Bill as Introduced

2001 SESSION

01-0141
03/10

HOUSE BILL ***627-FN***

AN ACT establishing a market-based water pollutant trading program.

SPONSORS: Rep. B. Hall, Hills 20

COMMITTEE: Municipal and County Government

ANALYSIS

This bill requires municipalities with wastewater treatment plants to allocate portions of the plant's headworks loading limit to pretreatment facilities that discharge wastewater to the treatment plant. A pretreatment facility may receive and trade credits representing quantifiable and permanent reductions in the discharge of pollutants by the pretreatment facility from its allocation. This bill also requires pollutant reductions by publicly-owned treatment works and establishes a committee to study methods for reducing water pollutants.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

01-0141
03/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand One

AN ACT establishing a market-based water pollutant trading program.

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

1 New Section; Public Health; Sewers; Toxics Trading Program. Amend RSA 149-I by inserting after section 6 the following new section:

149-I:6-a Pollutant Trading Program.

I. In this section, "headworks loading limit" means the maximum allowable concentration of pollutants at that portion of the wastewater treatment plant which first receives the total influent flow for initial treatment.

II. Ordinances and bylaws adopted pursuant to RSA 149-I:6 shall allocate portions of the wastewater treatment plant's headworks loading limit to each pretreatment facility that discharges wastewater to the treatment plant. Each allocation shall be expressed in units, which shall be determined by the municipality in the ordinances and bylaws and approved by the department of environmental services. Each unit allocated shall be for a single pollutant only, and shall entitle the facility to discharge that amount of the pollutant to the treatment plant; a unit allocated for a pollutant may not be converted into a unit for another pollutant.

III.(a) If a facility presents appropriate proof, consistent with any requirements contained in the ordinances and bylaws, that it has not utilized and will not be utilizing any one of the units which it has been allocated, the municipality shall issue a credit certificate for the unutilized unit to the facility. Such credits shall be issued only to facilities demonstrating quantifiable and permanent reductions in discharge of the applicable pollutant. The credit shall be certified for use on a calendar year basis.

(b) A facility may transfer a credit certificate to another facility discharging to the treatment plant. Unless otherwise restricted by state or federal law, the transferee may increase its discharge of the applicable pollutant by 0.9 times the number of units it has acquired for that pollutant for that year. Any unit or portion of a unit that is not utilized by a transferee facility shall be retired, and may not be allocated or reissued by the municipality.

(c) If any facility permanently ceases discharging wastewater to the treatment plant, all units allocated to the facility shall revert to the municipality, and the municipality may reallocate the units to new or existing pretreatment facilities.

2 New Subparagraphs; Duties of Department; Pretreatment Standards; Considerations. Amend RSA 485-A:4, XV by inserting after subparagraph (d) the following new subparagraphs:

(e) The trading of pollutant credits between facilities that discharge waste to the same wastewater treatment plant, as provided in RSA 149-I:6-a.

(f) The pollutant reduction requirement of RSA 485-A:5, III-a.

3 New Paragraph; Pretreatment Standards; Headworks Loading Limit. Amend RSA 485-A:5 by inserting after paragraph III the following new paragraph:

III-a. No municipality or other governmental entity owning or controlling any public sewage or wastewater treatment facility shall allocate or accept for treatment more than 75 percent of the headworks loading limit of the facility for each pollutant regulated. For purposes of this paragraph, "headworks loading limit" means the maximum allowable concentration of pollutants at that portion of the wastewater treatment facility which first receives the total influent flow for initial treatment. In determining the headworks loading limit, it shall be presumed that any sludge produced by the facility shall meet the maximum contaminant levels established by the department for land application in the state.

4 New Section; Winnipesaukee River Basin Control; Pollutant Trading Program. Amend RSA 485-A by inserting after section 48 the following new section:

485-A:48-a Pollutant Trading Program. Rules of the department adopted under this subdivision shall conform to the requirements for ordinances and bylaws established in RSA 149-I:6-a relative to a pollutant trading program.

5 Water Pollutant Study Committee Established.

I. There is established a committee to study methods for reducing water pollutants.

II. Membership and Compensation.

(a) The members of the committee shall be as follows:

(1) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(2) Three members of the senate, appointed by the president of the senate.

(b) Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. Duties. The committee shall:

(a) Study the feasibility and the economic and environmental benefits of allowing pollutant credit trading between facilities discharging into the same watershed, but not served by a common wastewater treatment plant.

(b) Study methods of reducing the amount of pollutants received by wastewater treatment plants and levels to which each regulated pollutant should be reduced.

(c) Study the feasibility of pollutant credit trading between point and non-point sources.

IV. Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

V. Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2001.

6 Effective Date.

I. Section 5 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 2002.

LBAO
01-0141
2/5/01

HB 627-FN - FISCAL NOTE

AN ACT establishing a market-based water pollutant trading program.

FISCAL IMPACT:

The Department of Environmental Services indicates this bill will increase state general fund and local expenditures by $56,304 and $969,200 in FY 2002, $57,123 and $912,660 in FY 2003, $59,595 and $958,292 in FY 2004 and $62,201 and $1,006,208 in FY 2005. Local revenue may increase by an indeterminable amount beginning in FY 2002 and continuing each year thereafter. There will be no fiscal impact to state and county revenue or county expenditures.

METHODOLOGY:

State Fiscal Impact:

The Department states it will hire one staff member to track, administer and approve the program for each community. The position will be an Environmentalist IV, labor grade 26.

	FY 2002	FY 2003	FY 2004	FY 2005
Salary	$38,610	$40,365	$42,159	$44,050
Benefits @ 32%	12,355	12,917	13,491	14,096
Current Expenses	1,500	1,500	1,500	1,500
COLA	2,239	2,341	2,445	2,555
Computer Equipment	1,600	0	0	0
Total	$56,304	$57,123	$59,595	$62,201

Local Fiscal Impact:

The Department could not estimate the amount of revenue towns would receive, since the amount will depend on the procedures each town will adopt.

When estimating local expenditures the Department used the following assumptions:

- Of the approximately 60 municipalities, 20 will have an average of 5 industries with tradable pollutants.
- Sampling, analysis and related headwork loading will be established annually to ensure accurate certification.
- Headworks loadings will have to be approved by the EPA and the Department.

HB 627-FN - FISCAL NOTE

- The municipalities will perform their own sampling and administration that will be less costly than hiring consultants to perform the work.

	FY 2002	FY 2003	FY 2004	FY 2005
Headworks Loading Analysis	$645,000	$677,250	$711,112	$ 746,668
Reports, Meetings, and Public Notice	175,200	183,960	193,158	202,816
Monitoring - Sample & Test	49,000	51,450	54,022	56,724
Sampler	100,000	0	0	0
Total	$969,200	$912,660	$958,292	$1,006,208

In addition, the Department is unable to predict the loss of industrial expansion, taxes and jobs.

Committee Minutes

State of New Hampshire

HOUSE OF REPRESENTATIVES

Legislative Office Building, 33 North State Street
Concord, NH 03301-6328

TEL: (603) 271-3317
TDD Access: Relay NH 1-800-735-2964

COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

MEMORANDUM

To:	**Rep. Robert Brundige** **Rep. Donald Philbrick** **Rep. Betty Hall**	**Rep. William Johnson** **Rep. David Babson**
From:	**Rep Betsey L. Patten**	
Date:	**October 19, 2001**	
RE:	**HB 627** **establishing a market-based water pollutant trading program.**	

A subcommittee meeting has been scheduled on the above captioned HB on:

Wednesday, November 7, 2001 at 1:00 p.m. in Room 301 of the LOB.

BLP/ga

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 627 Date 4/10/01

Committee M+CG

**** Please Print All Information ****

Name	Address	Phone	Representing	(check one) Pro	Con

Hearing Minutes

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB 627-FN

BILL TITLE: establishing a market-based water pollutant trading program.

DATE: 4/10/01

LOB ROOM: 301 **Time Public Hearing Called to Order:** 11;08am

Time Adjourned: 12;40pm

(please circle if present)

Committee Members: **Reps. Patten, Leone, Brundige, Griffin, Akins, Lockwood, Dokmo, Dionne, R. Eaton, Fairbanks, Giordano, Lachance, Twombly, M. Fraser, N. Johnson, Bellavance, M. Cooney, Goodwin, Scovner and W. Johnson.**

Bill Sponsors: Rep. B. Hall

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Representative Betty Hall – This bill is a new concept for handling sewage water disposal. Treat the source rather than outcome. This bill is modeled on the emission program for air pollution.

***Paul Adams, Technical Assistance for Pollution prevention** – Supports the bill. Prevention at the beginning of the waste process makes sense. EPA encourages market-based programs. The bill needs some modification. He sees this as a "no cost" bill.

***Roger Descoteaux, Merrimack Wastewater Treatment Plant** – Opposes the bill. There are already mechanisms in place that are doing toxin reduction at the local source. New regulation will confuse the issue. This bill is a duplication of effort.

***Philip Appert, Nashua** – Opposes this bill. We already have programs to do this.

***George Carlson, Department of Environmental Services** – We already have discretion to develop pollutant trading program within existing regulatory framework. This would encourage sprawl.

Rob Lauricella, Claremont – Present regulations cover treatment. State and EPA regulations also cover wastewater treatment. Claremont has more stringent sludge regulations. EPA has final approval over state regulations.

Shelagh Connelly – New Hampshire quality is great. State and Federal standards are met and operators are conscientious.

Donna Hascom, Keene – There is a metal discharge base. The headwork's loading is based on water quality outcome.

***Kurt Blomquist** – Submitted written material. Presently 70-90% of metals are being removed from industrial waste.

Respectfully submitted,

_____

Rep. Priscilla P. Lockwood, Clerk

Testimony

STATEMENT BY PAUL L ADAMS, DIRECTOR, TECHNICAL ASSISTANCE FOR POLLUTION PREVENTION INC. BEFORE THE MUNICIPAL AND COUNTY GOVERNMENT COMMITTEE APRIL 10,2001.

The market-based toxics trading program proposed by HB 627 will be a major step forward in encouraging pollution prevention efforts in New Hampshire.

The program is a voluntary, no-mandated-cost-to-the-consumer program. All required baseline measurement data is already available under existing NH regulations; any new data measurements required will be funded by program applicants.

This program encourages pollution prevention by allowing industry to install "best available technology" pretreatment systems at the pollution source while receiving open market usable financial credits for such improvements. These improvements will reduce or eliminate toxic chemicals, primarily the heavy metals such as mercury, lead and arsenic, that contaminate sludge and appear in public water supplies and our rivers, lakes and streams.

Under the Clean Water Act, market-based toxics trading programs for water are encouraged by the EPA and are similar to existing similar air emissions trading programs that have been successfully operated for many years. The HB 627 program responds to the Congressionally directed November 2000 National Academy of Public Administration report which recommends (1) encouraging the states to implement allowance trading systems to reduce the pollutants in water by providing financial incentives for firms to develop and deploy more effective pollution prevention techniques and pollution control technologies, and (2) expand these programs from wastewater treatment facilities to watersheds.

I recommend certain minor changes to the Bill as presented and I have outlined them in an attachment to this statement. As written, industries presently using wastewater treatment facilities, are grandfathered-in to their presently allocated toxic allowances which have been arbitrarily assigned on a water volume basis. Allowing marketing of these never used allowances amounts to windfall profits; such allowances should be removed from the Bill.

Attachment: Recommended changes to HB 627

TAPP INC. STATEMENT IN SUPPORT OF HB 627 ON APRIL 10, 2001

1. Change the following sections as noted and for the reasons cited (modify as underlined):

a. **Page 1, Line 7, add to read**: Ordinances and by laws adopted pursuant to RSA 149- I:6 shall allocate specified organic and inorganic portions of the wastewater treatment plant's headworks loading limit to each pretreatment facility that discharges wastewater to the treatment plant. Such portions are identified in the department of environmental services surface water quality regulations and sludge management regulations. Each allocation shall be expressed in units/gallon (or liter) when the headworks loading limit is expressed as a uniform concentration limit by the municipality in the ordinances and bylaws and approved by the department of environmental services.

Reason: "Portions" and "units" are too ambiguous; more specificity is required. Uniform concentration limit is the value that most POTWs provide to industry as target values industry cannot exceed. For example, the Concord POTW has a 2.71 milligrams/liter (parts per million)limit for lead. This is derived from their maximum allowable headworks loading of 4.06 pounds of lead in each million gallons per day of processed wastewater. Not exceeding these values means that the state surface water quality regulations will not be violated.

b. **Page 1, line 14, change to read**: III. (a) If a facility presents appropriate proof, consistent with any requirements contained in the ordinance and bylaws, that it has substantially reduced it's total annual portion allocation below the previous year'actual total discharge the municipality shall issue a credit certificate in the amount of the reduction. Such credits shall only be issued to facilities

demonstrating quantifiable and permanent reductions in discharge of the applicable pollutant. The credit shall be certified for use on a calendar year basis.

Reason: Wastewater treatment facilities, public water supplies and power plants are built on "speculation". That is, specific users are not defined but there is perceived to be a public need, immediately and in the future. NOTE: There are exceptions; the Penacook WWTF was primarily built to accommodate a now defunct industrial user. As a rule, less than 5% of a WWTF's influent is industrial wastewater. WWTFs treat industrial wastewater the same as household and commercial wastewater; there is no specific treatment to remove toxics; WWTFs are not designed to accommodate any specific industry; **Industry does not have a vested right to pollutant units that State and Federal regulations allow a WWTF to discharge to surface waters.** If an industry exceeds the "gratuity" toxic allowance it must remove the excess at its plant and at its expense.

A WWTF must monitor the toxics and other contaminants identified in Env-Ws 1700 Surface Water Quality Standards and Env-Ws 800 Sludge Management. This monitoring automatically satisfies the EPA requirements of 40 CFR 403 and 40 CFR 503. The maximum amount of toxics allowed is stated in a parts per million value for volume of liquid throughflow. Since it is assumed that only industry generate toxics, each industry is assigned a toxic allowance

FISCAL IMPACT

Neither state general fund or local expenditures will be increased by this program. Baseline toxic pollutant value measurements are already required by existing licensing procedures. New measurement values required to determine credit values will be determined and financed by the voluntary industry or other user applying for credits.

METHODOLOGY

State Fiscal Impact

None. Toxic pollution records will be kept by the municipal wastewater treatment facility as a normal cost of business expense ancillary to existing record keeping requirements with copy to the Department of Environmental Services.

Local Fiscal Impact

Municipalities will receive cost of transaction revenue from voluntary program participants. There will be no fiscal impact.

When estimating local expenditures, the following facts were reviewed:

o 15 municipal wastewater treatment plants have identified a total of 162 Environmental Protection Agency approved industrial pretreatment programs with the number of industrial users ranging from 4 to 26 in each municipality.

o 29 municipal wastewater treatment facilities have 50 non-EPA toxic pollutant pretreatment programs with industrial users ranging from a minimum of 1 to a maximum of 5 in each municipality.

o Additional qualified program participants will fund for required certified environmental laboratory processing of required toxic pollutant wastewater samples when applying for program participation.

Env-Ws 405.04 (c) requires wastewater treatment facility operators (the NPDES permittee) "..to maintain a system of permits as required by Env-Ws 904 for the discharge off industrial wastes into the municipal sewage system". These permits "..include specific concentration limits for parameters reasonably expected to be present".

Industries required to monitor and meet industrial waste standards are identified in **40 CFR Chapter I, subchapter N** by SSIC (Standard Identification Classification Code). Permitted waste types and levels are given. These waste levels agree with those cited in **40 CFR 403 General Pretreatment Regulations for Existing and New Sources of Pollution** and **40 CFR 503 Standards for the Use or Disposal of Sewage Sludge.**

The reissuance of a POTW's operating permit, **National Pollutant Discharge Elimination System (NPDES),** requires the municipal POTW to perform a **Reassessment of Technically Based Industrial Limits** as part of the municipally funded permitting process. Allowable limits to meet **Env-Ws 1700 Surface Water Quality Standards** are determined, (parts per billion) for arsenic, cadmium, chromium, copper, cyanide, lead, mercury, nickel, silver and zinc. Also required are the sludge values for these toxics (parts per million) plus molybdenum and selenium. This process also requires the POTW to determine its Maximum Allowable Headworks Loading. Again, note that the municipality is required to pay for this analysis.

NHDES has stated " In towns that do not have EPA approved pretreatment programs, the categorical industries must monitor and report directly to EPA twice a year relative to compliance with categorical discharge limits".

BOTTOM LINE: Sewage treatment plant toxic measurement systems are in place (or should be). No additional funding is required and there is no "unfunded mandate" to perform toxic measurements not already required. Sufficient measurements, i.e. required headwork loading limits and industrial toxic outputs, exist to determine toxic values and places and allow measurement of changing values to permit assignment of credits for lowered values

State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES
6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3503 FAX (603) 271-2982

April 11, 2001

The Honorable Betsey L. Patten, Chair
House Municipal and County Government Committee
Legislative Office Building, Rm 301
Concord, NH 03301

Re: HB 627-FN, establishing a market-based water pollutant trading program

Dear Representative Patten:

The Department of Environmental Services (DES) wishes to thank the Committee for the opportunity to comment on HB 627-FN which would provide pollutant credits and trading between dischargers of industrial waste to publicly-owned treatment plants, require reductions of pollutants and also establish a committee to study methods to reduce pollutant discharges. DES supports the proposed study committee but does not support the proposed pollutant trading program.

DES continues to be highly committed to the reduction of pollutant levels and waste quantities generated by business, industry, government agencies and households to improve New Hampshire's overall environmental quality. We have made significant progress over the years through a combination of education, technical assistance, and regulatory program improvements, particularly in the three programs directly addressed by this bill, Pollution Prevention, Industrial Pretreatment, and the State Wastewater Discharge Permitting Programs. These programs play a significant role in managing or minimizing contamination at different points in the process. In partnership with local communities, these programs continue to make significant strides to ensure regulation, and reduction, of the concentration and volume of contaminants released by industrial discharges to municipal sewers, municipal permit compliance, and improved sludge and water quality to protect and improve New Hampshire's environment.

Comments are provided below on the proposed intra-municipal wastewater system pollutant trading program and the proposed study committee on watershed-based pollutant trading.

Proposed Intra-Municipal Wastewater System Pollutant Trading Program

The pollution reduction goals of the proposed intra-municipal wastewater pollutant trading program are laudable. As noted above, we strongly support pollution prevention and reduction in all our programs. However, the proposed water pollutant trading scheme in HB 627 is too prescriptive and probably not workable, and, consequently, should not be mandated. Furthermore, HB 627 is unnecessary for voluntary implementation, if desired by a municipality, because publicly owned treatment works (POTWs) already have the discretion to develop

pollutant trading programs within the existing regulatory framework.

HB 627 appears to be loosely modeled after the air pollutant "cap and trade" programs that are intended to reduce air emissions on a regional and national level to accomplish goals like the reduction of acid rain and ozone. However, POTW industrial pretreatment programs are different than these programs in a number of ways that are not fully considered in HB 627. For example, while the air trading programs work to address compounds like nitrogen oxides that are common to many industrial sectors and emitters, the wastewater characteristics of industrial discharges are frequently quite different, even after pretreatment, and potentially include a wide array of compounds at small concentrations. Furthermore, while the air pollutant trading programs work on a regional or national level, and the market price of air emission credits is set on a large commodities markets, the "market" for water pollutants, as envisioned in HB 627, would be confined to a very small number of industrial discharges that discharge to a specific POTW. It is unclear how this market would actually work with such a small numbers of "bidders" and how market prices would actually be set. Consequently, the mandated trading system proposed by HB 627 would likely be ineffective. Furthermore, there is no clear environmental benefit that cannot be obtained through the existing pollution prevention and industrial pretreatment programs, or voluntary programs by municipalities.

In Section 3, HB 627 proposes to impose a limit on the allowable contaminants that a POTW can "accept for treatment" at "75% of the headworks loading limit for each pollutant regulated." If passed, this language immediately reduces statewide treatment plant capacity to 75% of total design capacity, where design capacity is the loading level at which the treatment plant will still meet water quality standards under low flow conditions in the receiving water. There is no technical basis for this proposed limitation. Furthermore, under the proposed language, for POTWs where loadings already exceed 75% of design capacity, this would result in an immediate moratorium on new sewer connections. This would have significant economic impacts on a number of municipalities. Furthermore, by artificially limiting wastewater treatment capacity in certain communities, this provision would encourage sprawl because growth could only occur in areas where on-site wastewater treatment is feasible, rather than in or near existing urban areas with sewers.

Proposed Study Committee on Watershed-based Trading

HB 627 also proposes to establish a study committee to consider watershed-based pollutant trading. This may merit consideration in the long term. In fact, DES is already closely watching ongoing work in a number of other states that are studying or piloting watershed-based trading options, including Connecticut, Maryland and Pennsylvania. In these three states, excessive nutrient loadings to coastal waters (Long Island Sound for Connecticut and Chesapeake Bay for Maryland and Pennsylvania) are driving the evaluation of pollutant trading programs. Long Island Sound and Chesapeake Bay have existing water quality problems, caused by excessive nitrogen levels that are much greater than in New Hampshire's coastal waters. In these states, watershed-based pollutant trading may be a way to improve water quality in coastal

waters by encouraging reductions in nutrient releases from major dischargers to rivers on the watersheds remote from the degraded coastal waters.

For example, in Pennsylvania, a legislative study committee has just completed several years of work and has recommended that the state establish a number of pilot programs over the next two years to determine whether this approach could be successful. Pennsylvania also identified a number of specific concerns that need to be considered before executing a statewide trading program:

- the risk of pollution "hot spots", localized concentrations of pollutants exceeding water quality standards;
- use of Total Maximum Daily Loads (TMDLs) in conjunction with the trading program;
- the impact and advisability of cross-pollutant trading;
- the use of trading ratios to act as an "insurance policy" to protect water quality;
- the possible need of statutory authority for water trading programs.

The study committee proposed in HB 627 would provide an opportunity for the Legislature to further consider these kinds of issues, as applied to New Hampshire. However, we recommend that the report deadline be extended to November 1, 2002 to enable a complete review of this issue and more thorough consideration of the ongoing activities in these other states.

Thank you for your consideration and if you have any questions, please contact me at 271-3503 or George Carlson, P.E. at 271-2052.

Sincerely,

Robert W. Varney
Commissioner

cc: Representative Betty B. Hall

Attachments

MUNICIPAL & COUNTY GOVERNMENT - 10/30/01 - Sub-Committee Meeting

Present:
Betsey Patten
Bob Brundige
Priscilla Lockwood
Paul Bellavance
Earle Goodwin
Marilyn Fraser
Mary Cooney
Dan Dumaine
Mary E. Griffin, Chairman

Nancy LeVinus - Legislative Aide
Jim Monahan - N.H. Association of Counties

HOUSE BILL 689 - ESTABLISHING A COMMITTEE TO STUDY THE EFFECTIVENESS OF COUNTY GOVERNMENT

Nancy LeVinus, Legislative Aide, presented a massive amount of information with which to guide the Committee.

The Committee explored all options presented showing changes which would result in each town with regard to a formula for County Taxes.

Each option discussed resulted in a more complex situation with the Committee unable to produce a clear and concise solution.

Therefore the Committee made the following decision.

MOTION - ITL Priscilla Lockwood
SECOND - Earle Goodwin
Voted Unanimously.....

Mary Griffin, Chairman

Voting Sheets

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 627-FN

BILL TITLE: **establishing a market-based water pollutant trading program.**

DATE: 4/10/01

LOB ROOM: 301

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Dokmo RETAIN

Seconded by Rep. Twombly

Vote: 11-5 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Priscilla P. Lockwood, Clerk

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on 6/27

BILL TITLE: Est. market based trading - water

DATE: 4/18/2001

LOB ROOM:

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.) Retain

Moved by Rep. Dolmo

Seconded by Rep. Twombly

Vote: 11-5 (Please attach record of roll call vote.) voice vote

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Priscilla Lockwood, Clerk

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 627

BILL TITLE: **establishing a market-based water pollutant trading program.**

DATE: November 27, 2001

LOB ROOM: 301

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Brundige

Seconded by Rep. Twombley

Vote: 14-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 14-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Priscilla Lockwood, Clerk

EXECUTIVE SESSION

COMMITTEE M + C

BILL NUMBER HB 627

BILL TITLE: Market based water pollutant trading

DATE: 11/27/01 **LOB ROOM:** 301

Amendments:

Sponsor: Rep. _____ OLS Document #: _____ Adopted/Failed

Sponsor: Rep. _____ OLS Document #: _____ Adopted/Failed

Sponsor: Rep. _____ OLS Document #: _____ Adopted/Failed

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep. _____

Seconded by Rep. _____

Vote: _____ (Please attach record of roll call vote.)

Motions: OTP, OTP/A, (ITL), Re-Refer, Interim Study (Please circle one.)

Moved by Rep. Brundige

Seconded by Rep. Twombley

Vote: 14-0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: unanimous

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Priscilla L. Tschumi, Clerk

OFFICE OF THE HOUSE CLERK 2001 SESSION

MUNICIPAL AND COUNTY GOVERNMENT

Bill #: 627 Title: Market based water pollutant Trading

PH Date: 4/10/01 Exec Session Date: 11/27/01

Motion: ITL Amendment #:

MEMBER	YEAS	NAYS
Patten, Betsey L, Chairman		
Brundige, Robert W, V Chairman	1	
Griffin, Mary E	2	
Akins, Ralph L	3	
Lockwood, Priscilla P, Clerk	4	
Dionne, Kimberley O M		
Eaton, Richard S	5	
Fairbanks, Chandler V	6	
Lachance, Douglas A		
Twombly, James E	7	
Boyce, Laurie J	8	
Dumaine, Dudley Daniels	9	
Johnson, Nancy K	10	
Fraser, Marilyn A		
Bellavance, Paul C	11	
Cooney, Mary R	12	
Goodwin, Earle	13	
Scovner, Nancy M		
Johnson, William G	14	
TOTAL VOTE:	14	0
Printed:		

Committee Report

COMMITTEE REPORT

COMMITTEE: **Municipal and County Government**

BILL NUMBER: **HB 627 FN**

TITLE: establishing a market-based water pollutant trading program.

DATE: November 29, 2001 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☒ INEXPEDIENT TO LEGISLATE

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

This bill would require publicly owned wastewater treatment works (POTW's) to allocate to each pretreatment operation in the area that discharges wastewater to the municipal treatment facility a certain portion of the allowable concentration of pollutants limit for the municipality. The bill was introduced based on a paper written by a technical assistance program group. The idea of a water pollutant trading scheme is laudable, but as proposed is too restrictive and currently unnecessary. The POTW's already have the discretion to develop pollutant-trading programs within the existing regulatory framework. Required implementation of this program is clearly an unfunded mandate and there were no funds offered to cover the costs. A study committee was to be established in this bill, but the committee, along with subcommittee members for the Environmental and Agriculture Committee, noted that numerous studies are done and therefore another study was not necessary at this time.

Vote 14-0.

Rep. Robert W. Brundige
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

Municipal and County Government

HB 627 FN, establishing a market-based water pollutant trading program. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: This bill would require publicly owned wastewater treatment works (POTW's) to allocate to each pretreatment operation in the area that discharges wastewater to the municipal treatment facility a certain portion of the allowable concentration of pollutants limit for the municipality. The bill was introduced based on a paper written by a technical assistance program group. The idea of a water pollutant trading scheme is laudable, but as proposed is too restrictive and currently unnecessary. The POTW's already have the discretion to develop pollutant-trading programs within the existing regulatory framework. Required implementation of this program is clearly an unfunded mandate and there were no funds offered to cover the costs. A study committee was to be established in this bill, but the committee, along with subcommittee members for the Environmental and Agriculture Committee, noted that numerous studies are done and therefore another study was not necessary at this time. **Vote 14-0.**

COMMITTEE REPORT

COMMITTEE: **Municipal and County Government**

BILL NUMBER: **HB 627 FN**

TITLE: establishing a market-based water pollutant trading program.

DATE: November 29, 2001 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☒ INEXPEDIENT TO LEGISLATE

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

This bill would require publicly owned wastewater treatment works (POTW's) to allocate to each pretreatment operation in the area that discharges wastewater to the municipal treatment facility a certain portion of the allowable concentration of pollutants limit for the municipality. The bill was introduced based on a paper written by a technical assistance program group. The idea of a water pollutant trading scheme is laudable, but as proposed is too restrictive and currently unnecessary. The POTW's already have the discretion to develop pollutant-trading programs within the existing regulatory framework. Required implementation of this program is clearly an unfunded mandate and there were no funds offered to cover the costs. A study committee was to be established in this bill, but the committee, along with subcommittee members for the Environmental and Agriculture Committee, noted that numerous studies are done and therefore another study was not necessary at this time.

Vote 14-0.

Rep. Robert W. Brundige
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

HB 627 Robert Brundige for the Committee

This bill would require publicly owned wastewater treatment works (POTWs) to allocate to each pretreatment operation in the area that discharges wastewater to the municipal treatment facility a certain portion of the allowable concentration of pollutants limit for the municipality. The bill was introduced based on a paper written by a technical assistance program group. The idea of a water pollutant trading scheme is laudable, but as proposed is too restrictive and currently unnecessary. The POTWs already have the discretion to develop pollutant trading programs within the existing regulatory framework. Required implementation of this program is clearly an unfunded mandate and there were no funds offered to cover the costs. A study committee was to be established in this bills but the committee, along with subcommittee members from the Environment and Agriculture Committee, noted that numerous studies are done and therefore another study was not necessary at this time.

COMMITTEE REPORT

COMMITTEE: **Municipal and County Government**

BILL NUMBER: 627

TITLE: Est. market based trading - water

DATE: CONSENT CALENDAR YES ☐ NO ☐

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

Vote .

Rep.
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT