



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

March 11, 2010

Senator Martha Fuller Clark, Chairman
Energy, Environment & Economic Development Committee
Legislative Office Building, Room 102
Concord, NH 03301

SUBJECT: SB 301, An act relative to combustion of untreated wood at municipal transfer stations

Dear Chairman Fuller Clark and Members of the Committee:

Thank you for the opportunity to provide testimony on SB 301. As introduced, this bill would make permanent the exemption for the incidental combustion of untreated wood at municipal transfer stations from the general ban on the combustion of construction and demolition debris. It is our understanding that an amendment to the bill has been developed to provide for a three-year extension of the exemption, in lieu of making the extension permanent. The New Hampshire Department of Environmental Services (Department) supports the bill with the amendment.

During the 2007 session, the NH Legislature passed HB 428, which prohibited the combustion of the wood component of construction and demolition debris (hereinafter, "C&D wood"), based upon a number of concerns about potential impacts to air quality. The law prohibited the combustion of C&D wood by any person. The law also provided an exemption until January 1, 2011, for incidental combustion, under the supervision of solid waste facility operator, of untreated wood at any municipal transfer station subject to regulation under RSA 149-M.

This provision of the law was included in order to address the concerns of municipal officials, who feared that their solid waste facility operators would be violating the law if they presided over the burning of brush piles that included small amounts of untreated C&D wood. (Untreated wood is bare wood that has not had any paints or coatings applied to it.) Municipal officials were also concerned that there would not be adequate access to recycling outlets for such wood, particularly for small volumes of wood that are commonly delivered to transfer stations by the residents of small towns. By providing this exemption until 2011, the law allowed time for the development of alternative markets for C&D wood, and provided additional time for municipalities to identify cost-effective outlets for this waste.

Since passage of the combustion ban in 2007, progress has been made in the development of markets for C&D wood. Currently, a significant portion of C&D wood delivered to commercial C&D processing facilities in New Hampshire is shipped to a facility in Canada that recycles the wood to produce medium-density fiberboard for use in furniture and cabinetry. The majority of C&D wood handled by processors is processed into an industrial wood chip fuel and shipped out

Senator Martha Fuller Clark, Chairman
Energy, Environment & Economic Development Committee
March 11, 2010
Page 2 of 2

of state (mostly to Maine). The Department believes that additional markets will develop over time.

If amended as discussed above, SB 301 would extend the exemption repeal date for an additional three years, to 2014, in order to allow additional time for markets to develop, and for municipalities to identify cost-effective outlets for C&D wood received at their transfer stations. The Department would support the bill if it were amended to extend the exemption for an additional three years.

Thank you for the opportunity to comment on this legislation. If you have any questions or need additional information, please contact Mike Wimsatt, Director of the Waste Management Division, at 271-2905.

Sincerely,



Thomas Burack
Commissioner

cc: Sen. Bob Odell
Rep. Tara Sad
Rep. Burton Williams
Rep. Leigh Webb
Members of the Energy, Environment & Economic Development Committee
Michael Wimsatt, Director, Waste Management Division