



“Partnering to make recycling strong through economic and environmentally sound solutions”

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## NH Food Alliance - Food Waste Diversion Webinar - Sept. 20, 2019 Overview of Composting Laws and Regulations in New Hampshire\*

### Key Composting Laws and Regulations in New Hampshire

In the 1990s, New Hampshire took three key actions to divert waste from landfills:

1. It set a goal to achieve a 40% diversion by weight of solid waste landfilled or incinerated on a per capita basis by the year 2000 through source reduction, recycling, reuse, and composting. [NH Rev Stat § 149-M:2 \(1999\)](#)
2. New Hampshire established the following waste management source reduction hierarchy, in order of preference from most to least: source reduction, recycling and reuse, composting, waste-to-energy technologies, incineration (no recovery), and landfilling. [NH Rev Stat § 149-M:3 \(2015\)](#)
3. New Hampshire banned disposing of leaf and yard waste in landfills. [NH Rev Stat § 149-M:27, III \(2016\)](#)

In 2015, the State passed a law directing the New Hampshire Department of Environmental Services (“NHDES”) to adopt rules relative to requirements and best practices for facilities that compost organics, including meat and dairy products. [NH Rev Stat § 149-M:7; Section XV \(2015\)](#)

In 2017, NRRA worked with NHDES to form a [Composting Stakeholder Work Group](#), which held multiple meetings in 2017 and 2018 to gather input for developing best practices for composting meat and dairy.

Currently, the [State’s HB 617 Recycling & Solid Waste Study Committee](#) is discussing the challenges municipalities are facing with recycling and waste management. The Committee will discuss composting on Thursday, September 26, 2019 at 1 pm, Legislative Office Building 201.

### Current NHDES Permit Options for Composting

Solid waste facilities in New Hampshire are grouped into three main categories: (1) collection, storage, and transfer (“C/S/T”) facilities (ex. transfer stations, recycling centers); (2) processing and treatment (“P/T”) facilities (ex. incinerators, anaerobic digesters, composting facilities); and (3) landfills (ex. active and closed or inactive landfills).

For most facilities, there are three main permit categories: (1) permit exempt, (2) permit-by-notification, and (3) standard permit. There are options for a composting facility to compost food waste under each of the three permit categories, as summarized below.

#### Permit Exempt [Env-Sw 608.03](#)

- *Who:* Private homes, schools, and farms (aka Generator Composting Facilities).
- *What:* Can compost leaf, yard, and food waste (no meat or dairy).
- *Source:* Food and other waste is generated on site.
- *Process:* Does not require any permit.

### Permit-by-Notification

- *Who*: Applies to solid waste facilities that receive 30 tons or less per day. Examples include publicly-owned solid waste transfer stations and small food waste composting facilities. Most small-scale operations tend to opt for this permit type. [Env-Sw 1204.04](#)
- *What*: Can compost up to 20% food waste mixed with 80% yard waste, animal manure, farming crop residuals, and approved bulking agents (ex. wood shavings, etc.) [Env-Sw 607.02\(d\)](#)
- *Source*: Food waste can only come from retail food outlets, commercial and institutional kitchens, and food processing operations. Food waste cannot include meat or dairy. [Env-Sw 607.02\(e-f\)](#)
- *Process*: Does not require in-depth technical review by NHDES. There is no cost to apply, and the applicant certifies compliance. This a simplified “off the shelf” permit option.
- *Current Status*: There are 6 operating facilities with a permit-by-notification for composting food scraps. Currently only 1 has a waiver for composting meat and dairy – Star Island Corp. (special circumstances; issued in 2003).

### Standard Permit (NHDES overview [here](#))

- *Who*: Applies to solid waste facilities that accept over 30 tons of waste per day, or facilities that deviate from the parameters allowed by a permit-by-notification. Examples include landfills, transfer stations, incinerators, and large-scale or specialty composting facilities.
- *What*: Standard permits are customized to the type, size, and other operational variables of the applicant. Applicants can apply to compost food waste, including meat and dairy.
- *Process*: Involves intensive review and approval process by NHDES. Among other things, requires application fee, abutter notification, and may involve hiring consultant for application assistance.
- *Current Status*: There are currently no composting facilities with a standard permit in the State.

### Pathways for Composting Meat and Dairy in New Hampshire

Until the composting regulations have been revised, NHDES has made pathways available to compost meat and dairy that involve requesting that NHDES waive certain current regulations. To inquire about applying for a waiver of the current composting regulations, please contact Michael Nork at the NHDES Solid Waste Management Bureau at (603) 271-2936 or [Michael.nork@des.nh.gov](mailto:Michael.nork@des.nh.gov).

- Permit Exempt: NHDES has worked with schools and organizations to allow composting meat and dairy generated on site. Contact NHDES for more information.
- Permit-by-Notification: For current facilities that have, or proposed facilities that qualify for, a permit-by-notification and wish to compost meat and dairy, a waiver application can be submitted to NHDES. NHDES has not yet received any such applications, though the agency has had conversations with interested parties.
- Standard Permit: This option is the most flexible and allows a composting facility to compost any type of organic waste, including food waste with meat and dairy, without the need for a waiver of current rules.

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\***DISCLAIMER**: This document is intended to be a brief overview of select laws and regulations and should not be relied on as a comprehensive guide. For detailed information about composting regulations in New Hampshire, refer to the New Hampshire Solid Waste Rules ([Env-Sw 100 et seq.](#)).