NH). Over 80% of NH's towns and cities are members of NRRA.
- Improved solid waste planning in NH, including for recycling and composting, could help municipalities save money and conserve environmental resources.
 - NH has the highest cost of disposal for municipal solid waste in the country due to the state having the least amount of available space for new or expanded landfills. The cost to landfill trash is expected to increase overtime.
 - NH has a waste management source reduction hierarchy in order of preference from most to least preferred, of source reduction, recycling and reuse, composting, waste-to-energy technologies, incineration (no recovery), and landfilling.
 - Due to staffing and budgetary constraints, as well as statutory requirements, NHDES staff spend the majority of their time focused on the three least preferred methods of waste management. On the other hand, NHDES' peer agencies in neighboring states have committed significantly more resources to plan for the future of solid waste management. A solid waste planning group could help NH improve its focus on the top three preferred management methods.
- Updated food scrap composting regulations in NH, including for meat and dairy, could help municipalities save money and conserve environmental resources.
 - According to 2018 estimates from the Environmental Protection Agency (EPA), food scraps accounted for the largest component of landfilled waste by weight in the US at 24%.
 - Landfilling or incinerating food scraps is problematic for a variety of reasons, including negative environmental and financial impacts. Landfilling food scraps produces methane gas, a powerful greenhouse gas. Landfilling food scraps is also expensive because food scraps are heavy, and the disposal of waste is paid by weight.
 - In NH, a municipality or business that wants to compost meat and dairy along with other food scraps must complete an extensive and expensive permit process with NHDES. NHDES was directed by law in 2015 to establish rules for composting meat and dairy that would not require such an expensive permit process. However, NHDES has not yet issued those updated rules. Other neighboring states have already modernized their composting rules accordingly.
 - While many of NRRA's municipal members have expressed an interest in establishing food scraps composting programs, relatively few have done so to date. This is in part because asking residents to take the additional step of separating meat and dairy from other food scraps before composting is cumbersome. The delay in modernizing NH's composting rules to provide best practices for composting meat and dairy discourages municipalities from composting food scraps, which could result in financial savings by not landfilling that material.