The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

Thomas S. Burack, Commissioner

March 8, 2007

The Honorable James G. Phinizy, Chairman
Environment and Agriculture Committee
Legislative Office Building, Room 303
Concord, NH 03301

RE: HB 836 An Act Prohibiting Wastewater Treatment Plants from Excluding Towns for Septage Treatment and Disposal Services

Dear Chairman Phinizy:

Thank you for the opportunity to testify on HB 836, an act prohibiting wastewater treatment plants from excluding towns for septage treatment and disposal services. The Department of Environmental Services (DES) does not support the passage of this bill. Specific concerns are discussed below.

Section 2: By repealing RSA 485-A:2, XI-a, HB 836 removes the definition of "sludge", replacing it with a definition for "treated sewage sludge". As defined, "treated sewage sludge" is narrower in scope than the definition of "sludge", because, by specifically citing 40 CFR Parts 501 and 503 of federal Clean Water Act regulations, the definition only includes sludge derived from municipal wastewater. This would create a regulatory gap by excluding from the permit program other materials, such as municipal sludge that does not meet state and federal standards for land application, water treatment sludges, and industrial sludges. The term "sludge" is also used in numerous other places in RSA 485-A. For example, RSA 485-A:2, XVI-b provides DES with the authority to regulate sludge under a permit system; removal of the definition leaves DES with no authority to regulate untreated municipal sludge, water treatment residuals and industrial sludge.

Section 3: The proposed definition of "industrial paper mill sludge" includes the term "short paper fiber" whose definition is repealed by deletion of the original language of the statute. While we are not opposed to the inclusion of the proposed new definition, we believe that the definition of "short paper fiber' should not be deleted.

Section 4: The definition of "land application" only addresses "treated sewage sludge" and is silent on land application of septage, water treatment sludges and industrial sludges, such as from paper mills or food processing facilities. This definition is too narrow and should be broadened.

Section 5: The proposed RSA 485-A:59 and RSA 485-A:60 would remove the discretion of local governments and publicly owned treatment works (POTWs) to take into account policies by other municipalities that ban or limit biosolids land application in making decisions on receiving septage and setting septage disposal charges. Wastewater treatment facilities require a significant investment of public money to build, own and

Thank you for your consideration and if you have any questions please contact me at 271-2958 or Patricia Hannon at 271-2758.

Sincerely,

Michael A. Wells, Ass't. Comm.
for Thomas S. Burack
Commissioner

cc: Representatives Beaulieu, Merrick, Quandt, Spang and Foster
Senator Fuller Clark