



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

February 26, 2021

The Honorable Kevin Avard
Chairman, Senate Energy & Natural Resources Committee
State House, Room 103
Concord, NH 03301

**RE: SB 146, An Act Adopting Omnibus Legislation Relative to the Environment
Part II – Establishing a Statewide Solid Waste Disposal Reduction Goal**

Dear Chairman Avard and Members of the Committee:

Thank you for the opportunity to testify on SB 146, specifically Part II of this omnibus bill, related to establishing a disposal reduction goal. 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. This bill would also change the interval for updating the state solid waste management plan from every six years to every ten years. It is our understanding that the bill sponsor will provide a proposed amendment extending the due date for the next update of the solid waste management plan by one year, to October 1, 2022. The Department of Environmental Services (NHDES) supports this bill and the proposed amendment.

The current goal in RSA 149-M:2 set 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. 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 primarily to the difficulty in collecting and analyzing data that would enable NHDES to reliably measure and track progress.

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 in lieu of being 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 (e.g., landfills, incinerators, transfer stations, etc.). 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, refuse and recycling from some industrial, commercial and institutional generators may be hauled directly to out-of-state destinations without ever passing through a New Hampshire permitted solid waste facility. 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

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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 double-counting due to multiple facilities reporting the same data. At the 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 146 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 ambitious targets set by the goal (25% reduction in disposal by 2030, and 45% by 2050) will help to advance waste reduction and diversion efforts. 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 (in 2019, about 44% of waste disposed at New Hampshire’s landfills and incinerators came 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, Part II of SB 146 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 the goal.

Thank you again for the opportunity to comment on SB 146, Part II. 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

ec: Sponsors of SB 146, Part II: Senators Watters, D’Allesandro, Rosenwald, Prentiss, Perkins Kwoka, Whitley, Sherman; Representatives Ebel, Grassie, M. Murray