

TITLE X

PUBLIC HEALTH

CHAPTER 149-M

SOLID WASTE MANAGEMENT

Section 149-M:27

149-M:27 Disposal Prohibited. –

I. If the department finds that an emergency exists requiring immediate action to protect the public health, it may issue an order suspending all or any part of this section during such emergency.

[Paragraph II effective until July 1, 2025; see also paragraph II set out below.]

II. No wet-cell batteries shall be disposed of in a solid waste landfill facility or composting facility or incinerator, whether in a waste-to-energy facility or otherwise.

[Paragraph II effective July 1, 2025; see also paragraph II set out above.]

II. (a) No person shall dispose of any wet-cell batteries, lithium-ion batteries, or electronic devices in any solid waste landfill facility or incinerator in New Hampshire.

(b) Owners or operators of such facilities shall not be found to have knowingly disposed of wet-cell batteries, lithium-ion batteries, or electronic devices, if the facility has implemented mechanisms to avoid such disposal.

These mechanisms shall include, at a minimum:

(1) Posting informational signs at the facility giving notice of the disposal prohibition; or

(2) Providing written notification to, or entering into agreements with, the facility's customers regarding the disposal prohibition.

(c) Municipalities, solid waste districts, and owners or operators of solid waste landfill facilities and incinerators shall make available educational materials on safe handling and recycling of wet-cell batteries, lithium-ion batteries, and electronic devices. Such entities should provide recycling opportunities for such batteries and devices, as possible.

III. (a) No leaf or yard waste shall be disposed of in a solid waste landfill or incinerator including any waste-to-energy facility. Any person who violates this paragraph shall be subject to the penalties and enforcement provisions of RSA 149-M:15 and 16.

(b) Subparagraph (a) shall not apply to municipalities organized under RSA 53-A or RSA 53-B, if application of the paragraph would cause the municipality to violate or incur penalties under legal obligations existing on January 1, 1993.

(c) Subparagraph (a) shall not apply to municipalities organized under 1986, 139, or entities with which such municipalities contract until June 30, 2009.

(d) Solid waste landfills and incinerators shall not be in violation of subparagraph (a) if, at a minimum, the facility has implemented any of the following:

(1) Posting signs at the facility providing notice of the prohibition against disposing of leaf and yard waste.

(2) Written notification to, or agreements with, the facility's customers providing notice of the prohibition against disposing of leaf and yard waste.

(3) Implementation of a procedure for periodically monitoring incoming waste to detect leaf and yard waste at the facility and a process to notify customers that they have delivered such waste in violation of subparagraph

(a).

[Paragraph IV repealed by 2024, 369:6 effective July 1, 2025.]

IV. (a) No person shall dispose of any video display device, central processing unit of a computer, or non-mobile video display media recorder/player in any solid waste landfill or incinerator in New Hampshire after July 1, 2007.

(b) Owners or operators of such facilities shall not be found to have knowingly disposed of a video display device, central processing unit of a computer, or non-mobile video display media recorder/player if the facility has implemented mechanisms to avoid such disposal which shall include, at a minimum, posting of signs at the facility or providing written notification to, or agreements with, the facility's customers concerning the disposal prohibition.

V. (a) Beginning February 1, 2025, any person generating one ton of food waste per week or greater shall not dispose of such waste in a landfill or incinerator provided that:

(1) An alternative facility authorized to manage food waste consistent with the provisions of subparagraph (b) is located within 20 miles of the point of generation; and

(2) The alternative facility has adequate capacity to accept the food waste.

(b) Food waste prohibited from disposal under subparagraph (a) shall be separated from other types of solid waste and managed in accordance with one or more of the following methods, in order of preference:

(1) Reduction of the amount generated at the source;

(2) Consumption by humans;

(3) Consumption by animals;

(4) Composting, digestion, or land application as appropriate; and

(5) Energy recovery not involving combustion.

Source. 1996, 251:2, eff. Aug. 9, 1996; 251:32, eff. Aug. 9, 1996 at 12:01 a.m.; 261:12, eff. Aug. 9, 1996 at 12:01 a.m. 2005, 265:6, eff. July 22, 2005. 2006, 171:2, eff. July 1, 2006. 2009, 126:3, eff. June 22, 2009. 2023, 79:352, 353, eff. Jan. 1, 2024. 2024, 369:1, eff. July 1, 2025.