

LEGISLATIVE COMMITTEE MINUTES

SB377

Bill as Introduced

CHAPTER 100
SB 377 - FINAL VERSION

2016 SESSION

16-2859
08/03

SENATE BILL **377**

AN ACT relative to emission levels of municipal waste combustion units.

SPONSORS: Sen. Bradley, Dist 3; Sen. Feltes, Dist 15; Rep. Introne, Rock. 5; Rep. Richardson,
Coos 4; Rep. Vose, Rock. 9; Rep. Baber, Straf. 14; Rep. Backus, Hills. 19

COMMITTEE: Energy And Natural Resources

ANALYSIS

This bill lowers the limits on certain emission levels of municipal waste combustion units.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 100
SB 377 - FINAL VERSION

16-2859
08/03

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Sixteen

AN ACT relative to emission levels of municipal waste combustion units.

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

1 100:1 Municipal Waste Combustion Units; Levels of Emissions. Amend RSA 125-C:10-a to read
2 as follows:

3 125-C:10-a Municipal Waste Combustion Units. Any municipal waste combustor, as defined in
4 RSA 125-M:2, XI, with a design capacity of at least 35 tons per day but no more than 250 tons per
5 day of municipal solid waste, as defined in RSA 125-M:2, X, shall be limited to the following levels of
6 emissions, unless otherwise provided for by a more stringent federal regulation, or by other state
7 statute:

8 I. Particulate matter: ~~[27]~~ 25 milligrams/dry standard cubic meter, corrected to 7 percent
9 oxygen, 3-run average (run duration specified in test method).

10 II. Opacity: 10 percent (6-minute average), 30 6-minute averages.

11 III. Cadmium: ~~[0.040]~~ 0.035 milligrams/dry standard cubic meter, corrected to 7 percent
12 oxygen, 3-run average (run duration specified in test method).

13 IV. Lead: ~~[0.44]~~ 0.4 milligrams/dry standard cubic meter, corrected to 7 percent oxygen, 3-
14 run average (run duration specified in test method).

15 V. Mercury: 0.028 milligrams/dry standard cubic meter, corrected to 7 percent oxygen, or
16 85 percent control efficiency, 3-run average (run duration specified in test method).

17 VI. Sulfur dioxide: 29 parts per million by volume, or 25 percent of the potential sulfur
18 dioxide emission concentration, corrected to 7 percent oxygen (dry basis), monthly block geometric
19 average concentration or percent reduction.

20 VII. Hydrogen chloride: 29 parts per million by volume, or 5 percent of the potential
21 hydrogen chloride emission concentration, corrected to 7 percent oxygen (dry basis), 3-run average
22 (minimum run duration is 1 hour).

23 VIII. Dioxins/furans: ~~[60]~~ 35 nanograms/dry standard cubic meter (total mass), corrected to
24 7 percent oxygen, where an electrostatic precipitator-based emission control system is employed; or
25 30 nanograms/dry standard cubic meter (total mass) corrected to 7 percent oxygen, where an
26 electrostatic precipitator-based emission control system is not employed, 3-run average (minimum
27 run duration is 4 hours).

28 100:2 Effective Date. This act shall take effect 60 days after its passage.

29 Approved: May 19, 2016

30 Effective Date: July 18, 2016

Committee Minutes

SENATE CALENDAR NOTICE
Energy and Natural Resources

Sen Jeb Bradley; Chair
 Sen Gerald Little; Vice Chair
 Sen Andy Sanborn; Member
 Sen Martha Fuller Clark; Member
 Sen Dan Feltes; Member

Date: January 20, 2016

HEARINGS

Wednesday	01/27/2016	
(Day)	(Date)	
Energy and Natural Resources	SH 100	9:00 AM
(Name of Committee)	(Place)	(Time)

EXECUTIVE SESSION MAY FOLLOW

9:00 AM	SB 380	establishing the drinking water and groundwater trust fund and establishing the New Hampshire drinking water and groundwater advisory commission.
9:15 AM	SB 377	relative to emission levels of municipal waste combustion units.
9:30 AM	SB 381	relative to the combustion of the wood component of construction and demolition debris.
9:45 AM	SB 309	relative to sulfur limits of certain liquid fuels.

Sponsors:

SB 380

Sen. Morse

Sen. Little

Sen. Forrester

Sen. Carson

SB 377

Sen. Bradley

Sen. Feltes

Rep. Introne

Rep. Richardson

Rep. Vose

Rep. Baber

Rep. Backus

SB 381

Sen. Bradley

Sen. Fuller Clark

Sen. Stiles

Rep. Vadney

Rep. Richardson

SB 309

Sen. Bradley

Sen. Feltes

Sen. Little

Sen. Fuller Clark

Rep. Devine

Rep. Richardson

Rep. Introne

Rep. Baber

Rep. Backus

Rep. Hinch

Rep. Packard

Kat Bourque 271-3093

Jeb Bradley
 Chairman

Senate Energy and Natural Resources Committee
Kat Bourque 271-3093

SB 377, relative to emission levels of municipal waste combustion units.

Hearing Date: January 27, 2016

Time Opened: 9:31 AM
AM

Time Closed: 9:35

Members of the Committee Present: Bradley, Little and Feltes

Members of the Committee Absent: Sanborn and Fuller Clark

Bill Analysis: This bill lowers the limits on certain emission levels of municipal waste combustion units.

Sponsors:

Sen. Bradley

Sen. Feltes

Rep. Introne

Rep. Richardson

Rep. Vose

Rep. Baber

Rep. Backus

Who supports the bill: Mike Fitzgerald (DES), Larry Sunderland (NH Audubon), John Tuthill.

Who opposes the bill: No one.

Who is neutral on the bill: No one.

Summary of testimony presented in support:

Senator Bradley

- Senator Bradley stated that he was asked to bring this legislation forward on behalf of DES.
- This bill would make the emission level limits of municipal waste combustion lower to be in agreement with larger facilities.

Mike Fitzgerald

DES

- Mr. Fitzgerald explained that about ten years ago, the legislature

- made a policy decision that would align the emission units for small municipal waste combustors and large municipal waste combustors. DES agreed with this legislation.
- This bill is a housekeeping item that will allow the policy to continue.
 - The U.S. EPA has changed their standards for large municipal waste combustors, so DES would like to see NH align their standards to be the same.
 - This policy would apply to both the small and large facilities in Concord and Claremont.

Summary of testimony presented in opposition: None.

Neutral Information Presented: None.

Fiscal Note: N/A

Future Action: Ought to Pass

KAB
Date Hearing Report completed: January 28, 2016

Speakers

SENATE ENERGY & NATURAL RESOURCES COMMITTEE

Date: 01/27/2016

Time: 9:15 AM

Public Hearing on SB 377

SB 377 - relative to emission levels of municipal waste combustion units.

Name	Representing	Support	Oppose	Speaking?	Yes	No
✓ Mike Fitzgerald	DES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Larry Sunderland	Not Audubon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
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SENATE ENERGY & NATURAL RESOURCES COMMITTEE

Date: 01/27/2016

Time: 9:15 AM

Public Hearing on SB 377

SB 377 - relative to emission levels of municipal waste combustion units.

Name	Representing	Support	Oppose	Speaking?	Yes	No
<i>John Tuttle</i>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
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Testimony



The State of New Hampshire
Department of Environmental Services



Thomas S. Burack, Commissioner

January 27, 2016

The Honorable Jeb Bradley, Chair
Senate Energy and Natural Resources Committee
Legislative Office Building, Room 101
Concord, New Hampshire 03301

Re: Senate Bill 377 "An Act relative to emission levels of municipal waste combustion units"

Dear Chair Bradley and Members of the Committee:

Thank you for the opportunity to comment on SB 377 relative to emission standards for municipal waste combustion units. As drafted, SB 377 would revise the emission levels currently established in RSA 125-C:10-a for small municipal waste combustors to the same levels as currently established under federal and state rules for large municipal waste combustors. This bill would essentially update prior amendments that were made to RSA 125-C:10-a by the General Court during the 2005 legislative session. The New Hampshire Department of Environmental Services (NHDES) supports this bill.

Pursuant to the Clean Air Act, the United States Environmental Protection Agency (EPA) is required to periodically revisit emissions standards for various types of industrial categories, including municipal waste combustors. When the EPA last revised standards for "large" municipal waste combustors (defined as those with a waste processing capacity greater than 250 tons per day), it lowered the allowable emission levels of certain pollutants, namely, particulate matter, cadmium, lead, and dioxins/furans. These revised emission levels currently apply to the Wheelabrator facility in Concord, the only large municipal waste combustor in New Hampshire. SB 377 would require the only small municipal waste combustor in New Hampshire, the Wheelabrator facility in Claremont, to meet the same emission levels.

The existing emission standards established in RSA 125-C:10-a are also contained in New Hampshire Administrative Rule Env-A 3300, *Municipal Waste Combustion*. NHDES intends to undertake rulemaking to update Env-A 3300 such that any future revisions to the emission levels contained in RSA 125-C:10 will be incorporated by reference.

NHDES believes that the proposed changes are reasonable and will provide additional air quality benefits to the state. NHDES has also discussed the proposed lower emission levels with representatives of Wheelabrator, and understands that Wheelabrator is also supportive of the changes proposed in SB 377.

*The Honorable Jeb Bradley, Chair
Senate Energy and Natural Resources Committee
January 27, 2016
Page 2*

Thank you again for the opportunity to comment on SB 377. If you have any questions or require further information, please contact either Craig Wright, Director of the Air Resources Division (craig.wright@des.nh.gov, 271-1088) or Michael Fitzgerald, Assistant Director (michael.fitzgerald@des.nh.gov, 271-6390).

Sincerely,



Thomas S. Burack
Commissioner

cc: Sponsors of SB 377: Sens. Bradley, Feltes; Reps. Introne, Richardson, Vose, Baber, Backus

Voting Sheets

Senate Energy and Natural Resources Committee

EXECUTIVE SESSION

Bill # SB 377

Hearing date: 01/27

Executive session date: 01/27

Motion of: OTP

VOTE: 3-0

<u>Made by</u> Bradley <input type="checkbox"/>	<u>Seconded</u> Bradley <input type="checkbox"/>	<u>Reported</u> Bradley <input type="checkbox"/>
<u>Senator:</u> Little <input type="checkbox"/>	<u>by Senator:</u> Little <input checked="" type="checkbox"/>	<u>by Senator:</u> Little <input type="checkbox"/>
Sanborn <input type="checkbox"/>	Sanborn <input type="checkbox"/>	Sanborn <input type="checkbox"/>
MFC <input type="checkbox"/>	MFC <input type="checkbox"/>	MFC <input type="checkbox"/>
Feltes <input checked="" type="checkbox"/>	Feltes <input type="checkbox"/>	Feltes <input checked="" type="checkbox"/>

Motion of: _____

VOTE: _____

<u>Made by</u> Bradley <input type="checkbox"/>	<u>Seconded</u> Bradley <input type="checkbox"/>	<u>Reported</u> Bradley <input type="checkbox"/>
<u>Senator:</u> Little <input type="checkbox"/>	<u>by Senator:</u> Little <input type="checkbox"/>	<u>by Senator:</u> Little <input type="checkbox"/>
Sanborn <input type="checkbox"/>	Sanborn <input type="checkbox"/>	Sanborn <input type="checkbox"/>
MFC <input type="checkbox"/>	MFC <input type="checkbox"/>	MFC <input type="checkbox"/>
Feltes <input type="checkbox"/>	Feltes <input type="checkbox"/>	Feltes <input type="checkbox"/>

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Bradley, Chairman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Little, Vice-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Sanborn	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Fuller Clark	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Feltes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Amendments: _____

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Wednesday, January 27, 2016

THE COMMITTEE ON Energy and Natural Resources

to which was referred SB 377

AN ACT

relative to emission levels of municipal waste
combustion units.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 3-0

Senator Dan Feltes
For the Committee

Kat Bourque 271-3093

ENERGY AND NATURAL RESOURCES

SB 377, relative to emission levels of municipal waste combustion units.

Ought to Pass, Vote 3-0.

Senator Dan Feltes for the committee.

Docket of SB377

Docket Abbreviations

Bill Title: relative to emission levels of municipal waste combustion units.*Official Docket of SB377:*

Date	Body	Description
12/29/2015	S	To Be Introduced 01/06/2016 and Referred to Energy and Natural Resources; SJ 1
1/20/2016	S	Hearing: 01/27/2016, Room 100, SH, 09:15 am; SC3
1/28/2016	S	Committee Report: Ought to Pass, 02/04/2016; SC4
2/4/2016	S	Ought to Pass: MA, VV; OT3rdg; 02/04/2016; SJ 4
2/16/2016	H	Introduced 02/11/2016 and referred to Science, Technology and Energy HJ 17 P. 50
3/10/2016	H	Public Hearing: 03/15/2016 01:00 PM LOB 304
3/22/2016	H	Executive Session: 03/31/2016 10:00 AM LOB 304
4/7/2016	H	Committee Report: Ought to Pass for 04/20/2016 (Vote 17-0; CC) HC 24 P. 11
4/20/2016	H	Ought to Pass: MA VV 04/20/2016 HJ 36 P. 8
5/12/2016	H	Enrolled 05/11/2016 HJ 38 P. 46
5/11/2016	S	Enrolled (In recess 05/05/2016); SJ 17
5/23/2016	S	Signed by the Governor on 05/19/2016; Chapter 0100; Effective 07/18/2016

NH House

NH Senate

Other Referrals

COMMITTEE REPORT FILE INVENTORY

ORIGINAL REFERRAL RE-REFERRAL
SB 377

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

- DOCKET (Submit only the latest docket found in Bill Status)
- COMMITTEE REPORT
- CALENDAR NOTICE
- HEARING REPORT
- PREPARED TESTIMONY AND OTHER SUBMISSIONS HANDED IN AT THE PUBLIC HEARING

SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

W/A _____ - AMENDMENT # _____ _____ - AMENDMENT # _____
_____ - AMENDMENT # _____ _____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED _____ AS AMENDED BY THE HOUSE
 FINAL VERSION _____ AS AMENDED BY THE SENATE

OTHER (Anything else deemed important but not listed above, such as amended fiscal notes): *exec-sheet*

PLEASE INCLUDE THE COMMITTEE OF CONFERENCE REPORT HERE IF IT IS SIGNED BY ALL.

DATE DELIVERED TO SENATE CLERK

BY:

KAR

COMMITTEE AIDE