Public Law 97-278
97th Congress

An Act

Granting the consent of Congress to the compact between the States of New Hampshire and Vermont concerning solid waste.

Oct. 4, 1982
[H.R. 5288]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress consents to the compact entered into between the States of New Hampshire and Vermont providing for cooperative agreements to construct and operate facilities for the processing or disposal of solid waste, and to carry out related purposes, which compact was approved by the State of New Hampshire on June 23, 1981, and by the State of Vermont on April 16, 1981. Such compact is substantially as follows:

New Hampshire and Vermont compact. Congressional consent.

"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 agreement 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 United States Environmental Protection Agency and the United States 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).

42 USC 6901 *et seq.*

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

42 USC 6944.

"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, which 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.

"ARTICLE II

"PROCEDURES AND CONDITIONS GOVERNING INTERGOVERNMENTAL AGREEMENTS

"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 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 which 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.

"ARTICLE III

"EFFECTIVE DATE

"A. This compact shall become effective when ratified by New Hampshire and Vermont and approved by the United States Congress.".

SEC. 2. Nothing contained in the compact described in the first section of this Act shall be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region which forms the subject of the agreement.

SEC. 3. The right to alter, amend, or repeal this Act is expressly reserved.

Approved October 4, 1982.

LEGISLATIVE HISTORY—H.R. 5288:

HOUSE REPORT No. 97-724 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 128 (1982):
Aug. 16, considered and passed House.
Sept. 20, considered and passed Senate.