



THE STATE OF NEW HAMPSHIRE

Solid Waste Working Group

Karen Ebel, Chair

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Initial Report of the New Hampshire Solid Waste Working Group

November 18, 2022

The New Hampshire Solid Waste Working Group (SWWG) is a statutory committee formed by [HB 413](#) (2021) to assist the New Hampshire Department of Environmental Services (NHDES) with planning and policy initiatives related to solid waste management. Established for a period of five years (until November 1, 2026), the SWWG is comprised of members representing various public and private entities involved with solid waste management.

MEMBERSHIP

Name	Affiliation	Representing
Karen Ebel, Chair	NH House of Representatives	HB 617 Study Committee (2019)
Reagan Bissonnette	Northeast Resource Recovery Association	Same
Adam Clark	City of Concord, NH	Cities with Single Stream Recycling
James Gray	NH Senate	Energy & Natural Resources Committee
Ben Hoy (member beginning Oct. 2022)	Towns of Walpole & Alstead, NH	Rural Communities with Source-Separated Recycling
Matt Hughes	WIN Waste Innovations	Waste-to-Energy Facilities
Colin Kelly	Schnitzer Steel Industries	Scrap Metal Recyclers
Greg Leahey	Resource Waste Services	Construction & Demolition Waste Processors
Jim Malley	University System of NH	Expertise in SW Sustainability
Marc Morgan (member through early November 2022)	City of Lebanon, NH	Publicly-Owned Landfills
Freda Paris	Elliot Hospital	NH Healthcare Industry
Howard Pearl	NH House of Representatives	Environment & Agriculture Committee
Benjamin Piche (formerly Susannah Smith)	Coca-Cola Beverages Northeast	Companies that reprocess post-consumer waste
Steve Poggi	Waste Management, Inc.	Privately-Owned Landfills and Materials Recovery Facilities

Megan Fontes (formerly Lynn Rubinstein)	Northeast Recycling Council	Same
Eric Steinhauser	NH Waste Management Council	same
Duncan Watson	City of Keene, NH	Innovative Municipal Waste Management
Mike Wimsatt	NHDES	NHDES Commissioner
Brian Patnoe (Member through September 2022)	Town of Lancaster, NH	Rural Communities with Source-Separated Recycling
VACANT	NH Department of Business and Economic Affairs	Same
VACANT		Solid Waste Haulers

DUTIES

As outlined in [RSA 149-M:61, III](#) and [SB 380](#), the Solid Waste Working Group is charged with the following ten tasks:

1. Assist the department in long-range planning for and the development of creative, effective solutions to the state's solid waste management challenges.
2. Review and make recommendations for changes to the state's existing solid waste reduction, recycling, and management policies, programs, goals, and initiatives.
3. Review and make recommendations regarding the impact of regional solid waste management initiatives, including landfill waste disposal bans, on our state and our solid waste disposal landfill capacity.
4. Advise the department in the development of the solid waste management plan required by [RSA 149-M:29](#).
5. Review and recommend methods to better provide technical assistance and educational outreach to municipalities, schools, businesses, and the public regarding solid waste reduction, recycling, and management policies.
6. Review and recommend ways to better implement the solid waste hierarchy under [RSA 149-M:3](#), and solid waste reduction goals under [RSA 149-M:2](#).
7. Review and make recommendations based on the [2019, 265 \(HB 617\) study committee report](#) on recycling and solid waste management in New Hampshire.
8. Review such other matters as the working group deems necessary and to recommend any related legislation, policy, or rule changes.
9. Review and make recommendations regarding municipal solid waste plans and implementing the prohibition of any landfill in the state from accepting waste from a municipality that does not have a solid waste management plan.
10. Review and make recommendations regarding the development of a solid waste disposal site evaluation committee or better defining alternative site analysis in [RSA 149-M:9](#).

MEETINGS

The SWWG held ten meetings between October 2021 and November 2022. SWWG meetings included presentations by experts on a variety of topics relevant to solid waste management and

planning, including US Commerce Clause and State Preemption of Local Laws; Solid Waste Related Bills for 2022 Legislative Session; Maine, Massachusetts, and Vermont Solid Waste Management Plans; Recycling in New Hampshire; Municipal Contracting for Solid Waste Management; PFAS; and Landfills.

Meetings of the SWWG were livestreamed via GoTo Webinar to promote public participation. Agendas, minutes, recordings and presentations from the SWWG meetings are available [on the SWWG website](#).

SOLID WASTE MANAGEMENT PLAN

The key accomplishment of the SWWG during its first year was to advise NHDES on the development of the Solid Waste Management Plan required by RSA 149-M:29. The plan was last issued in 2003 and was due to be updated by October 1, 2022. In addition to full SWWG support, the SWWG formed the following three subcommittees designed to support NHDES in the development of the Solid Waste Management Plan.

- **Waste Reduction & Management of “Difficult” Wastes:** This subcommittee explored opportunities to advance source reduction, i.e., ‘waste avoidance,’ and investigated alternative outlets for difficult-to-manage wastes (wastes that currently have limited outlets besides disposal, like contaminated soils, bulky wastes, certain components of C&D, wastewater treatment sludge, etc.).
- **Recycling & Composting:** This subcommittee focused on opportunities to support the more traditional forms of diversion: recycling and composting. The group considered what New Hampshire needs to advance in these areas and the current gaps.
- **Alternate Waste Management Technologies:** This subcommittee explored opportunities to advance alternate technologies and methods for diversion, waste conversion, waste-to-energy, etc. This included technologies like anaerobic digestion, pyrolysis, gasification, etc.

NHDES developed an outline of the Solid Waste Management Plan, and with feedback from the SWWG, the outline was developed into a full plan. NHDES issued the new Solid Waste Management Plan on September 30, 2022. Therefore, the SWWG has completed one of its ten duties: “4. Advise the department in the development of the solid waste management plan required by RSA 149-M:29.”

FOCUS AREAS FOR UPCOMING YEAR

With the updated Solid Waste Management Plan issued, the SWWG has identified the following priority areas to focus on and make recommendations regarding in the upcoming year.

- **Short-Term Implementation Plan:** NHDES plans to develop annual short-term implementation plans to prioritize actions, measure progress, and track timeframes for

completion of the Solid Waste Management Plan goals and priorities. The SWWG looks forward to providing input to NHDES on the development of its first short-term implementation plan.

- **Waste Characterization & Generation Studies:** The completion of waste characterization and generation studies, which is Action 4.5 of the Solid Waste Management Plan, are foundational to many other actions in the plan. The SWWG will support, as appropriate, NHDES in applying for funding anticipated to become available from the Environmental Protection Agency under the Bipartisan Infrastructure Law to fund these studies.
- **Funding:** Funding is an underlying issue that will determine the success in achieving almost all the goals identified in the Solid Waste Management Plan. Identifying reliable funding sources for NHDES' solid waste management program will be important to ensure meaningful progress can be achieved. The SWWG will discuss options for and make recommendations regarding ongoing funding sources. (See Goal 8 of the Solid Waste Management Plan).
- **Extended Producer Responsibility:** Consistent with Action 1.9 of the Solid Waste Management Plan, the SWWG will discuss and explore legislation, including extended producer responsibility (EPR) programs, that would require product brands and manufacturers to enhance the recyclability of their products and packaging, and minimize the use of unnecessary materials and single-use plastics. This could also include EPR for per- and polyfluoroalkyl substances (PFAS) and other toxic chemicals relative to Goal 2 of the Solid Waste Management Plan.
- **Out of State Waste:** In 2020, of the 1,956,789 tons of solid waste disposed of in New Hampshire's landfills and incinerators, 913,833 tons (about 47%) were generated outside New Hampshire. Legislators and members of the public have expressed significant concern about the receipt and disposal of out-of-state waste in New Hampshire. The SWWG will discuss ways to reduce the amount of out-of-state waste entering New Hampshire for disposal. This will include reviewing and making recommendations regarding municipal solid waste plans and implementing the prohibition of any landfill in the state from accepting waste from a municipality that does not have a solid waste management plan. (See also [SB 380](#))
- **Infrastructure:** Since the state's solid waste management hierarchy was established in 1990, waste management infrastructure in New Hampshire has not significantly shifted from disposal toward more preferred management methods. The Solid Waste Management Plan anticipates that achievement of the disposal reduction goal will ultimately require development and strengthening of diversion infrastructure within the state. Significant financial investments are required from the public and private sectors to build infrastructure that expands capacity for reuse, recycling, composting, and other diversion methods across New Hampshire. The SWWG will review and make recommendations regarding methods to increase such investment in solid waste diversion

infrastructure in New Hampshire.

- **Education:** Conducting robust outreach and education will ensure that messages are broadly disseminated to build public awareness and equip stakeholders with the best-available information to guide actions and decision-making. One of the five strategies to advance the goals of the Solid Waste Management Plan is “public outreach, education, and technical assistance.” The SWWG will review and make recommendations regarding ways to improve education regarding solid waste diversion. (See also [RSA 149-M:61, III](#)).
- **Food Waste & Waste Disposal Bans:** Efforts to reduce and divert waste should focus on high-volume and weight materials. The U.S. Environmental Protection Agency (EPA) estimates that in 2018 the largest component of municipal solid waste disposed in landfills nationwide was food waste at 24.14%. While this figure is not New Hampshire-specific, it serves as a general point of reference supporting the need to increase diversion of food waste from disposal. The SWWG will review and make recommendations regarding ways to increase diversion of food waste in New Hampshire, including legislation related to waste disposal bans for food waste. SWWG will also consider landfilling bans on other solid waste materials. (See also [RSA 149-M:61, III](#))
- **Toxicity:** Consistent with Goal 2 of the Solid Waste Management Plan, the SWWG will discuss and make recommendations relative to ways to reduce the toxicity of the waste stream, such as PFAS, through source reduction, including legislation.

RECOMMENDATIONS

The SWWG encourages the adoption of legislation related to the Focus Areas identified above and in support of the state’s Solid Waste Management Plan and solid waste diversion goals.