

# Bill as Introduced

SB 56 -- AS INTRODUCED

2009 SESSION

09-0968

06/01

SENATE BILL

**56**

AN ACT

relative to financial responsibility for large groundwater withdrawals.

SPONSORS:

Sen. Cilley, Dist 6

COMMITTEE:

Energy, Environment and Economic Development

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ANALYSIS

This bill requires a demonstration of financial responsibility for department of environmental services approval of large groundwater withdrawals.

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Explanation:

Matter added to current law appears in *bold italics*.

Matter removed from current law appears [~~in brackets and struck through~~].

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Nine*

AN ACT relative to financial responsibility for large groundwater withdrawals.

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

1       1 New Paragraph; Approval for Large Groundwater Withdrawals; Financial Responsibility  
2 Required. Amend RSA 485-C:21 by inserting after paragraph I the following new paragraph:

3           I-a. The department shall not approve a commercial groundwater withdrawal of 57,600  
4 gallons or more of water in any 24-hour period unless the person seeking approval successfully  
5 demonstrates financial responsibility for a minimum of \$1,000,000, including bonding and insurance,  
6 for potential damages to the environment and nearby wells, including but not limited to,  
7 unreasonable reductions in well capacity or contaminant migration from off-site contamination  
8 sources which impact water quality. This level of financial responsibility shall be maintained at all  
9 times while the facility is operating and for 2 years after the facility ceases to operate.

10       2 Effective Date. This act shall take effect 60 days after its passage.

1 Effective Date: May 18, 2010

SB 56 – AS AMENDED BY THE SENATE

01/13/10 0033s

2009 SESSION

09-0968

06/01

SENATE BILL **56**

AN ACT expanding the duties of the commission to study issues relative to groundwater withdrawals.

SPONSORS: Sen. Cilley, Dist 6

COMMITTEE: Energy, Environment and Economic Development

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AMENDED ANALYSIS

This bill expands the duties of the commission to study the financial responsibility to be demonstrated by a person seeking approval for a large groundwater withdrawal.

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SB 56 – AS AMENDED BY THE SENATE

01/13/10 0033s  
01/13/10 0033s

09-0968  
06/01

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Nine*

AN ACT expanding the duties of the commission to study issues relative to groundwater withdrawals.

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

1 1 Commission to Study Issues Relative to Groundwater Withdrawals; Duties Expanded. Amend  
2 2003, 305:3 as amended by 2008, 176:1 to read as follows:

3 305:3 Duties.

4 I. The commission shall:

5 (a) Study ways to bring a balanced approach to water use among residential, public  
6 water supply, industrial, commercial, agricultural, energy, recreational, and other water users, and  
7 to improve the current process by which new water users may reasonably and efficiently use state  
8 water resources, including consideration of potential regional impacts and local water management  
9 issues, in order to best protect and preserve an adequate supply of water for the state with particular  
10 attention to groundwater. This study shall include consideration of issues such as potential impacts  
11 on New Hampshire’s environment, property rights as they relate to groundwater, possible fees on  
12 water withdrawals, and the protection of New Hampshire’s aquifers. [~~The commission shall also~~]

13 (b) Study criteria, including public benefit, for the granting of large water withdrawals  
14 other than those of RSA 485-C and RSA 485-A. Consideration of this issue shall include appropriate  
15 roles for municipalities in the permitting and regulation of large groundwater withdrawals and  
16 include input from municipalities and other appropriate entities. [~~The committee shall~~]

17 (c) *Study the amount of financial responsibility the person seeking approval for*  
18 *a large commercial groundwater withdrawal would be required to demonstrate, including*  
19 *bonding and insurance. In determining such amount, the commission shall consider*  
20 *potential damage to the environment and nearby wells, including but not limited to,*  
21 *unreasonable reductions in well capacity or contaminant migration from off-site*  
22 *contamination sources which impact water quality.*

23 (d) Design an appropriate statewide monitoring plan to ensure long term sustainability  
24 of groundwater resources and participation in the development and distribution of public educational  
25 materials on the municipal role in large groundwater permitting, including local and state  
26 regulations.

27 II. The commission may address other issues related to water.

28 2 Effective Date. This act shall take effect upon its passage..

CHAPTER 31  
SB 56 - FINAL VERSION

01/13/10 0033s

2010 SESSION

09-0968  
06/01

SENATE BILL **56**

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SPONSORS: Sen. Cilley, Dist 6

COMMITTEE: Energy, Environment and Economic Development

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CHAPTER 31  
SB 56 - FINAL VERSION

01/13/10 0033s

09-0968  
06/01

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Ten*

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27 II. The commission may address other issues related to water.

28 31:2 Effective Date. This act shall take effect upon its passage.

29 Approved: May 18, 2010



# Amendments

Amendment to SB 56

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT               expanding the duties of the commission to study issues relative to groundwater  
4                                withdrawals.

5

6 Amend the bill by replacing all after the enacting clause with the following:

7

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10       305:3 Duties.

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Amendment to SB 56

- Page 2 -



1 regulations.

2 *II.* The commission may address other issues related to water.

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2010-0033s

AMENDED ANALYSIS

This bill expands the duties of the commission to study the financial responsibility to be demonstrated by a person seeking approval for a large groundwater withdrawal.

# Committee Minutes

**SENATE CALENDAR NOTICE**  
**ENERGY, ENVIRONMENT AND ECONOMIC DEVELOPMENT**

Senator Martha Fuller Clark Chairman  
 Senator Amanda Merrill V Chairman  
 Senator Jacalyn Cilley  
 Senator Bette Lasky  
 Senator Bob Odell  
 Senator William Denley

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/> Bill Status

**Date: January 23, 2009**

**HEARINGS**

**Thursday**

**1/29/2009**

ENERGY, ENVIRONMENT AND ECONOMIC DEVELOPMENT	LOB 102	8:30 AM
(Name of Committee)	(Place)	(Time)

**EXECUTIVE SESSION MAY FOLLOW**

8:30 AM	SB47	relative to surface water.
8:50 AM	SB48	relative to preventing contamination of groundwater from certain geothermal processes.
9:10 AM	SB56	relative to financial responsibility for large groundwater withdrawals.
9:30 AM	SB60	establishing a committee to study water sustainability.

**Sponsors:**

**SB47**

Sen. Jacalyn Cilley

**SB48**

Sen. Jacalyn Cilley  
 Rep. Marcia Moody

Sen. Amanda Merrill  
 Rep. Sandra Keans

Sen. Bob Odell  
 Rep. Robert Perry

Sen. Harold Janeway  
 Rep. Susan Price

**SB56**

Sen. Jacalyn Cilley

**SB60**

Sen. Martha Fuller Clark  
 Rep. Frank Tupper

Sen. Jacalyn Cilley  
 Rep. Judith Spang

Sen. Harold Janeway  
 Rep. David Borden

Sen. Bob Odell

**SENATE CALENDAR NOTICE**  
**ENERGY, ENVIRONMENT AND ECONOMIC DEVELOPMENT**

*attendance*

- Senator Martha Fuller Clark Chairman
- ✓ Senator Amanda Merrill V Chairman
- ✓ Senator Jacalyn Cilley
- ✓ Senator Bette Lasky
- ✓ Senator Bob Odell
- ✓ Senator William Denley

For Use by Senate Clerk's Office ONLY	
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**SB60**

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Rep. Frank Tupper

Sen. Jacalyn Cilley  
Rep. Judith Spang

Sen. Harold Janeway  
Rep. David Borden

Sen. Bob Odell

*start : 9:17*  
*end time :*

# Energy, Environment and Economic Development Committee Hearing Report

**TO:** Members of the Senate

**FROM:** Patrick Murphy, *Legislative Aide*

**RE:** Hearing report on SB 56 relative to financial responsibility for large groundwater withdrawals.

**HEARING DATE:** January 29, 2009

**MEMBERS OF THE COMMITTEE PRESENT:**

Senator Merrill (Dist 21), Senator Cilley (Dist 6), Senator Lasky (Dist 13), Senator Odell (Dist 8), Senator Denley (Dist 3)

**MEMBERS OF THE COMMITTEE ABSENT:**

Senator Fuller Clark (Dist 24)

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**Sponsor(s):**

Sen. Cilley, Dist 6

**What the bill does:**

This bill requires a demonstration of financial responsibility for department of environmental services approval of large groundwater withdrawals.

**Supporters of the bill:**

Sen. Cilley, Dist 6; Sarah Pillsbury, NH DES

**Those in opposition to the bill:**

Dan Felton, IBWA; Dave Juvet, BIA

**Speaking to the bill/Neutral:**

None

**Summary of testimony received:**

Senator Cilley

- The intent of this legislation is to provide assurance that there will not be harm to abutters of large groundwater withdrawals. NH has some of the most protective laws in the country and does a good job protecting our resources. If abutters of withdrawal sites see contamination the DES says the company would be responsible for remediation.



- Gave the example of USA Springs who has recently filed for Chapter 11 bankruptcy. USA Springs says they have money available for remediation but if companies are overextended then we should be concerned about the money being available for remediation. The goal of this legislation is to ensure that when there is an adverse environmental impact there are resources available for remediation.
- Senator Odell asked if this legislation covers recreational, agricultural and other interests, not just commercial. Is everyone included? Senator Cilley responded that we may want to take a look at who should be included and excluded under certain circumstances. Senator Odell expressed concern over making a value judgment over one person's use of the water over another. Senator Cilley responded that we ought to have that discussion. If the use of the water has an adverse impact on its neighbors and surrounding environment there should be assurances that remediation will move forward. Believes commercial users are set aside from all others will defer to DES for confirmation. This is prospective USA Springs would not fall under this as the bill is currently drafted.

Sarah Pillsbury, NH DES

- SB 56 would require that a person developing a new large groundwater withdrawal for commercial purposes demonstrate it has \$1,000,000 in bonding and insurance to address potential impacts associated with the large groundwater withdrawal.
- DES requests that a definition of "commercial groundwater withdrawal" be added to SB 56 to clarify that all community water systems as defined by RSA 485:1-a, I are exempt from the requirements proposed by this bill. Community water systems already must comply with, and their users must pay for compliance with, a significant body of regulations. Accordingly, DES believes that the additional costs associated with demonstrating financial responsibility are unwarranted for these public water systems.
- DES believes that the current permitting process ensures the mitigation of adverse groundwater impact. However, DES defers to the legislature on the need for financial assurance from commercial withdrawals to ensure that funding for interim mitigation is readily available.

Dan Felton, IBWA

- This is a cost issue. It takes a lot of money to run a facility and protect the water source. In a bad economy this \$1,000,000 requirement could prevent success in the industry. DES currently has significant environmental protections. Would like to know what the penalty or insurance would be to address the problem. Is interested in working with the sponsor and the Committee on this issue.

**Funding:**

None

**Action:**

Recessed

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**Funding:**

None

**Action:**

Recessed



terms of how well we protect our natural resources and the citizens that are affected by these recourses.

About four years ago, there was an amendment brought forward to a bill, when I was on the Recourses, Recreational and Development Committee in the House, that sought to do just what this bill asks for, make sure there is financial assurance. And, the argument at that time, and the argument still exists today, that, you know, what happens if abutters to a large groundwater withdrawal site find themselves depleted, their wells depleted of water, but what happens if contamination is pulled in because the water table has dropped low enough, and somehow it pulled in, you know, contaminate into?

At the time, the Department argued that we have safeguards. That the company that is, you know, has the permit for the large groundwater withdrawals, is responsible for remediation. That they would have to go in and, if necessary, dig new wells for residents. They might have to situate their own well in another aquifer or a deeper bedrock. If the worst case scenario came to pass, they would have to truck water in. Those, I forgot to shut it off, those assurances seemed appropriate at the time and reasonable and the Committee didn't entertain the addition of the amendment.

Since that time, we have a situation in my district that has our residents very, very concerned. You have likely heard the story of USA Springs that has been an on going saga for somewhere in the vicinity of seven or eight or nine years at this point. And, most recently what's happened, is USA Springs, which was given a permit to withdraw, I think the final figure was 307,000 gallons per day out of an aquifer in Nottingham. And, the residents in that area have been, it's a long convoluted story, but the residents in that area have been very uncomfortable about, you know, the process that was used and whether they have adequate protections.

In the last several months, I would say about eight or nine months ago, although the Department probably knows the exact timeline better than I, USA Springs filed for Chapter 11, I believe, bankruptcy protection. And, so, they have been moving forward under that protection and most recently there have been articles in the paper, the most recent one being yesterday or the day before, I think the day before on Tuesday, that regulators were becoming, you know, very frustrated with the process with USA Springs that, you know, they felt that the time had gone on long enough. The owners of USA Springs have assured that they have money available that, you know, they were caught up in the credit crunch that has affected so many of our industries and that they still believe that they have money forthcoming to continue and to complete this project.

My concern is that, thinking back for a moment, to that argument that abutters are indeed protected and that the company would have to put into place, you know, whatever mechanism necessary to ensure that residents have their groundwater. If this company is limping along when it finally starts to withdraw water from the ground, I think we have a serious question of whether we are protecting residents and local businesses around that site to the fullest extent of our ability.

You will hear the Department say that, you know, there is such a thing as recharge rates; however, if you are a homeowner and you expect to be able to use your home to the fullest advantage and you are told you could be a few days, a few weeks, a few months without water supply, you are not going to be a happy camper. And, if there is contamination, that's worse. So, the goal of this bill is to ensure that the provisions of RSA 485-C, that says, "when there is an adverse impact on abutters to a large groundwater withdrawal site, there will be remediation put into place".

The goal is to ensure that that remediation does indeed take place. This is not to, what this bill is not, is an attempt to stall, you know, businesses from being able to access groundwater. But, in my mind, when it comes to a commercial use of a business and I am in, of our water supply, and I am not talking about simply bottled water, although you will hear from the International Bottled Water Association today, I am not talking simply about bottled water. We also use water for, you know, processing, you know, processing activities in various types of plants, we use water for, you know, an ingredient into our beer, we use water for, you know, the Coca-Cola plants, not to mention a brand, but for, you know, for tonic water.

So, when there is the potential for a collision between commercial interests and the public interest, which has been an established part of RSA 485-C, that water is to be held in the public interest. Then I think we need, and we have a duty, to ensure that our residents have the fullest measure of protection and whether it's a bond or whether there is another way to do it, I understand that there may be an amendment coming forth on this bill, it is less important to me how we get there, than that we get there.

So, with that, I will close my testimony and entertain any questions people have.

Senator Amanda Merrill, D. 21: Questions from the Committee? Senator Odell?

Senator Bob Odell, D. 8: Senator Cilley, you used the term commercial. What about recreational, agriculture, others? Is everybody included in this that's a large groundwater withdrawal operation?

Senator Jacalyn L. Cilley, D. 6: It is, it does cast a wide net. I believe the Department is bringing in the suggestion for an amendment that we exclude, and because I am not sure that we did that in the original bill, but it excludes municipal water supplies. We may want to take a look at what other entities would be appropriate for exclusion under specific conditions.

Senator Bob Odell, D. 8: Follow up? So, the farmer might be thought of differently than somebody who is doing bottled water? We would make a value judgment on one person's use for the water versus another's?

Senator Jacalyn L. Cilley, D. 6: Well... I am suggesting that we ought to have that discussion. My concern is, is regardless of the entity, if it has an adverse impact on residents and businesses in the surrounding vicinity of the large groundwater withdrawal, then I believe there should be assurances that that remedial action that is specified in RSA 485-C, can indeed move forward.

Senator Amanda Merrill, D. 21: Follow up?

Senator Bob Odell, D. 8: Thank you. Prospective or everybody included? Because in the fourth line, it says, unless the person is seeking. Is this for future users? And, does the term commercial, on line three, lock it into commercial or is everybody included under commercial?

Senator Jacalyn L. Cilley, D. 6: I believe commercial uses may stand aside from agriculture and recreational uses. I would have to double check that, so I think, I think that we were fairly specific in that regard with commercial users. And, I will allow Sarah, who I think is testifying on this?

Sarah Pillsbury: I am.

Senator Jacalyn L. Cilley, D. 6: I am. She is. That, you know, to define for the Committee whether that is a separate category of user, I think that it is. In addition to that, your other question was, is it retrospective?

Senator Bob Odell, D. 8: Or prospective, yeah.

Senator Jacalyn L. Cilley, D. 6: Prospective. I, this is prospective, I almost think legally we could not do that. But, I don't know that for certain.

Senator Bob Odell, D. 8: So, that would mean US Springs wouldn't come under this law?

Senator Jacalyn L. Cilley, D. 6: They have not begun the process of withdrawing water. So, that may be another area that this would need to be tightened up.

Senator Bob Odell, D. 8: Well, it does, if I may, it does say seeking. So, they have sought the approval.

Senator Amanda Merrill, D. 21: Other questions for Senator Cilley? If not, thank you very much. Thank you.

Senator Jacalyn L. Cilley, D. 6: Thank you.

Senator Amanda Merrill, D. 21: And, I would call on Sarah Pillsbury from DES.

Sarah Pillsbury: I promise this is the last one I am testifying on.

Senator Amanda Merrill, D. 21: It's okay.

Senator Jacalyn L. Cilley, D. 6: I don't think so, you have one more don't you?

Ms. Pillsbury: No, Harry is coming in right behind, right behind me. Okay, a letter is coming around, and the first thing that we point out is that we believe that commercial withdrawals would need to be defined. That is not a term that is currently defined in statute or in our rules.

**Please see Attachment #1, Commissioner Thomas Burack's letter.**

And, in particular, we believe that public water systems should be left out of the definition of commercial. They already have to meet very stringent regulations, the cost of which are borne by rate payers and this would be, you know, one more thing to bear and given their history, their stewardship their long standing in communities, we feel that wouldn't warrant having them do this kind of assurance.

For the new Senators, the old Senators are well versed in the Groundwater Protection Act, but for the newer Senators, we do have, probably arguably the most comprehensive groundwater protection, withdrawals, groundwater withdrawal legislation on the eastern seaboard for states that function with the kind of groundwater law that we have. And, basically what it says is



that, when you do a large groundwater withdrawal, you cannot impact surrounding water users or water resources. The Department has full authority to limit the amount being withdrawn, to halt the withdrawal, to require mitigation and we have the backing of the AG's Office to be able to do that. The Department would of course defer to the Legislature in terms of on some kind of an interim basis until mitigation is achieved if an assurance needs to be put in to place to make sure that mitigation is timely. So, in other words, when you have one of these large withdrawals, typically there's lots of monitoring that goes on. We are watching what's happening as a result of the withdrawal over time, but should, you know, something happen in terms of, for instance of a well going dry, we can cease or reduce the withdrawal and eventually that well will recover. Similarly, should contamination be drawn by a large groundwater withdrawal, the applicant is on the hook to deal with that problem.

In terms of the aquifer recovering or the remediation being taken care of, there is a timeframe associated with that, if you had a reluctant applicant and we would defer to the Legislature in terms of the wisdom of putting something in place that has the funding to perhaps address things more, more quickly than we can force an applicant to.

So, I think that's all I had to say, was that, you know, ultimately, all water resources and water uses are protected.

Senator Amanda Merrill, D. 21: Questions from the Committee? Senator Cilley?

Senator Jacalyn L. Cilley, D. 6: Thank you, Madam Chair. Sarah, and we have talked about this, and I agree that there are some great mechanisms in place, but if, if we, if a, an abutter begins to experience significant adverse impacts such that they no longer have access to one of the most important resources in their home, water, is it possible that the time between that they experience that and the time where it is actually remediated, what is it likely to be? That timeline, I guess is what I am asking.

Ms. Pillsbury: In practice, since the ground, since '98 when the Groundwater Protection Act for large groundwater withdrawal permitting process was established, in practice, it has been very quick because there is a vested interest in the person withdrawing the water to want to keep withdrawing the water so they are addressing problems pretty quickly.

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Ms. Pillsbury: In the case of, we have had a couple of instances where folks felt that their wells were being affected, it wasn't really clear that it was associated with the withdrawal, but in one case, I am thinking of a golf course, they were out there, you know, within a week or a couple of weeks. Again, they want to have their golf course, they want to withdraw the water, they want to use the water, they want their neighbors to be happy and, you know, us not pursuing them.

In the case where, but conceivably there could be a case where an applicant would really drag their feet or stall and we would have to go through the processes that we have available to us. And, I can't judge how long that would take. But, you know, there could be a timeframe there.

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Senator Jacalyn L. Cilley, D. 6: Thank you.

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Senator Bob Odell, D. 8: Sarah, would the person who felt aggrieved, wouldn't they have access to Superior Court?

Ms. Pillsbury: They would. Thank you.

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Ms. Pillsbury: Sure. Thank you, Senator Odell. In addition to our permitting, that has these hooks, you have a reasonable right to the use of your groundwater, and if you feel somebody is impairing that reasonable right, you always have access to the court system. Thank you.

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Ms. Pillsbury: Thank you.

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Dan Felton: Good morning, Madam Chair, members of the Committee. My name is Daniel Felton; I am Director of Government Relations for the International Bottled Water Association. We are located in Alexandria, Virginia, but we represent bottled water suppliers, distributors and bottlers within New Hampshire and throughout the United States.

IBWA appreciates the opportunity to come before you as we always do appreciate the opportunity to have an open dialogue with you regarding groundwater issues. IBWA is currently opposed to Senate Bill 56 as currently drafted, and for a couple of reasons I'll lay out. However, we do believe that this is an issue that perhaps the statute or rules and regulations is somewhat silent on. We would agree that we would be happy to participate in an on-going conversation to see what might be appropriate. But, as the bill is currently drafted, our primary concern for our members would be the cost.

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That being said, we would agree that this is a concern that, as Senator Cilley said, it came up four years ago and it might not be currently addressed properly within the rules and regulations. But, we wonder what is the penalty, if you will, or what should the insurance policy be in place for

potential harm or potential for a company risk? And, we are not convinced at this point that upwards of a \$1 million to tie up in assets would satisfy that potential risk or harm.

As some of you may know, IBWA has been intimately involved in New Hampshire for several years with large groundwater withdrawals. We fully support, obviously, the sustainability for the State's resources and we have actively participated in that conversation for many years. And, we want to continue to participate in that conversation. Would be more than happy to welcome the opportunity to discuss this bill further, and find out if there is a way to make it work either through DES and the rules and regulations and be happy to have that conversation.

Senator Amanda Merrill, D. 21: Thank you.

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Senator Jacalyn L. Cilley, D. 6: Thank you, Madam Chair. And, thank you for being here, Mr. Felton. I have had the pleasure of working with Pat Donohoe.

Mr. Felton: Yes.

Senator Jacalyn L. Cilley, D. 6: I know that, you know, your Association works very hard to be considerate and work with Legislatures to try to find good compromises on these things. You mentioned that DES has in place a system that, you know, establishes mitigation procedures and I had acknowledged that, I think, in my opening remarks. That mitigation process, however, depends on a company having the resources to follow through with what the DES explains to them needs to be done, does it not?

Mr. Felton: Correct.

Senator Jacalyn L. Cilley, D. 6: Okay, and you heard my explanation of we've got a situation now where this company that may not have those resources.

Mr. Felton: Correct.

Senator Jacalyn L. Cilley, D. 6: Follow up? Have you had any opportunity to give some consideration to what other approaches you might use to satisfy the goal that I am after in this bill?

Mr. Felton: We've had a little bit of thought about that in conversation. I will be honest at this, besides where this came up four years ago here, this is kind of a new territory for us. So, we are understanding that it is an issue that may need to be addressed within the State and we are still trying to get our hands around it, our heads around it. I think that one thing we have talked about and would be willing to discuss further is is there any appropriate system that can be put in place, perhaps through the rules, with, through DES to consider the risk that, you know, depending on what aquifer water is being drawn on, what the company is that's coming in to withdraw, do that withdrawal, what is the risk and then apply an appropriate insurance policy if you will for that company, rather than lay across a million dollar, you know, requirement across the board for everybody.

Senator Jacalyn L. Cilley, D. 6: Follow up?

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Senator Jacalyn L. Cilley, D. 6: Follow up again. So, am I hearing you correctly that it's not so much the notion of being bonded, as it is this sort of one size fits all? And, that if we were able to come up with a formula...

Mr. Felton: I think that would be something we'd be more than happy to discuss.

Senator Jacalyn L. Cilley, D. 6: Okay.

Senator Amanda Merrill, D. 21: Senator Denley?

Senator William P. Denley, D. 3: Thank you, Madam Chairman. And, to follow up on Senator Cilley's question, wouldn't that be a matter for the insurance industry if a bonding requirement were put in place? Wouldn't it be fair to assume that the insurance industry would take care of that concern in and of itself? In other words, there would be certain withdrawals that they would be willing to issue a million dollar bond a lot cheaper because of the particulars of where that water was being withdrawn from, how remote the likelihood of a problem would be. It seems to me it would be problematic to try to put into a piece of legislation and trying to guess in advance where these things might go. It seems to me, that the industry, before they're going to plunk down a million bucks, and say that they are going to insure somebody, they will investigate the likelihood of the problem and then ask for a premium in accordance with what they deem to be the risk.

Mr. Felton: Right. Yeah, not being an expert on insurance in New Hampshire, I would agree with that. I think the other element to this

perhaps is that it mentions a million dollars in bond, including perhaps bonding and insurance, and I think what Senator Cilley was referring to is perhaps, as well, the financial stability of the company and I know that we looked a little bit into that and within New Hampshire, something somewhat similar to this, but in terms of solid waste in the State, they have what, I think it is called financial assurance program. That works a little bit different because my understanding of that within the solid waste permitting rules is that it requires a company to have enough financial resources, if you will, to make sure that a facility can be closed down properly, if it is closed down, and that there is enough money to handle that situation. There may be more elements to that, but that is my preliminary assessment to that. And, so that's a little bit different than this issue, is we are not trying to make sure there is enough money to close down a facility, but it does speak to the issue of making sure that the company is financially secure enough to be able to handle the cost that might come up.

Senator William P. Denley, D. 3: Further follow up, Madam Chair?

Senator Amanda Merrill, D. 21: Follow up.

Senator William P. Denley, D. 3: And, just for my clarification, how many bottling facilities, water bottling facilities, are there in the State?

Mr. Felton: I suppose, Mary may know that better than I do. I mean, I know how many members I have in the State, but I don't know how many bottling water facilities there are.

Ms. Pillsbury: Active right now, I believe there is four.

Senator William P. Denley, D. 3: Thank you.

Mr. Felton: Okay.

Senator Amanda Merrill, D. 21: Senator Lasky?

Senator Bette R. Lasky, D. 13: Thank you, Madam Chair. Good morning.

Mr. Felton: Good morning.

Senator Bette R. Lasky, D. 13: Have you considered a figure other than a million dollars that might be acceptable?

Mr. Felton: Good question, and at this point we have not.

Senator Bette R. Lasky, D. 13: Thank you.

Senator Amanda Merrill, D. 21: Other questions from the Committee?  
Thank you, Mr. Felton.

Mr. Felton: Thank you.

Senator Amanda Merrill, D. 21: And, thank you for your willingness to work with the Committee.

Mr. Felton: Absolutely.

Senator Amanda Merrill, D. 21: I have no one else signed up to speak on Senate Bill 56. Dave Juvet from BIA signed up in opposition, but did not want to speak. Is there anyone else who would like to speak to Senate Bill 56? Okay. Then I am going to call a three minute recess at this point.

Okay, I am going to recess the hearing on Senate Bill 56. And, stay in touch.

Hearing recessed at 9:52 a.m.

Respectfully submitted,

Danielle C. Barker  
Senate Secretary

2/3/09

1 Attachment

Date: January 29, 2009  
Time: 9:17 a.m.  
Room: LOB 102

The Senate Committee on Energy, Environment and Economic Development held a hearing on the following:

SB 56                    relative to financial responsibility for large groundwater withdrawals.

Members of Committee present:	Senator Merrill
	Senator Cilley
	Senator Lasky
	Senator Odell
	Senator Denley

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The Vice Chair, Senator Amanda Merrill, opened the hearing on SB 56 and invited the prime sponsor, Senator Jackie Cilley, to introduce the legislation.

Senator Jacalyn L. Cilley, D. 6: Thank you, Madam Chair and honorable members of the Committee. For the record, my name is Jackie Cilley. I serve as the Senator for District 6, the wonderful communities of Rochester, Somersworth, Barrington, Madbury and Nottingham.

Senate Bill 56 seeks to provide some additional assurance in our Groundwater Protection Act that, that there will not be harm to abutters of groundwater withdrawals. And, I'd like to set this bill in a little bit of context, especially for members who are just joining our Committee.

I co-Chair the SB 155 Large Groundwater Withdrawal Commission. And, during my tenure on that committee or on that Commission, as well as the work that I did in the House on the Resources, Recreation and Development Committee, as well as my tenure on this Committee, it has struck me that we have some of the most protective laws in the country relative to large groundwater withdrawals. Many states look to us for the models that they, you know, consider using for the kinds of protections and carefully crafted legislation that we have brought forward over almost a decade now or about a decade. So, there is much to be thankful for and much to feel confident in, in



terms of how well we protect our natural resources and the citizens that are affected by these recourses.

About four years ago, there was an amendment brought forward to a bill, when I was on the Recourses, Recreational and Development Committee in the House, that sought to do just what this bill asks for, make sure there is financial assurance. And, the argument at that time, and the argument still exists today, that, you know, what happens if abutters to a large groundwater withdrawal site find themselves depleted, their wells depleted of water, but what happens if contamination is pulled in because the water table has dropped low enough, and somehow it pulled in, you know, contaminate into?

At the time, the Department argued that we have safeguards. That the company that is, you know, has the permit for the large groundwater withdrawals, is responsible for remediation. That they would have to go in and, if necessary, dig new wells for residents. They might have to situate their own well in another aquifer or a deeper bedrock. If the worst case scenario came to pass, they would have to truck water in. Those, I forgot to shut it off, those assurances seemed appropriate at the time and reasonable and the Committee didn't entertain the addition of the amendment.

Since that time, we have a situation in my district that has our residents very, very concerned. You have likely heard the story of USA Springs that has been an on going saga for somewhere in the vicinity of seven or eight or nine years at this point. And, most recently what's happened, is USA Springs, which was given a permit to withdraw, I think the final figure was 307,000 gallons per day out of an aquifer in Nottingham. And, the residents in that area have been, it's a long convoluted story, but the residents in that area have been very uncomfortable about, you know, the process that was used and whether they have adequate protections.

In the last several months, I would say about eight or nine months ago, although the Department probably knows the exact timeline better than I, USA Springs filed for Chapter 11, I believe, bankruptcy protection. And, so, they have been moving forward under that protection and most recently there have been articles in the paper, the most recent one being yesterday or the day before, I think the day before on Tuesday, that regulators were becoming, you know, very frustrated with the process with USA Springs that, you know, they felt that the time had gone on long enough. The owners of USA Springs have assured that they have money available that, you know, they were caught up in the credit crunch that has affected so many of our industries and that they still believe that they have money forthcoming to continue and to complete this project.

My concern is that, thinking back for a moment, to that argument that abutters are indeed protected and that the company would have to put into place, you know, whatever mechanism necessary to ensure that residents have their groundwater. If this company is limping along when it finally starts to withdraw water from the ground, I think we have a serious question of whether we are protecting residents and local businesses around that site to the fullest extent of our ability.

You will hear the Department say that, you know, there is such a thing as recharge rates; however, if you are a homeowner and you expect to be able to use your home to the fullest advantage and you are told you could be a few days, a few weeks, a few months without water supply, you are not going to be a happy camper. And, if there is contamination, that's worse. So, the goal of this bill is to ensure that the provisions of RSA 485-C, that says, "when there is an adverse impact on abutters to a large groundwater withdrawal site, there will be remediation put into place".

The goal is to ensure that that remediation does indeed take place. This is not to, what this bill is not, is an attempt to stall, you know, businesses from being able to access groundwater. But, in my mind, when it comes to a commercial use of a business and I am in, of our water supply, and I am not talking about simply bottled water, although you will hear from the International Bottled Water Association today, I am not talking simply about bottled water. We also use water for, you know, processing, you know, processing activities in various types of plants, we use water for, you know, an ingredient into our beer, we use water for, you know, the Coca-Cola plants, not to mention a brand, but for, you know, for tonic water.

So, when there is the potential for a collision between commercial interests and the public interest, which has been an established part of RSA 485-C, that water is to be held in the public interest. Then I think we need, and we have a duty, to ensure that our residents have the fullest measure of protection and whether it's a bond or whether there is another way to do it, I understand that there may be an amendment coming forth on this bill, it is less important to me how we get there, than that we get there.

So, with that, I will close my testimony and entertain any questions people have.

Senator Amanda Merrill, D. 21: Questions from the Committee? Senator Odell?

Senator Bob Odell, D. 8: Senator Cilley, you used the term commercial. What about recreational, agriculture, others? Is everybody included in this that's a large groundwater withdrawal operation?

Senator Jacalyn L. Cilley, D. 6: It is, it does cast a wide net. I believe the Department is bringing in the suggestion for an amendment that we exclude, and because I am not sure that we did that in the original bill, but it excludes municipal water supplies. We may want to take a look at what other entities would be appropriate for exclusion under specific conditions.

Senator Bob Odell, D. 8: Follow up? So, the farmer might be thought of differently than somebody who is doing bottled water? We would make a value judgment on one person's use for the water versus another's?

Senator Jacalyn L. Cilley, D. 6: Well... I am suggesting that we ought to have that discussion. My concern is, is regardless of the entity, if it has an adverse impact on residents and businesses in the surrounding vicinity of the large groundwater withdrawal, then I believe there should be assurances that that remedial action that is specified in RSA 485-C, can indeed move forward.

Senator Amanda Merrill, D. 21: Follow up?

Senator Bob Odell, D. 8: Thank you. Prospective or everybody included? Because in the fourth line, it says, unless the person is seeking. Is this for future users? And, does the term commercial, on line three, lock it into commercial or is everybody included under commercial?

Senator Jacalyn L. Cilley, D. 6: I believe commercial uses may stand aside from agriculture and recreational uses. I would have to double check that, so I think, I think that we were fairly specific in that regard with commercial users. And, I will allow Sarah, who I think is testifying on this?

Sarah Pillsbury: I am.

Senator Jacalyn L. Cilley, D. 6: I am. She is. That, you know, to define for the Committee whether that is a separate category of user, I think that it is. In addition to that, your other question was, is it retrospective?

Senator Bob Odell, D. 8: Or prospective, yeah.

Senator Jacalyn L. Cilley, D. 6: Prospective. I, this is prospective, I almost think legally we could not do that. But, I don't know that for certain.

Senator Bob Odell, D. 8: So, that would mean US Springs wouldn't come under this law?

Senator Jacalyn L. Cilley, D. 6: They have not begun the process of withdrawing water. So, that may be another area that this would need to be tightened up.

Senator Bob Odell, D. 8: Well, it does, if I may, it does say seeking. So, they have sought the approval.

Senator Amanda Merrill, D. 21: Other questions for Senator Cilley? If not, thank you very much. Thank you.

Senator Jacalyn L. Cilley, D. 6: Thank you.

Senator Amanda Merrill, D. 21: And, I would call on Sarah Pillsbury from DES.

Sarah Pillsbury: I promise this is the last one I am testifying on.

Senator Amanda Merrill, D. 21: It's okay.

Senator Jacalyn L. Cilley, D. 6: I don't think so, you have one more don't you?

Ms. Pillsbury: No, Harry is coming in right behind, right behind me. Okay, a letter is coming around, and the first thing that we point out is that we believe that commercial withdrawals would need to be defined. That is not a term that is currently defined in statute or in our rules.

**Please see Attachment #1, Commissioner Thomas Burack's letter.**

And, in particular, we believe that public water systems should be left out of the definition of commercial. They already have to meet very stringent regulations, the cost of which are borne by rate payers and this would be, you know, one more thing to bear and given their history, their stewardship their long standing in communities, we feel that wouldn't warrant having them do this kind of assurance.

For the new Senators, the old Senators are well versed in the Groundwater Protection Act, but for the newer Senators, we do have, probably arguably the most comprehensive groundwater protection, withdrawals, groundwater withdrawal legislation on the eastern seaboard for states that function with the kind of groundwater law that we have. And, basically what it says is

that, when you do a large groundwater withdrawal, you cannot impact surrounding water users or water resources. The Department has full authority to limit the amount being withdrawn, to halt the withdrawal, to require mitigation and we have the backing of the AG's Office to be able to do that. The Department would of course defer to the Legislature in terms of on some kind of an interim basis until mitigation is achieved if an assurance needs to be put in to place to make sure that mitigation is timely. So, in other words, when you have one of these large withdrawals, typically there's lots of monitoring that goes on. We are watching what's happening as a result of the withdrawal over time, but should, you know, something happen in terms of, for instance of a well going dry, we can cease or reduce the withdrawal and eventually that well will recover. Similarly, should contamination be drawn by a large groundwater withdrawal, the applicant is on the hook to deal with that problem.

In terms of the aquifer recovering or the remediation being taken care of, there is a timeframe associated with that, if you had a reluctant applicant and we would defer to the Legislature in terms of the wisdom of putting something in place that has the funding to perhaps address things more, more quickly than we can force an applicant to.

So, I think that's all I had to say, was that, you know, ultimately, all water resources and water uses are protected.

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Senator Jacalyn L. Cilley, D. 6: Thank you, Madam Chair. Sarah, and we have talked about this, and I agree that there are some great mechanisms in place, but if, if we, if a, an abutter begins to experience significant adverse impacts such that they no longer have access to one of the most important resources in their home, water, is it possible that the time between that they experience that and the time where it is actually remediated, what is it likely to be? That timeline, I guess is what I am asking.

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Senator Amanda Merrill, D. 21: Thank you.

Mr. Felton: Thank you.

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Senator Jacalyn L. Cilley, D. 6: Thank you, Madam Chair. And, thank you for being here, Mr. Felton. I have had the pleasure of working with Pat Donohoe.

Mr. Felton: Yes.

Senator Jacalyn L. Cilley, D. 6: I know that, you know, your Association works very hard to be considerate and work with Legislatures to try to find good compromises on these things. You mentioned that DES has in place a system that, you know, establishes mitigation procedures and I had acknowledged that, I think, in my opening remarks. That mitigation process, however, depends on a company having the resources to follow through with what the DES explains to them needs to be done, does it not?

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Mr. Felton: I think that would be something we'd be more than happy to discuss.

Senator Jacalyn L. Cilley, D. 6: Okay.

Senator Amanda Merrill, D. 21: Senator Denley?

Senator William P. Denley, D. 3: Thank you, Madam Chairman. And, to follow up on Senator Cilley's question, wouldn't that be a matter for the insurance industry if a bonding requirement were put in place? Wouldn't it be fair to assume that the insurance industry would take care of that concern in and of itself? In other words, there would be certain withdrawals that they would be willing to issue a million dollar bond a lot cheaper because of the particulars of where that water was being withdrawn from, how remote the likelihood of a problem would be. It seems to me it would be problematic to try to put into a piece of legislation and trying to guess in advance where these things might go. It seems to me, that the industry, before they're going to plunk down a million bucks, and say that they are going to insure somebody, they will investigate the likelihood of the problem and then ask for a premium in accordance with what they deem to be the risk.

Mr. Felton: Right. Yeah, not being an expert on insurance in New Hampshire, I would agree with that. I think the other element to this

perhaps is that it mentions a million dollars in bond, including perhaps bonding and insurance, and I think what Senator Cilley was referring to is perhaps, as well, the financial stability of the company and I know that we looked a little bit into that and within New Hampshire, something somewhat similar to this, but in terms of solid waste in the State, they have what, I think it is called financial assurance program. That works a little bit different because my understanding of that within the solid waste permitting rules is that it requires a company to have enough financial resources, if you will, to make sure that a facility can be closed down properly, if it is closed down, and that there is enough money to handle that situation. There may be more elements to that, but that is my preliminary assessment to that. And, so that's a little bit different than this issue, is we are not trying to make sure there is enough money to close down a facility, but it does speak to the issue of making sure that the company is financially secure enough to be able to handle the cost that might come up.

Senator William P. Denley, D. 3: Further follow up, Madam Chair?

Senator Amanda Merrill, D. 21: Follow up.

Senator William P. Denley, D. 3: And, just for my clarification, how many bottling facilities, water bottling facilities, are there in the State?

Mr. Felton: I suppose, Mary may know that better than I do. I mean, I know how many members I have in the State, but I don't know how many bottling water facilities there are.

Ms. Pillsbury: Active right now, I believe there is four.

Senator William P. Denley, D. 3: Thank you.

Mr. Felton: Okay.

Senator Amanda Merrill, D. 21: Senator Lasky?

Senator Bette R. Lasky, D. 13: Thank you, Madam Chair. Good morning.

Mr. Felton: Good morning.

Senator Bette R. Lasky, D. 13: Have you considered a figure other than a million dollars that might be acceptable?

Mr. Felton: Good question, and at this point we have not.

Senator Bette R. Lasky, D. 13: Thank you.

Senator Amanda Merrill, D. 21: Other questions from the Committee?  
Thank you, Mr. Felton.

Mr. Felton: Thank you.

Senator Amanda Merrill, D. 21: And, thank you for your willingness to work with the Committee.

Mr. Felton: Absolutely.

Senator Amanda Merrill, D. 21: I have no one else signed up to speak on Senate Bill 56. Dave Juvet from BIA signed up in opposition, but did not want to speak. Is there anyone else who would like to speak to Senate Bill 56? Okay. Then I am going to call a three minute recess at this point.

Okay, I am going to recess the hearing on Senate Bill 56. And, stay in touch.

Hearing recessed at 9:52 a.m.

Respectfully submitted,

Danielle C. Barker  
Senate Secretary

2/3/09

1 Attachment

RB

Date: January 29, 2009  
Time: 9:17 a.m.  
Room: LOB 102

The Senate Committee on Energy, Environment and Economic Development held a hearing on the following:

SB 56 relative to financial responsibility for large groundwater withdrawals.

Members of Committee present: Senator Merrill  
Senator Cilley  
Senator Lasky  
Senator Odell  
Senator Denley

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The Vice Chair, Senator Amanda Merrill, opened the hearing on SB 56 and invited the prime sponsor, Senator Jackie Cilley, to introduce the legislation.

Senator Jacalyn L. Cilley, D. 6: Thank you, Madam Chair and honorable members of the Committee. For the record, my name is Jackie Cilley. I serve as the Senator for District 6, the wonderful communities of Rochester, Somersworth, Barrington, Madbury and Nottingham.

Senate Bill 56 seeks to provide some additional assurance in our Groundwater Protection Act that, that there will not be harm to abutters of groundwater withdrawals. And, I'd like to set this bill in a little bit of context, especially for members who are just joining our Committee.

I co-Chair the SB 155 Large Groundwater Withdrawal Commission. And, during my tenure on that committee or on that Commission, as well as the work that I did in the House on the Resources, Recreation and Development Committee, as well as my tenure on this Committee, it has struck me that we have some of the most protective laws in the country relative to large groundwater withdrawals. Many states look to us for the models that they, you know, consider using for the kinds of protections and carefully crafted legislation that we have brought forward over almost a decade now or about a decade. So, there is much to be thankful for and much to feel confident in, in

PB

terms of how well we protect our natural resources and the citizens that are affected by these recourses.

About four years ago, there was an amendment brought forward to a bill, when I was on the Recourses, Recreational and Development Committee in the House, that sought to do just what this bill asks for, make sure there is financial assurance. And, the argument at that time, and the argument still exists today, that, you know, what happens if abutters to a large groundwater withdrawal site find themselves depleted, their wells depleted of water, but what happens if contamination is pulled in because the water table has dropped low enough, and somehow it pulled in, you know, contaminate into?

At the time, the Department argued that we have safeguards. That the company that is, you know, has the permit for the large groundwater withdrawals, is responsible for remediation. That they would have to go in and, if necessary, dig new wells for residents. They might have to situate their own well in another aquifer or a deeper bedrock. If the worst case scenario came to pass, they would have to truck water in. Those, I forgot to shut it off, those assurances seemed appropriate at the time and reasonable and the Committee didn't entertain the addition of the amendment.

Since that time, we have a situation in my district that has our residents very, very concerned. You have likely heard the story of USA Springs that has been an on going saga for somewhere in the vicinity of seven or eight or nine years at this point. And, most recently what's happened, is USA Springs, which was given a permit to withdraw, I think the final figure was 307,000 gallons per day out of an aquifer in Nottingham. And, the residents in that area have been, it's a long convoluted story, but the residents in that area have been very uncomfortable about, you know, the process that was used and whether they have adequate protections.

In the last several months, I would say about eight or nine months ago, although the Department probably knows the exact timeline better than I, USA Springs filed for Chapter 11, I believe, bankruptcy protection. And, so, they have been moving forward under that protection and most recently there have been articles in the paper, the most recent one being yesterday or the day before, I think the day before on Tuesday, that regulators were becoming, you know, very frustrated with the process with USA Springs that, you know, they felt that the time had gone on long enough. The owners of USA Springs have assured that they have money available that, you know, they were caught up in the credit crunch that has affected so many of our industries and that they still believe that they have money forthcoming to continue and to complete this project.

Q13

My concern is that, thinking back for a moment, to that argument that abutters are indeed protected and that the company would have to put into place, you know, whatever mechanism necessary to ensure that residents have their groundwater. If this company is limping along when it finally starts to withdraw water from the ground, I think we have a serious question of whether we are protecting residents and local businesses around that site to the fullest extent of our ability.

You will hear the Department say that, you know, there is such a thing as recharge rates; however, if you are a homeowner and you expect to be able to use your home to the fullest advantage and you are told you could be a few days, a few weeks, a few months without water supply, you are not going to be a happy camper. And, if there is contamination, that's worse. So, the goal of this bill is to ensure that the provisions of RSA 485-C, that says, "when there is an adverse impact on abutters to a large groundwater withdrawal site, there will be remediation put into place".

The goal is to ensure that that remediation does indeed take place. This is not to, what this bill is not, is an attempt to stall, you know, businesses from being able to access groundwater. But, in my mind, when it comes to a commercial use of a business and I am in, of our water supply, and I am not talking about simply bottled water, although you will hear from the International Bottled Water Association today, I am not talking simply about bottled water. We also use water for, you know, processing, you know, processing activities in various types of plants, we use water for, you know, an ingredient into our beer, we use water for, you know, the Coca-Cola plants, not to mention a brand, but for, you know, for tonic water.

So, when there is the potential for a collision between commercial interests and the public interest, which has been an established part of RSA 485-C, that water is to be held in the public interest. Then I think we need, and we have a duty, to ensure that our residents have the fullest measure of protection and whether it's a bond or whether there is another way to do it, I understand that there may be an amendment coming forth on this bill, it is less important to me how we get there, than that we get there.

So, with that, I will close my testimony and entertain any questions people have.

Senator Amanda Merrill, D. 21: Questions from the Committee? Senator Odell?

Senator Bob Odell, D. 8: Senator Cilley, you used the term commercial. What about recreational, agriculture, others? Is everybody included in this that's a large groundwater withdrawal operation?

Senator Jacalyn L. Cilley, D. 6: It is, it does cast a wide net. I believe the Department is bringing in the suggestion for an amendment that we exclude, and because I am not sure that we did that in the original bill, but it excludes municipal water supplies. We may want to take a look at what other entities would be appropriate for exclusion under specific conditions.

Senator Bob Odell, D. 8: Follow up? So, the farmer might be thought of differently than somebody who is doing bottled water? We would make a value judgment on one person's use for the water versus another's?

Senator Jacalyn L. Cilley, D. 6: Well... I am suggesting that we ought to have that discussion. My concern is, is regardless of the entity, if it has an adverse impact on residents and businesses in the surrounding vicinity of the large groundwater withdrawal, then I believe there should be assurances that that remedial action that is specified in RSA 485-C, can indeed move forward.

Senator Amanda Merrill, D. 21: Follow up?

Senator Bob Odell, D. 8: Thank you. Prospective or everybody included? Because in the fourth line, it says, unless the person is seeking. Is this for future users? And, does the term commercial, on line three, lock it into commercial or is everybody included under commercial?

Senator Jacalyn L. Cilley, D. 6: I believe commercial uses may stand aside from agriculture and recreational uses. I would have to double check that, so I think, I think that we were fairly specific in that regard with commercial users. And, I will allow Sarah, who I think is testifying on this?

Sarah Pillsbury: I am.

Senator Jacalyn L. Cilley, D. 6: I am. She is. That, you know, to define for the Committee whether that is a separate category of user, I think that it is. In addition to that, your other question was, is it retrospective?

Senator Bob Odell, D. 8: Or prospective, yeah.

Senator Jacalyn L. Cilley, D. 6: Prospective. I, this is prospective, I almost think legally we could not do that. But, I don't know that for certain.

JTB

Senator Bob Odell, D. 8: So, that would mean US Springs wouldn't come under this law?

Senator Jacalyn L. Cilley, D. 6: They have not begun the process of withdrawing water. So, that may be another area that this would need to be tightened up.

Senator Bob Odell, D. 8: Well, it does, if I may, it does say seeking. So, they have sought the approval.

Senator Amanda Merrill, D. 21: Other questions for Senator Cilley? If not, thank you very much. Thank you.

Senator Jacalyn L. Cilley, D. 6: Thank you.

Senator Amanda Merrill, D. 21: And, I would call on Sarah Pillsbury from DES.

Sarah Pillsbury: I promise this is the last one I am testifying on.

Senator Amanda Merrill, D. 21: It's okay.

Senator Jacalyn L. Cilley, D. 6: I don't think so, you have one more don't you?

Ms. Pillsbury: No, Harry is coming in right behind, right behind me. Okay, a letter is coming around, and the first thing that we point out is that we believe that commercial withdrawals would need to be defined. That is not a term that is currently defined in statute or in our rules.

**Please see Attachment #1, Commissioner Thomas Burack's letter.**

And, in particular, we believe that public water systems should be left out of the definition of commercial. They already have to meet very stringent regulations, the cost of which are borne by rate payers and this would be, you know, one more thing to bear and given their history, their stewardship their long standing in communities, we feel that wouldn't warrant having them do this kind of assurance.

For the new Senators, the old Senators are well versed in the Groundwater Protection Act, but for the newer Senators, we do have, probably arguably the most comprehensive groundwater protection, withdrawals, groundwater withdrawal legislation on the eastern seaboard for states that function with the kind of groundwater law that we have. And, basically what it says is



that, when you do a large groundwater withdrawal, you cannot impact surrounding water users or water resources. The Department has full authority to limit the amount being withdrawn, to halt the withdrawal, to require mitigation and we have the backing of the AG's Office to be able to do that. The Department would of course defer to the Legislature in terms of on some kind of an interim basis until mitigation is achieved if an assurance needs to be put in to place to make sure that mitigation is timely. So, in other words, when you have one of these large withdrawals, typically there's lots of monitoring that goes on. We are watching what's happening as a result of the withdrawal over time, but should, you know, something happen in terms of, for instance of a well going dry, we can cease or reduce the withdrawal and eventually that well will recover. Similarly, should contamination be drawn by a large groundwater withdrawal, the applicant is on the hook to deal with that problem.

In terms of the aquifer recovering or the remediation being taken care of, there is a timeframe associated with that, if you had a reluctant applicant and we would defer to the Legislature in terms of the wisdom of putting something in place that has the funding to perhaps address things more, more quickly than we can force an applicant to.

So, I think that's all I had to say, was that, you know, ultimately, all water resources and water uses are protected.

Senator Amanda Merrill, D. 21: Questions from the Committee? Senator Cilley?

Senator Jacalyn L. Cilley, D. 6: Thank you, Madam Chair. Sarah, and we have talked about this, and I agree that there are some great mechanisms in place, but if, if we, if a, an abutter begins to experience significant adverse impacts such that they no longer have access to one of the most important resources in their home, water, is it possible that the time between that they experience that and the time where it is actually remediated, what is it likely to be? That timeline, I guess is what I am asking.

Ms. Pillsbury: In practice, since the ground, since '98 when the Groundwater Protection Act for large groundwater withdrawal permitting process was established, in practice, it has been very quick because there is a vested interest in the person withdrawing the water to want to keep withdrawing the water so they are addressing problems pretty quickly.

Senator Jacalyn L. Cilley, D. 6: Could you define quickly?

Ms. Pillsbury: In the case of, we have had a couple of instances where folks felt that their wells were being affected, it wasn't really clear that it was associated with the withdrawal, but in one case, I am thinking of a golf course, they were out there, you know, within a week or a couple of weeks. Again, they want to have their golf course, they want to withdraw the water, they want to use the water, they want their neighbors to be happy and, you know, us not pursuing them.

In the case where, but conceivably there could be a case where an applicant would really drag their feet or stall and we would have to go through the processes that we have available to us. And, I can't judge how long that would take. But, you know, there could be a timeframe there.

Senator Amanda Merrill, D. 21: Follow up?

Senator Jacalyn L. Cilley, D. 6: Follow up because it is something I forgot to mention in my own testimony. Sarah, is the, may the Department in any way take into consideration the financial stability of a company that is applying for a large groundwater withdrawal permit?

Ms. Pillsbury: That is not part of what we do, no.

Senator Jacalyn L. Cilley, D. 6: Thank you.

Senator Amanda Merrill, D. 21: Other questions? Senator Odell?

Senator Bob Odell, D. 8: Sarah, would the person who felt aggrieved, wouldn't they have access to Superior Court?

Ms. Pillsbury: They would. Thank you.

Senator Bob Odell, D. 8: Like every other business in the State?

Ms. Pillsbury: Sure. Thank you, Senator Odell. In addition to our permitting, that has these hooks, you have a reasonable right to the use of your groundwater, and if you feel somebody is impairing that reasonable right, you always have access to the court system. Thank you.

Senator Amanda Merrill, D. 21: Any other questions?

Ms. Pillsbury: Thank you.

Senator Amanda Merrill, D. 21: Thank you. Dan Felton, speaking in opposition to the bill.

Dan Felton: Good morning, Madam Chair, members of the Committee. My name is Daniel Felton; I am Director of Government Relations for the International Bottled Water Association. We are located in Alexandria, Virginia, but we represent bottled water suppliers, distributors and bottlers within New Hampshire and throughout the United States.

IBWA appreciates the opportunity to come before you as we always do appreciate the opportunity to have an open dialogue with you regarding groundwater issues. IBWA is currently opposed to Senate Bill 56 as currently drafted, and for a couple of reasons I'll lay out. However, we do believe that this is an issue that perhaps the statute or rules and regulations is somewhat silent on. We would agree that we would be happy to participate in an on-going conversation to see what might be appropriate. But, as the bill is currently drafted, our primary concern for our members would be the cost.

It's very expensive to site, permit, build, operate and maintain a bottled water facility in New Hampshire and anywhere else in the United States. And, typically some of these companies are small to medium sized companies who have tied up a lot of resources and assets to be able to get that facility up and running, and then they continue to have tied up assets to be able to protect the aquifer and their source because that is the lifeblood of their business.

The concern we have with requiring a minimum of \$1 million in financial stability during tough economic times is a concern that we have that our member companies might not be able to do that, it might prohibit them or new companies from coming into New Hampshire and doing business here. Our concern is that there may be an issue in terms of mitigation or what happens in terms of making sure a company is financially stable enough to handle issues and problems that come up, but hopefully that doesn't happen. Hopefully, that business is protecting the aquifer as best as possible and we believe that the State already has a system in place for that. The large groundwater withdrawal rules that are managed by DES has a system in place that hopefully, if everything is working properly, does protect the aquifers. It allows for mitigation, impact mitigation, studies impact areas and also allows for a full appeal process as was mentioned a few minutes ago in terms of someone seeking mitigation through the Water Council or through the Superior Court or New Hampshire Supreme Court.

That being said, we would agree that this is a concern that, as Senator Cilley said, it came up four years ago and it might not be currently addressed properly within the rules and regulations. But, we wonder what is the penalty, if you will, or what should the insurance policy be in place for

potential harm or potential for a company risk? And, we are not convinced at this point that upwards of a \$1 million to tie up in assets would satisfy that potential risk or harm.

As some of you may know, IBWA has been intimately involved in New Hampshire for several years with large groundwater withdrawals. We fully support, obviously, the sustainability for the State's resources and we have actively participated in that conversation for many years. And, we want to continue to participate in that conversation. Would be more than happy to welcome the opportunity to discuss this bill further, and find out if there is a way to make it work either through DES and the rules and regulations and be happy to have that conversation.

Senator Amanda Merrill, D. 21: Thank you.

Mr. Felton: Thank you.

Senator Amanda Merrill, D. 21: Questions? Senator Cilley?

Senator Jacalyn L. Cilley, D. 6: Thank you, Madam Chair. And, thank you for being here, Mr. Felton. I have had the pleasure of working with Pat Donohoe.

Mr. Felton: Yes.

Senator Jacalyn L. Cilley, D. 6: I know that, you know, your Association works very hard to be considerate and work with Legislatures to try to find good compromises on these things. You mentioned that DES has in place a system that, you know, establishes mitigation procedures and I had acknowledged that, I think, in my opening remarks. That mitigation process, however, depends on a company having the resources to follow through with what the DES explains to them needs to be done, does it not?

Mr. Felton: Correct.

Senator Jacalyn L. Cilley, D. 6: Okay, and you heard my explanation of we've got a situation now where this company that may not have those resources.

Mr. Felton: Correct.

Senator Jacalyn L. Cilley, D. 6: Follow up? Have you had any opportunity to give some consideration to what other approaches you might use to satisfy the goal that I am after in this bill?

Mr. Felton: We've had a little bit of thought about that in conversation. I will be honest at this, besides where this came up four years ago here, this is kind of a new territory for us. So, we are understanding that it is an issue that may need to be addressed within the State and we are still trying to get our hands around it, our heads around it. I think that one thing we have talked about and would be willing to discuss further is is there any appropriate system that can be put in place, perhaps through the rules, with, through DES to consider the risk that, you know, depending on what aquifer water is being drawn on, what the company is that's coming in to withdraw, do that withdrawal, what is the risk and then apply an appropriate insurance policy if you will for that company, rather than lay across a million dollar, you know, requirement across the board for everybody.

Senator Jacalyn L. Cilley, D. 6: Follow up?

Senator Amanda Merrill, D. 21: Follow up.

Senator Jacalyn L. Cilley, D. 6: Follow up again. So, am I hearing you correctly that it's not so much the notion of being bonded, as it is this sort of one size fits all? And, that if we were able to come up with a formula...

Mr. Felton: I think that would be something we'd be more than happy to discuss.

Senator Jacalyn L. Cilley, D. 6: Okay.

Senator Amanda Merrill, D. 21: Senator Denley?

Senator William P. Denley, D. 3: Thank you, Madam Chairman. And, to follow up on Senator Cilley's question, wouldn't that be a matter for the insurance industry if a bonding requirement were put in place? Wouldn't it be fair to assume that the insurance industry would take care of that concern in and of itself? In other words, there would be certain withdrawals that they would be willing to issue a million dollar bond a lot cheaper because of the particulars of where that water was being withdrawn from, how remote the likelihood of a problem would be. It seems to me it would be problematic to try to put into a piece of legislation and trying to guess in advance where these things might go. It seems to me, that the industry, before they're going to plunk down a million bucks, and say that they are going to insure somebody, they will investigate the likelihood of the problem and then ask for a premium in accordance with what they deem to be the risk.

Mr. Felton: Right. Yeah, not being an expert on insurance in New Hampshire, I would agree with that. I think the other element to this

perhaps is that it mentions a million dollars in bond, including perhaps bonding and insurance, and I think what Senator Cilley was referring to is perhaps, as well, the financial stability of the company and I know that we looked a little bit into that and within New Hampshire, something somewhat similar to this, but in terms of solid waste in the State, they have what, I think it is called financial assurance program. That works a little bit different because my understanding of that within the solid waste permitting rules is that it requires a company to have enough financial resources, if you will, to make sure that a facility can be closed down properly, if it is closed down, and that there is enough money to handle that situation. There may be more elements to that, but that is my preliminary assessment to that. And, so that's a little bit different than this issue, is we are not trying to make sure there is enough money to close down a facility, but it does speak to the issue of making sure that the company is financially secure enough to be able to handle the cost that might come up.

Senator William P. Denley, D. 3: Further follow up, Madam Chair?

Senator Amanda Merrill, D. 21: Follow up.

Senator William P. Denley, D. 3: And, just for my clarification, how many bottling facilities, water bottling facilities, are there in the State?

Mr. Felton: I suppose, Mary may know that better than I do. I mean, I know how many members I have in the State, but I don't know how many bottling water facilities there are.

Ms. Pillsbury: Active right now, I believe there is four.

Senator William P. Denley, D. 3: Thank you.

Mr. Felton: Okay.

Senator Amanda Merrill, D. 21: Senator Lasky?

Senator Bette R. Lasky, D. 13: Thank you, Madam Chair. Good morning.

Mr. Felton: Good morning.

Senator Bette R. Lasky, D. 13: Have you considered a figure other than a million dollars that might be acceptable?

Mr. Felton: Good question, and at this point we have not.

Senator Bette R. Lasky, D. 13: Thank you.

Senator Amanda Merrill, D. 21: Other questions from the Committee?  
Thank you, Mr. Felton.

Mr. Felton: Thank you.

Senator Amanda Merrill, D. 21: And, thank you for your willingness to work with the Committee.

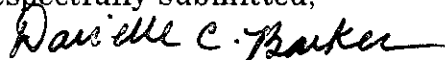
Mr. Felton: Absolutely.

Senator Amanda Merrill, D. 21: I have no one else signed up to speak on Senate Bill 56. Dave Juvet from BIA signed up in opposition, but did not want to speak. Is there anyone else who would like to speak to Senate Bill 56? Okay. Then I am going to call a three minute recess at this point.

Okay, I am going to recess the hearing on Senate Bill 56. And, stay in touch.

Hearing recessed at 9:52 a.m.

Respectfully submitted,



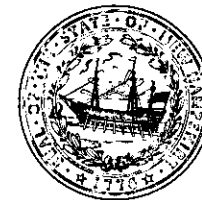
Danielle C. Barker  
Senate Secretary

2/3/09

1 Attachment



The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**



**Thomas S. Burack, Commissioner**

January 29, 2008

The Honorable Martha Fuller Clark, Chairman  
Energy, Environment and Economic Development Committee  
Legislative Office Building, Room 102  
Concord, New Hampshire 03301

Re: SB 56, relative to financial responsibility for large groundwater withdrawals

Dear Chairman Fuller Clark:

Thank you for the opportunity to comment on Senate Bill 56, which would require that a person developing a new large groundwater withdrawal for commercial purposes demonstrate it has \$1,000,000 in bonding and insurance to address potential impacts associated with the large groundwater withdrawal.

The Department requests that a definition of "commercial groundwater withdrawal" be added to Senate Bill 56 to clarify that all community water systems as defined by RSA 485:1-a, I are exempt from the requirements proposed by this bill. Community water systems already must comply with, and their users must pay for compliance with, a significant body of regulations. Accordingly, the Department believes that the additional costs associated with demonstrating financial responsibility are unwarranted for these public water systems.

Since 1998, New Hampshire has had a regulatory process in place to address concerns about the impact of new large groundwater withdrawals on surrounding water resources and users. The purpose of the permitting process is to ensure that new large groundwater withdrawals do not adversely impact existing water resources and users, including wells, wetlands and surface waters. These requirements apply to both withdrawals for public water supply and withdrawals for commercial purposes such as golf courses, bottled water production and industrial water use. This regulatory process has been strengthened several times since 1998 and has been effective in proactively preventing and addressing adverse impacts associated with new large groundwater withdrawals. It clearly provides the Department authority to reduce or halt a withdrawal should an unanticipated impact occur so that any surrounding water use or water resource may recover and be protected.

The Department believes that the current permitting process ensures the mitigation of adverse groundwater impact. However, the Department, of course, defers to the legislature on the need for financial assurance from commercial withdrawals to ensure that funding for interim mitigation is readily available.



The Honorable Fuller Clark  
Senate Bill 56  
Page 2 of 2  
January 29, 2008

Again, thank you for this opportunity to comment on this bill. Please feel free to call me at 271-2958, or Sarah Pillsbury at 271-1168, if you have any questions or need additional information.

Very truly yours,

A handwritten signature in black ink that reads "Thomas S. Burack". The signature is written in a cursive style with a large, stylized initial 'T'.

Thomas S. Burack  
Commissioner

cc: Senator Cilley

**SENATE CALENDAR NOTICE**  
**ENERGY, ENVIRONMENT AND ECONOMIC DEVELOPMENT**

Senator Martha Fuller Clark Chairman  
 Senator Amanda Merrill V Chairman  
 Senator Jacalyn Cilley  
 Senator Bette Lasky  
 Senator Bob Odell  
 Senator William Denley

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Bill Status

Docket

Calendar

Proof:  Calendar  Bill Status

**Date: January 23, 2009**

**HEARINGS**

**Thursday**

**2/5/2009**

ENERGY, ENVIRONMENT AND ECONOMIC DEVELOPMENT	LOB 102	8:30 AM
(Name of Committee)	(Place)	(Time)

**EXECUTIVE SESSION MAY FOLLOW**

**Comments:** SB 20 previously recessed on 1/22/09

8:30 AM	SB20	adding a member to the statewide trail system advisory committee.
8:50 AM	SB101-FN-A	relative to the Cannon Mountain ski area.

**Sponsors:**

**SB20**

Sen. Robert Letourneau  
 Rep. Anthony DiFruscia

Rep. Charles McMahon  
 Rep. Walter Kolodziej

Sen. Michael Downing  
 Rep. Kenneth Gould

Rep. Mary Griffin

**SB101-FN-A**

Sen. John Gallus  
 Rep. Paul Ingersoll

Sen. Theodore Gatsas  
 Rep. Robert Theberge

Rep. Edmond Gionet  
 Rep. Gene Chandler

Rep. Brien Ward

SENATE CALENDAR NOTICE

ENERGY, ENVIRONMENT AND ECONOMIC DEVELOPMENT

- ✓ Senator Martha Fuller Clark Chairman
- ✓ Senator Amanda Merrill V Chairman
- ✓ Senator Jacalyn Cilley
- ✓ Senator Bette Lasky
- ✓ Senator Bob Odell
- ✓ Senator William Denley

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/> Bill Status

Date: January 29, 2009

HEARINGS

Thursday

2/5/2009

ENERGY, ENVIRONMENT AND ECONOMIC DEVELOPMENT LOB 102 8:30 AM

(Name of Committee) (Place) (Time)

EXECUTIVE SESSION MAY FOLLOW

Comments: SB 20 was previously recessed on 1/22/09. SB 56 and SB 60 were previously recessed on 1/29/09.

- 8:30 AM SB20 adding a member to the statewide trail system advisory committee.
- 8:50 AM SB101-FN-A relative to the Cannon Mountain ski area.
- ✓ 9:30 AM SB56 relative to financial responsibility for large groundwater withdrawals.
- 9:35 AM SB60 establishing a committee to study water sustainability.

Sponsors:

SB20

Sen. Robert Letourneau	Rep. Charles McMahon	Sen. Michael Downing	Rep. Mary Griffin
Rep. Anthony DiFruscia	Rep. Walter Kolodziej	Rep. Kenneth Gould	

SB101-FN-A

Sen. John Gallus	Sen. Theodore Gatsas	Rep. Edmond Gionet	Rep. Brien Ward
Rep. Paul Ingersoll	Rep. Robert Theberge	Rep. Gene Chandler	

SB56

Sen. Jacalyn Cilley

SB60

Sen. Martha Fuller Clark	Sen. Jacalyn Cilley	Sen. Harold Janeway	Sen. Bob Odell
Rep. Frank Tupper	Rep. Judith Spang	Rep. David Borden	

start 10:50 AM  
end 10:57

*(Handwritten signature/initials)*

# Energy, Environment and Economic Development Committee Hearing Report

**TO:** Members of the Senate

**FROM:** Patrick Murphy, *Legislative Aide*

**RE:** PART 2 - Hearing report on SB 56 relative to financial responsibility for large groundwater withdrawals.

**HEARING DATE:** February 5, 2009

**MEMBERS OF THE COMMITTEE PRESENT:**

Senator Merrill (Dist 21), Senator Cilley (Dist 6), Senator Lasky (Dist 13), Senator Odell (Dist 8), Senator Denley (Dist 3)

**MEMBERS OF THE COMMITTEE ABSENT:**

Senator Fuller Clark (Dist 24)

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**Sponsor(s):**

Sen. Cilley, Dist 6

**What the bill does:**

This bill requires a demonstration of financial responsibility for department of environmental services approval of large groundwater withdrawals.

**Supporters of the bill:**

Sen. Cilley, Dist 6

**Those in opposition to the bill:**

Gary Abbott, Association of General Contractors

**Speaking to the bill/Neutral:**

None

**Summary of testimony received:**

Gary Abbott, Association of General Contractors

- Is willing to work with the sponsor on alternative language. The question is if this applies to initial approval of a permit or on a renewal. It would be fair if this only applied to renewal of permits. Would also be interested in working with the sponsor on the issue of financial responsibility if there is known contamination.

Senator Cilley

- Is interested in working with of this legislation.

stakeholders to accomplish the goals

**Funding:**

None

**Action:**

Recessed

# Energy, Environment and Economic Development Committee Hearing Report

**TO:** Members of the Senate

**FROM:** Patrick Murphy, *Legislative Aide*

**RE:** PART 2 - Hearing report on SB 56 relative to financial responsibility for large groundwater withdrawals.

**HEARING DATE:** February 5, 2009

**MEMBERS OF THE COMMITTEE PRESENT:**

Senator Merrill (Dist 21), Senator Cilley (Dist 6), Senator Lasky (Dist 13), Senator Odell (Dist 8), Senator Denley (Dist 3)

**MEMBERS OF THE COMMITTEE ABSENT:**

Senator Fuller Clark (Dist 24)

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**Sponsor(s):**

Sen. Cilley, Dist 6

**What the bill does:**

This bill requires a demonstration of financial responsibility for department of environmental services approval of large groundwater withdrawals.

**Supporters of the bill:**

Sen. Cilley, Dist 6

**Those in opposition to the bill:**

Gary Abbott, Association of General Contractors

**Speaking to the bill/Neutral:**

None

**Summary of testimony received:**

Gary Abbott, Association of General Contractors

- Is willing to work with the sponsor on alternative language. The question is if this applies to initial approval of a permit or on a renewal. It would be fair if this only

applied to renewal of permits.  
with the sponsor on the issue of financial responsibility if there is known  
contamination.

Would also be interested in working

Senator Cilley

- Is interested in working with stakeholders to accomplish the goals of this legislation.

**Funding:**

None

**Action:**

Recessed

Date: February 5, 2009  
Time: 10:50 a.m.  
Room: LOB 102

The Senate Committee on Energy, Environment and Economic Development held a hearing on the following:

SB 56                      relative to financial responsibility for large groundwater withdrawals.

Members of Committee present:                      Senator Merrill  
   Senator Cilley  
   Senator Lasky  
   Senator Odell  
   Senator Denley



The Vice-Chair, Senator Amanda Merrill reconvened the hearing on SB 56.

Senator Jacalyn L. Cilley, D. 6: We have one speaker on this bill and then I will explain to the Committee what I would like to see.

Senator Amanda Merrill, D. 21: Okay. Then the one other speaker I have is Gary Abbott, who is here from the Association of General Contractors speaking in, it says, opposition.

Gary Abbott: Yeah, thank you, Madam Chairman. Just for the record, my name is Gary Abbott. I am the Executive Vice President of the Associated General Contractors of the State of New Hampshire. I represent a number of sand and gravel operations that have large groundwater withdrawal that would meet this bill.

I checked off opposed, we are very willing to work the with the sponsor on this. We were, we had some initial, I represent many operations that are currently operating with the permit and weren't sure whether this was only on the initial approval of a permit, these requirements or whether it was on a renewal basis. We would like that clarified because I think if it is only on the initial. It would be fair for those that are applying for new operations to come under the financial responsibility and the contamination language. Or we are also willing to work with the sponsor if there is known contamination on an existing, maybe there should be something that's appropriate there. I



think we look forward to working with the sponsor of the bill. Those are our initial because we have many operators who are currently operating trying to figure out, they are already doing business, they have been operating for a long time without any problems, and how does this affect them and all of the financial pieces? So, we would be glad to work...

Senator Amanda Merrill, D. 21: Questions?

Senator Jacalyn L. Cilley, D. 6: Thank you, Madam Chair. First of all, Mr. Abbott, thank you very, very much for your willingness to work with me on this. I had explained to a number of people, I think there is a way to get to the goal that I have, and I welcome your participation. There are others that have contacted me, so perhaps we could have a meeting and find a way to get to the kind of surety that I would like to see without making it an onerous burden on the businesses in the State. That certainly was not my intention. So, with that, thank you.

Mr. Abbott: Thank you.

Senator Amanda Merrill, D. 21: Thank you, Mr. Abbott.

Senator Jacalyn L. Cilley, D. 6: Okay, and so...

Senator Amanda Merrill, D. 21: Senator Cilley?

Senator Jacalyn L. Cilley, D. 6: Yes.

Senator Amanda Merrill, D. 21: Do you want to talk to the Committee?

Senator Jacalyn L. Cilley, D. 6: Yes. What I'd like to do, we have recessed this. I am expecting amendments, and I am expecting to sit down with a number of stakeholders. And, so, if we could put off execing this bill for a couple of weeks that would help me to, I think I can accomplish what I would like to accomplish and get stakeholder agreement on that. So, if you'd like to close the hearing, that is perfectly acceptable to me, and you know, I will work diligently to bring back something that certainly would entice Senator Odell to at least consider it.

Senator Amanda Merrill, D. 21: Thank you, Senator Cilley.

Senator Bob Odell, D. 8: May I ask a question?

Senator Amanda Merrill, D. 21: Yes, go ahead.

Senator Bob Odell, D. 8: The question I would have is will any of these amendments have substantive, be substantive enough that they should have a public hearing?

Senator Jacalyn L. Cilley, D. 6: Well, that's been the question all along. I would have preferred that we extend, you know, that the recessed hearing would have gone on for a couple of weeks in order to do this. I think that the direction we are going in would offer flexibility and less of a barrier for companies. So, I am not especially concerned that they won't have a full public hearing, and they will have a full public hearing in the House. But, I don't think...

Senator Bob Odell, D. 8: It would be if it passed the Senate.

Senator Jacalyn L. Cilley, D. 6: True enough, Senator Odell.

Senator Amanda Merrill, D. 21: Further questions or comments from the Committee?

Senator William P. Denley, D. 3: Any reason we wouldn't just recess it again in case we wanted to take testimony?

Senator Amanda Merrill, D. 21: I think that or Senator Cilley did you...

Senator William P. Denley, D. 3: Or keep it recessed? Whatever the procedure is?

Senator Jacalyn L. Cilley, D. 6: We can do what the will of the Committee is. If, you know, either of you think that we may have people coming in to testify or that they may want to speak to the amendments, I am perfectly willing to do that. I know the staff is getting a little bit concerned about the number of recessed bills. We are trying to, you know, weigh that balance of not having testimony that doesn't appear on the record and yet at the same time move these bills along. So, I am open to either one.

Senator Amanda Merrill, D. 21: Senator Lasky?

Senator Bette R. Lasky, D. 13: I am a bit concerned, not in your diligence in having a bill that would be ready for prime time at this stage, but I am concerned because I don't know the direction, and I think we are always best to be cautious about what might be coming forward. And, while I have been somewhat annoyed with the recesses myself, I think that that's the best course to take because, I for one, am not comfortable with shutting out the

need for public testimony or public hearing depending on the direction you may take. You may have it in your mind, but I don't have a clue.

Senator Jacalyn L. Cilley, D. 6: Okay, then, that's perfectly acceptable to me. So, if we could at least give me two weeks. I need those two weeks. I just can't guarantee that I'll get what I need done. I've got, as I said, I know that there are people from out-of-state that are sending some language. I want to sit down with the Department again. I want to sit down with folks like Gary Abbott and put together a stakeholder group and that may take me a few days to do and then to craft the language. So, if it's the will of the Committee that we recess this for two more weeks, then I would really appreciate that accommodation.

Senator Amanda Merrill, D. 21: Okay. Anything further from the Committee?

Senator Jacalyn L. Cilley, D. 6: Great.

Senator Amanda Merrill, D. 21: Okay, then we will continue our recess on Senate Bill 56.

Hearing recessed at 10:57 a.m.

Respectfully submitted,

Danielle C. Barker  
Senate Secretary

2/10/09

Date: February 5, 2009  
Time: 10:50 a.m.  
Room: LOB 102

The Senate Committee on Energy, Environment and Economic Development held a hearing on the following:

SB 56                      relative to financial responsibility for large groundwater withdrawals.

Members of Committee present:                      Senator Merrill  
   Senator Cilley  
   Senator Lasky  
   Senator Odell  
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The Vice-Chair, Senator Amanda Merrill reconvened the hearing on SB 56.

Senator Jacalyn L. Cilley, D. 6:    We have one speaker on this bill and then I will explain to the Committee what I would like to see.

Senator Amanda Merrill, D. 21:    Okay. Then the one other speaker I have is Gary Abbott, who is here from the Association of General Contractors speaking in, it says, opposition.

Gary Abbott:                      Yeah, thank you, Madam Chairman. Just for the record, my name is Gary Abbott. I am the Executive Vice President of the Associated General Contractors of the State of New Hampshire. I represent a number of sand and gravel operations that have large groundwater withdrawal that would meet this bill.

I checked off opposed, we are very willing to work the with the sponsor on this. We were, we had some initial, I represent many operations that are currently operating with the permit and weren't sure whether this was only on the initial approval of a permit, these requirements or whether it was on a renewal basis. We would like that clarified because I think if it is only on the initial. It would be fair for those that are applying for new operations to come under the financial responsibility and the contamination language. Or we are also willing to work with the sponsor if there is known contamination on an existing, maybe there should be something that's appropriate there. I

think we look forward to working with the sponsor of the bill. Those are our initial because we have many operators who are currently operating trying to figure out, they are already doing business, they have been operating for a long time without any problems, and how does this affect them and all of the financial pieces? So, we would be glad to work...

Senator Amanda Merrill, D. 21: Questions?

Senator Jacalyn L. Cilley, D. 6: Thank you, Madam Chair. First of all, Mr. Abbott, thank you very, very much for your willingness to work with me on this. I had explained to a number of people, I think there is a way to get to the goal that I have, and I welcome your participation. There are others that have contacted me, so perhaps we could have a meeting and find a way to get to the kind of surety that I would like to see without making it an onerous burden on the businesses in the State. That certainly was not my intention. So, with that, thank you.

Mr. Abbott: Thank you.

Senator Amanda Merrill, D. 21: Thank you, Mr. Abbott.

Senator Jacalyn L. Cilley, D. 6: Okay, and so...

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Senator Jacalyn L. Cilley, D. 6: Yes.

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Senator Jacalyn L. Cilley, D. 6: True enough, Senator Odell.

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Senator Amanda Merrill, D. 21: Senator Lasky?

Senator Bette R. Lasky, D. 13: I am a bit concerned, not in your diligence in having a bill that would be ready for prime time at this stage, but I am concerned because I don't know the direction, and I think we are always best to be cautious about what might be coming forward. And, while I have been somewhat annoyed with the recesses myself, I think that that's the best course to take because, I for one, am not comfortable with shutting out the

need for public testimony or public hearing depending on the direction you may take. You may have it in your mind, but I don't have a clue.

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Senator Amanda Merrill, D. 21: Okay, then we will continue our recess on Senate Bill 56.

Hearing recessed at 10:57 a.m.

Respectfully submitted,

  
Danielle C. Barker  
Senate Secretary

2/10/09

PB

Date: February 5, 2009  
Time: 10:50 a.m.  
Room: LOB 102

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Members of Committee present:                      Senator Merrill  
   Senator Cilley  
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RB

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Senator Amanda Merrill, D. 21: Senator Lasky?

Senator Bette R. Lasky, D. 13: I am a bit concerned, not in your diligence in having a bill that would be ready for prime time at this stage, but I am concerned because I don't know the direction, and I think we are always best to be cautious about what might be coming forward. And, while I have been somewhat annoyed with the recesses myself, I think that that's the best course to take because, I for one, am not comfortable with shutting out the

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Senator Jacalyn L. Cilley, D. 6: Okay, then, that's perfectly acceptable to me. So, if we could at least give me two weeks. I need those two weeks. I just can't guarantee that I'll get what I need done. I've got, as I said, I know that there are people from out-of-state that are sending some language. I want to sit down with the Department again. I want to sit down with folks like Gary Abbott and put together a stakeholder group and that may take me a few days to do and then to craft the language. So, if it's the will of the Committee that we recess this for two more weeks, then I would really appreciate that accommodation.

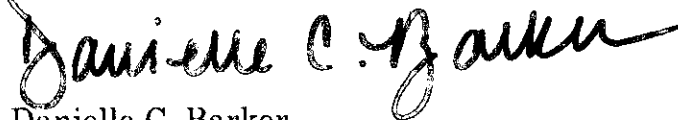
Senator Amanda Merrill, D. 21: Okay. Anything further from the Committee?

Senator Jacalyn L. Cilley, D. 6: Great.

Senator Amanda Merrill, D. 21: Okay, then we will continue our recess on Senate Bill 56.

Hearing recessed at 10:57 a.m.

Respectfully submitted,



Danielle C. Barker  
Senate Secretary

2/10/09

**SENATE CALENDAR NOTICE**  
**ENERGY, ENVIRONMENT AND ECONOMIC DEVELOPMENT**

Senator Martha Fuller Clark Chairman  
 Senator Amanda Merrill V Chairman  
 Senator Jacalyn Cilley  
 Senator Bette Lasky  
 Senator Bob Odell

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Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/> Bill Status

**Date: March 4, 2009**

**HEARINGS**

**Thursday**

**3/12/2009**

ENERGY, ENVIRONMENT AND ECONOMIC DEVELOPMENT      LOB 102      8:30 AM

(Name of Committee)      (Place)      (Time)

**EXECUTIVE SESSION MAY FOLLOW**

8:30 AM	SB124	relative to beaver dams.
8:50 AM	SB44	establishing a commission to review all fees charged by the department of environmental services.
9:10 AM	SB50	relative to funds and programs of the department of environmental services.
9:30 AM	SB56	relative to financial responsibility for large groundwater withdrawals.

**Sponsors:**

**SB124**

Sen. Peter Bragdon

Sen. Sheila Roberge

Rep. Carla Skinder

**SB44**

Sen. Martha Fuller Clark

**SB50**

Sen. Amanda Merrill

Rep. Jane Beaulieu

Rep. Irene Messier

**SB56**

Sen. Jacalyn Cilley

**SENATE CALENDAR NOTICE**  
**ENERGY, ENVIRONMENT AND ECONOMIC DEVELOPMENT**

*Attendance*

- Senator Martha Fuller Clark Chairman
- Senator Amanda Merrill V Chairman
- Senator Jacalyn Cilley
- Senator Bette Lasky
- Senator Bob Odell

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<input type="checkbox"/> Bill Status	
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Proof: <input type="checkbox"/> Calendar	<input type="checkbox"/> Bill Status

**Date: March 4, 2009**

**HEARINGS**

**Thursday**

**3/12/2009**

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ENERGY, ENVIRONMENT AND ECONOMIC DEVELOPMENT      LOB 102      8:30 AM

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(Name of Committee)      (Place)      (Time)

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**EXECUTIVE SESSION MAY FOLLOW**

- |         |       |   |
|---------|-------|---|
| 8:30 AM | SB124 | relative to beaver dams.  |
| 8:50 AM | SB44  | establishing a commission to review all fees charged by the department of environmental services. |
| 9:10 AM | SB50  | relative to funds and programs of the department of environmental services.                       |
| 9:30 AM | SB56  | relative to financial re-sponsibility for large groundwater withdrawals.                          |

**Sponsors:**

- |   |                     |                    |
|---|---------------------|--------------------|
| <b>SB124</b><br>Sen. Peter Bragdon      | Sen. Sheila Roberge | Rep. Carla Skinder |
| <b>SB44</b><br>Sen. Martha Fuller Clark |                     |                    |
| <b>SB50</b><br>Sen. Amanda Merrill      | Rep. Jane Beaulieu  | Rep. Irene Messier |
| <b>SB56</b><br>Sen. Jacalyn Cilley      |                     |                    |

*Start: 9:57 AM*  
*end: 9:57 AM*

# Energy, Environment and Economic Development Committee Hearing Report

**TO:** Members of the Senate

**FROM:** Patrick Murphy, *Legislative Aide*

**RE:** PART 3 - Hearing report on SB 56 relative to financial responsibility for large groundwater withdrawals.

**HEARING DATE:** March 12, 2009

**MEMBERS OF THE COMMITTEE PRESENT:**

Senator Fuller Clark (Dist 24), Senator Merrill (Dist 21), Senator Cilley (Dist 6), Senator Lasky (Dist 13)

**MEMBERS OF THE COMMITTEE ABSENT:**

Senator Odell (Dist 8)

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**Sponsor(s):**

Sen. Cilley, Dist 6

**What the bill does:**

This bill requires a demonstration of financial responsibility for department of environmental services approval of large groundwater withdrawals.

**Supporters of the bill:**

Sen. Cilley, Dist 6

**Those in opposition to the bill:**

None

**Speaking to the bill/Neutral:**

None

**Summary of testimony received:**

SB 56 was opened and closed without any testimony taken.

**Funding:**

None

**Action:**

Executive action is pending.





Date: March 12, 2009  
Time: 9:57 a.m.  
Room: LOB 102

The Senate Committee on Energy, Environment and Economic Development held a hearing on the following:

SB 56 relative to financial responsibility for large groundwater withdrawals.

Members of Committee present: Senator Fuller Clark  
Senator Merrill  
Senator Cilley  
Senator Lasky

---

The Chair, Senator Martha Fuller Clark reconvened the hearing on SB 56.

Senator Martha Fuller Clark, D. 24: I need some clarification here. I've heard we've already heard this bill.

Danielle Barker: Yes.

Senator Martha Fuller Clark, D. 24: So, is this a continued hearing? Thank you. Is there anyone else here... Is there anyone here today that wishes to speak to Senate Bill 56 from the public? Then, I would like to close the hearing on Senate Bill 56.

Hearing closed at 9:57 a.m.

Respectfully submitted,

  
Danielle C. Barker  
Senate Secretary

3/31/09

Date: March 12, 2009  
Time: 9:57 a.m.  
Room: LOB 102

The Senate Committee on Energy, Environment and Economic Development held a hearing on the following:

SB 56 relative to financial responsibility for large groundwater withdrawals.

Members of Committee present: Senator Fuller Clark  
Senator Merrill  
Senator Cilley  
Senator Lasky

---

The Chair, Senator Martha Fuller Clark reconvened the hearing on SB 56.

Senator Martha Fuller Clark, D. 24: I need some clarification here. I've heard we've already heard this bill.

Danielle Barker: Yes.

Senator Martha Fuller Clark, D. 24: So, is this a continued hearing? Thank you. Is there anyone else here... Is there anyone here today that wishes to speak to Senate Bill 56 from the public? Then, I would like to close the hearing on Senate Bill 56.

Hearing closed at 9:57 a.m.

Respectfully submitted,

  
Danielle C. Barker  
Senate Secretary

3/31/09

**SENATE CALENDAR NOTICE  
ENERGY, ENVIRONMENT & ECONOMIC DEVELOPMENT**

Senator Fuller Clark, Chairman  
 Senator Merrill, V. Chairman  
 Senator Cilley  
 Senator Lasky  
 Senator Odell  
 Senator Bradley

For Use by Senate Clerk's Office ONLY		
<input type="checkbox"/>	Bill Status	<input type="checkbox"/>
<input type="checkbox"/>	Docket	<input type="checkbox"/>
<input type="checkbox"/>	Calendar	
Proof:	Calendar	Bill Status
House Calendar (Chapter Studies)		

**SENATE EXECUTIVE SESSION ON RE-REFERRED BILLS**

Date: November 24, 2009

<u>Thursday</u>	<u>December 17, 2009</u>
(Day)	(Date)

Energy, Environment & Economic Development	Room 102, LOB	2:30 p.m.
(Name of Committee)	(Place)	(Time)

- 2:30 p.m.**    **HB 314-L**    (New Title) relative to the assessment of certain costs associated with proposed large groundwater withdrawals from wells.
- SB 56**            relative to financial responsibility for large groundwater withdrawals.
- SB 73-FN**        requiring state departments to reduce energy consumption and to make an annual report on their energy consumption reduction efforts.
- SB 166-FN**        relative to mineral extraction, mining, and reclamation in New Hampshire.

Sen. Martha Fuller Clark  
Chairman

Sponsors: Rep. M. Allen, Rock 11; Rep. DiFruscia, Rock 4; Rep. Major, Rock 8; Rep. Rodeschin, Sull 2; Rep. Sedensky, Rock 8, Sen. Cilley, Dist 6, Sen. Fuller Clark, Dist 24, Sen. Odell, Dist 8; Sen. Merrill, Dist 21; Rep. Spang, Straf 7; Rep. T. Howard, Sull 2.

Danielle Barker 271-3093

# Speakers







# Voting Sheets



# Senate Energy, Environment & Economic Development Committee

## EXECUTIVE SESSION

Bill # SB 56

Hearing date: 1/29/09 - 2/5/09 - 3/12/09

Executive session date: 1-2-09

Motion of: Re refer

VOTE: 6-0

**Made by** Fuller Clark   
**Senator:** Merrill   
 Lasky   
 Cilley   
 Odell   
 Carson

**Seconded** Fuller Clark   
**by Senator:** Merrill   
 Lasky   
 Cilley   
 Odell   
 Carson

**Reported** Fuller Clark   
**by Senator:** Merrill   
 Lasky   
 Cilley   
 Odell   
 Carson

Motion of: \_\_\_\_\_

VOTE: \_\_\_\_\_

**Made by** Fuller Clark   
**Senator:** Merrill   
 Lasky   
 Cilley   
 Odell   
 Carson

**Seconded** Fuller Clark   
**by Senator:** Merrill   
 Lasky   
 Cilley   
 Odell   
 Carson

**Reported** Fuller Clark   
**by Senator:** Merrill   
 Lasky   
 Cilley   
 Odell   
 Carson

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Fuller Clark, Chairman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Merrill, Vice-Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Lasky	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Cilley	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Senator Odell	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Carson	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\*Amendments: \_\_\_\_\_  
 \_\_\_\_\_

Notes: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

# Senate Energy, Environment & Economic Development Committee EXECUTIVE SESSION

Bill # SB 56

Hearing date: 10-14-09

Executive session date: 10/17/09

Motion of: 0032

VOTE: 5-0

**Made by** Fuller Clark   
**Senator:** Merrill   
 Lasky   
 Cilley   
 Odell   
 Bradley

**Seconded** Fuller Clark   
**by Senator:** Merrill   
 Lasky   
 Cilley   
 Odell   
 Bradley

**Reported** Fuller Clark   
**by Senator:** Merrill   
 Lasky   
 Cilley   
 Odell   
 Bradley

Motion of: OTR/A

VOTE: 5-0

**Made by** Fuller Clark   
**Senator:** Merrill   
 Lasky   
 Cilley   
 Odell   
 Bradley

**Seconded** Fuller Clark   
**by Senator:** Merrill   
 Lasky   
 Cilley   
 Odell   
 Bradley

**Reported** Fuller Clark   
**by Senator:** Merrill   
 Lasky   
 Cilley   
 Odell   
 Bradley

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Fuller Clark, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Merrill, Vice-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Lasky	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Cilley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Odell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Bradley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\*Amendments: 0032

Notes: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

# Committee Report



## New Hampshire General Court - Bill Status System

**Docket of SB56**

Docket Abbreviations

**Bill Title:** relative to financial responsibility for large groundwater withdrawals.*Official Docket of SB56:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
01/08/2009	S	Introduced and Referred to Energy, Environment and Economic Development; <b>SJ 2</b> , Pg.24
01/23/2009	S	Hearing; January 29, 2009, Room 102, LOB, 9:10 a.m.; <b>SC8</b>
01/29/2009	S	Hearing; === RECESSED === January 29, 2009, Room 102, LOB, 9:10 a.m.
01/29/2009	S	Hearing; === RECONVENE === February 5, 2009, Room 102, LOB, 9:30 a.m.; <b>SC9</b>
02/05/2009	S	Hearing; === RECESSED === February 5, 2009, Room 102, LOB, 9:30 a.m.
03/04/2009	S	Hearing; === RECONVENE === March 12, 2009, Room 102, LOB, 9:30 a.m.; <b>SC14</b>
04/02/2009	S	Committee Report; Rereferred to Committee; <b>SC18</b>
04/08/2009	S	Rereferred to Committee, MA, VV

NH House

NH Senate

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*New Hampshire General Court Information Systems  
107 North Main Street - State House Room 31, Concord NH 03301*

**STATE OF NEW HAMPSHIRE**  
**SENATE**  
**REPORT OF THE COMMITTEE**

Date: January 5, 2010

**THE COMMITTEE ON Energy, Environment and Economic Development**  
to which was referred Senate Bill 56

**AN ACT** relative to financial responsibility for large groundwater  
withdrawals.

Having considered the same, the committee recommends that the Bill:

**OUGHT TO PASS WITH AMENDMENT**

**BY A VOTE OF: 5-0**

**AMENDMENT # 0033s**

Senator Jacalyn L. Cilley  
For the Committee

Danielle Barker 271-3093

## New Hampshire General Court - Bill Status System

**Docket of SB56**

Docket Abbreviations

**Bill Title:** relative to financial responsibility for large groundwater withdrawals.*Official Docket of SB56:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
01/08/2009	S	Introduced and Referred to Energy, Environment and Economic Development; <b>SJ 2</b> , Pg.24
01/23/2009	S	Hearing; January 29, 2009, Room 102, LOB, 9:10 a.m.; <b>SC8</b>
01/29/2009	S	Hearing; === RECESSED === January 29, 2009, Room 102, LOB, 9:10 a.m.
01/29/2009	S	Hearing; === RECONVENE === February 5, 2009, Room 102, LOB, 9:30 a.m.; <b>SC9</b>
02/05/2009	S	Hearing; === RECESSED === February 5, 2009, Room 102, LOB, 9:30 a.m.
03/04/2009	S	Hearing; === RECONVENE === March 12, 2009, Room 102, LOB, 9:30 a.m.; <b>SC14</b>
04/02/2009	S	Committee Report; Rereferred to Committee; <b>SC18</b>
04/08/2009	S	Rereferred to Committee, MA, VV, <b>SJ 11</b> , Pg.204

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NH Senate

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107 North Main Street - State House Room 31, Concord NH 03301*

## New Hampshire General Court - Bill Status System

**Docket of SB56**

Docket Abbreviations

**Bill Title:** (New Title) expanding the duties of the commission to study issues relative to groundwater withdrawals.

*Official Docket of SB56:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
01/08/2009	S	Introduced and Referred to Energy, Environment and Economic Development; <b>SJ 2</b> , Pg.24
01/23/2009	S	Hearing; January 29, 2009, Room 102, LOB, 9:10 a.m.; <b>SC8</b>
01/29/2009	S	Hearing; === RECESSED === January 29, 2009, Room 102, LOB, 9:10 a.m.
01/29/2009	S	Hearing; === RECONVENE === February 5, 2009, Room 102, LOB, 9:30 a.m.; <b>SC9</b>
02/05/2009	S	Hearing; === RECESSED === February 5, 2009, Room 102, LOB, 9:30 a.m.
03/04/2009	S	Hearing; === RECONVENE === March 12, 2009, Room 102, LOB, 9:30 a.m.; <b>SC14</b>
04/02/2009	S	Committee Report; Rereferred to Committee; <b>SC18</b>
04/08/2009	S	Rereferred to Committee, MA, VV, <b>SJ 11</b> , Pg.204
01/07/2010	S	Committee Report, Ought to Pass with Amendment 0033s, NT 1/13/10; <b>SC2</b> Pg.2
01/13/2010	S	Committee Amendment 0033s, NT, AA, VV
01/13/2010	S	Ought to Pass with Amendment 0033s, NT, MA, VV; OT3rdg; <b>SJ 2</b> , Pg.21
01/13/2010	S	Passed by Third Reading Resolution; <b>SJ 2</b> , Pg.27
02/17/2010	H	Introduced and Referred to Resources, Recreation and Development; <b>HJ 18</b> , PG.1016
03/05/2010	H	Public Hearing: 4/6/2010 10:00 AM LOB 305
04/07/2010	H	Executive Session: 4/13/2010 10:15 AM LOB 305
04/15/2010	H	Committee Report: Ought to Pass for April 21 (Vote 19-0; CC); <b>HC 31</b> , PG.1528
04/21/2010	H	Ought to Pass: MA VV; <b>HJ 35</b> , PG.1659
05/05/2010	H	Enrolled; <b>HJ 38</b> , PG.1914
05/05/2010	S	Enrolled
05/18/2010	S	Signed by the Governor on 05/18/2010; Effective 05/18/2010; Chapter 0031

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107 North Main Street - State House Room 31, Concord NH 03301



# Other Referrals

# COMMITTEE REPORT FILE INVENTORY

SB 56 ORIGINAL REFERRAL

\_\_\_\_\_ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE SECRETARY 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 on which you have taken attendance

HEARING REPORT (written summary of hearing testimony)

HEARING TRANSCRIPT (verbatim transcript of hearing)

List attachments (testimony and submissions which are part of the transcript) by number [1 thru 4 or 1, 2, 3, 4] here: \_\_\_\_\_

SIGN-UP SHEET

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

\_\_\_\_\_ - AMENDMENT # \_\_\_\_\_      \_\_\_\_\_ - AMENDMENT # \_\_\_\_\_  
\_\_\_\_\_ - AMENDMENT # \_\_\_\_\_      \_\_\_\_\_ - AMENDMENT # \_\_\_\_\_

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED      \_\_\_\_\_ AS AMENDED BY THE HOUSE  
\_\_\_\_\_ FINAL VERSION      \_\_\_\_\_ AS AMENDED BY THE SENATE

\_\_\_\_\_ PREPARED TESTIMONY AND OTHER SUBMISSIONS (Which are not part of the transcript)

List by letter [ a thru g or a, b, c, d] here: \_\_\_\_\_

EXECUTIVE SESSION REPORT

\_\_\_\_\_ OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):

IF YOU HAVE A RE-REFERRED BILL, YOU ARE GOING TO MAKE UP A DUPLICATE FILE FOLDER

DATE DELIVERED TO SENATE CLERK

2/26/09

Danien Gurr  
COMMITTEE SECRETARY

# COMMITTEE REPORT FILE INVENTORY

           ORIGINAL REFERRAL

RE-REFERRAL  
3856

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE SECRETARY 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.
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HEARING REPORT (written summary of hearing testimony)

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List attachments (testimony and submissions which are part of the transcript) by number [1 thru 4 or 1, 2, 3, 4] here: \_\_\_\_\_

           SIGN-UP SHEET

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

- AMENDMENT # 0033s                      \_\_\_\_\_ - AMENDMENT # \_\_\_\_\_  
\_\_\_\_\_ - AMENDMENT # \_\_\_\_\_                      \_\_\_\_\_ - AMENDMENT # \_\_\_\_\_

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED                      \_\_\_\_\_ AS AMENDED BY THE HOUSE  
\_\_\_\_\_ FINAL VERSION                      \_\_\_\_\_ AS AMENDED BY THE SENATE

           PREPARED TESTIMONY AND OTHER SUBMISSIONS (Which are not part of the transcript)

List by letter [a thru g or a, b, c, d] here: \_\_\_\_\_

EXECUTIVE SESSION REPORT

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

IF YOU HAVE A RE-REFERRED BILL, YOU ARE GOING TO MAKE UP A DUPLICATE FILE FOLDER

DATE DELIVERED TO SENATE CLERK 1/16/10

Danielle Banker  
COMMITTEE SECRETARY

# COMMITTEE REPORT FILE INVENTORY

\_\_\_\_\_ ORIGINAL REFERRAL

SBS6 RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE SECRETARY 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)

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CALENDAR NOTICE on which you have taken attendance

HEARING REPORT (written summary of hearing testimony)

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\_\_\_\_\_ SIGN-UP SHEET

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

\_\_\_\_\_ - AMENDMENT # \_\_\_\_\_      \_\_\_\_\_ - AMENDMENT # \_\_\_\_\_  
\_\_\_\_\_ - AMENDMENT # \_\_\_\_\_      \_\_\_\_\_ - AMENDMENT # \_\_\_\_\_

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED      \_\_\_\_\_ AS AMENDED BY THE HOUSE  
 FINAL VERSION       AS AMENDED BY THE SENATE

\_\_\_\_\_ PREPARED TESTIMONY AND OTHER SUBMISSIONS (Which are not part of the transcript)

List by letter [a thru g or a, b, c, d] here: \_\_\_\_\_

\_\_\_\_\_ EXECUTIVE SESSION REPORT

\_\_\_\_\_ OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):

IF YOU HAVE A RE-REFERRED BILL, YOU ARE GOING TO MAKE UP A DUPLICATE FILE FOLDER

DATE DELIVERED TO SENATE CLERK

7/14/10

  
\_\_\_\_\_  
COMMITTEE SECRETARY