

Bill as
Introduced

HB 510 - AS INTRODUCED

2013 SESSION

13-0321
08/03

HOUSE BILL

510

AN ACT

relative to backflow prevention valves.

SPONSORS:

Rep. Emerick, Rock 21; Rep. F. Rice, Rock 21; Sen. Stiles, Dist 24

COMMITTEE:

Resources, Recreation and Development

ANALYSIS

This bill limits requirements for backflow prevention devices for suppliers that do not pose a high degree of hazard contamination.

Explanation:

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

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

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to backflow prevention valves.

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

1 1 Valve Tests; Backflow Prevention. Amend RSA 485:11 to read as follows:

2 485:11 Valve Tests. Every valve, gate, or other device for controlling or preventing the inflow of
3 water of such unapproved character to the public supply pipe system must be constructed to permit
4 efficient inspection and testing, and an actual test of such device shall be made ~~[not less than twice~~
5 ~~annually by the individual, corporation or association furnishing water to the public]~~. If the water
6 supply ~~[management]~~ **operator** shall find that a gate or valve is not working properly, and cannot be
7 readily adjusted, it shall at once notify the department, and, under the advice and direction of said
8 department, shall repair or correct the faulty condition. ***The department shall not require valves***
9 ***which control or prevent the inflow of water of unapproved character into the public water***
10 ***supply pipe system when the water supply operator determines the supplier does not pose a***
11 ***high degree of hazard for contamination of the public water supply.***

12 2 Effective Date. This act shall take effect 60 days after its passage.

Amendments



Rep. Emerick, Rock. 21
February 15, 2013
2013-0404h
08/10

Amendment to HB 510

1 Amend the bill by replacing section 1 with the following:

2

3 1 Backflow Device Requirements and Tests. RSA 485:11 is repealed and reenacted to read as
4 follows:

5 485:11 Backflow Device Requirements and Tests. There shall be a backflow prevention device
6 installed at every connection to a public water system if the facility connected may pose a hazard to
7 the quality of water supplied by the public water system as determined by the department of
8 environmental services. The facility receiving water from a public water supply shall be responsible
9 for having such backflow prevention devices installed, serviced and tested by individuals qualified by
10 license or certification to perform these activities. Testing of backflow devices shall occur twice
11 annually unless the public water supplier determines the facility poses a low hazard, in which case
12 testing shall be performed on an annual basis. The facility receiving water from a public water
13 supplier is responsible for ensuring that the backflow prevention device is working properly to
14 prevent backflow into the public water system.



2013-404h

AMENDED ANALYSIS

This bill requires the installation of a backflow device at every connection to a public water system under certain conditions.

This bill also requires testing of such devices under certain conditions.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

PUBLIC HEARING ON HB 510

BILL TITLE: relative to backflow prevention valves.

DATE: February 26, 2013

LOB ROOM: 305 **Time Public Hearing Called to Order:** 1:00 p.m.

Time Adjourned: 1:20 p.m.

(please circle if present)

Committee Members: Reps. Chandley, Suzanne Smith, Aguiar, Gottling, Thomas, L. Webb,
Hubbard, Parkhurst, Beaulieu, Wazlaw, Lovett, Renzullo, Holmes, Cormier, Merrow, Ahlgren,
Wright, Mullen, Schroadter and Ferrante.

Bill Sponsors: Rep. Emerick, Rock 21; Rep. F. Rice, Rock 21; Sen. Stiles, Dist 24

TESTIMONY

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

Rep. Tracy Emerick - Prime sponsor of the bill. Explained personally why this bill is necessary. He introduced an amendment 0404h which replaces the bill.

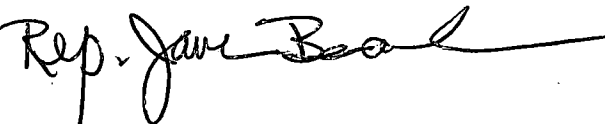
* **Sarah Pillsbury, NH Department of Environmental Services (DES)** - Supports the bill as amended. These devices are very necessary. She supports the administrative rules. She supports the clarification of the "hazards" high and low.

Steve Del Deo, New Hampshire Water Works Association - Opposes the bill. Supports the amended version of the bill.

Paul Whittemore, New England Backflow, Inc. - Opposes the bill. Supports the amended bill.

Respectfully submitted,

Rep. Jane E. Beaulieu
Clerk



HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

PUBLIC HEARING ON HB 510

BILL TITLE: relative to backflow prevention valves:

DATE: 2/26/13

LOB ROOM: 305

Time Public Hearing Called to Order: 1:00 p.m.

Time Adjourned:

(please circle if present)

Committee Members: Reps. Chandley, Suzanne Smith, Aguiar, Gottling, Thomas, L. Webb, Hubbard, Parkhurst, Beaulieu, Wazlaw, Lovett, Renzullo, Holmes, Cormier, Merrow, Ahlgren, Wright, Mullen, Schroadter and Ferrante.

Bill Sponsors: Rep. Emerick, Rock 21; Rep. F. Rice, Rock 21; Sen. Stiles, Dist 24

Rep. Jove Beaulieu

TESTIMONY

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

1:02

Rep. Tracy Emerick - sponsor

Explained personally why this bill is necessary. He introduced an amendment 0404h which replaces the bill.

* ~~Tracy~~ Sara Pillsbury - D&S supports the bill as amended. These devices are very necessary. She supports the administrative rules. She supports the clarification of the "hazards" high & low.

Steve DelDea supports the amended version of the bill. NH Water Works Association

Paul Whittermore - owns, NE Backflow Inc. supports the amended bill. adjourned 1:20

Testimony

CHAPTER 485
NEW HAMPSHIRE SAFE DRINKING WATER ACT

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485:10 Approval. – No person supplying water to the public for domestic use shall resort to, hold in reserve, or maintain, a connection through which water may be received from any auxiliary or emergency source of supply, unless such source shall have been duly declared to, registered, and approved by the department.

Source. 1989, 339:1. 1996, 228:106, eff. July 1, 1996.

485:11 Valve Tests. – Every valve, gate or other device for controlling or preventing the inflow of water of such unapproved character to the public supply pipe system must be constructed to permit efficient inspection and testing, and an actual test of such device shall be made not less than twice annually by the individual, corporation or association furnishing water to the public. If the water supply management shall find that a gate or valve is not working properly, and cannot be readily adjusted, it shall at once notify the department, and, under the advice and direction of said department, shall repair or correct the faulty condition.

Source. 1989, 339:1. 1996, 228:106, eff. July 1, 1996.

485:12 Sealed Valves. – All valves or gates used in the connection here described, in the case of sources maintained for public fire protection, shall also be subject to the special seal and inspection of the department. Whenever it shall become necessary to break such seal, or to resort to an unapproved emergency source for public fire protection, notice of such action shall, within 24 hours, be sent to the said department by telephone or telegraph and also by mail.

Source. 1989, 339:1. 1996, 228:106, eff. July 1, 1996.

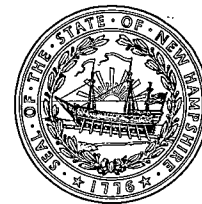
485:13 Control of Intakes. – The department shall have general control and oversight of emergency intakes. It may, when feasible and deemed necessary for the protection of the public health, upon reasonable notice, require the abandonment of any existent emergency source and the adoption of other means of supply.

Source. 1989, 339:1. 1996, 228:106, eff. July 1, 1996.

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The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner
February 26, 2013

The Honorable Shannon Chandley, Chairperson
Resources, Recreation and Development
Legislative Office Building, Room 305
Concord, NH 03301

RE: HB 510- relative to backflow prevention valves

Dear Chairperson Chandley:

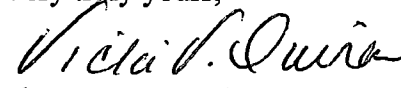
Thank you for the opportunity to comment on HB 510. The Department of Environmental Services (DES) supports HB 510 with the proposed amendments offered today by the sponsor. Representative Emerick worked closely with DES and the New Hampshire Water Works Association to develop the amended language. We believe that this language clarifies and improves the current law in that it aligns the statute with existing rules and current industry standards.

DES implements the backflow prevention through administrative rules, Env-Ws 364, which specify in detail certain requirements for the installation, operation, maintenance and testing of backflow prevention devices. These devices are installed at the service connections to commercial and industrial facilities in order to prevent backflow into the public water distribution system, which could occur (and has occurred) under certain types of water system failures. The devices required depend upon the level of public health risk. For example, if the toxicity of the chemicals used in a facility is high then the required device would need to be more protective than if no toxic chemicals are used.

HB 510, as amended, would clarify the circumstances when backflow prevention devices are required, the frequency of device testing based on the relative hazard and the responsibilities of the facility owner for testing and maintaining these devices. This would improve the existing statutes.

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

Very truly yours,


for Thomas S. Burack
Commissioner

cc: Representatives Emerick and Rice
Senator Stiles

Voting Sheets

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on HB 510

BILL TITLE: relative to backflow prevention valves.

DATE: March 5, 2013

LOB ROOM: 305

Amendments:

Sponsor: Rep. Emerick. OLS Document #: 2013 0404h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Aguiar

Seconded by Rep. Parkhurst

Vote: 17-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Aguiar

Seconded by Rep. Gottling

Vote: 17-0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: YES

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Jane E. Beaulieu, Clerk

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on HB 510

BILL TITLE: relative to backflow prevention valves.

DATE: 3/5/13

LOB ROOM: 305

Amendments:

Sponsor: Rep.

OLS Document #: 2013-0404h

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. *Agria*

Seconded by Rep. *Parkhurst*

Vote: (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. *Agria*

Seconded by Rep. *Gottley*

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Jane E. Beaulieu, Clerk

Rep. Jane Beaulieu



2013 SESSION

RESOURCES, RECREATION AND DEVELOPMENT

Bill #: 510 Title: relative to back flow prevention valves
PH Date: 2, 26, 13 Exec Session Date: 3, 15, 13
Motion: OTP Amendment #: 2013-0404h

MEMBER	YEAS	NAYS
Chandley, Shannon E, Chairman	absent	
Smith, Suzanne J, V Chairman	✓	
Parkhurst, Henry A. L.	✓	
Lovett, Sid	absent	
Aguiar, James D	✓	
Thomas, Yvonne D	✓	
Gottling, Suzanne H	✓	
Hubbard, Pamela J	✓	
Beaulieu, Jane E, Clerk	✓	
Webb, Leigh A	✓	
Wazlaw, Brian	✓	
Renzullo, Andrew ,	✓	
Ahlgren, Christopher J	✓	
Merrow, Harry C	✓	
Schroadter, Adam R	✓	
Ferrante, Beverly A	✓	
Cormier, Jane	✓	
Holmes, Stephen	✓	
Mullen, John A	✓	
Wright, Donald S	absent	
TOTAL VOTE:	17	0



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/10/2013 9:30:36 AM
Roll Call Committee Registers
Report

2013 SESSION

RESOURCES, RECREATION AND DEVELOPMENT

Bill #: 510 Title: relative to backflow prevention valves
PH Date: 2, 26, 13 Exec Session Date: 3, 5, 13
Motion: OTP/A Amendment #: _____

MEMBER	YEAS	NAYS
Chandley, Shannon E, Chairman	absent	
Smith, Suzanne J, V Chairman	✓	
Parkhurst, Henry A. L.	✓	
Lovett, Sid	absent	
Aguiar, James D	✓	
Thomas, Yvonne D	✓	
Gottling, Suzanne H	✓	
Hubbard, Pamela J	✓	
Beaulieu, Jane E, Clerk	✓	
Webb, Leigh A	✓	
Wazlaw, Brian	✓	
Renzullo, Andrew ,	✓	
Ahlgren, Christopher J	✓	
Merrow, Harry C	✓	
Schroadter, Adam R	✓	
Ferrante, Beverly A	✓	
Cormier, Jane	✓	
Holmes, Stephen	✓	
Mullen, John A	✓	
Wright, Donald S	absent	
TOTAL VOTE:	17	0

Committee Report

CONSENT CALENDAR

March 6, 2013

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on RESOURCES, RECREATION AND DEVELOPMENT to which was referred HB510,

AN ACT relative to backflow prevention valves. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. James D Aguiar

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	RESOURCES, RECREATION AND DEVELOPMENT
Bill Number:	HB510
Title:	relative to backflow prevention valves.
Date:	March 6, 2013
Consent Calendar:	YES
Recommendation:	OUGHT TO PASS WITH AMENDMENT

STATEMENT OF INTENT

The amendment replaces the bill in its entirety. The bill clarifies the circumstances under which backflow prevention devices are required as well as the frequency of device testing based on the relative hazard. It further outlines the responsibilities of the facility owner regarding testing and maintenance of the devices. Backflow devices prevent unhealthy water from mixing with safe water.

Vote 17-0.

Rep. James D Aguiar
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

RESOURCES, RECREATION AND DEVELOPMENT

HB510, relative to backflow prevention valves. **OUGHT TO PASS WITH AMENDMENT.**

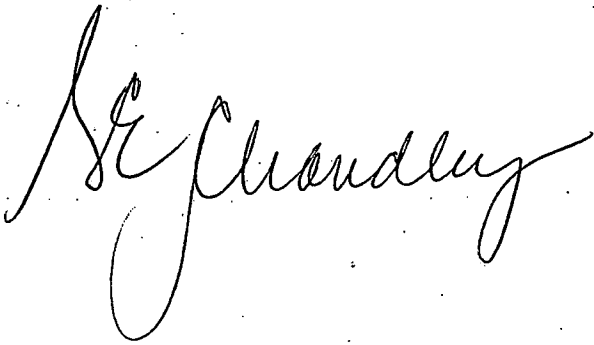
Rep. James D Aguiar for RESOURCES, RECREATION AND DEVELOPMENT. The amendment replaces the bill in its entirety. The bill clarifies the circumstances under which backflow prevention devices are required as well as the frequency of device testing based on the relative hazard. It further outlines the responsibilities of the facility owner regarding testing and maintenance of the devices. Backflow devices prevent unhealthy water from mixing with safe water. **Vote 17-0.**

HB 510

OTP/A

The amendment replaces the bill in its entirety. The bill clarifies the circumstances under which backflow prevention devices are required as well as the frequency of device testing based on the relative hazard. It further outlines the responsibilities of the facility owner regarding testing and maintenance of the devices. Backflow devices prevent unhealthy water from mixing with safe water.

Jim Aguiar

A handwritten signature in cursive script, appearing to read "Jim Aguiar". The signature is written in black ink and is located in the lower-left quadrant of the page.

Ebbs, Heather

From: James Aguiar [aguiarjd@yahoo.com]
Sent: Tuesday, March 05, 2013 3:03 PM
To: Ebbs, Heather
Cc: Chandley, Shannon
Subject: blurb

Heather here is my blurb for HB 510.

~~AMENDED ANALYSIS The amended bill repeals RSA 485:11 and reenacts it to require the installation of a backflow device at every connection to a public water system when certain conditions exist.~~

amendment replaces the bill in its entirety. The bill clarifies the circumstances under which backflow devices are required as well as the prevention
~~This bill requires that backflow devices be installed at every connection to a public water system if the facility connected poses a hazard to water quality. Backflow devices prevent unhealthy water from mixing with safe water. The bill also requires the facility receiving water from a public water supply to have the installed backflow devices serviced and tested by qualified and or licensed individuals.~~
The vote was 17-0.

frequency of device testing based on the relative hazard. It further outlines the responsibilities of the facility owner regarding testing and maintenance of the devices