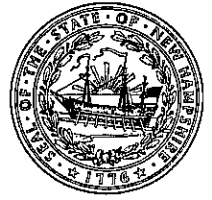




The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**



**Thomas S. Burack, Commissioner**

September 20, 2007

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RE: Management of Construction and Demolition Debris in New England

Dear Colleagues:

As we discussed during our meeting in Boston on May 8, 2007, I have prepared this letter outlining issues relating to the management of construction and demolition debris (C&D) in the New England states. It is hoped that this letter will serve as a starting point for productive discussion among the New England states on this important issue.

Management of C&D is a regional issue because of the movement of raw and processed C&D materials among the states. Differing state laws, rules and policies play an important role in the ultimate fate of C&D in the region. To facilitate a regional discussion of C&D and to identify potential areas for future cooperation and collaboration among the New England states, four broad areas should be addressed:

1. An analysis of the volume and disposition of C&D generated in each state.
2. An understanding of the regulatory structure governing management of C&D in each state.
3. Development of a model for cooperation among the states.
4. Identification of and methods to deal with leading edge issues.

Each of these areas is described below in more detail.

**1. An analysis of the volume and disposition of C&D generated in each state.**

This item may be considered the “big picture” look at regional C&D. An important first step in a regional discussion should be a detailed analysis of the volume of C&D generated in each state, sources of C&D, and destination of exported C&D materials. In 2005, NEWMOA published a report entitled, “Interstate Flow of Construction & Demolition Waste Among the NEWMOA States in 2002.” The data presented in this report, while useful, could be updated through 2006 by the states to provide a more accurate, up-to-date estimate of the volume and movement of C&D within the region, into the region, and out of the region.

**2. An understanding of the regulatory structure governing management of C&D in each state.**

An understanding of how C&D is managed in each state would be important to efforts to identify the similarities and differences in how these materials are treated among the various states. Identification of laws, rules, and policies that govern the management of C&D would be essential to understanding the regulatory constraints under which our respective states are working.

Another important regulatory item for discussion would be the list of beneficial use determinations relating to recycled or reused C&D materials that have been developed by the various states. This information would be helpful in identifying materials that are regulated as solid waste in one state and regulated differently, or unregulated in some cases, in another state. Such differences could have impacts on the availability of regional economic markets for these materials.

**3. Development of a model for cooperation among the states.**

Once the volume and movement of C&D materials among the states has been better defined and the regulatory structure in each of the states is more fully understood, we could begin to identify areas where uniformity could be helpful in management of C&D across the region. To the extent possible, for example, uniform beneficial use determinations may help avoid conflicts in how materials are regulated and may also enhance the development of regional markets for recycled C&D materials. Some states may have data that would be useful in the development of a regulatory scheme in another state. Cooperation among the states may also help solve common problematic issues such as C&D fines, gypsum waste and products made from recycled C&D materials.

**4. Identification of and methods to deal with leading edge issues.**

A number of new issues are emerging that have regional significance. The manufacture of ethanol, methanol, and synthetic natural gas from wood derived from C&D and other wastes is on the horizon. How these materials are regulated will clearly affect their

movement in commerce among the states. Similarly, wood pellets manufactured in part with wood derived from C&D may be regulated differently by different states. How will we deal with these and other emerging regional issues? What we learn in our discussions on C&D related issues and development of a model for cooperation could help us to more easily coordinate a regional response to these issues as they arise.

I hope that this brief outline will form the basis for a meaningful conversation among the states on C&D management in New England. At our May 8 meeting, it was agreed that each state should identify one or more of their staff members to participate in this conversation. Accordingly, I have designated three members of the NHDES Waste Management Division to serve on a multistate C&D working group, including the Division Director, Mike Wimsatt, as well as Paul Heirtzler, Administrator of Waste Management Programs and Mike Guilfoy, Administrator of the Solid Waste Management Bureau. Please notify Paul Heirtzler ([pheirtzler@des.state.nh.us](mailto:pheirtzler@des.state.nh.us)) of the name(s) and contact information for your staff member(s) who will participate. NHDES will take the lead in arranging the first meeting of this multistate working group. We look forward to working with you to improve the way that C&D is managed in our region.

Sincerely,



Thomas S. Burack  
Commissioner

Cc: Justin Johnson, DEC, VT  
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