

Senate Energy and Natural Resources Committee

Max Taylor 271-1403

HB 416-FN, prohibiting the intentional disposal of yard waste into the surface waters of the state.

Hearing Date: April 8, 2025

Time Opened: 9:15 a.m.

Time Closed: 9:38 a.m.

Members of the Committee Present: Senators McConkey, Avard, Pearl and Watters

Members of the Committee Absent : Senator Rosenwald

Bill Analysis: This bill prohibits the intentional disposal of yard waste into the surface waters of the state and provides a penalty therefor.

Sponsors:

Rep. Rung

Rep. R. Brown

Rep. Crawford

Rep. Ebel

Rep. J. MacDonald

Rep. N. Murphy

Sen. Watters

Who supports the bill: Representative Rosemarie Rung (Hillsborough County District 12), Andrea LaMoreaux (NH Lakes), Samantha Parkman (NH Lakes), Ted Dears (NH Department of Environmental Services)

Who opposes the bill:

Who is neutral on the bill:

Summary of testimony presented in support:

Representative Rosemarie Rung

Prime Sponsor, Hillsborough County District 12

- Representative Rung stated that HB 416-FN is intended to reduce cyanobacteria blooms by preventing nutrient-rich yard waste from entering New Hampshire's lakes and rivers.
- She explained that when yard debris enters waterways, it decomposes and releases phosphorus and nitrogen, which fuel the growth of harmful cyanobacteria.
- She noted the bill was amended in House Criminal Justice Committee, at the recommendation of the Department of Environmental Services, to insert yard waste into Chapter 45(a), which addresses water pollution and waste disposal.

- Representative Rung emphasized the bill's educational purpose, stating that the inclusion of "yard waste" will make it clear to the public that dumping this material into water is illegal.
- Senator Watters referenced a letter from the Department of Environmental Services that indicated yard waste may already be covered under current law and asked for clarification.
 - Representative Rung responded that while the Department of Environmental may interpret the law as already inclusive, the current language, such as "trees or parts thereof or similar litter," is vague and the public may not understand that yard debris is included. She stated HB 416-FN seeks to clarify this.
- Senator Watters raised a concern about language changes in the bill, specifically the remove of the word "purposefully" on Line 22. He asked if these changes could lead to complications in regard to enforcement.
 - Representative Rung explained the amendment was recommended by the Department of Environmental Services and clarified the bill specifies on Line 17 that for a first offense, any person who "purposefully or recklessly" violates the law would be guilty of a violation. She deferred to Mr. Dears from the Department of Environmental Services for further legal interpretation.
- Senator Avard asked how accidental dumping would be addressed.
 - Representative Rung stated that she does not believe accidental actions would fall under the statute and emphasized that the Department of Environmental Services typically uses violations as educational opportunities before taking enforcement action.

Andrea LaMoreaux

New Hampshire Lakes

- Ms. Moreaux explained HB 416-FN would assist lake associations by explicitly including yard waste in the statute.
- She explained that certain materials, such as glass clippings, are often not recognized by the public as yard waste, even though they contribute to nutrient pollution in lakes.
- She emphasized the bill would enhance public outreach efforts, helping NH Lakes to educate residents and prevent unintentional improper disposal of yard waste into water bodies.

Summary of testimony presented in opposition: None.

Neutral Information Presented:

Ted Dears

Water Division, New Hampshire Department of Environmental Services

- Mr. Dears stated the Department of Environmental Services is neutral on HB 416-FN.

- He explained that while the bill's content is largely already covered under existing law, the term "yard waste" is not clearly identifiable in the current list of prohibited materials, which creates some ambiguity.
- He noted the original version of the bill explicitly added yard waste to the existing statute, identified penalties, and it granted municipalities enforcement authority under the statute.
- Mr. Dears clarified that under current law, intentionally dumping something like an automobile into a lake is a crime with defined penalties. He emphasized the importance of distinguishing between serious environmental violations and more minor actions like blowing leaves into a lake.
- He stated the Department's goal is to build a system that reflects the degree of the violation, ensuring that small incidents are handled differently from major environmental threats.
- Senator Watters raised concerns about the bill's language, particularly the legal standards used. He pointed out inconsistencies between "purposefully," "recklessly," and "knowingly," noting that a lower standard currently carries a higher penalty, a Class B felony. He asked if this was problematic.
 - Mr. Dears stated he did not believe it would harm the bill to restore the word "purposefully," but clarified he would have to follow up with the Department of Environmental Services' legal staff.
- Senator McConkey asked if someone knowingly blowing a small amount of leaves into a lake could be charged with a felony.
 - Mr. Dears responded that the Department of Environmental Services typically treats such situations as minor opportunities for education and rarely pursues penalties for minor offenses. He stressed that the Department of Environmental Services prioritizes substantial violations and that neighbor vs. neighbor reports are common, but not always actionable.
- Senator Avard asked if someone repeatedly blowing leaves into a lake would be in violation of the bill.
 - Mr. Dears confirmed it would technically be a violation, but emphasized the subjective nature of enforcement. Minor, infrequent actions are unlikely to trigger serious response, whereas repeated large-scale dumping would prompt involvement.
- Senator Watters questioned language on Lines 10-11 regarding enforcement by all New Hampshire police officers. He asked if the Department of Environmental Services would train officers or if the bill should clarify that enforcement authority is granted "upon request of the Department of Environmental Services."
 - Mr. Dears replied that the Department of Environmental Services neither requested nor opposes that provision, but simply provided guidance on where such language would fit in the statute. He noted that similar enforcement authority exists in other laws, and local police do already have the ability to act in their jurisdictions.
- Senator Watters also asked whether enforcement authority applies to just section two of the bill, suggesting it may limit police ordering remove of debris.

- o Mr. Dears responded that he agreed with that interpretation.

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Date Hearing Report completed: April 9, 2025