

CHAPTER 188
HB 413 - FINAL VERSION

7Apr2021... 0343h
05/06/2021 1241s
24Jun2021... 2060EBA

2021 SESSION

21-0605
08/06

HOUSE BILL **413**

AN ACT establishing a solid waste working group on solid waste management planning, relative to compost, and establishing a statewide solid waste disposal reduction goal.

SPONSORS: Rep. Ebel, Merr. 5; Rep. M. Murray, Hills. 22; Rep. Sykes, Graf. 13; Rep. Wolf, Merr. 5; Rep. Merner, Coos 7; Rep. Suzanne Smith, Graf. 8; Rep. Graham, Hills. 7; Rep. Milz, Rock. 6; Rep. Massimilla, Graf. 1; Rep. Von Plinsky, Ches. 7; Sen. Hennessey, Dist 1; Sen. Whitley, Dist 15; Sen. Watters, Dist 4; Sen. Ward, Dist 8; Sen. Prentiss, Dist 5

COMMITTEE: Environment and Agriculture

AMENDED ANALYSIS

This bill:

- I. Establishes a solid waste working group on solid waste management planning.
- II. Requires the department of environmental services to make certain rules regarding compost.
- III. Establishes a statewide solid waste disposal reduction goal.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT establishing a solid waste working group on solid waste management planning, relative to compost, and establishing a statewide solid waste disposal reduction goal.

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

1 188:1 Purpose and Findings. The general court finds that proper solid waste management
2 protects public health and the environment and preserves natural resources. To adequately prepare
3 the state for future solid waste challenges, New Hampshire must review and update its solid waste
4 management laws and policies and its solid waste management plan, engage in vigorous long-range
5 planning, and develop creative, effective solutions. Other states in the region have devoted
6 significant effort and funds to future solid waste management planning. New Hampshire lags
7 behind in updating its solid waste reduction and recycling policies, while solid waste disposal
8 capacity rapidly diminishes to the detriment and expense of the state's citizens, municipalities, and
9 businesses. This working group is being established to assist the department of environmental
10 services plan our state's solid waste future.

11 188:2 New Subdivision; Solid Waste Working Group. Amend RSA 149-M by inserting after
12 section 60 the following new subdivision:

Solid Waste Working Group

14 149-M:61 Solid Waste Working Group.

15 I. The solid waste working group shall be convened by the department of environmental
16 services and shall have, at a minimum, the following members:

17 (a) One member of the house, appointed by the speaker of the house of representatives.

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

19 (c) One member of the waste management council, appointed by the chair of the council.

20 (d) One member representing owners of in-state landfills that also operate a major
21 materials recovery facility.

22 (e) One member representing publicly owned in-state landfills.

23 (f) One member representing in-state solid waste haulers that do not operate landfills.

24 (g) One member representing companies that reprocess post-consumer waste into
25 products for sale or for reuse themselves.

26 (h) One representative of the Northeast Resource Recovery Association, appointed by
27 that association.

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1 (i) One member representing cities with single stream recycling, to be appointed by the
2 New Hampshire Municipal Association.

3 (j) One member representing rural communities using source separated recycling, to be
4 appointed by the New Hampshire Municipal Association.

5 (k) One representative of the New Hampshire healthcare industry, appointed by the
6 New Hampshire Hospital Association.

7 (l) One representative of the Northeast Recycling Council, appointed by that council.

8 (m) One member with expertise in solid waste-related sustainability issues, appointed
9 by the chancellor of the university system.

10 (n) The commissioner of the department of business and economic affairs, or designee.

11 (o) The commissioner of the department of environmental services, or designee.

12 (p) Any other members the commissioner of the department of environmental services
13 deems necessary.

14 II. Unless otherwise indicated, the members of the working group shall be appointed by the
15 commissioner. Terms for state agency and legislative members shall be the same as their terms in
16 office. All other working group members shall serve for the duration of the working group. Upon
17 term expiration, each appointed member shall hold office until a successor shall be appointed and
18 qualified.

19 III. The solid waste working group shall:

20 (a) Assist the department in long-range planning for and the development of creative,
21 effective solutions to the state's solid waste management challenges.

22 (b) Review and make recommendations for changes to the state's existing solid waste
23 reduction, recycling, and management policies, programs, goals, and initiatives.

24 (c) Review and make recommendations regarding the impact of regional solid waste
25 management initiatives, including landfill waste disposal bans, on our state and our solid waste
26 disposal landfill capacity.

27 (d) Advise the department in the development of the solid waste management plan
28 required by RSA 149-M:29.

29 (e) Review and recommend methods to better provide technical assistance and
30 educational outreach to municipalities, schools, businesses, and the public regarding solid waste
31 reduction, recycling, and management policies.

32 (f) Review and recommend ways to better implement the solid waste hierarchy and solid
33 waste reduction goals, under RSA 149-M:3.

34 (g) Review and make recommendations based on the 2019, 265 (HB 617) study
35 committee report on recycling and solid waste management in New Hampshire.

36 (h) Review such other matters as the working group deems necessary and to recommend
37 any related legislation, policy, or rule changes.

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1 IV. The working group shall hold its organizational meeting no later than November 1,
2 2021. The working group shall submit its initial report on November 30, 2022 and its final report on
3 November 1, 2026, to the speaker of the house of representatives, the president of the senate, the
4 house clerk, the senate clerk, the governor, the state library and the house and senate committees
5 responsible for solid waste oversight.

6 188:3 Compost; Rulemaking. The commissioner shall enact rules pursuant to RSA 149-M:7, XV
7 by September 30, 2021 relative to requirements and best practices for facilities that compost
8 organics, including vegetable matter, meat, meat byproducts, dairy products, and dairy product
9 derivatives.

10 188:4 Repeal. RSA 149-M:61, relative to the solid waste working group, is repealed.

11 188:5 Solid Waste Disposal Reduction Goal. Amend RSA 149-M:2 to read as follows:

12 149-M:2 **Solid** Waste **Disposal** Reduction Goal.

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

23 II. [~~In exercising any and all powers conferred upon the department under this chapter, the~~
24 ~~department shall use and consider criteria relevant to the waste reduction goal and disposal~~
25 ~~hierarchy established in RSA 149 M:2 and 149 M:3. The department shall not take any action~~
26 ~~relative to the 40 percent weight reduction goal which causes the municipalities organized under~~
27 ~~RSA 53-A and 1986, 139 or RSA 53-B to violate or incur penalties under legal obligations existing on~~
28 ~~June 26, 1990.] **The general court further declares a goal to reduce the quantity by weight of**
29 **solid waste disposed by 25 percent by the year 2030, and by 45 percent by the year 2050. For**
30 **the purposes of this goal, disposal reduction targets shall apply, on a combined basis, to**
31 **disposal of municipal solid waste and construction and demolition debris, and shall be**
32 **measured against baseline quantities of these wastes disposed of in the year 2018. For the**
33 **purposes of this goal only, municipal solid waste means solid waste generated at**
34 **residences, commercial or industrial establishments, and institutions, but excludes**
35 **automobile scrap and other motor vehicle waste, infectious waste, asbestos waste,**
36 **contaminated soil and other absorbent media, sludge, industrial process waste, and ash**
37 **other than ash from household stoves. Disposal reduction may be achieved through source**~~

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1 *reduction as well as diversion including but not limited to reuse, recycling, and*
2 *composting. For the purposes of this section "goal" shall not establish a mandate.*

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

9 188:6 State Solid Waste Disposal Reduction Goal. Amend the introductory paragraph of RSA
10 149-M:29, II to read as follows:

11 II. ~~[At least every]~~ **Beginning** October 1, **2023** ~~[of every odd-numbered]~~ **and every odd-**
12 **numbered** year **thereafter**, the department shall prepare a report on the level of achievement in
13 reaching the ~~[40 percent diversion]~~ goal established in RSA 149-M:2 and on proposed strategies for
14 achieving the goal and any proposed changes to the goal. The report shall contain information
15 regarding:

16 188:7 State Solid Waste Plan. Amend RSA 149-M:29, I to read as follows:

17 I. Beginning October 1, ~~[1998]~~ **2022, in accordance with the state waste planning**
18 **update schedule requirements of this section dating to October 1, 1998**, and every ~~[6]~~ **10** years
19 thereafter, the department shall update the state's solid waste plan, **which shall be made**
20 **available for public review and comment before final publication, and which shall**
21 **contain, at minimum, the following elements:**

22 (a) **Goals, strategies, and actions to reduce solid waste generation through**
23 **source reduction, to increase diversion through methods such as reuse, recycling and**
24 **composting, and to achieve the state's solid waste disposal reduction goal, with such efforts**
25 **incorporating the principles of the solid waste management hierarchy established in RSA**
26 **149-M:3.**

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

29 (c) **Goals, strategies, and actions necessary to maintain and ensure adequate**
30 **disposal capacity for management of waste generated in New Hampshire.**

31 188:8 Effective Date.

32 I. Section 4 of this act shall take effect November 1, 2026.

33 II. Sections 5 through 7 of this act shall take effect 60 days after its passage.

III. The remainder of this act shall take effect upon its passage.

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Approved: August 10, 2021

Effective Date:

- I. Section 4 shall take effect November 1, 2026.
- II. Sections 5-7 shall take effect October 9, 2021.
- III. Remainder shall take effect August 10, 2021.