

THE STATE OF NEW HAMPSHIRE

Solid Waste Working Group

Karen Ebel, Chair

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Minutes of January 27, 2023
Solid Waste Working Group (SWWG)
Room 208C
29 Hazen Drive, Concord, NH 03302

Members Present: Chair Karen Ebel, Rep. Judy Aron, Reagan Bissonnette, Mark Laliberte, Sen. Howard Pearl, Benjamin Piche, Steve Poggi, Eric Steinhauser, Duncan Watson, Michael Wimsatt

Members Present Remotely¹: Ben Hoy

Members Not Present: Adam Clark, Megan Fontes, Matt Hughes, Colin Kelly, Greg Leahey, Jim Malley, Freda Paris

Call to Order:

Chair Ebel called the meeting to order at 9:09 AM.

Approval of Minutes

Steve Poggi made a motion to approve the minutes from the November 18, 2022 meeting; Eric Steinhauser seconded the motion. The minutes were approved by a unanimous vote (Mark Laliberte and Rep. Judy Aron both abstained because they were not present at the November 18 meeting).

SWWG member additions/changes

- Mark Laliberte, NH Department of Business and Economic Affairs.
- Rep. Judy Aaron, Chair of the House Environment & Agriculture (E&A) Committee.
- Senator Howard Pearl, previously Rep. Pearl, now represents the Senate Energy & Natural Resources (ENR) Committee.

Presentation of Solid Waste Implementation Plans (SWIPs) in Vermont

Josh Kelly, Solid Waste Program Manager for the Vermont DEC Waste Management & Prevention Division, provided an in-depth overview of Vermont's SWIPs and discussed how they are used to manage waste disposed in their state. The presentation topics included:

Act 78; Vermont's Solid Waste Management Law

Requires municipalities to have a SWIP in conformance with the state plan. Towns, also referred to as solid waste management entities (SWME), can move in an out of districts, join alliances, or work independently. SWMEs without an approved SWIP are unable to dispose of waste in Vermont. Per the statute and state rules, SWME have the authority to approve or deny

¹ Remote attendance necessary due to logistical considerations.

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the siting of new solid waste facilities in their region. Any proposed, new facilities need approval from the state and the SWME, if it aligns with their SWIP.

Enforcement/Compliance

VTDEC has the capabilities to enforce adoption and implementation of SWIPs. Department staff review plans internally and respond to SWME with an approval notice or request for revisions that need to be made within 30 days. The department can withhold grant funding used to help with disposal costs, including those for household hazardous waste (HHW) events, if a SWME is continually non-compliant. At the time of this meeting, all SWME are in full compliance with SWIP requirements.

Vermont's statute ([10 VSA § 6605](#)) requires out-of-state waste to meet certain SWIP requirements or ensure the waste is free from leaf and yard debris, recyclables, HHW, and hazardous waste in order to be disposed in the state. The goal is to reduce the quantity and toxicity of the waste stream. It does not ban out-of-state waste; it sets a standard for the waste that can be disposed. The state's one operating landfill, owned by Casella, verifies if a town using the facility meets SWIP requirements. VTDEC staff inspect facilities, such as commercial hauler transfer stations on the boarder, to identify any incoming out-of-state waste that is not in compliance with SWIP requirements.

Funding

Vermont has a \$6/ton franchise fee on every ton of solid waste generated in the state, regardless of whether it is disposed in- or out-of-state. The fee is also applied to out-of-state waste brought into Vermont for disposal. This \$6/ton fee produces approximately \$3-4 million in annual revenue for the Solid Waste Management Assistance Fund (SWMAF), which funds grants and staff overseeing the state's program. Enacted waste bans slightly decreased the SWMAF balance, temporarily.

SWMEs fund their services either through a local surcharge on each ton of trash produced in their town/region (often \$19-35/ton) or through a per capita fee (such as \$1-7/resident). Some SWMEs use both funding mechanisms. The department does not regulate nor require these fees.

SWIP Content

VTDEC provides a template with minimum plan requirements. SWIPs describe donation, recycling, and disposal options for certain wastes, pay-as-you-throw fees/collection systems, and waste hauling services for each SWME region. They also set performance standards for data collection, reporting, conducting outreach in schools and businesses, and hosting HHW events. SWIPs heavily focus on education and has proven to be successful.

Following the presentation, Chair Ebel questioned the current responsibilities of NH municipalities to plan their local solid waste programs. NHDES used to have rules, which have

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since expired, that required towns to create plans similar to a SWIP. The 2022 SWMP has an action to reevaluate town planning responsibilities in [RSA 149-M:23](#) to determine if new rules are warranted. NRRRA is working on a map to highlight town districts and partnerships in NH. The map could be to increase awareness among towns, about the opportunities and cost benefits of regional efforts. The SWWG will revisit the topic and assess how it could work in NH.

Presentations by NHDES

2020-2021 Biennial Report

Michael Nork (Supervisor, NHDES Materials Management, Education & Planning Section) provided a summary of the [2020-2021 Biennial Report](#). The presentation highlighted the purpose of the Biennial Report, facts and figures for disposal and recycling, and projected disposal capacity in New Hampshire.

The group discussed the challenges with accurately calculating a recycling rate for the state. To help, NHDES plans to modify its annual facility report form to gather more detailed information from permitted facilities about wastes collected and shipped. Mike clarified that the chart with NH's projected disposal capacity is a snapshot in time for what is currently permitted. It does not include possible future expansions or new facilities.

2022 Solid Waste Management Plan (SWMP) – Overview of Implementation Plan

Leah McKenna (NHDES Solid Waste Management Bureau Administrator) presented about the 2022 SWMP Short-Term Implementation Plan (STIP) which will be used to track the progress of the state's plan and help write the Biennial Report.

NHDES staff identify several activities to start within a specified year, and associate each with actions in the plan. A key of symbols is used to indicate the status of each activity – some will carry over into multiple years. The STIP is a fluid document that is constantly changing based on available resources, priorities, and task progress. Reagan questioned how NHDES plans to track the efforts of other organizations working on SWMP tasks. NHDES will work internally to determine a mechanism for capturing efforts happening outside of the agency.

Discussion of solid waste-related legislation proposed for 2023 session

Chair Ebel discussed the 3 bills she introduced this legislative session:

- [HB 300](#) would ban food waste generators of more than 1 ton/week from disposing of waste if there's a facility able to handle it, within a certain mileage proximity.
- [HB 462](#) amends language to the Solid Waste Management Fund to expand options to source funding, and proposes a \$2 million appropriation for grants that would prioritize food waste diversion projects.
- [HB 465](#) seeks to ban carpets and rugs with intentionally added PFAs from being sold in the state. The language is modelled after legislation in Vermont and Maine.

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Both HB 300 and HB 462 have bipartisan support from a long list of co-sponsors and had public hearings before the House Environment & Agriculture (E&A) Committee on January 24th. HB 465 had a hearing before the House Commerce & Consumer Affairs Committee on January 25th. If passed by the House, the bills would go to the Finance Committee to consider their fiscal impact – not to alter the policy.

Rep. Aaron noted 3 other bills on the docket for the House E&A Committee:

- [HB 56](#) relative to permits for siting of new landfills, specifically looking at hydrogeologic systems. This bill was introduced as HB 1454 in the 2022 legislative session.
- [HB 602](#) relative to landfill siting which would add requirements to NHDES' existing administrative rules.
- [HB 253](#) establishing a committee to study extended producer responsibility.

In addition, [HB 226](#) (assigned to the Municipal and County Gov. Committee) would enable municipalities to regulate the point of sale distribution and the disposal of single use packaging within their municipal landfills and transfer stations.

Senator Pearl shared bills on the docket for the ENR Committee:

- [SB 211](#) relative to more comprehensive background investigations of solid waste and hazardous waste facility permit applicants.
- [SB 227](#) relative to an assessment of solid waste facility setback requirements and appropriating \$150,000 for NHDES to solicit assistance in reviewing permit applications.
- [SB 61](#) to enable NHDES to adopt rules relative to surface water setbacks for siting landfills.
- [SB 159](#) prohibits NHDES from permitting unrestricted landfills.

Future Meetings

The group discussed future meetings topics including available grants for infrastructure, NH municipal solid waste plans, legislation, extended producer responsibility, and support for NHDES.

Adjourn

The meeting adjourned at 12:05 PM. A recording of this meeting is available at:

<https://attendee.gotowebinar.com/recording/4466019848200763050>