

Amendment to SB 629-FN

1 Amend the title of the bill by replacing it with the following:

2
3 AN ACT establishing the solid waste management fund and establishing a solid waste
4 disposal surcharge.
5

6 Amend the bill by replacing all after the enacting clause with the following:

7
8 1 New Chapter; Solid Waste Management Fund. Amend RSA by inserting after chapter 149-Q
9 the following new chapter:

10 CHAPTER 149-R

11 SOLID WASTE MANAGEMENT FUND

12 149-R:1 Findings and Purpose. The general court finds that the proper and integrated
13 management of solid waste under RSA 149-M, including the enhancement of waste and waste
14 diversion methods, has become a matter of great concern. The general court hereby declares that
15 the purpose of RSA 149-R is to provide support for the solid waste reduction technical assistance,
16 planning, and regulatory and permitting activities of the department of environmental services and
17 to assist communities, businesses, and the general public with their efforts to improve solid waste
18 reduction and diversion activities.

19 149-R:2 Definitions. In this chapter:

20 I. "Commissioner" means the commissioner of the department of environmental services.

21 II. "Cover material" means soil or other functionally equivalent material that is placed over
22 solid waste at a landfill. The term does not include materials used to construct a landfill capping
23 system.

24 III. "Department" means the department of environmental services.

25 IV. "Disposal" means depositing in a landfill or processing in an incinerator or waste-to-
26 energy facility.

27 V. "Fund" means the solid waste management fund established under RSA 149-R:3.

28 VI. "Solid waste" means solid waste as defined in RSA 149-M:4, XXII.

29 149-R:3 New Hampshire Solid Waste Management Fund Established.

30 I. There is hereby established the New Hampshire solid waste management fund to be used
31 for the purposes of this chapter.

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1 II. This non-lapsing, revolving special fund is hereby continuously appropriated to be
2 expended by the department in accordance with this chapter. All surcharges collected under RSA
3 149-R:5 shall be deposited in a separate fund, designated the New Hampshire solid waste
4 management fund. The state treasurer shall invest the moneys deposited in accordance with RSA
5 6:8. Any earnings on fund moneys shall be added to the fund.

6 149-R:4 Purpose and Use of the Fund.

7 I. The fund shall be used to support the administration and implementation of the
8 department's solid waste technical assistance, planning, and regulatory and permitting activities,
9 including waste reduction and diversion technical assistance, long term solid waste management
10 planning, education and outreach efforts, and administration of payments in accordance with
11 paragraphs II and III.

12 II. The fund shall be used to provide annual payments to New Hampshire municipalities, for
13 source reduction and recycling efforts to fully offset costs associated with the solid waste disposal
14 surcharge established under RSA 149-R:5, at the rate of \$1.50 per ton of solid waste for which the
15 municipality was financially responsible for disposal at a New Hampshire landfill, incinerator, or
16 waste-to-energy facility, in accordance with procedures established by rulemaking under the
17 authority of RSA 149-R:6, I. Such rulemaking shall specifically address the unique circumstances
18 for municipalities that own and operate a facility that is subject to RSA 149-R:5, or that are part of a
19 solid waste district that owns and operates such a facility, to ensure that the costs incurred by those
20 municipalities are offset consistent with this chapter.

21 III. The fund shall be used to provide matching grant funding to New Hampshire
22 municipalities, private entities, and businesses for projects that will provide a demonstrated,
23 significant improvement in waste diversion methods and contribute to a reduction of wastes
24 requiring disposal, including a regional or municipal materials recovery facility operated by a public
25 or private entity, and other regional recycling efforts. Not less than 50 percent of grant funds shall
26 be made available to private entities and businesses for such projects in New Hampshire.

27 IV. The fund may be used to hire consultants, contractors, or to pay other necessary
28 expenses directly associated with approved activities in this chapter.

29 149-R:5 Solid Waste Disposal Surcharge.

30 I. Beginning July 1, 2021, solid waste disposed of at a New Hampshire landfill, incinerator,
31 or waste-to-energy facility shall be subject to a surcharge of \$1.50 per ton. Notwithstanding RSA
32 149-M:4, XXII, materials used as cover material shall not be subject to the surcharge.

33 II. Such surcharge shall be paid quarterly to the department by each holder of a permit
34 issued pursuant to RSA 149-M for a New Hampshire landfill, incinerator, or waste-to-energy facility
35 for the solid waste disposed at such facility on forms and with supporting documentation as provided
36 for in rulemaking conducted pursuant to RSA 149-R:6, I.

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1 III. The first payment of the surcharge shall be due to the department no later than October
2 31, 2021 and within 30 days of each quarter's end thereafter.

3 IV. The department shall deposit surcharges collected under this section into the fund.

4 V. Failure to pay surcharges within 60 days of the date due shall result in the assessment of
5 interest at a rate established by the commissioner. The commissioner may waive all or any portion
6 of interest for good cause. The department shall deposit interest collected under this section into the
7 fund.

8 149-R:6 Rulemaking. The commissioner shall adopt rules, after public hearing and pursuant to
9 RSA 541-A, relative to:

10 I. The time, amount, and manner of payment of solid waste disposal surcharges.

11 II. Required records to be kept by facility permit holders of the type and quantity of solid
12 waste disposed.

13 III. Certified reports required to be submitted with surcharge payments by facility permit
14 holders.

15 IV. The time, amount, and manner of payments to New Hampshire municipalities pursuant
16 to RSA 149-R:4, II.

17 V. Certified reports required to be submitted by municipalities requesting payments
18 pursuant to RSA 149-R:4, II.

19 VI. Administering matching grants pursuant to RSA 149-R:4, III.

20 149-R:7 Penalty. Any facility permit holder shall be guilty of a misdemeanor who:

21 I. Does not pay the surcharge required in RSA 149-R:5; or

22 II. Knowingly gives or causes to be given any false information in reports, records, or
23 documents required by the department under this chapter.

24 149-R:8 Biennial Report. The department shall submit a biennial report commencing on
25 October 1, 2022 to the governor and council, the speaker of the house of representatives, and the
26 president of the senate, relative to the activities and finances of the solid waste management fund.

27 2 Administration and Enforcement of Solid Waste Management Fund. Amend RSA 149-M:6, XI
28 to read as follows:

29 XI. ~~[Assess a surcharge on the disposal of out of state solid waste in the amount of \$1 per~~
30 ~~ton, which shall be assessed against the person transporting the out of state solid waste to the~~
31 ~~facility and not assessed against the facility. The surcharge shall be assessed and collected only with~~
32 ~~respect to the first point of disposal, processing, or treatment within this state. The proceeds shall~~
33 ~~be used by the department to reduce and offset general fund expenditures for solid waste~~
34 ~~management.] **Administer and enforce the provisions of RSA 149-R.**~~

35 3 New Subparagraph; New Hampshire Solid Waste Management Fund. Amend RSA 6:12, I(b)
36 by inserting after subparagraph (358) the following new subparagraph:

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1 (359) Moneys deposited in the New Hampshire solid waste management fund
2 established in RSA 149-R:3.

3 4 Repeal. RSA 149-M:7, VII, relative to rulemaking relative to the out-of-state waste disposal
4 surcharge, is repealed.

5 5 Effective Date. This act shall take effect July 1, 2020.

2020-1055s

AMENDED ANALYSIS

This bill:

- I. Establishes the solid waste management fund.
- II. Establishes a solid waste disposal surcharge.
- III. Repeals the existing surcharge on out-of-state waste.