

Senate Election Law and Municipal Affairs Committee
Tricia Melillo 271-3077

HB 1122, authorizing municipalities to collect and resell construction and demolition debris.

Hearing Date: March 21, 2022

Members of the Committee Present: Senators Gray, Birdsell, Ward, Soucy and Perkins Kwoka

Members of the Committee Absent : None

Bill Analysis: This bill authorizes municipalities to collect and resell construction and demolition debris.

Sponsors:

Rep. Egan
Rep. Weston

Rep. Massimilla
Sen. Hennessey

Rep. Alexander Jr.

Who supports the bill: Representative Joe Alexander, Eric Pauer

Who opposes the bill: None

Who is neutral on the bill: Natch Greyes – NHMA, Henry Veilleux – Resource Waste Services, Mike Wimsatt – NH DES

Summary of testimony presented in support:

Representative Joe Alexander

- This bill allows municipalities to resell construction and demolition debris they have collected.
- It will help homeowners find inexpensive building materials.
- It is a great bill as it forms partnerships with community homebuilders and local contractors and reduces tipping fees at transfer stations.
- This could be an additional source of revenue for towns.
- Senator Perkins Kwoka commented that she is concerned that there is limiting language in the bill that might restrict the authority towns already have when managing their waste and asked whether the language “in the town” in the bill was meant to do that.
 - Rep. Alexander replied that in no way do they want to limit municipalities and he believes there will be an amendment coming that will correct any limiting language.
- Senator Gray commented that construction debris could have lead paint or asbestos and asked why would he want towns to purchase that material and be held liable for the pile of contaminated construction debris.
 - Rep. Alexander replied that when the debris is at the transfer station it is at your own risk that you access or purchase it. This happens all the time when people buy furniture at yard sales that may have lead paint.
- Senator Gray stated he understands that but this would be the city or town that purchasing it and selling it to them and asked why isn't the city liable in the chain of custody of that material.
 - Rep. Alexander answered that the town is not purchasing any of the debris. They are just collecting it at the transfer station and then selling some of it. The only transaction that takes place is a citizen wanting some of the debris and paying the town for it.
- Senator Birdsell commented that DES could probably address this.
 - Rep. Alexander replied yes, absolutely.

Summary of testimony presented in opposition: None

Neutral Information Presented:

Natch Greyes – NH Municipal Association

- They were initially supportive of this enabling legislation.
- Since that time, he has learned a lot about the waste stream.
- This is something that municipalities can already do.
- There are concerns from some municipalities.
- In Lebanon they have a transfer station that collects from multiple other towns.
- They were concerned about the limiting language of the bill and if it would limit them from collecting materials from other municipalities.
- He has reached out to the prime sponsor about the possibility of an amendment.
- The Lancaster transfer station manager elected not to sell construction debris that they collect because of insurance and liability concerns.
- They were also concerned for the safety of citizens that may step on a nail or something like that.
- Even though it is enabling legislation, it still needs some work.

Henry Veilleux - Representing Resource Way Services

- Resource Way Services is one of the largest C&D processing facilities in the state.
- They divert a lot of materials from going into the landfill facilities.
- They break down the wood and metals and send it to markets all over.
- Municipalities can already do this.
- The sponsors may not be thinking of the large scale that the big companies can do.
- This would be for small purchases, a door or window frame that can be used again and there is no prohibition against doing that today.
- He does not believe this legislation is needed as it can already be done.

Mike Wimsatt – Director, Waste Management Division, NH DES

- They are not taking a position on this bill but they do have some concerns.
- They believe it is unnecessary legislation.
- Municipalities that operate transfer stations can do this already.
- Very few do it due to the reasons already discussed.
- When towns do sell any debris, it is a small amount.
- Most towns do not want to do it because of the on site safety concerns and the potential liability.
- It is one thing if someone picks something up from a swap shop, it is another if you have sold it to them. There is an implied liability.
- Their second concern is that the way the bill is worded it implies that towns that collect from each other would not be able to do that and resell it.
- The bill implies that the collected material has to be from the town that is selling it or from contractors based in the town.

TJM

Date Hearing Report completed: March 25, 2022