

*Solid Waste Working Group
December 10, 2021*

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Regulation of Solid Waste in New Hampshire

Objectives

For this presentation

- Introduction to NH's statutory framework for solid waste management (RSA 149-M)
- Overview of NHDES' Solid Waste Management program

RSA 149-M

Solid Waste Management Act

New Hampshire's statutory
framework for management of
solid waste

Enacted in 1981

NHDES charged
with
administering
and enforcing

Solid Waste
Rules adopted
under this
statute

(Env-Sw 100 et
seq.)

RSA 149-M

What is solid waste?

RSA 149-M:4, XXII

- Generally defined as abandoned or discarded material
- Excludes hazardous waste, nuclear waste, sludge and septage, point source discharges of certain municipal/industrial wastewater, and yard waste

RSA 149-M

Waste Reduction Goal

RSA 149-M:2

(In effect from 1990 to 2021)

Established in
1990

Divert at least
40% of solid
waste from
disposal by year
2000

Level of
achievement
never really
determined

RSA 149-M

Solid Waste Disposal Reduction Goal

RSA 149-M:2

Established in
2021

Reduction in
waste disposal
25% by 2030;
45% by 2050
(MSW and C&D)

Data can be
easily obtained;
Attainment can
be measured

RSA 149-M

Waste Management Hierarchy

RSA 149-M:3

Standard of preference for solid waste
management in NH

1

Source Reduction

reduce generation of waste

2

Diversion

recover discarded resources &
avoid disposal

3

Disposal

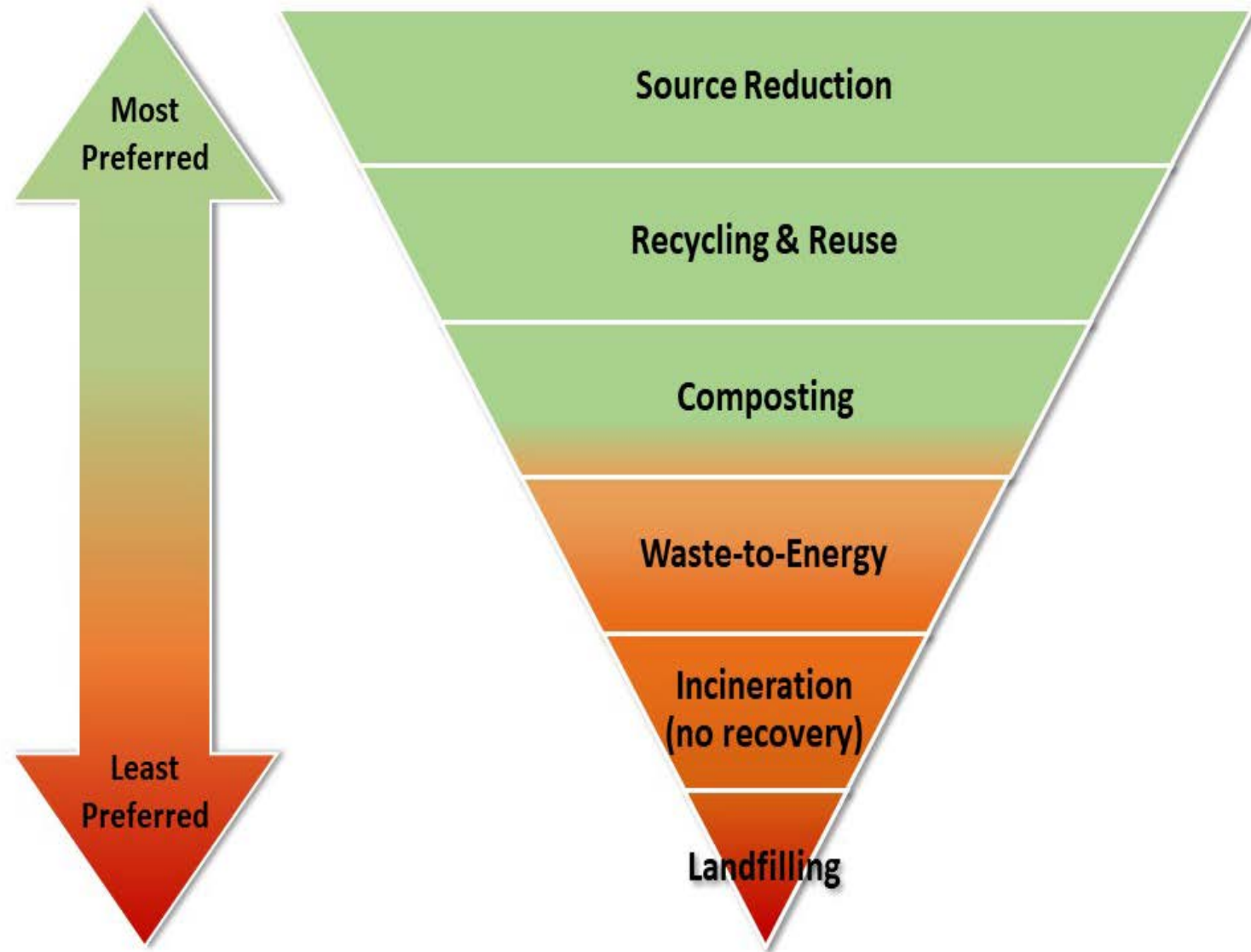
landfill or incinerate items that
can't be reduced/diverted

RSA 149-M

Waste Management Hierarchy

RSA 149-M:3

Standard of preference for solid waste management in NH



RSA 149-M

NHDES' Major Duties and Responsibilities

Prepare State Solid Waste Plan	Regulate SW Facilities via a permit system	Certification program for SW Facility Operators
Technical assistance and educational outreach	Rulemaking	Enforce provisions of RSA 149-M and the Solid Waste Rules

RSA 149-M

Public Benefit Requirement

RSA 149-M:11, III.

Solid waste facilities must provide a substantial public benefit to New Hampshire citizens;

Applicant must demonstrate satisfaction of three criteria

1

Capacity Need

Need for the proposed facility to provide capacity for NH-generated waste

2

Support of Hierarchy and Goals

Ability of facility to assist state in achieving implementation of hierarchy and goals (RSA 149-M:2 and M:3)

3

Support of State and District Plans

Ability of facility to assist in achieving goals of state and district solid waste plans

RSA 149-M

Public Benefit Requirement

RSA 149-M:11, IV.

Solid waste facilities must provide a substantial public benefit to New Hampshire citizens;

NHDES must consider two additional criteria

1

Citizens and Local Government Concerns

Concerns of citizens, host municipality, county, district, and other affected persons*

2

Economic Viability

Economic viability of the proposed facility, including its ability to secure financing

*

Public Hearing Required

For all proposed facilities >30 tons/day NHDES must hold public hearing in the host municipality

Regulation of SW Facilities

NHDES' Two Key Program Areas

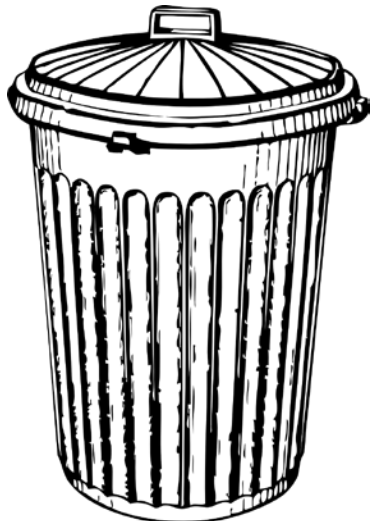
SW Facility Permitting

- Process applications for facility permits, permit modifications, and other approvals
- Provide engineering design review
- Provide permitting technical assistance
- Monitor the operation, construction and closure of NH's active landfills.

SW Facility Compliance Assurance

- Assure that all SW Facilities are operated and closed in compliance with permit req's, SW Rules, and Statute
- Conduct facility inspections
- Review facility reports
- Assure facility owners maintain adequate funds for proper closure and post-closure care of facilities

For More Information



www.pixabay.com

2019 Biennial Solid Waste Report

<https://www.des.nh.gov/sites/g/files/ehbemt341/files/documents/2020-01/r-wmd-19-02.pdf>

2003 Solid Waste Management Plan

<https://www.des.nh.gov/sites/g/files/ehbemt341/files/documents/2020-01/r-wmd-03-02.pdf>

2019 HB 617 Study Committee Report

<http://gencourt.state.nh.us/statstudcomm/committees/1476/reports/2019%20Final%20Report.pdf>

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