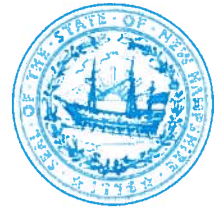




The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

March 4, 2019

The Honorable Martha Fuller Clark
Chair, Senate Energy and Natural Resources Committee
State House, Room 103
Concord, NH 03301

RE: SB 79, AN ACT Relative to Required Reporting on Waste Reduction

Dear Chair Fuller Clark and Members of the Committee:

Thank you for the opportunity to testify on SB 79. This bill would require New Hampshire municipalities to annually report waste diversion information to the New Hampshire Department of Environmental Services (NHDES) in support of solid waste management planning efforts. NHDES generally supports this bill, but respectfully requests that it be assigned to a subcommittee to consider some aspects of the proposal that may need further consideration and clarification, as further explained below. NHDES would welcome the opportunity to assist a subcommittee in that regard.

Pursuant to RSA 149-M, NHDES has been charged with regulating solid waste facilities of all types, through a permit system. To carry out this charge, NHDES' Solid Waste Management Bureau (SWMB) regulates approximately 270 operating solid waste facilities in New Hampshire, including public and private landfills, incinerators, and transfer stations. On an annual basis, via permit condition, these facilities are required to report data that are similar but not identical to the data SB 79 would require of all municipalities. Currently, the annual facility reports submitted by permittees are the primary mechanism by which the SWMB is able to collect statewide solid waste data. However, there is a gap in this data because there are roughly 60 New Hampshire municipalities that do not have their own solid waste facility (e.g. transfer station). As such, there is no permit authority or other mechanism by which NHDES is currently able to obtain reliable solid waste data from these communities.

While passage of SB 79 would allow NHDES to obtain needed data from all municipalities, we note with concern that the specific data requested by SB 79 as written, as well as the schedule for providing it, differs somewhat from the data currently being reported by towns that own permitted facilities. We also note with concern that due to the wording of SB 79, it may unintentionally obligate municipalities to report certain data not readily available to some. For that reason, NHDES would welcome the opportunity to work with a subcommittee to reconcile the issues of concern, so that SB 79 can pass in a form that is least burdensome to municipalities and provides the type of information most needed by NHDES to help fulfill its various solid waste management planning and other obligations under RSA 149-M.

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Among the agency's many obligations under RSA 149-M, NHDES has responsibility for solid waste management planning; providing technical assistance and information to municipalities relative to solid waste management; preparing and disseminating information regarding recycling opportunities; projecting and assuring statewide and regional capacity needs for disposal of solid waste generated in New Hampshire; and working to achieve the state's 40% waste diversion goal in RSA 149-M:2 by exercising its authorities with consideration given to promoting the state's hierarchy of preferred waste management methods in RSA 149-M:3. Good data will help establish the foundation we need to move forward, track progress, and adjust strategies for achieving goals.

NHDES believes, on the whole, the data reporting requirements of SB 79 would enable NHDES to do a better job in tracking and determining statewide solid waste management needs and providing technical assistance to municipalities relative to managing solid waste. By obtaining data direct from all municipalities, NHDES will be able to more confidently assess statewide waste generation, diversion, and management trends, in order to track and assess New Hampshire's actual progress toward meeting goals. We also believe having all municipalities report data will help the state to assist and engage local governments in assuring New Hampshire manages its solid waste responsibly and cost effectively.

Thank you again for the opportunity to comment on SB 79. As stated above, NHDES would welcome the opportunity to assist a subcommittee in refining aspects of this bill. Should you have questions or need additional information, please feel free to contact either Michael Nork, Environmental Analyst in the Solid Waste Management Bureau (Michael.Nork@des.nh.gov, 271-2936) or Todd Moore, Solid Waste Management Bureau Administrator (Todd.Moore@des.nh.gov, 271-6467).

Sincerely,



Robert R. Scott
Commissioner

cc: Sponsor of SB 79: Senator Feltes