

The Vermont Statutes Online

The statutes were updated in November, 2018, and contain all actions of the 2018 legislative session.

Title 10: Conservation And Development

Chapter 46: Interstate Waste Compact

Subchapter 1: New Hampshire - Vermont Interstate Sewage And Waste Disposal Facilities Compact

§ 1201. Compact

The State of Vermont enters into the following compact with the State of New Hampshire subject to the terms and conditions therein stated. (Added 1975, No. 116, § 1, eff. June 29, 1975.)

§ 1202. General provisions-Article I

A. Statement of policy. It is recognized that in certain cases municipalities in New Hampshire and Vermont may, in order to avoid duplication of cost and effort, and in order to take advantage of economies of scale, find it necessary or advisable to enter into agreements whereby joint sewage and waste disposal facilities are erected and maintained. The states of New Hampshire and Vermont recognize the value of and need for such agreements, and adopt this compact in order to authorize their establishment.

B. Requirement of congressional approval. This compact shall not become effective until approved by the U.S. Congress.

C. Definitions.

1. "Sewage and waste disposal facilities" shall mean publicly owned sewers, interceptor sewers, sewerage facilities, sewage treatment facilities, and ancillary facilities whether qualifying for grants in aid under Title II of the Federal Water Pollution Control Act, as amended, or not.

2. "Municipalities" shall mean cities, towns, village districts, or other incorporated units of local government possessing authority to construct, maintain, and operate sewage and waste disposal facilities and to raise revenue therefor by bonding and taxation, which may legally impose and collect user charges and impose and enforce pretreatment conditions upon users of sewage and waste disposal facilities.

3. "Water pollution agency" shall mean the agencies within New Hampshire and Vermont possessing regulating authority over the construction, maintenance, and operation of sewage and waste disposal facilities and the administration of grants in aid from their respective state and under the Federal Water Pollution Act, as amended, for the construction of such facilities.

4. "Governing body" shall mean the legislative body of the municipality, including in the case of a town, the town meeting, and in the case of a city, the city council, or the board of mayor and aldermen or any similar body in any community not inconsistent with the intent of this definition. (Added 1975, No. 116, § 1, eff. June 29, 1975.)

§ 1203. Procedures and conditions governing intergovernmental agreements-Article II

A. Cooperative Agreements Authorized. Any two or more municipalities, one or more located in New Hampshire and one or more located in Vermont, may enter into cooperative agreements for the construction, maintenance, and operation of a single sewage and waste disposal facility serving all the municipalities who are parties thereto.

B. Approval of Agreements. Any agreement entered into under this compact shall, prior to becoming effective, be approved by the water pollution agency of each state, and shall be in a form established jointly by said agencies of both states.

C. Method of Adopting Agreements. Agreements hereunder shall be adopted by the governing body of each municipality in accordance with existing statutory procedures for the adoption of intergovernmental agreements between municipalities within each state.

D. Review and Approval of Plans. The water pollution agency of the state in which any part of a sewage and waste disposal facility that is proposed under an agreement pursuant to this compact is proposed to be or is located is hereby authorized and required, to the extent such authority exists under its state law, to review and approve or disapprove all reports, designs, plans, and other engineering documents required to apply for federal grants in aid or grants in aid from said agency's state, and to supervise and regulate the planning, design, construction, maintenance, and operation of said part of the facility.

E. Federal Grants and Financing.

1. Application for federal grants in aid for the planning, design and construction of sewage and waste disposal facilities other than sewers shall be made jointly by the agreeing municipalities, with the amount of the grant attributable to each state's allotment to be based upon the relative total capacity reserves allocated to the municipalities in the respective states determined jointly by the respective state water pollution agencies. Each municipality shall be responsible for applying for federal grants for sewers to be located within the municipal boundaries.

2. Municipalities are hereby authorized to raise and appropriate revenue for the purpose of contributing pro rata to the planning, design, and construction cost of sewage and waste disposal facilities constructed and operated as joint facilities pursuant to this compact.

F. Contents of Agreements. Agreements entered into pursuant to this compact shall contain the following:

1. A uniform system of charges for industrial users of the joint sewage and waste disposal facilities.

2. A uniform set of pretreatment standards for industrial users of the joint sewage and waste disposal facilities.

3. A provision for the pro rata sharing of operating and maintenance costs based upon the ratio of actual flows to the plant as measured by devices installed to gauge such flows with reasonable accuracy.

4. A provision establishing a procedure for the arbitration and resolution of disputes.

5. A provision establishing a procedure for the carriage of liability insurance, if such insurance is necessary under the laws of either state.

6. A provision establishing a procedure for the modification of the agreement.

7. A provision establishing a procedure for the adoption of regulations for the use, operation, and maintenance of the joint facilities.

8. A provision setting forth the means by which the municipality that does not own the joint sewage and waste disposal facility will pay the other municipality its share of the maintenance and operating costs of said facility.

H. Nothing in this compact shall be construed to authorize the establishment of interstate districts, authorities, or any other new governmental or quasi-governmental entity. (Added 1975, No. 116, § 1, eff. June 29, 1975.)

§ 1204. Effective date-Article III

A. This compact shall become effective when a bill of the New Hampshire General Assembly that incorporates the compact becomes a law in New Hampshire and when it is approved by the U.S. Congress. (Added 1975, No. 116, § 1, eff. June 29, 1975.)

Subchapter 2: New Hampshire - Vermont Solid Waste Compact

§ 1222. General provisions-Article I

A. Statement of policy. It is recognized that municipalities in New Hampshire and Vermont may, in order to avoid duplication of cost and effort, and, in order to take advantage of economies of scale, find it necessary or desirable to enter into an arrangement whereby joint solid waste disposal and resource recovery facilities are constructed and maintained. The states of New Hampshire and Vermont recognize the value of and the need for such a cooperative agreement to capture the economic benefits of reduced solid waste disposal costs and to enhance the economy through a reduction in demand for imported energy and the promotion of employment. Furthermore, the states of New Hampshire and Vermont recognize the value of and the need for such a cooperative agreement to maintain a safe and healthy environment, including a clean and renewable supply of the water resources.

B. Requirement of administrative and congressional approval. This compact shall not become effective until approved by the administrator of the U.S. Environmental Protection Agency and the U.S. Congress.

C. Definitions.

1. "Resource recovery facility" shall mean any facility at which solid waste is processed for the purpose of extracting, converting to energy, or otherwise, separating and preparing solid waste for reuse.

2. "Municipalities" shall mean in Vermont a municipality as defined in 1 V.S.A. § 126 and a union municipal district established under the authority of 24 V.S.A. chapter 121; shall mean in New Hampshire a public agency as defined in RSA 53-A:2 and a regional refuse disposal district established under the authority of RSA 53-B.

3. "Solid waste agencies" shall mean those agencies within New Hampshire and Vermont possessing authority to regulate solid waste disposal and to administer the Resource Conservation and Recovery Act of 1976, as amended (42 USCA Chapter 82).

4. "Sanitary landfills" shall mean a facility for the disposal of solid waste that meets the criteria published under 42 USCA § 6944 of the Resource Conservation and Recovery Act of 1976, as amended.

5. "Solid waste" shall mean any garbage, refuse, metal goods, tires, demolition and construction waste, yard waste, and sludge from a waste water treatment plant, or other discarded materials, possessing no value to the producer in its present form where it is located, produced by normal residential, commercial, and industrial activities, but does not include hazardous waste.

6. "Hazardous waste" shall mean any solid, semi-solid, liquid, or contained gaseous waste, or any combination of these wastes, that because of its quantity, concentration, or physical, chemical, or infectious characteristics may: (a) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed, or any waste classified as hazardous at any time under applicable laws and regulations of the United States, New Hampshire, and Vermont or any subdivision thereof pursuant to a valid grant of authority. (Added 1981, No. 32, § 3.)

§ 1223. Procedures and conditions governing intergovernmental agreements-Article II

A. Cooperative Agreements Authorized. Any two or more municipalities, one or more located in New Hampshire and one or more located in Vermont, may enter into cooperative agreements for the construction, maintenance, and operation of a resource recovery facility or sanitary landfill or both and those related services needed for the efficient operation thereof. The agreement may also include the sale of energy and other byproducts.

B. Approval of Agreements. Any agreement entered into under this compact shall, prior to becoming effective, be approved by the solid waste agencies of both New Hampshire and Vermont as in conformance with each state's solid waste management plan.

C. Method of Adopting Agreements. Agreements hereunder shall be adopted in accordance with existing statutory procedures for the adoption of intergovernmental agreements between municipalities within each state, and further in New Hampshire, as provided in RSA Chapter 53-B.

D. Review and Approval of Plans. The solid waste agencies of the state in which any part of a solid waste disposal and resource recovery facility that is proposed under an agreement pursuant to this compact is proposed to be or is located is hereby authorized and required, to the extent such authority exists under its state law to assure that the proposed facility is compatible with the existing state plan.

E. Contents of Agreements. Agreements entered into pursuant to this compact shall contain the following:

1. Duration of the agreement.

2. Purpose of the agreement.

3. Provision for a joint board and/or administrator responsible for administering the cooperative undertaking and the powers to be exercised thereby. All municipalities party to the agreement shall be represented.

4. The manner of acquiring, holding, and disposing of real and personal property used in the cooperative undertaking.

5. The manner of financing the cooperative undertaking and establishing a budget therefor.

6. The manner and method of establishing and imposing fair and equitable charges for the users of the facilities.

7. A provision establishing a procedure for the arbitration of disputes.

8. The conditions and procedure under which a municipality may withdraw from or be added to a cooperative agreement.

9. The manner in which the agreement may be amended.

10. The methods to be employed in the termination of the agreement and for disposing of property upon termination. (Added 1981, No. 32, § 3.)

§ 1224. Effective date-Article III

A. This compact shall become effective when ratified by New Hampshire and Vermont and approved by the U.S. Congress. (Added 1981, No. 32, § 3.)