

## **New Hampshire-Vermont Interstate Sewage and Waste Disposal Facilities Compact**

The state of New Hampshire enters into the following compact with the state of Vermont subject to the terms and conditions therein stated:

### Article I

#### General Provisions

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 United States 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.

## Article II

### Procedures and Conditions Governing Intergovernmental Agreements

A. Cooperative Agreements Authorized. Any 2 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 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 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.

G. Nothing in this compact shall be construed to authorize the establishment of interstate districts, authorities, or any other new governmental or quasi-governmental entity.

## Article III

### Effective Date

This compact shall become effective when a bill of the Vermont general assembly which incorporates the compact becomes a law in Vermont and when it is approved by the United States Congress.

## HISTORY

Source. RSA 252-B:1. 1975, 424:1. 1981, 87:2, eff. April 20, 1981.

### Complementary Legislation:

Vt.--10 V.S.A. §§ 1201 to 1204.

U.S.--Sept. 9, 1976, Pub.L. 94-403, 90 Stat. 1221.

References in text. Title II of the Federal Water Pollution Control Act, as amended, referred to in paragraph C.1. of Article I, is classified to 33 U.S.C. § 1281 et seq.

## LIBRARY REFERENCES

### West Key Number

Environmental Law 371.

Municipal Corporations 708 to 713.

States 6.

### Westlaw Topic

Westlaw Topic Nos. 149E, 268, 360.

### CJS

C.J.S. Municipal Corporations §§ 1535 to 1539.

C.J.S. States §§ 29, 142.

N.H. Rev. Stat. § 149-J:1, NH ST § 149-J:1

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