



# THE STATE OF NEW HAMPSHIRE

## Solid Waste Working Group

Karen Ebel, Chair

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### Minutes of December 10, 2021

#### Solid Waste Working Group

Room 208C

29 Hazen Drive, Concord, NH 03302

**Members Present:** Chair Karen Ebel, Rep. Howard Pearl, Brian Patnoe, Adam Clark, Jim Malley, Reagan Bissonnette, Greg Leahey, Eric Steinhauser, Freda Paris, Susannah Smith, Steve Poggi, Marc Morgan, Duncan Watson, Michael Wimsatt, Sarah Yuhas-Kirn (alternate for M. Wimsatt), Sen. James Gray (late arrival)

**Members Present Remotely<sup>1</sup>:** Lynn Rubinstein

**Members Not Present:** Colin Kelly, Matt Hughes, Dennis Slocomb

#### **Call to Order:**

Chair Ebel called the meeting to order at 9:00 AM

#### **Approval of Minutes:**

Jim Malley made a motion to accept the October 29, 2021 minutes. Duncan Watson seconded, all were in favor.

#### **Overview of RSA 149-M & NHDES' Solid Waste Management Program:**

Michael Wimsatt, Director to the Waste Management Division at NHDES, provided information about RSA 149-M (the New Hampshire Solid Waste Management Act). He discussed the definition of the term "solid waste," the waste reduction goal and the waste management hierarchy established by the statute, and responsibilities assigned to NHDES by the statute. Mr. Wimsatt then focused on some aspects of how NHDES regulates solid waste facilities in NH, including a brief discussion of public benefit determinations required by the statute.

Following Mr. Wimsatt's presentation, there were questions from the working group regarding how disposal of waste from out of state and disposal capacity issues in other states factor into New Hampshire's statutory goals and NHDES' facility public benefit determinations. It was also noted that the public benefit requirements in the statute can be difficult to understand, and that during the permitting process for a proposed facility, it can be challenging for permit applicants to demonstrate that the facility will provide a public benefit.

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<sup>1</sup> Remote attendance necessary due to logistical considerations

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### **Overview of Commerce Clause & State Preemption of Local Laws:**

Attorney Allen Brooks of the Environmental Protection Bureau at The New Hampshire Department of Justice provided information on two topics as they relate to solid waste management in New Hampshire: the commerce clause of the U.S. Constitution and when State law preempts local laws. Following the meeting, Attorney Brooks provided the Working Group a written memo to supplement his comments.

### **Overview of Recent Disposal Data:**

Michael Nork of NHDES' Solid Waste Management Bureau provided information on solid waste disposal in New Hampshire from 2018 through 2020. Fluctuations in disposal tonnages were highlighted, but it was also noted that data from a limited time period may not be indicative of longer term trends.

Mr. Nork also stated his hopes the 2021 Biennial Solid Waste Report might be published by the end of 2021 or early 2022, but was unable to provide a specific timeframe.

### **Status of Proposed Amendments to Composting Facility Rules:**

Mr. Nork provided a brief update on the rulemaking process for the proposed composting facility rules. He noted that the public comment period had begun, that a public hearing has been scheduled for December 13, 2021, and that comments may be submitted until the close of the public comment period on December 20<sup>th</sup> at 4pm. From there, NHDES will compile all comments received, make adjustments to the proposed rules as necessary and then prepare a final proposal for submittal to the Joint Legislative Committee on Administrative Rules (JLCAR). Mr. Nork indicated that the final proposal is likely to be reviewed by JLCAR at their February meeting, assuming everything proceeds on schedule.

### **New Committee Webpage and Email Listserv:**

Mr. Nork also mentioned that a new webpage has been established for the Solid Waste Working Group: <https://www.des.nh.gov/about/boards-and-committees/new-hampshire-solid-waste-working-group>. In addition, an email address has been created for the Working Group: [swwg@maillist2.nh.gov](mailto:swwg@maillist2.nh.gov).

### **General Updates from Members:**

Rep. Pearl provided an overview House bills for the upcoming 2022 legislative session related to solid waste management. Rep. Pearl distributed a handout summarizing each of the bills and noted that these were the bills that he was aware of as of the time of the meeting, but there may be other solid waste related bills yet to be released. Senator Gray added that Senate bills had not yet been released.

Reagan Bissonnette of NRRA updated the group regarding a funding opportunity from the US Department of Agriculture that could be used to fund municipal infrastructure projects, including equipment to support recycling and solid waste management. More information is available at:

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<https://www.nrrarecycles.org/news/usda-community-facility-loan-and-grant-program-solid-waste-infrastructure>

Lynn Rubinstein of NERC added that her organization, along with the Northeast Waste Management Officials Association (NEWMOA), is planning to convene a call among state solid waste officials from across the Northeast to discuss how funding from the federal infrastructure act (Infrastructure Investment and Jobs Act) might be used to support recycling and solid waste management projects. The call is expected to occur in January. Ms. Rubinstein also noted that NERC has recently developed model legislation for minimum recycled content requirements for glass containers and fiberglass products. This model legislation will likely be published on NERC's website (<https://nerc.org>) in January. Also in January, NERC will solicit public comments on a separate set of model legislation for minimum recycled content requirements for plastic items, including trash and carry-out bags, and containers for food, beverage and household products. NERC is also hosting a four-part webinar series on diversity, equity and inclusion in the waste and recycling industries. More information is available on NERC's website.

#### **Discussion of Ongoing Meeting Schedule:**

Chair Ebel asked if Friday mornings seem to be work for members, to which there seemed to be general agreement. Chair Ebel acknowledged that the group had previously agreed to meet every other month. However, because the group has a lot of work to accomplish in the coming months, she suggested reserving the 4<sup>th</sup> Friday of each month from 9:30-12:00pm. The intention would be to keep the every-other-month schedule for regular meetings, but reserving monthly meeting dates would enable the group to hold extra meetings as necessary, and could also provide timeslots for potential subcommittees to meet during the months between regularly-scheduled full-group meetings. Chair Ebel also noted that setting aside these dates in advance would also allow NHDES to keep the room available to accommodate extra meetings as necessary.

#### **Adjourn:**

A motion to adjourn was entered at 11:22 AM on December 10, 2021.

A recording of this meeting is available at:

<https://attendee.gotowebinar.com/recording/1444126479332529167>

Documents associated with this meeting are available at:

<https://www.des.nh.gov/about/boards-and-committees/new-hampshire-solid-waste-working-group>