

SB593, Amendment 2026 – 1168s. Add Solid Waste Districts

The BCEP Solid Waste Facility has a \$15,000 - \$20,000 per year expense related to RSA 149-R5 I and RSA 149 - R4: II. BCEP is requesting your help as described below.

### **Applicable RSA Extracts**

#### **149-R:5 Solid Waste Disposal Surcharge. –**

I. Beginning January 1, 2026, solid waste disposed of at a New Hampshire landfill, incinerator, or waste-to-energy facility shall be subject to a surcharge at the rate of \$3.50 per ton.

#### **149-R:4 Purpose and Use of the Fund. –**

I. The fund shall be used to support the administration and implementation of the department's solid waste technical assistance, planning, regulatory, and permitting activities, including, but not limited to, waste reduction and diversion technical assistance, reducing the expense to municipalities of hazardous waste materials disposal and recycling, long term solid waste management planning, education and outreach efforts, and administration of payments in accordance with paragraphs II and III.

II. The fund shall be used to **provide quarterly payments to New Hampshire municipalities** for source reduction and recycling efforts to offset payments made by the municipality associated with the solid waste disposal surcharge established under RSA 149-R:5, based upon the tonnage of solid waste for which the municipality was financially responsible for disposal at a New Hampshire landfill, incinerator, or waste-to-energy facility. Administration of the payment program shall be in accordance with procedures established by rulemaking under the authority of RSA 149-R:6, IV and V. Such rulemaking shall specifically address the unique circumstances for municipalities that own and operate a facility that is subject to RSA 149-R:5, or that are part of a solid waste district that owns and operates such a facility, to ensure that the costs incurred by those municipalities are offset consistent with this chapter.

### **BCEP BACKGROUND**

The BCEP Solid Waste Facility was established per NH RSA 53 B in the early 1990's. BCEP serves the Municipalities of Barnstead, Chichester, Epsom, and Pittsfield NH. BCEP is a legal stand alone entity somewhat similar to a School District. BCEP is not part of any municipal Public Works Department and does not share employees, equipment, or any resources with any of the 4 Municipalities. BCEP has its own contracts for fuel, electricity, and all operational items similar to School Districts.

BCEP has a contract with Waste in Rochester for landfill disposal. It is important to note that BCEP has the landfill contract with Waste. None of the 4 Towns have contracts with Waste for Solid Waste disposal. The new \$3.50 per ton surcharge per RAS 149 – R5: I is paid for by BCEP not the individual towns.

### **The PROBLEM**

Unfortunately the new NH RSA 149-R:4 II as shown above specifically references municipalities but does not include Solid Waste Districts for the Quarterly Reimbursement of payments. The result is that BCEP pays the current \$3.50 per ton surcharge but is not eligible for the Quarterly Reimbursement described in RSA 149-R:4 II. Not including Solid Waste Districts appears to be an oversight and an additional tax on the residents of our 4 Towns.

**The REQUEST**

BCEP is requesting amendments to RSA 149-R:4 II to include “**or applicable solid waste management districts established under NH RSA 53 B**” at all 3 applicable locations in RSA 149 -R:4 II where “municipality” appears and also to make the reimbursements retroactive to January 1, 2026.

Thanks

Richard Moore, Alt Rep from Chichester to BCEP

Hugh Curley, Rep from Epsom to BCEP and Chair of the BCEP Oversight Committee

Linda Hodgdon, Budget Rep from Epsom to BCEP

Michelle Rosado, Rep from Barnstead to BCEP

Jill Lavin, Co-Administrator at BCEP

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