

# Sununu opposition blocks solid waste tipping fee

By Kevin Landrigan New Hampshire Union Leader Feb 2, 2022

CONCORD — A bipartisan group of lawmakers pushed to come up with smarter ways to deal with the tonnage of solid waste disposed in New Hampshire, but on Wednesday they backed out of creating a new tipping fee to pay for it.

Gov. Chris Sununu's opposition to a \$1.50-per-ton fee charged on top of all other waste disposal costs (**SB 379**) moved supporters to instead ask for a \$500,000 fund from a state budget surplus, according to Sen. David Watters, D-Dover.

"Over the last week it became clear the fee issue...would be problematic getting support of the governor this time around," Watters said.

The tipping fee would have raised \$2.9 million a year, but it would then pay back to communities \$750,000 to cover the cost of its own waste brought to landfills.

"I am not looking to increase fees right now. Revenues are coming in very strong," Sununu said during a telephone interview Wednesday.

"We don't need more money. If folks want to spend dollars to look at alternative systems and ways of doing solid waste disposal better, that's worth looking at and we can find that (money)."

The New Hampshire Municipal Association had supported Watters' tipping fee approach.

Along with Sununu, the Business & Industry Association of New Hampshire and Waste Management Inc., the state's largest landfill operator, opposed the idea.

Waste Management Director of Operations Steve Poggi said commercial and industrial generators of large volume of waste have no way to offset what they would pay.

Poggi also questioned if it would be legal for the state to create a fee that treated municipal and industrial customers differently.

## Out-of-state waste

More than a decade ago, the Legislature adopted a tipping fee to be charged only for solid waste coming from outside New Hampshire and dumped in landfills here.

Currently, out-of-state waste makes up about half of the annual volume.

This out-of-state tipping fee lasted only a few months until the Attorney General's Office advised that it would likely lose in court because that fee would violate the Commerce Clause of the U.S. Constitution.

AG John Formella's office recently wrote a memo telling a solid waste advisory group he agreed an out-of-state fee would be vulnerable to a constitutional challenge.

Creating this grant account instead would help the state leverage millions more in competitive grants to be offered to states under the new, federal infrastructure bill, Watters told the Senate Ways and Means Committee.

"This would send a strong message that we are really trying to do something about this problem," he added.

By any measure, New Hampshire faces a looming, solid waste crisis as the capacity of the state's three municipal-owned and three privately-owned landfills is running out and attempts to site other new landfills have failed.

Without further expansions, the Department of Environmental Services has predicted a limited shortfall in capacity will exist from 2025-34 but then it becomes a "significant" shortfall after that fact, according to a 2019 legislative [report](#).

## Recycle market collapse

China made this problem even worse in 2017 when it decided it would no longer accept recyclables found from most facilities, effectively closing off this critical market

Many communities in New Hampshire and across the country simply dump recyclables in landfills, further straining the system's capacity.

Mark Morgan, Lebanon's solid waste manager, said his city separates recyclables and retains a lucrative market that helps reserve enough space in its landfill, which serves 21 communities in the Upper Valley.

A matching grant program for cities and private businesses to try out new solid waste reduction technologies would help, Morgan said.

“Unfortunately, New Hampshire is making sure our landfills last without looking to the future,” Morgan said.

The last, state-produced, long-range plan on solid waste was in 2003 and since then, there have been numerous cuts to staff in the state’s solid waste bureau that lacks its own funding source.

“I hope you will keep in mind we are surrounded by states that use surcharges to fund their activities,” said Rep. Karen Ebel, D-Newbury, who chairs the solid waste working group.

Wimsatt said the Legislature last year created five new positions in the bureau and he’s recruiting to fill them.

“I am very optimistic we are going to be in a good place,” Wimsatt added.