

Minutes Meeting

Convened 10:05 am 8/28/2019

Adjourned 12:05 pm 8/28/2019

Elections:

Rep. O'Connor Nominates Karen Ebel as Chair Megan Murray Seconds. Karen Ebel Accepts

John O'Connor Nominates Megan Murray as Clerk/Karen Ebel seconds. Megan Murray Accepts

Attending:

Senator Watters, Rep. Karen Ebel, Rep. John O'Connor and Rep. Megan Murray

See Sign in Sheet for list of attendees

K. Ebel: HB 617 Charges as outlined within bill text we'll probably look at a slightly expanded scope to include solid waste disposal within the state.

Mike Nork's Presentation:

SW Mgmt Bureau NH DES - RSA 149:M – Guides solid waste within state. ENV SW 100- through approx.2000+

Solid waste is defined as: anything that is abandoned or Discarded. Excludes nuclear, septage, point source discharge, yard waste, hazardous waste

Sen. Watters asks about what guides hazardous waste.

DES MN: Yes – there is a sister department for that.

149:M Has a waste reduction goal. Waste reduction goal – to reduce the amount of waste by 40% by the year 2000. Is that 40% goal still relevant, does it need revisited? Disposal of recyclable materials into landfills is discouraged.

Disposal defined as: taking a waste and putting it into a landfill or incinerator.

Diversion defined as: any method to recover material away from landfill.

Rep. J.O'Connor: Landfill that supplies methane to UNH – is there method to monitor that?

MN: methane use used as fuel is certified waste derived product. Waste Byproduct to be used for beneficial use.

Rep. J.O'Connor: We have no anaerobic facilities for solid-waste management?

MN: Not for solid-waste management.

Preferred disposal Hierarchy: Source Reduction – Recycling/Reuse – Composting – Waste-to-Energy-
Incineration- Landfilling

Rep. K. Ebel: Are you going to get into how we are doing in that hierarchy?

MN: The state has not significantly shifted waste away from landfilling. We are recycling as much as we can, but given it is not mandatory and the current market challenges we are in a unique position. I do not have a full assessment, there is some evidence that we could be doing better.

Sen. Watters: Do we have stats going back to 1990 on per-capita waste? Are there stats available to let us know where we are in terms of waste?

MN: Due to incremental budget constraints we have been unable to fulfill baseline data and ability to fulfill some of that program data.

Sen. Waters: Could you take that tonnage and do a per-capita waste? Can you track over time what the waste represents overtime per-capita stream?

MN: Disposal figures do not necessarily represent generation figures. Generation includes disposal and recycled/diverted. We have problems tracking this information due to the limited data we have available.

Sen.Watters – any data you can provide would be helpful of per-capita data so that we have some trend data to be able to look at it.

Rep. K. Ebel: is it fair to say that landfilling is the least preferred, but perhaps the thing we are doing the most of?

MN: Anecdotally, I would say that is likely.

Rep. J.O'Connor: Towns report what waste they receive and what they transport out of state?

MN: Yes they have to report what's received out of state, in state and the same is for recycling.

Solid Waste Mgmt. Bureau and DES looks at this in a way that makes sure that protects human health and the environment people and communities. We monitor all variety of types of solid-waste disposal sites. Roughly 1,000 in total. We do NOT do outreach, education, planning due to lack of budget – focus is on regulation and permitting and assuring compliance to facilities w/landfills includes modifications to permits on expansions etc.

Rep. J.O'Connor: How would you classify Coakley Landfill?

MN: Mike Wimsatt may be the one to answer that better.

M.Wimsatt: closed site and is a Hazardous waste site.

M.Nork: defines categories of facilities see file for handout of of detailed explanation.

Collection, Storage and Transfer facilities – Cat. 1

Processing/ Treatment – waste comes in – and something else comes out

Landfills – stuff goes into the ground and doesn't come out.

6 landfills operating and disposal of MSW: 3 commercial w/unlimited service area and 3 that are limited service areas – publicly owned. Publicly owned can only be received from the town their located/w exception of some regional facilities.

Public Benefit is a factor and acceptance of waste from out of state – DES is required to prepare a solid waste mgmt plan. Most recent was issued in 2003.

Rep.K.Ebel: Is staffing part of the problem?

MN: competing issues sometimes change our focus/limited staff.

Rep. J.O'Connor: Is the 2003 report online?

MN: Yes. I can also provide that.

Sen. Watters– do you have any estimate when the updated report may be completed?

MN: Soon.

Sen. Watters – in terms of public benefit – would there be ways to define capacity and potential capacity in a way that comply w/ ICC??

MN: That may be possible in most cases we are focused on applications we receive. Suggests general court or AG office for more info.

Sen Watters: carbon that is used as filtration is accepted at traditional waste facilities – is it hazardous waste especially since we are looking at the PFAS situation?

MN: PFAS issue is emerging and evolving. I think Mike would be more suited to respond. That is something I can look into for more response.

Rep. K. Ebel: Could you talk about your chart for NH SW Disposal?

MN: There is a correction for TLR it gives them 15 or so years more not 2.5 – there is an appeal on that.

KA: What is the situation in Bethlehem?

MN: There has been an application for expansion.

Rep. K. Ebel: What ability do towns have to weigh in on applications such as in Bethlehem? It appears we have a capacity problem looking ahead?

MN: Yes. We don't have infinite expansion abilities, but some facilities have received incremental expansion approvals. It is difficult to say what proposed applications there may be. To answer your question, the town does have rights to decide what is appropriate in their town. Approvals for permits doesn't necessarily negate a town's rights and the requisite state, federal and local.

Rep. K. Ebel: is TLR only 38% of the waste is coming from instate? Is that our biggest Landfill?

MN: Yes, that is correct. As far as overall receipt it looks that way.

Rep. K. Ebel: Do the majority of the municipalities send the waste to one of those three facilities?

MN: Yes that is true very few send their waste out of state.

Rep. K. Ebel: Did you want to say anything about the Wheelabrator?

MN: There is one no longer operating and one currently operating in Penacook. I don't have much to say about them.

Rep. K. Ebel: So if we have a capacity problem for waste in our own state waste it is interesting to think about the relationship of instate and out of state waste?

Mike Wimsatt – SVC director of NH DES – I do not have any specific prepared remarks Mike Novak has done a great job outlining it.

Thoughts based on the conversation today. We don't have that many generally funded programs contrary to popular belief. Solid waste is unique in that it is 100% General Funded – we get no monies from anywhere else. Ebbs and Flows of funding mostly ebbs over the last 15 years – we had about 7 or 8 people allocated with funding to help towns with planning and programming – essentially all of those programs were lost due to budget cuts and we have had to winnow away at those due to budget to focus on waste management and rules/oversight.

Permits are forever - once they are issued they are here unless they are revoked. There are provisional dates and phases however that have to be re-addressed and addressed over time that require permit modification. Time consuming and effort to monitor and approval of permits. If we do not act within an appropriate time they go to a default approval.

Rep J.O'Connor: Are there any federal funds?

MW: There are some grants but there are not consistent regular funds available through the EPA for SW MGMT – there are generally only funds for competitive grants for specific projects or new projects.. Basically for all states there are no states who get significant funding from FEDERAL.

Rep. K. Ebel: Resource constraints seem to limiting progress?

M.Wimsatt: I think that's fair and also while it is the states are doing this – it is also market driven. At the end of the day 99 times out of 100 they are basing their quotes on price – and are dictated by bids on cost.

Rep.M.Murray: What is the time line for approval?

M.Wimsatt HB 1104 made changes to permitting awhile back – they had changed it to 30 days to review and 60 days to the end. But in Solid Waste it was hard and tough to comply w/ because it is very time consuming to be able to meet that original directive to keep it from default approvals.

SB 160 now restores us to the previous 60 days to 120 days to complete application & render a decision – there are extensions.

Rep. K. Ebel: As we are decreasing recycling this is putting pressure on solid waste facilities?

MW: It was better economically previously and the problem now, because China has gotten us a bit spoiled because as a nation recycling has ground to a halt and made stringent regulations to the point we can't meet the standards. As a result we are having to do much more work to do it locally or get it to China.

Costs to get it to a Materials Recovery Center were 65 to 95 dollars a ton to get materials there historically, now –about \$110 – \$150 a ton.

It is becoming economically precarious for Towns and Municipalities. This 50 to 60 dollar differential is daunting and certainly it is requiring a very large series of concerns that require a holistic response.

Rep. K. Ebel: What about the ICC?

MW: Not a lawyer, but understanding of interstate commerce clause – a provision on the books that limits fees on out of state waste and we stopped collecting.

Sen. Watters: could we set capacity expectations?

MW: Right now the doctrine isn't specific for that. The statute is ripe for looking at capacity expectations – The question becomes what is the balance between public benefit and capacity. What is the right number?

Sen. Watters: I want to look at things we can do.

What about PFAS and filtration does that pose an issue?

MW: PFAs carbon filters are not generally sent to public waste facilities they go to incinerators.

Sen Watters leaves at 11:20 am

Rep. K. Ebel: How much control do municipalities of waste facilities have in their communities?

MW: I am not lawyer, but it is my understanding that the court made clear that towns do have the ability to weigh in.

Rep. K. Ebel: or if they can?

MW: I am not sure.

MW: waste council upheld decision for TLR3 Waste to Energy/Wheelabrator – We only have one left in NH.

Amy Farnum: R4 /Waste Stream Coordinator – Dept. Administrative Svcs. 9-C:1 was a recycling fund of a \$500,000 revolving fund and it must be a revenue driven fund in that revenue must exceed expenses. Part of my task is to manage those things and to oversee state wide contracts etc. like Recycling for the state. Waste reduction act – directive to look at reducing our waste as well as reducing, reusing and recycling. The 4th part is pretty progressive in that we are looking at reclaiming products – currently we have a linear system, if they aren't recycled they are trashed. The current conversation is currently about plastics. My credentials are really in business and education, I have taught for the last nine years, I have a frame-work of Environmental Sciences.

Since 2015 – we found that resources were not being allocated to watch funds within this, and I am the first person to hold this position. Looking at the funds, and balancing the way the solid waste and recycling work together. We have an initiative for green procurement and development.

Got a grant to create a “How to Guide for Green Procurement” looking for chances to buy and use recycled content. We have done test pilots of managing our content directly – because at times we lose control of it – we don't have a lot of data and information for what is currently happening.

We installed a bailer.

Rep.M.Murray: is that for paper?

AF: it is for cardboard and office papers.

Rep.J O'Connor: Have you gotten any feedback on what is happening with mixed-paper?

AF: it is market driven it is more challenging, for that material to be made into other things. In the materials we are using it is trailered in and then bailed 10% coated 30% uncoated papers is the regulation for papers. It is closed loop system for this process

Rep. K. Ebel: What about plastics are you collecting those?

AF: Currently it is single stream and we don't have the ability to operate a transfer facility. Our other revenue source is scrap metal is tin cans vs. aluminum – that is a source of revenue for us. Consumable materials (pens paper etc) we have found that a lot of things are purchased and never used.

Contamination issues have been huge for us, and we have 10 yard containers across the state – and if contaminated charges can be up to \$250 a haul.

Rep. K. Ebel: DO you have a sense of how much the states waste in tonnage is generated?

AF: it can be extrapolated with the waste containers – we have 481 waste containers in state facilities, but it has not yet been done. Capacity and finances I would say are the issues when materials are contaminated and our level of consumption

Rep.M.Murray: How have you educated folks in the state on this contamination issue?

AF: I have created flyers, there is mass confusion about what is and what is not recyclable and I think the single stream issue makes it worse and I think pre-sorting helps. Many things are not being recycled – especially plastics. Generally speaking plastics is a huge issue.

Rep. K. Ebel: Do you have an idea how much solid waste in addition you are producing in the state?

AF: that is not in my directive – I am charged only with recycling which makes my job hard because can't see a full picture on both sides.

Rep. K. Ebel: Asks AF to send an email about potential changes that may be helpful to help her do her job more completely.

Rep. K. Ebel: The next meeting is Sept. 3 at 2:30 pm so that folks could attend both our meeting and plastics committee the one prior. Do we want to outline our next meeting?

1. I would say that we want to hear from municipalities including NRRRA and NHMA to fully understand things.
2. Could we schedule the third meeting for Sept. 20th at 10 am will be tentatively scheduled as well.
3. 4th Meeting tentatively Sept 24th at 1 pm

Meeting Adjourned at 12:05 pm