

Bill as Introduced

1995 SESSION

0780L
95-0869
05/02

SENATE BILL **136-FN-LOCAL**

AN ACT excluding Strafford county from motor vehicle emissions testing and relative to adding counties to the motor vehicle emissions testing program.

SPONSORS: Sen. Lovejoy, Dist 6; Sen. Fraser, Dist 4; Sen. Barnes, Dist 17

COMMITTEE: Environment

ANALYSIS

This bill excludes Strafford county from the motor vehicle emissions testing program area.

This bill also prohibits the commissioner of the department of environmental services from including additional counties in the motor vehicle emissions testing program.

EXPLANATION: Matter added to current law appears in *bold italics*.
Matter removed from current law appears in [brackets].
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

SB 136-FN-LOCAL

STATE OF NEW HAMPSHIRE

In the year of Our Lord
One Thousand Nine Hundred and Ninety-Five

AN ACT

excluding Strafford county from motor vehicle emissions testing and
relative to adding counties to the
motor vehicle emissions testing program.

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

1 1 Emissions Testing; Strafford County Excluded. Amend RSA 268:4, I to read as follows:

2 I. Each vehicle registered or to be registered in Hillsborough, Merrimack, *and* Rockingham [and
3 Strafford] counties, each non-program area fleet vehicle primarily operated within the program area,
4 and each commercial design military vehicle and federally registered vehicle operated on federal
5 installations within the program area is subject to the inspection and maintenance requirements
6 of this chapter. [Upon certification by the commissioner of environmental services that an additional
7 county or counties need to be included in the program in order to comply with the Clean Air Act,
8 the commissioner shall, after public hearing and consultation with the advisory committee, and upon
9 approval of the governor, adopt rules to include such county or counties and associated registered
10 vehicles within the coverage of this chapter. The same program requirements shall be instituted in
11 the expanded program area as are in effect for the existing program area, except that, in Coos, Carroll,
12 Grafton, Belknap, Cheshire and Sullivan counties, convenient public access as defined in RSA 268:7,
13 I, shall mean that at least 80 percent of subject vehicles must be registered within a 15-mile radius
14 of a station and 95 percent within a 30-mile radius of a station.]

15 2 Effective Date. This act shall take effect 60 days after its passage.

SB 136-FN-LOCAL

- 2 -

LBAO
LSR 95-0869
1/17/95

FISCAL NOTE for an act excluding Strafford county from motor vehicle emissions testing.

FISCAL IMPACT:

The Department of Safety has determined this bill will reduce state restricted revenue and expenditures by \$71,900 in FY 1995, by \$143,800 in FY 1996, by \$121,331 in FY 1997, by \$98,863 in FY 1998 and each year thereafter. There will be no impact on county and local revenues and expenditures.

METHODOLOGY:

The Department states that for every car tested, the state collects \$2.75 deposited to the emissions inspection account and for two years, to recoup startup costs, \$1.25 per vehicle is collected to reimburse the Highway Fund. For Strafford County, the Department has determined that there are approximately 71,900 vehicles registered that will become exempt upon passage of this bill.

	Total			
	<u>FY # Autos</u>	<u># Tested</u>	<u>Fee</u>	<u>Total</u>
1995	71,900	1/4	\$4.00	\$ 71,900
1996	71,900	1/2	\$4.00	\$143,800
1997	71,900	1/4	\$4.00	\$ 71,900
		1/4	\$2.75	\$ 49,431
1998	71,900	1/2	\$2.75	\$ 98,863
1999	71,900	1/2	\$2.75	\$ 98,863

The Department anticipates testing half of all cars registered in the county the first calendar year and the remaining half the second calendar year. The schedule above reflects the timing difference (CY vs FY) and the one-time \$1.25 startup cost collected the first time the vehicle is inspected.

Hearing Minutes

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

PUBLIC HEARING on SB 136-FN-L

BILL TITLE: excluding Strafford county from motor vehicle emissions testing and relative to adding counties to the motor vehicle emissions testing program.

DATE: March 30, 1995

LOB ROOM: 304 **Time Public Hearing Called to Order:** 10:15 a.m.

Time Adjourned: 11:00 a.m.

(please circle if present)

Committee Members: Reps. J. Bradley, Guay, Peters, Rosen, D. Holt, Ham, Aksten, Feng, Noward, Lamach, Luebker, MacGillivray, Thomas, Tucker, D. White, Below, Pelletier, McGovern, Grassie, Hussey and W. McCarthy

Bill Sponsors: Sen. Lovejoy, Dist 6; Sen. Fraser, Dist 4; Sen. Barnes, Dist 17

TESTIMONY

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

Sen. Barnes (Dist 17), co-sponsor, spoke in support of the bill.

Rep. Bradley, Chairman referred to HB 107.

*Bert Cox, N.H. Department of Environmental Services, submitted written testimony.

*Ken Colburn, N.H. Department of Environmental Services, County still is required program, but which program?

???Jeb Bradley: If government's program is accepted will this effect...?

Richard J. deSeve, N.H. Environmental Conference, spoke in opposition to the bill. Problems are getting worse.

*Henry Veilleux, Business and Industry Association of N. H., spoke in opposition to the bill and submitted written testimony.

*Sen. Lovejoy (Dist 6), sponsor, spoke in support of the bill. Classic example of unfair treatment. Air quality of Strafford county never tested. 40% of tested cars fail - diesel exempted. Testing ready - peat(?) bags - no account of cars traveling into Strafford county. Questions. Testing methods.

There being no further questions or testimony, the hearing closed at 11:00 a.m.

Respectfully submitted,

Ralph J. Rosen, Clerk

0* Henry Veilheny - BIA.
see letter submitted -

5. Sen. Lovejoy -

Classic example of unfair
- treatment - Air Quality of
Strofford County Never Tested
40% of tested cars - fail - Diesel exempted
- testing only - pent bags - no account
of cars traveling into Strofford Co.
Questions. testing methods -

Testimony



Business & Industry Association of New Hampshire

March 30, 1995

Representative Jeb Bradley, Chairman
House Science, Technology & Energy Committee
Room 304, Legislative Office Building
Concord, NH 03301

RE: SB 136, excluding Strafford County from motor vehicle emissions testing.

Dear Chairman Bradley:


The Business & Industry Association of New Hampshire (BIA) appreciates this opportunity to offer its concern to the House Science, Technology & Energy Committee regarding the effect of the actions proposed under Senate Bill 136.

The BIA has been intimately involved with all significant legislation concerning the 1990 Clean Air Act Amendments (CAAA) because the state's business community already bears the principal brunt of the onerous regulations imposed by that Act. Many industries are now in the process of coming into compliance with the requirement that they employ reasonably available control technology (RACT) on volatile organic compounds (VOCs) and Nitrogen Oxides (NOx). Also, soon they will have to contend with the Title V operating permits program. Businesses are experiencing the increased capital, material and operational costs associated with compliance. We are doing our fair share.

Under the 1990 CAAA, the four southern counties of New Hampshire, including Strafford County, were designated as non-attainment areas for violating clean air standards. Cars and trucks are the largest polluters in New Hampshire, emitting 50% of the VOCs and 54% of the NOx emissions. Therefore, ensuring that these emissions are adequately controlled is a critical component in bringing ozone non-attainment areas into compliance.

Moreover, it is the only fair thing to do. EPA has stated and studies have show that controlling automobile emissions is the most cost-effective method available for reducing ozone formation. Even assuming that EPA can and will modify Strafford County's current non-attainment status, New Hampshire will need to build up "credits" in order to allow certain existing businesses to grow and others to start up here. The CAAA requires that expansions of existing manufacturing facilities and the growth of new facilities in NH in both non- attainment and attainment areas can only occur if the growth in emissions is offset by additional reductions from other sources. As a practical matter, this can only be achieved if enough "Emission Reduction Credits (ERCs) exist for businesses to purchase. ERCs are created by going "above and beyond" minimum federal requirements. Keeping Strafford County in a motor vehicle testing program will help the economic development of Strafford County!

For these reasons, the BIA urges the House Science, Technology and Energy Committee to recommend that SB 136 be inexpedient to legislate. Thank you.

Sincerely,

Henry G. Veilleux
Vice President



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

603-271-3503 FAX 603-271-2867

TDD Access: Relay NH 1-800-735-2964



March 30, 1995

The Honorable Jeb E. Bradley
Chairman, House Science, Technology and Energy Committee
Room 304, Legislative Office Building
Concord, New Hampshire 03301

RE: SB136, Automotive Emission Testing in Strafford County

Dear Chairman Bradley:

Thank you for the opportunity to testify on SB136 relative to automotive emissions testing in Strafford County. In 1990, the Clean Air Act Amendments designated the four southern counties of New Hampshire including Strafford County as non-attainment areas for violating clean air standards. Cars and trucks are the largest polluters in New Hampshire emitting 50% of the VOCs and 41% of the NOx emissions. VOCs and NOx combine to form ground level ozone (also known as smog). In addition, automobiles are also the largest contributors to air toxic emissions and emit 85% of the carbon monoxide in New Hampshire.

As a serious non-attainment area, the CAAA requires Strafford County to achieve a 15% reduction in emissions by 1996, and a 24% reduction by 1999. Automotive emissions testing or I/M for Inspection and Maintenance, is the most important component of New Hampshire's strategy to achieve those reductions. Those reductions are relative to a 1990 base year, therefore, additional reductions must be made to offset growth. When attainment levels are achieved, and the area is redesignated attainment, emissions are capped and the state must continue to offset any growth in emissions from increases in miles driven which are increasing at the rate of 2-4% per year in New Hampshire. In addition, the New Hampshire highway network is required to demonstrate a reduction in emissions before a highway project is allowed to proceed. Without an emissions testing program, highway projects will have great difficulty meeting this requirement. Therefore, highway projects in Strafford County could be substantially limited without emissions testing. EPA has the ability to sanction highway funds, restrict economic development and even implement a federal I/M program if the state fails to implement one.

The Clean Air Act also targets population centers (not counties) in requiring enhanced automotive emissions testing programs. All areas in the Northeast Ozone Transport Region which have populations exceeding 100,000 must adopt automotive emissions testing programs. Strafford County is part of the Portsmouth-Dover-Rochester Metropolitan Statistical Area or population center. The Portsmouth-Dover-Rochester area exceeds the 100,000 population threshold significantly. It is under this requirement that Burlington, Vermont must implement an automotive emissions testing program. Burlington, is in attainment and always has been, yet it will be implementing an automotive emissions testing program because its population exceeds the 100,000 person population threshold of the Ozone Transport Region.

AIR RESOURCES DIV.
64 No. Main Street
Caller Box 2033
Concord, N.H. 03302-2033
Tel. 603-271-1370
Fax 603-271-1381

WASTE MANAGEMENT DIV.
6 Hazen Drive
Concord, N.H. 03301
Tel. 603-271-2900
Fax 603-271-2456

WATER RESOURCES DIV.
64 No. Main Street
P.O. Box 2008
Concord, N.H. 03302-2008
Tel. 603-271-3406
Fax 603-271-1381

WATER SUPPLY & POLLUTION CONTROL DIV.
P.O. Box 95
Concord, N.H. 03302-0095
Tel. 603-271-3503
Fax 603-271-2181



The Honorable Jeb E. Bradley
Chairman, House Science, Technology and Energy Committee
RE: SB136, Automotive Emission Testing in Strafford County
March 30, 1995

Monitors at Rye Harbor and Portsmouth currently monitor air quality for the seacoast region. The Division has purchased an ozone monitoring station and equipment to be placed in Strafford County. We are currently negotiating with the Rochester Airport as a potential site; Senator Lovejoy suggested this location.

The Department of Environmental Services and the Department of Safety are currently evaluating ways to increase consumer convenience of any auto emissions testing program that New Hampshire may implement because the EPA has indicated it would be receptive to offering states more flexibility. In fact, we have discussed at least seven different automotive emissions testing options with this Committee (see attached matrix). The EPA intends to issue a re-draft of its I/M rule in May. At a minimum, these changes will include making it easier and less expensive to have cars repaired and should establish improved consumer awareness provisions.

The committee should consider delaying action on SB136 until more information on alternatives is available. HB 607, which this committee unanimously endorsed, will increase consumer convenience and delay all emission testing at least until 1996 in order to gather adequate information on testing for all areas. EPA needs to respond to the Governor's redesignation request and to finalize revisions to the federal Automotive Emissions Testing Regulation. This delay will provide time to discuss many important issues including geographic coverage, test type and configuration.

I have attached an information sheet on the Clean Air Act requirements for emission testing in Strafford County. In addition, I offer our services to work with the Committee in any way necessary. I would be happy to answer any questions concerning this complex but important program.

Sincerely,

A handwritten signature in cursive script that reads "Kenneth A. Colburn".

Kenneth A. Colburn
Director

GWC/amk/sb136.ltr

Enclosures:
I/M Options Matrix
Clean Air Act & I/M in Strafford County (Fact Sheet)

February 13, 1995

FACTS ABOUT THE CLEAN AIR ACT & I/M IN STRAFFORD COUNTY

Boundaries of Ozone Non-Attainment Areas (Sec. 107)

Section 107(d) of the 1990 Clean Air Act Amendments (CAAA) states that if an Ozone non-attainment area located in a metropolitan statistical area (MSA) is classified as serious or worse, the boundaries of such area are revised by operation of law to include the entire MSA unless the Governor notifies the EPA within a specified time window that a smaller area is to be considered. Further, EPA has to approve any such changes.

All but three towns in Strafford County are in the Portsmouth-Dover-Rochester MSA as is the Rye Harbor Ozone monitor in Rockingham County whose measurements in the 1987-1989 period resulted in a serious Ozone classification. The time window for notification for consideration of alternative boundaries occurred in early 1991 and neither NHDES nor any other party made any recommendation to the Governor regarding such notification.

Requirements for Serious O3 Non-Attainment Areas (Sec. 182)

Section 182(c) of the 1990 CAAA requires an enhanced I/M program for each urbanized area in a serious non-attainment area with a 1980 population of 200,000 or more.

The Portsmouth-Dover-Rochester MSA does not include any urbanized area meeting this criterion so Sec. 182 does not require I/M in Strafford County.

Requirements for the Northeast Ozone Transport Region (Sec. 184)

Section 184(b) requires an enhanced I/M program for each MSA in the Transport Region with a 1990 population of 100,000 or more, regardless of air quality status.

All of New Hampshire, eleven other states and the District of Columbia comprise the Northeast Ozone Transport Region (OTR) as established by Sec. 184(a). The Portsmouth-Dover-Rochester MSA had a 1990 population of 175,000, therefore enhanced I/M is a requirement.

Requirement for Entire Counties in I/M (EPA Regulations)

EPA's final I/M Regulations were issued on 11/5/92. They require that counties which are at least in part within an MSA mandated to have enhanced I/M must be in the program in their entirety. However, if the 1990 population density is less than 200 persons per square mile and over 50% of the MSA is in another county

FACTS ABOUT THE CLEAN AIR ACT & I/M IN STRAFFORD COUNTY

Requirement for Entire Counties in I/M (EPA Regulations)

covered by the I/M program, then EPA allows for exemption of the county. Strafford County's 1990 population density is approximately 290 per square mile, so it does not qualify for this exemption.

Ozone Monitoring in Strafford County (RSA 268)

No ozone monitoring has ever been conducted in Strafford County although there are two monitoring stations nearby in Rockingham County (Portsmouth & Rye Harbor). However, NH RSA 268 (1993 I/M legislation) requires that NHDES purchase equipment to establish and operate ozone monitoring stations in any counties without such monitoring. All equipment for such monitoring has been purchased by ARD. Strafford County is our first priority for this requirement, and ARD is currently negotiating for a monitoring site in Rochester. We expect to have the station operating in the 1995 ozone season.

COMPARISON OF I/M OPTIONS

DRAFT
2/16/95

Option	Name/ Description	Network C=Centralized D=Decentralized	Number of testing locations	Cost to motor- ists	Cost to gar- ages	Aggregate Capital Expense	Annual Oversight Cost	Enhance- ments	Accuracy Conflict of Interest	Frequency	Cons	Pros	Emission Credit
1	I/M 240. Testing only at specialized centers.	C	8-12	\$25	Need tool list to be certified. (\$3,000- 5,000 Avg.)	\$20M	\$825K	Hotline. Mech training. Diag- nostic lanes. Diagnostic info. Consumer protection. Optimal siting. Limited wait time. Mechanic report card.	Very high Conflict of Interest avoided	Biennial	Perceived as inflexible. Lack of public acceptance. Ping-pong possible.	Max A/Q benefit. Cost effective. Potential of extra credit for trading. EPA approved.	32% - 35%
2	Hybrid Repair and Re-test. ASM or RG240 Retesting at repair garages and dealers after repairs.	C,D Hybrid	8-12 50	\$30	\$30-50K	\$22M.	\$1M	Limited Test & Repair. Real time data collection. RST. Mechanic training. Vehicle profiling. Program evaluation.	High Conflict of Interest possible.	Biennial	More oversight required. High expense to garages.	Eliminates ping-pong. In-creased con- venience.	28% - 32%
3	Hybrid-Portable 5 gas Analyzer. Retesting with Portable analyzers at garages after repairs.	C,D Hybrid	10,100	\$25	\$10K	\$22M	\$1.5M	Same as above	Med Conflict of Interest possible.	Biennial	Loss of credit. Labor intensive.	Lower expense to garages. No ping- pong.	18% - 25%

COMPARISON OF I/M OPTIONS

DRAFT
2/16/95

4	Test & Repair - Bar 90. All testing at local garages and dealers similar to Nashua Program.	D	Unlimited	\$20	\$10K	\$4M	\$3M	Same as above Annual	Very low Conflict of Interest Likely.	Annual	Least cost effective. Severe loss of credit. High State admin. costs. Cannot check for NOx or do purge testing.	Simple. Can be combined with Safety Inspection. No ping pong.	6% - 9%
5	Vehicle targeting. Remote Sensing Technology. Network of RST machines across State. OBD-II Future model cars will self check for proper operation of emission controls.	N/A	N/A	Unknown	0	Unknown	Unknown	Vehicle profiling. 5 year I/M 240 testing. OBD-II lottery. Transponders and receivers.	Varies.	Annual or continuous.	Cost effectiveness unknown. High State admin. costs. Requires funding mechanism. Enforcement & fleet coverage are difficult. OBD depends on new vehicle purchases.	Non-Invasive	5% Additional credit may be possible in the long run.
6	No I/M. Ignore EPA, or come up with substitute program or pursue exemption.	N/A	0	0	0	0	0	Additional Industry regulation. California cars. No drive days. Other controls.	N/A Conflict of Interest not possible.	N/A	Sanctions-loss of highway funds, limits on economic development.	Shifts burden to upwind States.	0

COMPARISON OF I/M OPTIONS

DRAFT
2/16/95

7	<p>RG 240 with TQM. Decentralized testing and repair with centralized quality control and financing. Contractor purchases equipment and franchises to independent garages. Contractor specifies test methods and provides or trains employees for garages.</p>	D	150-200	\$25-30	\$5K	\$6M	\$900K	<p>TQM. Diagnostic information for failed vehicles. Online QC and data collection. Registration denial. Vehicle profiling. Mechanic training. Diagnostic centers. Contractor maintenance & calibration. Contractor support.</p>	<p>High</p> <hr style="width: 50px; margin: 10px auto;"/> <p>Conflict of Interest minimized.</p>	<p>Annual. Biennial option could be evaluated.</p>	<p>Not EPA approved. Requires high tech TQM to be successful.</p>	<p>Combine with Safety Inspection. High consumer convenience. Low cost to garages. High A/Q benefit. Minimizes obsolescence. Test equipment aids vehicle repair.</p>	25%-30%
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ASSUMPTIONS:

- Four County Program.
- Approximately 310,000 vehicles per year if biennial; 620,000 if annual.
- All programs will require oversight, auditing and public outreach components.
- Seven year amortization schedule.

TIME: 1:05 pm
DATE: February 14th, 1995
ROOM NUMBER: 104 Legislative Office Building

Sue
Get a few copies of this for file

The Senate Committee on Environment held a hearing on the following:

SB 136 FW Local: AN ACT excluding Strafford county from motor vehicle emissions testing and relative to adding counties to the motor vehicle emissions testing program.

Committee members present:

Senator Richard Russman/Chairman
Senator Debora Pignatelli/Vice Chair
Senator Burt Cohen
Senator Beverly Rodeschin
Senator Fred King

Senator Russman opened the hearing by calling upon one of the sponsors of the bills.

Senator George A. Lovejoy, D. 6: I feel very strongly, almost passionately about this bill because it strikes me as being the classic of unfairness, in treating a sector of our society who happen to be, a lot of them, my constituents. With something as unfair as declaring Strafford County as an area that has to be remedial on auto emissions without ever testing the air quality in our county - how unfair can you get. Strafford County has never been tested, has never been tested for air pollution coming from auto emissions, and yet Strafford County has been tagged as one of the four counties in our state that will force our automobile owners to obtain emissions tests, to pay for those tests and to submit the prescription that comes from the tester as to why he or she thinks might be done in the way of repairs and to pay for those repairs.

Without even knowing that we have a problem, now we don't have any requirements as to the qualifications of those who do the testing, they could be hired by answering an ad in the newspaper or a bulletin board ad. We don't know where the test would be conducted or how many test centers there may be; we don't know how long the wait may be if we went to a testing site, whether we would spend an hour, a day - we don't know how long the wait would be, how much time would have to be spent from the job to the home. And then we don't know if the auto will pass the test once the work that was prescribed has been done, we have no knowledge of that. There's nothing to require the tester to be qualified by any qualifications, but we do know these things - we do know that in other parts of the country up to 40% of the autos tested have failed the test.

We do know that test costs have ranged about \$25 per car and this is added to your registration cost once every two years. The cost of the repair in some instances have been capped at \$450, we do know that all diesel vehicles have been exempted, we do know that California has found that if the car was not fixed properly then in California they found that it caused more pollution

then not less. We know this, that it's not fair to declare Strafford County an area of required remediation without at least testing Strafford County air. The tests that were taken were taken in Rockingham County and they were taken along Interstate 95 and they were taken near bogs where the ground level ozone is natural and the heaviest; ground level ozone comes from bogs and from rotting materials, and it's natural defusion comes that way.

We do know that this testing requirement would not in any way affect the cars that come into Strafford County by the thousands daily from the state of Maine for shopping, for work and from other states going up and down our scenic highways, as well as those who travel into work or shop from other New Hampshire counties, not so designated. We do know that the occurrence of smog in Strafford County is non-existent. We do know that the test taken in New Hampshire exceeded the federal standards for ozone which is .120 parts per million for just three one hour periods over a period of three years. That's three hours out of 26,280 hours; none of which occurred in Strafford County.

There was one violation in 1994 with the reading of .135 on the seacoast in Portsmouth, and once in Rye on July 21st. In 1993 the state sole violation was in Nashua on June 25th with a reading of .127 parts per million. In 1992 in the whole state of New Hampshire there were no violations. We do know that if an automobile that is designated as not meeting the standards is tested, that we couldn't sell that car in Strafford County, but we could take it up to Alton and sell it, and it could drive into Rochester to work everyday. We know we could take it into Carroll County and sell it because they're not being tested there. Strafford County air has not been proven to be contaminated with ground level ozone and it's unfair to require these standards.

If Strafford County is to be penalized for non-conforming, if our residents are being penalized by hundreds of dollars let us at least test the air quality in our county. The only fair thing to do is to exempt Strafford County from this one-size-fits-all remedy to a problem that has yet to be identified.

Gilbert Cox/Department of Environmental Services: (see attached A.)

Senator Frederick W. King, D. 1: We heard it said earlier that you've never tested the air in Strafford County, is that true?

Cox: That's absolutely correct, in fact the facts sheet behind the testimony is facts about the Clean Air Act and I/M in Strafford County, and this outlines the federal guidelines. One of the things that first item "boundaries of ozone non-attainment areas" - the Clean Air Act targets population centers. In fact the city of Nashua and towns around there are included in the Boston population center, so even if Boston has violations, that area is pulled in. And Strafford is pulled in because of the violations monitored in Portsmouth; the Portsmouth population center includes all of Strafford and most of Rockingham, including the Portsmouth area.

Senator Frederick W. King, D. 1: Would it make sense before a program like this is in place, it has to do with air quality, you determine if in fact there's a problem there?

Cox: I can only assume the authors of the Clean Air Act thought that the vehicles operated within the entire population center, the vehicles from

Nashua drive to Boston, and the vehicles in Strafford may at times drive into Portsmouth, so it was focused, the Clean Air Act focused on population centers. We are we were required by the 1993 legislation to put a monitoring in Strafford County. That monitor is in the process of being sited and we expect to have a monitor in Strafford this summer; that has been a concern raised by many people.

Becky Berk/American Lung Association: (see attached B.)

Senator Frederick W. King, D. 1: If the air hasn't been tested in Strafford County, how do you know that 50% of those standards?

Berk: It's been classified by the EPA as being seriously...

Senator Frederick W. King, D. 1: On what basis?

Berk: You'd have to refer that question to Mr. Cox.

Representative James Whittemore/Merr 13: I support the bill and its passage. I put a bill in the House for the same reasons because Merrimack County is not in violation of the Clean Air Act standards. I've had correspondence with Senator Gregg's office concerning this and he noted that Rick Murphy his assistant, told me that the I believe state of Arizona is instituting a suit against the federal government because this is a bill that violates the provisions of the 10th amendment of the Constitution. You tell me that there are many changes being proposed at the federal level to modify this act very drastically.

The costs of the initial tests for Merrimack County residents car owners be in the vicinity of \$2,385,000 and that's just the first test, that's not the repairs that 25% of those people would have to make to that. Also car owners in Franklin that drive to Tilton three miles away which is in Belknap County to buy their gas is cheaper and also because their cars have been running very badly with the new gas that they're using. The provision that credit can be given can be built up within reason that this legislation was the original bill was wanting, so that industries which cause pollution could expand or new industries could come in and buy those credits to off-set their pollution. If clean air is so important then I don't think there should be new sources allowed if this is important and supposed to be. Another provision in the law states that if persons spend \$250 or \$415 and they cut it to \$250 for repairs and they still don't pass, they can get a waiver for another two years. I feel that that's a very improper imposition to place on people in the county when they're not in violation.

Another provision in this bill which I had in my bill for Merrimack County was to eliminate the procedure of adding other counties to the testing program. As the law stands now, the Commissioner of DES, if he feels another county should be added, can have a public hearing and then consult with his advisory committee, and then recommend to the government council that such a county be added. It by-passes the legislative process and the law passed last session when then through the legislative process and that's how these counties were designated. If other counties are going to be designated, I think it should be done the same way so that we have the full opportunity of legislative hearings to air the issue. That I think is a very important part of this bill.

Mark Drew/Citizens for Sensible Government: (see attached C.)

Senator Debora B. Pignatelli, D. 13: Did you start the petitions? (Yes I did.) Can you tell us what the petitions said?

Drew: Well the petitions specifically requested the Governor to stop this program because it's unconstitutional; there are several reasons but to put it on hold and look at what we got here. I don't have a copy and I can't read it verbatim to you. I could supply you with something.

Richard deSeve/Society for the Protection of New Hampshire Forests, New Hampshire Audubon, New Hampshire Sierra Club: Some of the other speakers were talking about delaying this bill pending the outcome of those bills and I think that's not a bad idea, but I want to address a couple of things that have been said today. First of all the same argument about the 10th amendment and making this thing unconstitutional was raised in the hearing on HB 303 which would take Merrimack County out of the program. What people need to understand is the 10th amendment says the powers and duties not specifically reserved for the federal government are reserved for the states, and that's fine.

Protecting the public health and safety is a power that is specifically reserved for the federal government by the first article in the constitution, so it is in fact reserved to the state, to the federal government and therefore programs like this protect the public health and safety are not unconstitutional. The reason that Strafford and some of these other counties have been put in this program just like some other counties and other areas of the country is that there are extensive studies done by EPA demonstrating where automobile traffic comes from. It doesn't just come from Rockingham County into Portsmouth; it comes from a wide area but all of that traffic and all of those cars help produce the pollution that causes Rockingham County and that whole seacoast area to be out of compliance.

Addressing the program simply to the area where the problem is without addressing the rest of the area where the problem is coming from doesn't get at the heart of the problem, and yes the fact is that some of the pollution comes in off the ocean, comes from Massachusetts, comes from New York, all the way down from Maryland and Virginia. Three years ago when we first put this program into place, the legislature made a decision, a conscious decision to be a leader on this issue and said all right, we have a problem coming from other areas of the country. We want EPA to do something about that, but we also create a problem for ourselves, for downeast Maine and for Nova Scotia with our air pollution, because the same plume of air that rises up that area takes our pollution over there.

We have a responsibility to those people to do something about the air pollution that we create. This program will do that. To talk about it being an undue burden on the consumers is ridiculous. This program will cost \$25 once every two years; 95% of the vehicles that fail this test will be able to pass following a simple tune up which costs on the order of \$75/\$125 - that's it. Our bill that was passed here, our auto-emissions bill had set a limit of \$125 as the limit before a waiver could be in place. We got permission from EPA to do that because the Clean Air Act had said \$450. Personally I think the waiver as Representative Whittemore has said is tested on newer cars; they don't all have to meet the current standards.

There are different levels depending on what air emissions control each

Voting Sheets

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

EXECUTIVE SESSION on SB 136

BILL TITLE: excluding Strafford county from motor vehicle emissions testing and relative to adding counties to the motor vehicle emissions testing program.

DATE: April 26, 1995

LOB ROOM: 304

Amendments:

Sponsor:	OLS Document #:	Adopted/Failed
Sponsor:	OLS Document #:	Adopted/Failed
Sponsor:	OLS Document #:	Adopted/Failed

Motion: OTP, OTP/A, ITL Re-Refer, Interim Study (please circle one)

Moved by Rep. Tucker

Seconded by Rep. White

Vote: 14-1 (Please attach record of roll call vote)

Motion: OTP, OTP/A, ITL, Re-Refer, Interim Study (please circle one)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote)

CONSENT CALENDAR VOTE: No

(Vote to place on Consent Calendar must be unanimous)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Ralph J. Rosen, Clerk

5601g
5602 CR

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

EXECUTIVE SESSION on

BILL TITLE: SB - 136

DATE: 26 April

1055

LOB ROOM: 304

Amendments:

Sponsor:	OLS Document #:	Adopted/Failed
Sponsor:	OLS Document #:	Adopted/Failed
Sponsor:	OLS Document #:	Adopted/Failed

Motion: OTP, OTP/A, ITL, Re-Refer, Interim Study (please circle one)

Moved by Rep. *Tucher*

Seconded by Rep. *White*

Vote: (Please attach record of roll call vote)

~~15-0~~ 14-1

Motion: OTP, OTP/A, ITL, Re-Refer, Interim Study (please circle one)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote)

CONSENT CALENDAR VOTE:

No

(Vote to place on Consent Calendar must be unanimous)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Ralph J. Rosen, Clerk

Bill # SB-136

Public Hearings _____

Executive Session _____

COMMITTEE REPORT: 1 T 2

	YEAS	NAYS
Bradley, Jeb E., Chairman	✓	
Guay, Lawrence J., V Chairman	✓	
Peters, Stanley W.		
Rosen, Ralph J., Clerk	✓	✓
Holt, David B.	✓	
Ham, Bonnie D.	✓	
Aksten, Cheryl E.		
Feng, David S.		
Howard, Godfrey G.	✓	
Lamach, Bernard D.	✓	
Luebker, Bernard J.		
MacGillivray, Jeffrey C.	✓	
Thomas, John H.		
Tucker, John H.	✓	
White, Donald B.	✓	
Below, Clifton C.	✓	
Pelletier, Arthur J.		
McGovern, Cynthia A.	✓	
Grassie, Anne C.	✓	
Hussey, Mary E.	✓	
McCarthy, William J.	✓	

TOTAL VOTE

~~15-0~~ 14-0

Appeared in Favor

Appeared in Opposition

Committee Report

COMMITTEE REPORT

COMMITTEE: SCIENCE, TECHNOLOGY AND ENERGY

BILL NUMBER: SB 136-FN-L

TITLE: excluding Strafford county from motor vehicle emissions testing and relative to adding counties to the motor vehicle emissions testing program.

DATE: April 26, 1995 CONSENT CALENDAR YES _____ NO X

_____ OUGHT TO PASS

_____ OUGHT TO PASS WITH AMENDMENT

* _____ INEXPEDIENT TO LEGISLATE

_____ RE-REFER

_____ REFER TO COMMITTEE FOR INTERIM STUDY

(AVAILABLE ONLY IN SECOND YEAR OF BIENNIUM)

STATEMENT OF INTENT

(Include Committee Vote)

With regard to automobile emissions testing exemptions, the committee believes that all residents in the four non-attainment counties should be treated in the same manner. Exempting one county was determined to be unfair by the committee. With the passage by both the House and Senate of HB 607 the automobile emissions testing program will be delayed in the four county non-attainment area until at least April 1, 1996.

Vote 14-1.

Rep. John H. Tucker and Jeb E. Bradley
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

SCIENCE, TECHNOLOGY AND ENERGY

SB 136-FN-L, excluding Strafford county from motor vehicle emissions testing and relative to adding counties to the motor vehicle emissions testing program. INEXPEDIENT TO LEGISLATE

Rep. John H. Tucker and Jeb E. Bradley for Science, Technology and Energy:
With regard to automobile emissions testing exemptions, the committee believes that all residents in the four non-attainment counties should be treated in the same manner. Exempting one county was determined to be unfair by the committee. With the passage by both the House and Senate of HB 607 the automobile emissions testing program will be delayed in the four county non-attainment area until at least April 1, 1996. Vote 14-1.

SB-136

With regard to automobile emissions testing exemptions, the committee believes that all residents in the ~~four~~ non-attainment counties should be treated in the same manner. Exempting one county was determined to be unfair by the committee. With the passage by both the House and Senate of HB-607 the auto emissions testing ^{program} will be delayed in the ~~four~~ county non-attainment area until at least April 1, 1996.

John Toates

John H. Linder
John Brader