



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

February 4, 2020

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

RE: SB 591, *An Act Establishing a Statewide Solid Waste Disposal Reduction Goal.*

Dear Chair Fuller Clark and Members of the Committee:

Thank you for the opportunity to testify on SB 591. This bill would replace the current waste diversion goal in RSA 149-M:2 with a goal to reduce the disposal of solid waste in New Hampshire's landfills and incinerators 25% by the year 2030, and 45% by the year 2050. The New Hampshire Department of Environmental Services (NHDES) supports this bill.

The current goal in RSA 149-M:2 sets a target to divert at least 40% of New Hampshire's solid waste from disposal by the year 2000. In other words, the aim is to manage at least 40% of the State's waste by methods other than landfilling or incineration, such as recycling, composting, and reuse. As members of the committee may be aware, NHDES issued a report in October 2019 to provide a progress report on achievement of this 40% diversion goal. In the report, NHDES concluded that current achievement of this goal is undetermined, due in part to lack of resources and data that would enable NHDES to reliably measure and track progress, and in part to the inherent difficulty in collecting and analyzing such data.

The current language of RSA 149-M:2 directs NHDES to measure diversion "with respect to changes in waste generated and subsequently landfilled or incinerated in New Hampshire." In essence, this requires NHDES to quantify how much waste is generated across the State and compare how much of that waste ultimately gets disposed versus recycled or otherwise diverted. This metric is problematic because NHDES does not track waste generation. Instead, NHDES regulates the management of solid waste at permitted solid waste facilities within the State. This only provides NHDES with data on wastes managed at these facilities and does not capture all solid waste actually generated within the State. For instance, some industrial, commercial or institutional generators may have their refuse and recycling hauled directly to destinations outside of New Hampshire. Further, there is an indeterminable quantity of waste that is generated but never reaches a permitted solid waste facility because it is managed at the site of generation, such as home composting, or is diverted directly to reuse (for instance, donation). Similar to the challenges quantifying waste generation, NHDES also has difficulty compiling reliable information on recycling and diversion rates in New Hampshire. This is partly due to the fact that recyclables are often collected and transferred between multiple facilities before reaching their "final" destination, which can result in multiple facilities reporting the same data and effectively double-counting. At the

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present time NHDES lacks the basic program resources to properly compile, analyze and quality-control this kind of data to produce comprehensive recycling/diversion estimates.

SB 591 would re-frame the goal to track changes in disposal over time instead of changes in generation. This would simplify measurement of the goal because New Hampshire's active disposal facilities already report the necessary data to NHDES. Therefore, NHDES would be able to use readily-available data without need for complicated analyses. Not only would a disposal reduction target be easier to track, but NHDES believes it would also serve as a useful indicator of waste reduction and diversion – because a decrease in waste being sent for disposal is directly related to waste diversion efforts and/or a reduction in the overall quantity of waste generated.

NHDES believes the specific targets set by the goal (25% reduction in disposal by 2030, and 45% by 2050) are ambitious but reasonable, and are certainly worth striving for. Whereas the current diversion goal only considers waste generated in New Hampshire, the proposed disposal reduction targets would apply to all waste landfilled or incinerated in New Hampshire, whether from in-state or out-of-state sources (roughly 50% of waste disposed at New Hampshire's landfills and incinerators comes from out-of-state). Achieving these targets will require a coordinated effort between NHDES, the General Court, the waste industry, the business community, municipalities, and the public at large. By setting a specific, measurable goal, SB 591 would help NHDES better assess progress, and would also establish legislative intent for additional waste reduction and diversion initiatives to set the State on a path to achieving its goals.

Thank you again for the opportunity to comment on SB 591. Should you have further questions or need additional information, please feel free to contact either Michael Nork, Solid Waste Management Bureau (michael.nork@des.nh.gov, 271-2936) or Michael Wimsatt, Waste Management Division Director (michael.wimsatt@des.nh.gov, 271-1997).

Sincerely,



Robert R. Scott
Commissioner

cc: Sponsors of SB 591: Senators Watters, Dietsch, Fuller Clark, Rosenwald, D'Allesandro, Chandley, Hennessey, Morgan, Kahn, Levesque, Bradley; Representatives Ebel, M. Murray, O'Connor, Wolf