Bill as Introduced

2000 SESSION

00-2703
03/09

SENATE BILL ***434-FN-LOCAL***

AN ACT exempting the town of Tilton from hazardous waste cleanup fund fees associated with the removal of the municipal target range.

SPONSORS: Sen. Gordon, Dist 2; Rep. Bartlett, Belk 6; Rep. Salatiello, Belk 2; Rep. Wendelboe, Belk 2

COMMITTEE: Environment

ANALYSIS

This bill exempts the town of Tilton from hazardous waste cleanup fund fees associated with the removal of the municipal target range.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

00-2703
03/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand

AN ACT exempting the town of Tilton from hazardous waste cleanup fund fees associated with the removal of the municipal target range.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Hazardous Waste Cleanup Fund Fees; Exemption for Town of Tilton for Removal of Target Range. The town of Tilton shall not be subject to the hazardous waste cleanup fund fees established in RSA 147-B:8 associated with its removal of the municipal target range.

2 Effective Date. This act shall take effect upon its passage.

LBAO
00-2703
12/14/99

SB 434-FN-LOCAL - FISCAL NOTE

AN ACT exempting the town of Tilton from hazardous waste cleanup fund fees associated with the removal of the municipal target range.

FISCAL IMPACT:

The Department of Environmental Services has determined this bill will decrease state restricted revenue and local expenditures by $26,262 in FY 2000. There will be no fiscal impact on county or local revenue and on state and county expenditures.

METHODOLOGY:

The Department stated the fee that was assessed to the Town of Tilton was a one time fee in accordance with RSA 147-B:8. The fee was determined by the poundage of waste which was shipped off-site during the cleanup of the municipal target range in August 1999. The fee of $0.03 was assessed on a total of 875,395 pounds ($26,262). Because the fee is due in the current fiscal year, there would be a negative impact to the Hazardous Waste Cleanup Fund and a reduction in local expense of $26,262 in FY 2000.

Committee Minutes

Date: January 27, 2000
Time: 1:00 PM
Room: 104 LOB

The Senate Committee on Environment held a hearing on the following:

SB 434 exempting the town of Tilton from hazardous waste cleanup fund fees associated with the removal of the municipal target range.

Members of Committee present:
Senator Russman
Senator Cohen
Senator Below
Senator Eaton
Senator Johnson
Senator Krueger
Senator Pignatelli
Senator Wheeler

The Chair, Senator Richard Russman, opened the hearing.

Senator Richard L. Russman, D. 19: I would like to call upon the Prime Sponsor, Senator Gordon. Welcome Senator Gordon.

Senator Edward M. Gordon, D. 2: Thank you Mr. Chairman and members of the committee. For the record my name is Ned Gordon and I represent Senate District 2, which is comprised of 32 towns and Grafton and Belknap counties.

One of the towns I represent is the town of Tilton. A few months ago now I was invited out to attend a meeting. The meeting had to do with clean up and actually the clean up of 2 areas. One was an old landfill area, which the town was required to clean up and was in the process of cleaning it up. They had some concerns at the time that regarded the cleanup and how it should be conducted. The second clean up that they were involved with we specifically to do with a target range. And what had developed over the years is that the town of Tilton had developed a range where its police officers could

go in and shoot their weapons, and qualify as they must qualify to be police officers. The town of Tilton operated and maintained this range for the benefit of its own police officers, but not only that it allowed the police officers from the surrounding towns to go and also use the range. And not only from surrounding towns but the State Police officers also came and used the shooting range. The town of Tilton elected to clean up the shooting range as needed to be and they cleaned up and there was lead there and other contaminants.

To be in compliance with New Hampshire statutes it had to pay an administrative fee to the Department of Environmental Services for the clean up. That fee I believe came to somewhere in the vicinity of $17,000. The issue or the concern that the town of Tilton had and I think had expressed to me was so surprised the town would be responsible for a fee. The individual taxpayer of the town of Tilton would have to pick this up even though it benefited all the towns around, even though it benefited the public. Even though ultimately it benefited the state by use of the state police. The question was why should the individual tax payer of the town of Tilton carry that burden? That seemed to me that that was a very good question.

So what I did was put forth this legislation which would in fact exempt the town of Tilton from payment of the administrative fee. I understand because I've talked to the Department who was very cooperative, and they indicated that they understand the reason for the exception. But I'll let them speak for themselves, but in essence would say that this should apply not just to Tilton but to any town finding themselves in a similar situation. Clearly if this were being used for private use and it was a privately used facility I don't think that I would have had any concern or objection to the fee being paid. But when it was maintained operated and used for public benefit, I don't believe that it would be appropriate to success this fee with current statute. I would ask that the town of Tilton be exempt and in agreement with the Department ask any town similarly situated to pay the fee, and pass that on to their taxpayers.

Senator Richard L. Russman, D. 19: Questions?

Senator Carl R. Johnson, D. 3: Thank you Mr. Chair. Senator Gordon do you have any idea how many other sites might be out there that would be affected by this legislation?

Senator Edward M. Gordon, D. 2: I have no idea, I can only speak from the area that I'm aware of and I don't believe that there are substantial numbers in my area. But in fact I'm not aware of any others specifically in my Senate

District 32 towns. There may very well be others that were operated in that way.

Senator Carl R. Johnson, D. 3: Thank you.

Senator Richard L. Russman, D. 19: Thanks. Further questions? Thank you very much for your testimony. The Chair recognizes Phil O'Brien.

Phillip J. O'Brien: Thank you Mr. Chairman, and good afternoon members of the committee. My name is Phil O'Brien Director of the Division of Waste Management. As Senator Gordon indicated we are happy to support the SB 434 and did somewhat broaden the language to include any community that was in a similar circumstance. That is where the shooting range be used exclusively for these purposes. Senator Johnson's question regarding how many there are, we checked with the Department of Safety and one can assume that there may be one per town but they may not necessarily be exclusively for police use. We thought it was prudent and I think its consistent with the Senator's comments that this exclusion or exemption be given to shooting ranges that are used exclusively for police training purposes, rather than other potential private uses. It was on that basis that we support it and I think it is an appropriate measure.

Senator Richard L. Russman, D. 19: Any questions? Does anybody else want to testify on SB 434? Come on up, sit down and state your name.

Joe Plesner: Joe Plesner, Selectman, town of Tilton. It seems like this would be a very equal way to deal with the situation. For it as much as the town itself when we went into the clean up we didn't even realize that it would be considered this way. When it was determined that, we were right there to correct the problem and move forward with it. If we had to pay this kind of a fine to go with it, it would be a burden on the taxpayers. It seems like it would be an inequitable and it is as it so many different entities had used the property so I certainly appreciate your consideration in this regard to, to deal with it the way it was proposed.

Senator Richard L. Russman, D. 19: Thank you very much.

Joe Plesner: Thank you.

Senator Richard L. Russman, D. 19: Are there any questions? None, thank you. We will close the hearing on SB 434.

Hearing closed at 1:06

Respectfully submitted,
Jillian Nina Mason, Secretary

Speakers

SENATE ENVIRONMENT. COMMITTEE

Date 1/27/2000 Time 1:00pm Public Hearing On SB 434-FN-L

Appearing in FAVOR: (Please print) **Please check box at left to speak.**

Speaking?	Name	Address	Representing
☒	Jill O'Brien	6 Hazen Dr.	NHDES
☐	Sen. Ted Gordon		Dist 2
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Appearing in OPPOSITION: (Please Print) **Please check box at left to speak.**

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Testimony

State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES
6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2900 FAX (603) 271-2456

January 27, 2000

Senator Richard L. Russman, Chair
Senate Environment Committee
Legislative Office Building, Room 104
Concord, New Hampshire 03301

Subject: ***SB 434 Exempting the Town of Tilton from Hazardous Waste Cleanup Fund Fees Associated with the Removal of the Municipal Target Range***

Dear Chairman Russman and Members of the Committee:

Thank you for the opportunity to testify on SB 434, which would provide an exemption from fees assessed under RSA 147-B to the Town of Tilton. The Department of Environmental Services regularly collects fees under this statute from private and public entities for a variety of hazardous waste activities which generate hazardous waste. We can understand that the circumstances of this particular cleanup present a relatively unique situation. Specifically, the lead contaminated waste soil generated is the result of the use of Town property for target practice associated with police training purposes. Further, the area was used by several local towns and by the State Police. The removal of approximately 875,000 pounds of the lead contaminated soil to a hazardous waste treatment, storage, disposal facility triggered the statutory fee assessment of about $26,000 to Tilton.

The Department does not wish to take a position which conflicts with the public good derived from weapons training required by existing regulation of members of local, county or state police. Therefore, the Department will support an amendment to RSA 147-B:9 (Exemptions) which would exempt any New Hampshire political subdivision from the hazardous waste generator fee associated with the remediation of lead contaminated soil from police target range training activities. Such exemption would not include police training at private gun clubs.

Add after RSA 147-B:9 (Exemptions), paragraph IV as follows:
V. Soil that is a hazardous waste due to lead contamination resulting from the use of the area as a shooting range used exclusively for law enforcement training purposes.

Thank you for the opportunity to provide testimony on this issue. Please call Philip J. O'Brien (271-2905) or me if you have any questions or would like further information.

Sincerely,

Robert W. Varney
Commissioner

cc: Senator Edward Gordon

Committee Report

Date: 1/27/00 Time: 1:00pm

The Senate Committee on Environment held its hearing in Room LOB104, Concord, New Hampshire.

BILL NO.: SB434-FN-L TITLE: [Second New Title] exempting soil that is contaminated by lead due to use as a shooting range from hazardous waste cleanup fund fees, provided cleanup is initiated and completed in accordance with applicable laws and requirements, and exempting the town of Tilton from hazardous waste cleanup fund fees associated with the removal of the municipal target range.

Members of the Committee present:

Senator Russman
Senator Cohen
Senator Below
Senator D'Allesandro
Senator Johnson
Senator Krueger
Senator Pignatelli
Senator Wheeler

Those appearing in favor:

Name and Address	Representing
See Attached.	

Those appearing in opposition:

Name and Address	Representing
See Attached.	

REPORT OF THE COMMITTEE:

- ☐ Ought to Pass
- ☒ Ought to Pass w/ Amendment
- ☐ Inexpedient to Legislate
- ☐ Rereferred
- ☐ Interim Study
- ☐ Continued Hearing
- ☐ Postponed Hearing

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Date: January 31,2000

THE COMMITTEE ON Environment

to which was referred Senate Bill 434-FN-L

AN ACT exempting the town of Tilton from hazardous waste cleanup fund fees associated with the removal of the municipal target range.

VOTE: 6-0

2000-3232s

Having considered the same, report the same with the following amendment and recommend that the bill: **AS AMENDED OUGHT TO PASS.**

Senator Carl R. Johnson
For the Committee