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Legislation Case Files at the Gerald R. Ford Presidential Library**

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APPROVED

SEP 9 - 1976

*Signed in private ceremony 9/9/76 Oval Office 1:50 pm*

*89/9/76*

THE WHITE HOUSE

ACTION

WASHINGTON

Last Day: September 10

September 7, 1976

*Posted 9/9/76*

MEMORANDUM FOR

THE PRESIDENT

FROM:

JIM CANNON *[Signature]*

SUBJECT:

H.R. 9153 - New Hampshire-Vermont Interstate Sewage Waste Disposal

*archives 9/10/76*

Attached for your consideration is H.R. 9153, sponsored by Representatives Cleveland and Jeffords.

The enrolled bill would grant congressional consent to a compact between New Hampshire and Vermont which provides that municipalities of the two States may enter into agreements for joint planning, design, construction, maintenance and operation of sewage and waste disposal facilities.

A discussion of the provisions of the enrolled bill is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Lazarus) and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign H.R. 9153 at Tab B.



SEP 8 1976



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

SEP 2 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 9153 - New Hampshire-  
Vermont Interstate Sewage Waste Disposal  
Facilities Compact  
Sponsors - Rep. Cleveland (R) New Hampshire  
and Rep. Jeffords (R) Vermont

Last Day for Action

September 10, 1976 - Friday

Purpose

Grants congressional consent, as required by the Federal Water Pollution Control Act, to the New Hampshire-Vermont Interstate Sewage Waste Disposal Facilities Compact.

Agency Recommendations

Office of Management and Budget                      Approval

Environmental Protection Agency                      Approval

Discussion

The Federal Water Pollution Control Act provides that the Administrator of the Environmental Protection Agency (EPA) shall encourage cooperative activities to prevent and control water pollution and encourage interstate compacts covering these programs, but the Act requires congressional approval of such compacts. By entering into agreements (compacts) for joint planning, construction, and operation of waste treatment and disposal facilities, municipalities in

adjoining States are able to avoid duplication of cost and effort and take advantage of economies of scale.

The enrolled bill would grant congressional consent to a compact between New Hampshire and Vermont which provides that municipalities of the two States may enter into agreements for joint planning, design, construction, maintenance and operation of sewage and waste disposal facilities. This compact was incorporated into Vermont and New Hampshire statutes in 1975, and accordingly, would become effective upon enactment. H.R. 9153 would likely have no discernible impact upon the Federal budget, but could lower the Federal cost share (75 percent) of sewage waste disposal projects in these two States.

  
Assistant Director for  
Legislative Reference

Enclosure

THE WHITE HOUSE  
WASHINGTON

Note: Max Friedersdorf indicated that he would like Rep. Cleveland, Jeffords and Sen. Stafford to be present when the President signs the bill but so far nothing has been scheduled. Bob Linder will hold the bill until it is decided.

Judy Johnston 9/7

Bob: I think they plan to get the Cong. in tomorrow, Sara talked to Bill Nicholson a short time ago this afternoon.

Judy

THE WHITE HOUSE  
WASHINGTON

Bob Linder: Pls see Max's note  
Judy 9/7

THE WHITE HOUSE

WASHINGTON

September 3, 1976

MEMORANDUM FOR: JIM CAVANAUGH  
FROM: MAX L. FRIEDERSDORF *M. L. F.*  
SUBJECT: ~~HR 9513~~ - New Hampshire-Vermont Interstate  
Sewage Waste Disposal

*H.R. 9153*

The Office of Legislative Affairs concurs with the agencies that the subject bill be signed. *Rep. Cleveland &*

*Rep. Jaffords request to be present with the President when the bill is signed for pictures. &*

Attachments *recommend Sen. Stafford also be invited.*



THE WHITE HOUSE

WASHINGTON

September 9, 1976

SIGNING CEREMONY -- HR 9153

Thursday, September 9, 1976

1:50-1:55 P.M. (5 minutes)

The Oval Office

Thru: Max Friedersdorf

From: Bob Wolthuis

*M.B.*  
*RKW*

I. PURPOSE

To sign HR 9153, New Hampshire-Vermont Interstate Sewage Waste Disposal Facilities Compact.

II. BACKGROUND, PARTICIPANTS AND PRESS PLAN

A. Background:

1. Congressman Cleveland requested that Congressman Jeffords and himself be invited to a brief bill signing of the bill in the Oval Office.
2. Senator Stafford of Vermont has also been invited and will attend.

B. Participants:

The President  
Senator Robert Stafford  
Congressman James Cleveland  
Congressman James Jeffords  
Max Friedersdorf (staff)  
Bob Wolthuis (staff)

C. Press Plan: None - White House photos only.

III. TALKING POINTS

1. Senator Stafford, Congressman Cleveland, Congressman Jeffords, I'm very pleased to have you in the White House today as I sign HR 9153, the Waste Facilities Compact between New Hampshire and Vermont.
2. I know you all worked very hard to get it through the Congress. It is very important to your respective states and reflects a fine spirit of cooperation between two of the greatest and most beautiful states in union.



TALKING POINTS (Continued)

3. Finally, I have fond memories of your states because it all began for me last Winter in New Hampshire. All four of us are up for re-election and I'm sure we'll all be back at our respective desks in January 1977.

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: September 3

Time: 220pm

FOR ACTION: ~~George~~ Humphreys  
Max Friedersdorf  
Ken Lazarus  
~~Robert~~ ~~Hartman~~

cc (for information): Jack Marsh  
Jim Connor  
Ed Schmults

*COMMENTS*

FROM THE STAFF SECRETARY

DUE: Date: September 7

Time: 1100am

SUBJECT:

*9153*  
H.R. ~~9513~~-New Hampshire-Vermont Interstate  
Sewage Waste Disposal

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.  
For the President



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

SEP 1 1976

THE ADMINISTRATOR

Dear Mr. Lynn:

This is in response to your request of August 27, 1976, for the Environmental Protection Agency's views and comments on H.R. 9153, an enrolled bill. The purpose of this legislation is to grant ". . . the consent of Congress to the New Hampshire-Vermont Interstate Sewage Waste Disposal Facilities Compact."

This compact is entered into in accordance with the provisions of section 103(b) of the Federal Water Pollution Control Act. Section 103 states that the consent of the Congress is given to two or more states to negotiate and enter into compacts for "(1) cooperative effort and mutual assistance for the prevention and control of pollution and the enforcement of their respective laws relating thereto, and the establishment of such agencies . . . for making effective such agreements and compacts."

The Environmental Protection Agency supports this bill and recommends it be signed by the President.

Sincerely yours,

*John Zwickler* Acting  
for Russell E. Train

Honorable James T. Lynn  
Director, Office of Management  
and Budget  
Washington, D.C. 20503

EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

SEP 2 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 9153 - New Hampshire-  
Vermont Interstate Sewage Waste Disposal  
Facilities Compact  
Sponsors - Rep. Cleveland (R) New Hampshire  
and Rep. Jeffords (R) Vermont

Last Day for Action

September 10, 1976 - Friday

Purpose

Grants congressional consent, as required by the  
Federal Water Pollution Control Act, to the New  
Hampshire-Vermont Interstate Sewage Waste Disposal  
Facilities Compact.

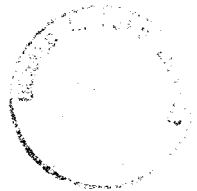
Agency Recommendations

Office of Management and Budget                      Approval

Environmental Protection Agency                      Approval

Discussion

The Federal Water Pollution Control Act provides that  
the Administrator of the Environmental Protection  
Agency (EPA) shall encourage cooperative activities  
to prevent and control water pollution and encourage  
interstate compacts covering these programs, but  
the Act requires congressional approval of such  
compacts. By entering into agreements (compacts) for  
joint planning, construction, and operation of waste  
treatment and disposal facilities, municipalities in



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: September 3

Time: 220pm

FOR ACTION: George Humphreys  
Max Friedersdorf  
Ken Lazarus

cc (for information): Jack Marsh  
Jim Connor  
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: September 7

Time: 1100am

SUBJECT:

H.R. 9513-New Hampshire-Vermont Interstate  
Sewage Waste Disposal

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

*Recommended Approval*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: September 3

Time: 220pm

FOR ACTION: George Humphreys  
Max Friedersdorf  
Ken Lazarus

cc (for information): Jack Marsh  
Jim Connor  
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: September 7

Time: 1100am

SUBJECT:

H.R. 9513-New Hampshire-Vermont Interstate  
Sewage Waste Disposal

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

No objection -- Ken Lazarus 9/7/76

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please

NEW HAMPSHIRE-VERMONT INTERSTATE SEWAGE  
WASTE DISPOSAL FACILITIES COMPACT

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MAY 11, 1976.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

---

Mr. FLOWERS, from the Committee on the Judiciary,  
submitted the following

REPORT

[To accompany H.R. 9153]

The Committee on the Judiciary, to whom was referred the bill (H.R. 9153) Granting the consent of Congress to the New Hampshire-Vermont Interstate Sewage Waste Disposal Facilities Compact, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

The proposed legislation would grant Congressional consent to the New Hampshire-Vermont Interstate Sewage Disposal Facilities Compact. This compact was entered into under section 103(b) of the Federal Water Pollution Control Act (33 U.S.C. 1154). That section provides that the Administrator of the EPA shall encourage cooperative activities to prevent and control water pollution and encourage compacts. Subsection (b) gives consent to negotiation of such compacts but requires Congressional approval.

The compact provides that municipalities in the two states may enter into agreements for joint treatment facilities and for joint operation of such sewage and waste disposal facilities.

STATEMENT

In a report to the committee on the bill, the United States Environmental Protection Agency stated that it supports H.R. 9153 and recommends its enactment.

The bill states that the consent of Congress is given to the New Hampshire-Vermont Interstate Sewage Waste Disposal Facilities Compact and further states that the compact was entered into in accordance with section 103(b) of the Federal Water Pollution Control Act.

The balance of the bill contains the provisions of the compact as entered into by both states. The compact was passed by the New Hampshire General Court (Chapter 424, Laws of 1975) with an effective date of August 15, 1975. The Vermont General Assembly passed the compact (10 V.S.A. chapter 46) which was approved April 30, 1975.

Article I of the compact contains general provisions and a statement of policy in which it is recognized that in certain cases municipalities in New Hampshire and Vermont may avoid duplication of cost and effort and take advantage of economies of scale by entering into agreements for joint sewage and waste disposal facilities. It is further stated that the two states of New Hampshire and Vermont recognize the value of and need for such agreements, and for those reasons adopt the compact to authorize their establishment.

The compact is made effective when approved by the United States Congress.

Article I also defines the terms contained in the compact. "Sewage and waste disposal facilities" as used therein means 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.

"Municipalities" means 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.

"Water pollution agency" means 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 Federal Water Pollution Act, as amended, for the construction of such facilities.

"Governing body" means 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 of the compact outlines the procedures and conditions governing intergovernmental agreements. Cooperative agreements are authorized for any two or more municipalities of which one or more is located in New Hampshire and one or more is located in Vermont. Such cooperative agreements may be for the construction, maintenance and operation of a single sewage and waste disposal facility serving all the municipalities which are parties to the agreement.

Prior to becoming effective, agreements must be approved by the water pollution agency of each state, and must be in a form established jointly by such agencies. Agreements under the compact are to 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.

To the extent such authority exists under state law, the compact authorizes and requires the water pollution agency of each state 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 either state, and to supervise and regulate the planning, design, construction maintenance and operation of any proposed sewage and waste disposal facility.

Applications for federal grants in aid for the planning, design and construction of sewage and waste disposal facilities other than sewers are to 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 is to be responsible for applying for federal grants for sewers to be located within the municipal boundaries.

Under the compact, municipalities are 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 the compact.

Agreements entered into pursuant to this compact must 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 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; and (8) a provision setting forth the means by which the municipality that does not own the point sewage and waste disposal facility will pay the other municipality its share of the maintenance and operating costs of said facility.

It is expressly provided in the compact that none of its provisions are to be construed to authorize the establishment of interstate districts, authorities, or any other new governmental or quasi-governmental entity.

The compact will become effective when it is enacted into law by the states of New Hampshire and Vermont and approved by the United States Congress.

Section two of the bill H.R. 9153 expressly preserves the right to alter, amend, or repeal the provisions of the bill as enacted into law.

The committee finds that this compact merits favorable action and recommends the the bill be considered favorably.



STATEMENTS UNDER CLAUSE 2(1)(2)(B), CLAUSE 2(1)(3) AND  
CLAUSE 2(1)(4) OF RULE XI AND CLAUSE 7(a)(1) OF RULE XIII  
OF THE HOUSE OF REPRESENTATIVES

COMMITTEE VOTE

(Rule XI 2(1)(2)(B))

On May 4, 1976, the Full Committee on the Judiciary approved the bill H.R. 9153 by voice vote.

COST

(Rule XIII (7) (a) (1))

The bill merely approves an interstate compact, and its enactment would result in no added cost. It does not provide for any new specific programs. One of the purposes stated in the compact is to enable municipalities to avoid duplication of cost and effort and to take advantage of economies of scale incident to the use of joint sewage and waste facilities. Any federal contributions or grants will be governed by other provisions of law.

OVERSIGHT STATEMENT

(Rule XI 2(1)(3)(A))

The Subcommittee on Administrative Law and Governmental Relations of this committee exercises the committee's oversight responsibility with reference to interstate compacts in accordance with Rule VI(b) of the Rules of the Committee on the Judiciary. The favorable consideration of this bill was recommended by that subcommittee and the committee has determined that legislation should be enacted as set forth in this bill.

BUDGET STATEMENT

(Rule XI 2(1)(3)(B))

As has been indicated in the committee statement as to cost made pursuant to Rule XIII (7) (a) (1), the bill merely provides for the approval of an interstate compact. The bill does not involve new budget authority nor does it require new or increased tax expenditures as contemplated by Clause 2(1)(3)(B) of Rule XI.

ESTIMATE OF THE CONGRESSIONAL BUDGET OFFICE

(Rule XI 2(1)(3)(C))

No estimate or comparison was received from the Director of the Congressional Budget Office.

OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE ON  
GOVERNMENT OPERATIONS

(Rule XI 2(1)(3)(D))

No findings or recommendations of the Committee on Government Operations were received as referred to in subdivision (D) of clause 2(1)(3) of House Rule XI.

INFLATIONARY IMPACT

(Rule XI 2(1)(3))

In compliance with clause 2(1)(4) of House Rule XI it is stated that this legislation will have no inflationary impact on prices and costs in the operation of the national economy.

[The report of the Environmental Protection Agency is as follows:]

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY,

*Washington, D.C., December 10, 1975.*

HON. PETER W. RODINO, JR.,  
*Chairman, Committee on the Judiciary, House of Representatives,*  
*Washington, D.C.*

DEAR MR. CHAIRMAN: This is in response to your request of August 18, 1975, for the Environmental Protection Agency's views and comments on H.R. 9153. The purpose of this legislation is to grant ". . . the consent of Congress to the New Hampshire-Vermont Interstate Sewage Waste Disposal Facilities Compact."

This compact is entered into in accordance with the provisions of section 103(b) of the Federal Water Pollution Control Act. Section 103 states that the consent of the Congress is given to two or more States to negotiate and enter into compacts for "(1) cooperative effort and mutual assistance for the prevention and control of pollution and the enforcement of their respective laws relating thereto, and the establishment of such agencies . . . for making effective such agreements and compacts."

The Environmental Protection Agency supports H.R. 9153 and recommends its enactment.

The Office of Management and Budget has advised us that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

RUSSELL E. TRAIN,  
*Administrator.*

STATE OF VERMONT,  
*Montpelier, Vt., March 12, 1976.*

Attention: Honorable Peter W. Rodino, Chairman.

HOUSE COMMITTEE ON THE JUDICIARY,  
*Rayburn Building,*  
*Washington, D.C.*

DEAR MR. RODINO: This is to alert you to Vermont's complete and wholehearted endorsement of the "New Hampshire-Vermont Inter-

state Sewage and Waste Disposal Facilities Compact" (H.R. 9153) now pending before your committee. The compact was incorporated into Vermont statutes in 1975 in order to permit and promote the construction of sewerage systems serving adjoining Vermont and New Hampshire communities in the most economical manner. Adoption of this important legislation by Congress will aid in abating pollution to the upper reaches of the Connecticut River with concomitant benefits being realized by four New England States.

I would like to urge early and favorable action by the committee and Congress so Vermont's pollution control program can continue to move forward in this critical area.

Sincerely,

THOMAS P. SALMON.

The New Hampshire legislation is reproduced below.

CHAPTER 424 HB 758—STATE OF NEW HAMPSHIRE

*In the year of Our Lord one thousand nine hundred and seventy-five*

AN ACT adopting a New Hampshire-Vermont interstage sewage and waste disposal facilities compact.

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

424: 1 Interstate Compact. Amend RSA by inserting after chapter 252-A the following new chapter:

CHAPTER 252-B

NEW HAMPSHIRE-VERMONT INTERSTATE SEWAGE AND WASTE DISPOSAL FACILITIES COMPACT

252-B:1 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 two or more municipalities 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 a 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.

424:2 Effective date. This act shall take effect sixty days after its passage. Approved June 16, 1975. Effective date August 15, 1975.

The Vermont legislation is reproduced below.

#### NO. 116. AN ACT TO ADD 10 V.S.A. CHAPTER 46 RELATING TO THE SEWAGE AND WASTE DISPOSAL INTERSTATE COMPACT

(H. 420)

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. 10 V.S.A. chapter 46 is added to read:

### Chapter 46. 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.

### ARTICLE I

#### § 1202. 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

#### § 1203. 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 sin-

gle 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. Methods 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.

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.

ARTICLE III

§ 1204. Effective date

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

Sec. 2. This act shall take effect sixty days from passage.

Approved: April 30, 1975.

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## NEW HAMPSHIRE-VERMONT INTERSTATE SEWAGE WASTE DISPOSAL FACILITIES COMPACT

—————  
AUGUST 25, 1976.—Ordered to be printed  
—————

Mr. EASTLAND, from the Committee on the Judiciary,  
submitted the following

### REPORT

[To accompany H.R. 9153]

The Committee on the Judiciary, to which was referred the bill (H.R. 9153), granting the consent of Congress to the New Hampshire-Vermont Interstate Sewage Waste Disposal Facilities Compact, having considered the same, reports favorably thereon, without amendment, and recommends that the bill do pass.

#### PURPOSE

The proposed legislation would grant Congressional consent to the New Hampshire-Vermont Interstate Sewage Disposal Facilities Compact. This compact was entered into under section 103(b) of the Federal Water Pollution Control Act (33 U.S.C. 1154). That section provides that the Administrator of the EPA shall encourage cooperative activities to prevent and control water pollution and encourage compacts. Subsection (b) gives consent to negotiation of such compacts but requires Congressional approval.

The compact provides that municipalities in the two states may enter into agreements for joint treatment facilities and for joint operation of such sewage and waste disposal facilities.

#### STATEMENT

The Committee on the Judiciary of the United States Senate has received a letter from the Senators of New Hampshire and Vermont in support of this legislation. The facts of the case are presented in House Report 94-1117 as follows:

In a report to the committee on the bill, the United States Environmental Protection Agency stated that it supports H.R. 9153 and recommends its enactment.

The bill states that the consent of Congress is given to the New Hampshire-Vermont Interstate Sewage Waste Disposal Facilities Compact and further states that the compact was entered into in accordance with section 103(b) of the Federal Water Pollution Control Act.

The balance of the bill contains the provisions of the compact as entered into by both states. The compact was passed by the New Hampshire General Court (Chapter 424, Laws of 1975) with an effective date of August 15, 1975. The Vermont General Assembly passed the compact (10 V.S.A. chapter 46) which was approved April 30, 1975.

Article I of the compact contains general provisions and a statement of policy in which it is recognized that in certain cases municipalities in New Hampshire and Vermont may avoid duplication of cost and effort and take advantage of economies of scale by entering into agreements for joint sewage and waste disposal facilities. It is further stated that the two states of New Hampshire and Vermont recognize the value of and need for such agreements, and for those reasons adopt the compact to authorize their establishment.

The compact is made effective when approved by the United States Congress.

Article I also defines the terms contained in the compact. "Sewage and waste disposal facilities" as used therein means 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.

"Municipalities" means 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.

"Water pollution agency" means 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 Federal Water Pollution Act, as amended, for the construction of such facilities.

"Governing body" means 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 of the compact outlines the procedures and conditions governing intergovernmental agreements. Cooperative agreements are authorized for any two or more municipalities of which one or more is located in New Hampshire and one or more is located in Vermont. Such cooperative agreements may be for the construction, maintenance and operation of a single sewage and waste disposal facility serving all the municipalities which are parties to the agreement.

Prior to becoming effective, agreements must be approved by the water pollution agency of each state, and must be in a form established jointly by such agencies. Agreements under the compact are to 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.

To the extent such authority exists under state law, the compact authorizes and requires the water pollution agency of each state 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 either state, and to supervise and regulate the planning, design, construction maintenance and operation of any proposed sewage and waste disposal facility.

Applications for federal grants in aid for the planning, design and construction of sewage and waste disposal facilities other than sewers are to 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 is to be responsible for applying for federal grants for sewers to be located within the municipal boundaries.

Under the compact, municipalities are 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 the compact.

Agreements entered into pursuant to this compact must 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 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; and (8) a provision setting forth the means by which the municipality that does not own the point sewage and waste disposal facility will pay the other municipality its share of the maintenance and operating costs of said facility.

It is expressly provided in the compact that none of its provisions are to be construed to authorize the establishment of interstate districts, authorities, or any other new governmental or quasi-governmental entity.

The compact will become effective when it is enacted into law by the states of New Hampshire and Vermont and approved by the United States Congress.

Section two of the bill H.R. 9153 expressly preserves the right to alter, amend, or repeal the provisions of the bill as enacted into law. The committee finds that this compact merits favorable action and recommends the bill be considered favorably.

STATEMENTS UNDER CLAUSE 2(1)(2)(B), CLAUSE 2(1)(3) AND CLAUSE 2(1)(4) OF RULE XI AND CLAUSE 7(a)(1) OF RULE XIII OF THE HOUSE OF REPRESENTATIVES

COMMITTEE VOTE

(Rule XI 2(1)(2)(B))

On May 4, 1976, the Full Committee on the Judiciary approved the bill H.R. 9153 by voice vote.

COST

(Rule XIII (7)(a)(1))

The bill merely approves an interstate compact, and its enactment would result in no added cost. It does not provide for any new specific programs. One of the purposes stated in the compact is to enable municipalities to avoid duplication of cost and effort and to take advantage of economics of scale incident to the use of joint sewage and waste facilities. Any federal contributions or grants will be governed by other provisions of law.

OVERSIGHT STATEMENT

(Rule XI 2(1)(3)(A))

The Subcommittee on Administrative Law and Governmental Relations of this committee exercises the committee's oversight responsibility with reference to interstate compacts in accordance with Rule VI(b) of the Rules of the Committee on the Judiciary. The favorable consideration of this bill was recommended by that subcommittee and the committee has determined that legislation should be enacted as set forth in this bill.

BUDGET STATEMENT

(Rule XI 2(1)(3)(B))

As has been indicated in the committee statement as to cost made pursuant to Rule XIII (7)(a)(1), the bill merely provides for the approval of an interstate compact. The bill does not involve new budget authority nor does it require new or increased tax expenditures as contemplated by Clause 2(1)(3)(B) of Rule XI.

ESTIMATE OF THE CONGRESSIONAL BUDGET OFFICE

(Rule XI 2(1)(3)(C))

No estimate or comparison was received from the Director of the Congressional Budget Office.

OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE ON GOVERNMENT OPERATIONS

(Rule XI 2(1)(3)(D))

No findings or recommendations of the Committee on Government Operations were received as referred to in subdivision (D) of clause 2(1)(3) of House Rule XI.

INFLATIONARY IMPACT

(Rule XI 2(1)(3))

In compliance with clause 2(1)(4) of House Rule XI it is stated that this legislation will have no inflationary impact on prices and costs in the operation of the national economy.

[The report of the Environmental Protection Agency is as follows:]

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY,  
Washington, D.C., December 10, 1975.

HON. PETER W. RODINO, JR.,  
Chairman, Committee on the Judiciary, House of Representatives,  
Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request of August 18, 1975, for the Environmental Protection Agency's views and comments on H.R. 9153. The purpose of this legislation is to grant "... the consent of Congress to the New Hampshire-Vermont Interstate Sewage Waste Disposal Facilities Compact."

This compact is entered into in accordance with the provisions of section 103(b) of the Federal Water Pollution Control Act. Section 103 states that the consent of the Congress is given to two or more States to negotiate and enter into compacts for "(1) cooperative effort and mutual assistance for the prevention and control of pollution and the enforcement of their respective laws relating thereto, and the establishment of such agencies . . . for making effective such agreements and compacts."

The Environmental Protection Agency supports H.R. 9153 and recommends its enactment.

The Office of Management and Budget has advised us that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

RUSSELL E. TRAIN,  
Administrator.

STATE OF VERMONT,  
Montpelier, Vt., March 12, 1976.

Attention: Honorable Peter W. Rodino, Chairman.

HOUSE COMMITTEE ON THE JUDICIARY,  
Rayburn Building,  
Washington, D.C.

DEAR MR. RODINO: This is to alert you to Vermont's complete and wholehearted endorsement of the "New Hampshire-Vermont Inter-



state Sewage and Waste Disposal Facilities Compact" (H.R. 9153) now pending before your committee. The compact was incorporated into Vermont statutes in 1975 in order to permit and promote the construction of sewerage systems serving adjoining Vermont and New Hampshire communities in the most economical manner. Adoption of this important legislation by Congress will aid in abating pollution to the upper reaches of the Connecticut River with concomitant benefits being realized by four New England States.

I would like to urge early and favorable action by the committee and Congress so Vermont's pollution control program can continue to move forward in this critical area.

Sincerely,

THOMAS P. SALMON.

The New Hampshire legislation is reproduced below:

CHAPTER 424 HB 758—STATE OF NEW HAMPSHIRE

*In the year of Our Lord one thousand nine hundred and seventy-five*

AN ACT adopting a New Hampshire-Vermont interstate sewage and waste disposal facilities compact.

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

424: 1 Interstate Compact, Amend RSA by inserting after chapter 252-A the following new chapter:

CHAPTER 252-B

NEW HAMPSHIRE-VERMONT INTERSTATE SEWAGE AND WASTE DISPOSAL FACILITIES COMPACT

252-B:1 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 two or more municipalities 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 a 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.

424:2 Effective date. This act shall take effect sixty days after its passage. Approved June 16, 1975. Effective date August 15, 1975.

The Vermont legislation is reproduced below.

No. 116. An Act to add 10 V.S.A. Chapter 46 Relating to the Sewage and Waste Disposal Interstate Compact

(H. 420)

*It is hereby enacted by the General Assembly of the State of Vermont:*

SEC. 1. 10 V.S.A. chapter 46 is added to read:

### Chapter 46. 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.

#### ARTICLE I

#### § 1202. 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

#### § 1203. 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 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. Methods 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. Revise 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 reasonably 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 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.

ARTICLE III

§ 1204. Effective date

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

SEC. 2. This act shall take effect sixty days from passage.

Approved: April 30, 1975.

U.S. SENATE,  
Washington, D.C., May 26, 1976.

HON. JAMES O. EASTLAND,  
Chairman, Committee on the Judiciary,  
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: A year ago the State Legislatures of New Hampshire and Vermont adopted the "New Hampshire-Vermont Interstate Sewage and Waste Disposal Facilities Compact", to authorize the construction and maintenance of joint sewage and waste disposal facilities in order to avoid duplication, cost and effort, and in order to take advantage of economies of scale. Under provisions of the Federal Water Pollution Control Act, this agreement may not take effect without the approval of Congress.

A bill to grant the consent of Congress to the interstate compact was passed without objection by the House on May 17, 1976. The Environmental Protection Agency fully approves the agreement and recommended the enactment of the legislation. H.R. 9153 was recently referred to the Committee on the Judiciary, where it presently awaits consideration.

We strongly urge the Committee to take prompt and favorable action on this legislation to aid New Hampshire and Vermont in abating pollution.

Sincerely,

JOHN A. DURKIN.  
ROBERT T. STAFFORD.  
THOMAS J. MCINTYRE.  
PATRICK J. LEAHY.

The Senate Committee on the Judiciary is in agreement with the views of the House report and, accordingly, recommends that H.R. 9153 do pass, without an amendment.

○

# Ninety-fourth Congress of the United States of America

## AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,  
one thousand nine hundred and seventy-six*

### An Act

Granting the consent of Congress to the New Hampshire-Vermont Interstate Sewage Waste Disposal Facilities Compact.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the consent of Congress is hereby given to the New Hampshire-Vermont Interstate Sewage Waste Disposal Facilities Compact which has been entered into in accordance with the provisions of section 103(b) of the Federal Water Pollution Control Act. The compact reads as follows:

#### "NEW HAMPSHIRE-VERMONT INTERSTATE SEWAGE AND WASTE DISPOSAL FACILITIES COMPACT

##### "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 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 of 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 AGREEMENT.—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.

H. R. 9153—3

"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 general assembly of each of the states of New Hampshire and Vermont which incorporates the compact becomes a law in each such state and when it is approved by the United States Congress."

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

*Speaker of the House of Representatives.*

*Vice President of the United States and  
President of the Senate.*