REGULAR CALENDAR

November 16, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on Finance to which was referred SB 267-FN,

AN ACT (New Title) requiring the commissioner of the department of environmental services to consider "cumulative impacts analysis" in rules and statutes. Having considered the same, report the same with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Joe Sweeney

FOR THE MAJORITY OF THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

MAJORITY
COMMITTEE REPORT

Committee:	**Finance**
Bill Number:	**SB 267-FN**
Title:	**(New Title) requiring the commissioner of the department of environmental services to consider "cumulative impacts analysis" in rules and statutes.**
Date:	**November 16, 2023**
Consent Calendar:	**REGULAR**
Recommendation:	**INEXPEDIENT TO LEGISLATE**

STATEMENT OF INTENT

This bill would require the Department of Environmental Services (DES) to hire a dedicated staffer to review and plan for the development of appropriate definitions and standards as it relates to cumulative impact and prepare a report to the legislature on this "cumulative impacts analysis". This was a Senate Bill that our colleagues on the other side of the wall did not see fit to include in the budget once they had the budget in their chamber that was open to amendment and revision. The Majority of House Finance felt that the additional hiring of a state employee after the budget process and while vacancies have yet to be filled in DES constitutes a misuse of taxpayer funds, and urges the House to find this legislation Inexpedient to Legislate.

Vote 13-12.

Rep. Joe Sweeney
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Finance

SB 267-FN, (New Title) requiring the commissioner of the department of environmental services to consider "cumulative impacts analysis" in rules and statutes. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Joe Sweeney for the **Majority** of Finance. This bill would require the Department of Environmental Services (DES) to hire a dedicated staffer to review and plan for the development of appropriate definitions and standards as it relates to cumulative impact and prepare a report to the legislature on this "cumulative impacts analysis". This was a Senate Bill that our colleagues on the other side of the wall did not see fit to include in the budget once they had the budget in their chamber that was open to amendment and revision. The Majority of House Finance felt that the additional hiring of a state employee after the budget process and while vacancies have yet to be filled in DES constitutes a misuse of taxpayer funds, and urges the House to find this legislation Inexpedient to Legislate. **Vote 13-12.**

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

November 16, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on Finance to which was referred SB 267-FN,

AN ACT (New Title) requiring the commissioner of the department of environmental services to consider "cumulative impacts analysis" in rules and statutes. Having considered the same, and being unable to agree with the Majority, report with the recommendation that the bill OUGHT TO PASS.

Rep. Karen Ebel

FOR THE MINORITY OF THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

MINORITY
COMMITTEE REPORT

Committee:	**Finance**
Bill Number:	**SB 267-FN**
Title:	**(New Title) requiring the commissioner of the department of environmental services to consider "cumulative impacts analysis" in rules and statutes.**
Date:	**November 16, 2023**
Consent Calendar:	**REGULAR**
Recommendation:	**OUGHT TO PASS**

STATEMENT OF INTENT

This bill would create a Department of Environmental Services (DES) position to review the issue of cumulative impacts in permitting and to provide necessary guidance on developing related statutes, rules, scheduling and costs to the legislature. It does not authorize DES to take any independent action, but only to make recommendations based on research to the legislature. DES does not now have the necessary expertise or available personnel to take on this vital analysis. SB 267 was unanimously recommended for passage by the House Environment and Agriculture Committee and passed the House with a strong bipartisan vote of 302 to 77. The cost for the new position over the next biennium is estimated by the department to be approximately $250,000. This is a modest amount to protect the public health and is affordable given the current budgetary surplus. Under current DES rules, entities generating the polluting emissions or effluents are licensed individually. This siloed approach to permitting ignores harmful health and environmental effects of multiple pollutants released into the same area. For instance, and surprisingly, an area already suffering from air pollution can be subject even more from a permitted entity because the existing situation is not taken into account in permitting. Our state would benefit greatly from understanding better how to support public health in the face of ever-increasing environmental toxins.

Rep. Karen Ebel
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Finance

SB 267-FN, (New Title) requiring the commissioner of the department of environmental services to consider "cumulative impacts analysis" in rules and statutes. **OUGHT TO PASS.**

Rep. Karen Ebel for the **Minority** of Finance. This bill would create a Department of Environmental Services (DES) position to review the issue of cumulative impacts in permitting and to provide necessary guidance on developing related statutes, rules, scheduling and costs to the legislature. It does not authorize DES to take any independent action, but only to make recommendations based on research to the legislature. DES does not now have the necessary expertise or available personnel to take on this vital analysis. SB 267 was unanimously recommended for passage by the House Environment and Agriculture Committee and passed the House with a strong bipartisan vote of 302 to 77. The cost for the new position over the next biennium is estimated by the department to be approximately $250,000. This is a modest amount to protect the public health and is affordable given the current budgetary surplus. Under current DES rules, entities generating the polluting emissions or effluents are licensed individually. This siloed approach to permitting ignores harmful health and environmental effects of multiple pollutants released into the same area. For instance, and surprisingly, an area already suffering from air pollution can be subject even more from a permitted entity because the existing situation is not taken into account in permitting. Our state would benefit greatly from understanding better how to support public health in the face of ever-increasing environmental toxins.

Original: House Clerk
Cc: Committee Bill File

HOUSE COMMITTEE ON FINANCE

EXECUTIVE SESSION on SB 267-FN

BILL TITLE: (New Title) requiring the commissioner of the department of environmental services to consider "cumulative impacts analysis" in rules and statutes.

DATE: November 14, 2023

LOB ROOM: 210-211

MOTIONS: **INEXPEDIENT TO LEGISLATE**

Moved by Rep. Sweeney Seconded by Rep. Cambrils Vote: 13-12

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Joseph Pitre, Clerk

HOUSE COMMITTEE ON FINANCE

EXECUTIVE SESSION on SB 267-FN

BILL TITLE: (New Title) requiring the commissioner of the department of environmental services to consider "cumulative impacts analysis" in rules and statutes.

DATE: 11-14-23

LOB ROOM: 210-211

MOTION: (Please check one box)

☐ OTP ☑ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____ *(if offered)*

☐ Interim Study (2nd year)

Moved by Rep. Sweeney Seconded by Rep. Combas Vote: 13-12

MOTION: (Please check one box)

☐ OTP ☐ OTP/A ☐ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____ *(if offered)*

☐ Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

☐ OTP ☐ OTP/A ☐ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____ *(if offered)*

☐ Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

☐ OTP ☐ OTP/A ☐ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____ *(if offered)*

☐ Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

☐ **WITHOUT RECOMMENDATION**

CONSENT CALENDAR: ____ **YES** ✓ **NO**

Minority Report? ✓ Yes ☒ No If yes, author, Rep: Ebel Motion OTP

Respectfully submitted: _____
Rep Joseph Pitre, Clerk

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

11/14/2023 10:17:23 AM
Roll Call Committee Registers Report

2023 SESSION

Finance

Bill #: SB 267 FN **Motion:** ITL **AM #:** _____ **Exec Session Date:** 14NOV23

Members	YEAS	Nays	NV
Weyler, Kenneth L. Chairman	13		
Erf, Keith Vice Chairman	1		
McGuire, Dan	2		
Pitre, Joseph A. Clerk	3		
Emerick, Tracy	4		
Griffin, Gerald	5		
Mooney, Maureen C.	6		
~~Edwards, Jess C.~~ Kata 14	7		
Bean, Harry H.	8		
Hoell, J.R.	9		
Sweeney, Joe	10		
Cambrils, Jose E.	11		
Popovici-Muller, Daniel	12		
Wallner, Mary Jane		1	
Nordgren, Sharon L.		2	
Leishman, Peter R.		3	
Buco, Thomas L.		4	
Huot, David O.		5	
Heath, Mary		6	
Murray, Kate R.		7	
Ebel, Karen E.		8	
~~Telerski, Laura D.~~ Shapiro		9	
Hakken-Phillips, Mary A.		10	
Stringham, Jerry M.		11	
Grassie, Chuck W.		12	
TOTAL VOTE:	13	12	

HOUSE COMMITTEE ON Finance

DIVISION I WORK SESSION ON SB 267-FN

BILL TITLE: **(New Title) requiring the commissioner of the department of environmental services to consider "cumulative impacts analysis" in rules and statutes.**

DATE: **September 21, 2023**

ROOM: **212** **Time Work Session Called to Order: 10:20 a.m.**

Time Adjourned: 10:55 a.m.

(please circle if present)

Committee Members: **Leishman, D. McGuire, G. Griffin, Sweeney, Cambrils, Huot and Ebel**

Bill Sponsors:

Sen. Altschiller	**Sen. Watters**	**Rep. McWilliams**
Rep. Caplan	**Rep. N. Murphy**	**Rep. M. Paige**

TESTIMONY

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

Rep. **Weyler** participated in this Work Session.

Chairman **Leishman** shared his thoughts on Rep. Bill **Hatch** (former) and wished him well. Thanked him for his many years of excellent service. Rep. Dan **McGuire** expressed his great respect for **Bill**. Also welcomed Rep. Chuck **Grassie**, temporarily assigned to Division I.

Tom **Irwin**, CLK, Director NH office. Policy well-stated. Public health importance of legislation. Air pollution with permit. Additive effects should be taken into consideration,

Senate passed on a voice vote.

Rep. **Cambrils**: Permitting not done except in silo. Other states MA and NJ.

Rep, **Weyler**: Department of Environmental Services (DES) can do it on their own.

Rep. **McGuire**: Is there a specific example?

Mr. **Irwin**: **Saint-Gobain** permitted and someone else came in, wouldn't be looked at. Proactive action should be taken. Department has to do the analysis.

Rep. **Grassie**: Wouldn't you find out there's a problem until after the effect?

Craig **Wright**, DES, Director of Air Resources Division: Cumulative Impacts Analysis (CIA) can be complicated. So some level of interactive analysis. Interactive modeling. Air toxics - no interactive modeling.

Water and Sewer Waste

No position on bill. Hear issue all the time. No rules. National analysis. CIA have definition. DES does not have money to do it on it's own.

Fiscal Note - Two year salary. Wouldn't continue w/o position. Position in Air Division. Look at whole department.

Mr. **Wright**: Not a bad idea to get out ahead of this.

Rep. **Leishman**: PB look at regional impact. Could this be a similar analysis?

Rep. D. **McGuire**: Amount of regulation - what will be the statute? Where is line drawn? Modeling very specified. Example of this happening in NH.

Mr. **Wright**: Dedicated and qualified staff.

Rep. **Sweeney**: Check spend money. Spent enough. Opposed on money.

Can't do it without.
Hot issues locally - **Saint-Gobain** landfill.
Department neutral. Good thing but overall (analysis) isn't a bad idea.
Department check look at it.
Air toxics are not assessed on an interactive basis.

Rep. **Ebel** moved OTP, seconded by Rep. **Leishman**. Motion failed 3-5.

Rep. **Sweeney** moved ITL, seconded by Rep. **Cambrils**. Motion adopted 5-3.

Respectfully submitted,

Rep. Karen Ebel
Clerk, Division I

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

9/20/2023 1:49:22 PM
Roll Call Committee Registers Report

2023 SESSION

Finance - Division I

Bill #: SB267 **Motion:** ITL **AM #:** _____ **Exec Session Date:** Work 9/21/23

Members	YEAS	Nays	NV
Leishman, Peter R. Chairman		✓	
McGuire, Dan Vice Chairman	✓		
Griffin, Gerald	✓		
Sweeney, Joe	✓		
Cambrils, Jose E.	✓		
Huot, David O.			Absent
Ebel, Karen E.		✓	
TOTAL VOTE:		✓	

Jessie Weyler

5-3

Sweeney moved
Cambrils 2nd.

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

9/20/2023 1:49:22 PM
Roll Call Committee Registers Report

2023 SESSION

Finance - Division I

Bill #: SB267 **Motion:** OTP **AM #:** _____ Work ~~Exec~~ **Session Date:** 9/21/23

Members	YEAS	Nays	NV
Leishman, Peter R. Chairman	✓		
McGuire, Dan Vice Chairman		✓	
Griffin, Gerald		✓	
Sweeney, Joe		✓	
Cambrils, Jose E.		✓	
~~Huot, David O.~~			Absent
Ebel, Karen E.	✓		
TOTAL VOTE:			

Grassie Weyler

✓ ✓

3-5 ~~3-5~~

Ebel OTP Motion Leishman 2nd. failed

Minority Report

HOUSE COMMITTEE ON Finance

BILL NUMBER: SB 267-FN

BILL TITLE: (New Title) requiring the commissioner of the department of environmental services to consider "cumulative impacts analysis" in rules and statutes.

DATE: June 1, 2023

THE COMMITEE HAS VOTED TO RETAIN THIS BILL.

Rep. Weyler, Chair

HOUSE COMMITTEE ON FINANCE

EXECUTIVE SESSION on SB 267-FN

BILL TITLE: (New Title) requiring the commissioner of the department of environmental services to consider "cumulative impacts analysis" in rules and statutes.

DATE: June 1, 2023

LOB ROOM: 210-211

MOTIONS: **RETAINED**

Moved by Rep. Ebel Seconded by Rep. D. McGuire Vote: 24-1

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Joseph Pitre, Clerk

HOUSE COMMITTEE ON FINANCE

EXECUTIVE SESSION on SB 267-FN

BILL TITLE: (New Title) requiring the commissioner of the department of environmental services to consider "cumulative impacts analysis" in rules and statutes.

DATE: 6/1/23

LOB ROOM: 210-211

MOTION: (Please check one box)

☐ OTP ☐ ITL ☑ Retain (1st year) ☐ Adoption of Amendment # _____ *(if offered)*

☐ Interim Study (2nd year)

Moved by Rep. FBel Seconded by Rep. D McMurphy Vote: 24-1

MOTION: (Please check one box)

☐ OTP ☐ OTP/A ☐ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____ *(if offered)*

☐ Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

☐ OTP ☐ OTP/A ☐ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____ *(if offered)*

☐ Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

☐ OTP ☐ OTP/A ☐ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____ *(if offered)*

☐ Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

☐ **WITHOUT RECOMMENDATION**

CONSENT CALENDAR: ____ **YES** ✓ **NO**

Minority Report? _____ Yes _____ No If yes, author, Rep: _____ Motion_____

Respectfully submitted: _____
Rep Joseph Pitre, Clerk

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/24/2023 2:48:27 PM
Roll Call Committee Registers Report

2023 SESSION

Finance

Bill #: SB 267 Motion: Retain AM #: _____ Exec Session Date: 1/26/23

Members	YEAS	Nays	NV
Weyler, Kenneth L. Chairman	24		
~~Eff, Keith Vice Chairman~~ Lynn	1		
McGuire, Dan	2		
Pitre, Joseph A. Clerk	3		
Emerick, Tracy	4		
Griffin, Gerald	5		
Mooney, Maureen C.	6		
Edwards, Jess C.	7		
Bean, Harry H.	8		
Hoell, J.R.	9		
Sweeney, Joe	10		
~~Cambrils, Jose E.~~ C M L Ford	11		
Popovici-Muller, Daniel	12		
Wallner, Mary Jane	13		
Nordgren, Sharon L.	14		
Leishman, Peter R.	15		
Luco, Thomas L.	16		
~~Batch, William A.~~ Grosso		1	
Luot, David O.	17		
Heath, Mary	18		
Murray, Kate R.	19		
Abel, Karen E.	20		
Belerski, Laura D.	21		
Bakken-Phillips, Mary A.	22		
Cringham, Jerry M.	23		
TOTAL VOTE:	24	1	

HOUSE COMMITTEE ON Finance

DIVISION I WORK SESSION ON SB 267-FN

BILL TITLE: **(New Title) requiring the commissioner of the department of environmental services to consider "cumulative impacts analysis" in rules and statutes.**

DATE: **May 31, 2023**

ROOM: **212** **Time Work Session Called to Order: 2:00 p.m.**

Time Adjourned: <<End Time>>

(please circle if present)

Committee Members: Leishman, D. McGuire, G. Griffin, Sweeney, Cambrils, Weyler, Ebel and Huot

Bill Sponsors:

Sen. Altschiller	**Sen. Watters**	**Rep. McWilliams**
Rep. Caplan	**Rep. N. Murphy**	**Rep. M. Paige**

TESTIMONY

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

*Amended FN 5/22/23
*Amended FN 5/31/23

Rep. C. **McGuire** replaced Rep. **Cambrils** for this Work Session.
Rep. **Grassie** was temporarily assigned to Division I.

Sen. **Altschiller** clarifies the bill. Environment and Agriculture Committee voted 19-0, House passed the bill 302-77.

$150,000/$240,000

Craig **Wright**, Department of Environmental Services, Director of Air REsources Division: How is facility? Scoping study - potential new regulations. Expertise needed to do this work. Many states are evaluating this methodology. Public health impacts being assessed cumulatively. Is facility defined - yes in statutes.

Rep. **Ebel** moved Retain, seconded by Rep. D. **McGuire**. Motion adopted 7-1.

Respectfully submitted,

Rep. Karen Ebel
Acting Clerk, Division I

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/24/2023 2:49:20 PM
Roll Call Committee Registers Report

2023 SESSION

Finance - Division I

Bill #: SB267 **Motion:** Retain **AM #:** _____ **Work ~~Exec~~ Session Date:** 5/31/23

Members	YEAS	Nays	NV
Leishman, Peter R. Chairman	✓		
McGuire, Dan Vice Chairman	✓		
Griffin, Gerald	✓		
Sweeney, Joe	✓		
~~Cambrils~~, Jose E. McGuire	✓		
~~Hatch~~, ~~William~~ A. Grassie		✓	
Huot, David O. absent			
Ebel, Karen E.	✓		
TOTAL VOTE:			1

Chair Weyler ✓

7-1

Motion to Retain
Ebel
2nd McGuire

LBA
23-0950
Amended 5/22/23

SB 267-FN FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2023-1685h)

AN ACT requiring the commissioner of the department of environmental services to consider "cumulative impacts analysis" in rules and statutes.

FISCAL IMPACT: [X] State [ ] County [ ] Local [ ] None

	Estimated Increase / (Decrease)			
STATE:	**FY 2023**	**FY 2024**	**FY 2025**	**FY 2026**
Appropriation	$0	$210,000	$0	$0
Revenue	$0	$0	$0	$0
Expenditures	$0	$104,000	$106,000	$0
Funding Source:	[X] General	[ ] Education	[ ] Highway	[ ] Other

METHODOLOGY:

This bill requires the commissioner of the department of environmental services to review certain existing statutes and make a report to the legislature about "cumulative impacts analysis." This bill also requires the department of environmental services to hire a person to review and plan for the development of appropriate definitions and standards as it relates to the cumulative impact in the permitting of facilities and makes an appropriation to the department for this purpose.

The Department of Environmental Service assumes the required position would be an Environmentalist IV, LG 27, step 4 hired for the FY 2024-25 biennium. The bill is effective upon passage. The Department's position cost calculation estimated the cost of the position would be $104,000 in FY 2024 and $106,000 in FY 2026. These costs include salary, benefits and necessary operating costs and equipment.

The bill makes and appropriation of the sum necessary to pay for the position from the general fund for the biennium ending June 30, 2025. Based on the position cost estimate provided, this amount would be $210,000.

AGENCIES CONTACTED:

Department of Environmental Services

LBA
23-0950
Revised 5/31/23

SB 267-FN FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2023-1685h)

AN ACT requiring the commissioner of the department of environmental services to consider "cumulative impacts analysis" in rules and statutes.

FISCAL IMPACT: [X] State [ ] County [ ] Local [ ] None

	Estimated Increase / (Decrease)			
STATE:	**FY 2023**	**FY 2024**	**FY 2025**	**FY 2026**
Appropriation	$0	$247,000	$0	$0
Revenue	$0	$0	$0	$0
Expenditures	$0	$123,000	$124,000	$0
Funding Source:	[X] General	[ ] Education	[ ] Highway	[ ] Other

METHODOLOGY:

This bill requires the commissioner of the department of environmental services to review certain existing statutes and make a report to the legislature about "cumulative impacts analysis." This bill also requires the department of environmental services to hire a person to review and plan for the development of appropriate definitions and standards as it relates to the cumulative impact in the permitting of facilities and makes an appropriation to the department for this purpose.

The Department of Environmental Service assumes the required position would be an Environmentalist IV, LG 27, step 4 hired for the FY 2024-25 biennium. The bill is effective upon passage. The Department's position cost calculation estimated the cost of the position would be $123,000 in FY 2024 and $124,000 in FY 2026. These costs include salary, benefits and necessary operating costs and equipment.

The bill makes and appropriation of the sum necessary to pay for the position from the general fund for the biennium ending June 30, 2025. Based on the position cost estimate provided, this amount would be $247,000.

AGENCIES CONTACTED:

Department of Environmental Services

SB 267-FN - AS AMENDED BY THE HOUSE

03/16/2023 0836s
18May2023... 1685h

2023 SESSION

23-0950
08/04

SENATE BILL ***267-FN***

AN ACT requiring the commissioner of the department of environmental services to consider "cumulative impacts analysis" in rules and statutes.

SPONSORS: Sen. Altschiller, Dist 24; Sen. Watters, Dist 4; Rep. McWilliams, Merr. 30; Rep. Caplan, Merr. 8; Rep. N. Murphy, Hills. 12; Rep. M. Paige, Rock. 11

COMMITTEE: Energy and Natural Resources

AMENDED ANALYSIS

This bill requires the commissioner of the department of environmental services to review certain existing statutes and make a report to the legislature about "cumulative impacts analysis."

This bill also requires the department of environmental services to hire a person to reviewing and planning for the development of appropriate definitions and standards as it relates to cumulative impact in the permitting of facilities and makes an appropriation to the department for this purpose.

- - - -

SB 267-FN - AS AMENDED BY THE HOUSE

03/16/2023 0836s
18May2023... 1685h

23-0950
08/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT requiring the commissioner of the department of environmental services to consider "cumulative impacts analysis" in rules and statutes.

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

1 Department of Environmental Services; Cumulative Impacts. The commissioner of the department of environmental services shall review existing air, water, and waste statutes and rules to determine what rules or legislation, including a schedule and cost estimates, relative to "cumulative impacts analysis" should be proposed. "Cumulative impacts analysis" means the combined impacts on public health and the environment caused by a proposed facility in combination with pollution from other, existing sources within a geographic area. The commissioner shall report the findings and any potential legislation or rulemaking to the senate energy and natural resources committee, the house resources, recreation, and development committee, the house environment and agriculture committee, and the house science, technology and energy committee by September 1, 2025.

2 Department of Environmental Services; Position Established; Appropriation. There is established within the department of environmental services one classified position for the purposes of reviewing and planning for the development of appropriate definitions and standards as it relates to cumulative impact in the permitting of facilities. The sum necessary to pay the salary, benefits, and other costs related to the position established in this section is hereby appropriated to the department of environmental services for the biennium ending June 30, 2025. This appropriation shall be in addition to any other appropriations made to the department in the biennium. The governor is authorized to draw a warrant for said sum out of any money in treasury not otherwise appropriated.

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

LBA
23-0950
Amended 3/24/23

SB 267-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2023-0836s)

AN ACT requiring the commissioner of the department of environmental services to consider "cumulative impacts analysis" in rules and statutes.

FISCAL IMPACT: [X] State [ ] County [ ] Local [ ] None

	Estimated Increase / (Decrease)			
STATE:	**FY 2023**	**FY 2024**	**FY 2025**	**FY 2026**
Appropriation	$0	$210,000	$0	$0
Revenue	$0	$0	$0	$0
Expenditures	$0	$104,000	$106,000	$0
Funding Source:	[X] General	[ ] Education	[ ] Highway	[ ] Other

METHODOLOGY:

This bill requires the commissioner of the department of environmental services to review certain existing statutes and make a report to the legislature about "cumulative impacts analysis." This bill also requires the department of environmental services to hire a person to review and plan for the development of appropriate definitions and standards as it relates to the cumulative impact in the permitting of facilities and makes an appropriation to the department for this purpose.

The Department of Environmental Service assumes the required position would be an Environmentalist IV, LG 27, step 4 hired for the FY 2024-25 biennium. The bill is effective upon passage. The Department's position cost calculation estimated the cost of the position would be $104,000 in FY 2024 and $106,000 in FY 2026. These costs include salary, benefits and necessary operating costs and equipment.

The bill makes and appropriation of the sum necessary to pay for the position from the general fund for the biennium ending June 30, 2025. Based on the position cost estimate provided, this amount would be $210,000.

AGENCIES CONTACTED:

Department of Environmental Services