



The State of New Hampshire
Department of Environmental Services



Clark B. Freise, Assistant Commissioner

May 2, 2017

The Honorable Richard Barry
Chair, House Science, Technology and Energy Committee
Legislative Office Building, Room 304
Concord, NH 03301

RE: Proposed Amendment to SB126, An Act relative to eligibility of hospitals with renewable energy projects for funds from the renewable energy fund and relative to the combustion of certain construction and demolition debris.

Dear Chair Barry and Members of the Committee:

Thank you for the opportunity to comment on a proposed amendment to SB126, relative to eligibility of hospitals with renewable energy projects for funds from the renewable energy fund and relative to the combustion of certain construction and demolition (C&D) debris. The proposed amendment to SB126 would provide an exemption from the current ban on the combustion of C&D derived products for bio-oil (as currently defined in RSA 362-A:1-a, I) and bio-synthetic gas (as currently defined in RSA 362-A:1-a, I-a) derived from the wood component of C&D debris. While the New Hampshire Department of Environmental Services (NHDES) is not taking a position on SB126, it offers the following comments in the event that this bill is ultimately passed.

First, due to the potential for lead to be contained in the C&D derived wood, NHDES believes that it is critical for the wood component of C&D debris to meet certain criteria to ensure that this feedstock is considered a fuel (as opposed to a waste). This will help ensure that potential contaminants in the resulting bio-oil or bio-synthetic gas are minimized such that they pose no significant public health risks. This could be accomplished by adding the following language to the proposed amendment:

“The wood derived from C&D debris shall be processed in a manner no less stringent than the requirements of the Environmental Protection Agency's Non-Hazardous Secondary Materials Rule, 40 C.F.R. section 241.4(a)(5) (Non-waste Determinations for Specific Non-Hazardous Secondary Materials When Used as a Fuel) dated February 8, 2016.”

Note that this is the same language adopted in HB1428 during the 2016 legislative session relative to the combustion of limited quantities of the wood component of C&D debris, as found in RSA 125-C:10-c, II(b).

NHDES also wishes to note that, while the wood component of C&D debris can be converted to bio-oil and bio-synthetic gas through a number of currently established non-combustion processes (such as pyrolysis), it is not possible to anticipate all of the current or future fuel

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production methods and their associated environmental impacts. For this reason, NHDES believes that any change to the current statutory prohibition on the combustion of bio-oil or bio-synthetic gas derived from the wood component of C&D debris should also contain a "backstop" to minimize concerns about potential unknowns from various manufacturing processes, such as the use of hazardous chemicals as ingredients in the fuel production process. NHDES would be willing to work with the bill sponsors on language to potentially limit this exemption to the non-chemical thermal decomposition of the wood component of C&D debris.

Thank you again for the opportunity to comment on the proposed amendment to SB126. If you have any questions or require further information, please contact either Michael Fitzgerald, Assistant Director (michael.fitzgerald@des.nh.gov, 271-6390) or Gary Milbury, Permitting & Environmental Health Bureau Administrator (gary.milbury@des.nh.gov 271-2630).

Sincerely,



Clark B. Freise
Assistant Commissioner

cc: *Sponsors of SB126: Sen. Fuller Clark; Reps. Shepardson, Cali-Pitts, Backus, Oxenham, Vose*