



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



January 18, 2022

The Honorable Edward Gordon
Chairman, House Judiciary Committee
Legislative Office Building, Room 208
Concord, NH 03301

RE: HB 1544, An Act Prohibiting the Placement of Construction and Demolition Debris in Landfills

Dear Chairman Gordon and Members of the Committee:

Thank you for the opportunity to testify on HB 1544. This bill would prohibit the disposal of construction and demolition debris (C&D) in New Hampshire's permitted solid waste landfills. The New Hampshire Department of Environmental Services (NHDES) cannot support this bill.

HB 1544 would direct NHDES to adopt rules prohibiting permitted landfills from accepting C&D waste. NHDES is concerned about how such a prohibition would impact municipalities, businesses, homeowners, and other entities generating C&D waste. Because this bill would prohibit C&D waste from being sent to a New Hampshire landfill, such materials would need to be diverted to other outlets for end-of-life management. NHDES is concerned that few alternative outlets for management of C&D currently exist, and that without development of additional infrastructure for management of C&D, an outright ban on landfilling would be premature.

As members of the committee may be aware, incineration of C&D is restricted in New Hampshire pursuant to RSA 125-C:10-c, which bans the combustion of the wood component of C&D with limited exceptions. Other components of C&D have less potential for combustion. As a result, the prohibition on landfilling proposed by HB 1544 would effectively require all C&D to be reused or recycled. While certain components of the C&D waste stream can be recovered, there are some components for which there is no practical option except disposal.

It should be noted that there are a small number of C&D processing facilities operating in New Hampshire; these facilities sort and process C&D waste to recover certain components for reuse or recycling. One such facility, in Epping, NH, reported to NHDES that it recycled approximately 74% of the C&D it received in 2020. While C&D processing facilities help to avoid disposal of C&D in landfills, they do not currently exist in all areas of the state. Further, as far as NHDES is aware, such facilities are not capable of recovering 100% of the C&D waste stream – so even if such processing facilities existed in all regions of the state, there would ultimately still be a need to landfill some portion of C&D waste. A C&D processing facility's recycling rate will likely vary depending on several

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factors, including what types of C&D the facility accepts, the sorting technologies employed by the facility, and available recycling markets.

For the reasons outlined in this letter, NHDES is concerned that an outright prohibition on landfilling cannot realistically be achieved at this time, and is unable to support this bill.

Thank you again for the opportunity to comment on HB 1544. Should you have questions or need additional information, please feel free to contact either Michael Nork, Solid Waste Management Bureau (michael.nork@des.nh.gov, 271-2906) or Michael Wimsatt, Waste Management Division Director (michael.wimsatt@des.nh.gov, 271-1997).

Sincerely,

A handwritten signature in black ink, appearing to read "Robert R. Scott", with a long horizontal flourish extending to the right.

Robert R. Scott
Commissioner

ec: Sponsor of HB 1544: Representative McWilliams