

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

HB 510 - AS AMENDED BY THE HOUSE

20Mar2013... 0404h

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

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.

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.

HB 510 – AS AMENDED BY THE HOUSE

20Mar2013... 0404h

13-0321
08/03

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 RSA 485:11 is repealed and reenacted to read as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

3 485:11 Backflow Device Requirements and Tests. There shall be a backflow prevention device
4 installed at every connection to a public water system if the facility connected may pose a hazard to
5 the quality of water supplied by the public water system as determined by the department of
6 environmental services. The facility receiving water from a public water supply shall be responsible
7 for having such backflow prevention devices installed, serviced and tested by individuals qualified by
8 license or certification to perform these activities. Testing of backflow devices shall occur twice
9 annually unless the public water supplier determines the facility poses a low hazard, in which case
10 testing shall be performed on an annual basis. The facility receiving water from a public water
11 supplier is responsible for ensuring that the backflow prevention device is working properly to
12 prevent backflow into the public water system.

13 2 Effective Date. This act shall take effect 60 days after its passage.

CHAPTER 50
HB 510 - FINAL VERSION

20Mar2013... 0404h

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

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.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 50
HB 510 - FINAL VERSION

20Mar2013... 0404h

13-0321
08/03

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 50:1 Backflow Device Requirements and Tests. RSA 485:11 is repealed and reenacted to read as
2 follows:

3 485:11 Backflow Device Requirements and Tests. There shall be a backflow prevention device
4 installed at every connection to a public water system if the facility connected may pose a hazard to
5 the quality of water supplied by the public water system as determined by the department of
6 environmental services. The facility receiving water from a public water supply shall be responsible
7 for having such backflow prevention devices installed, serviced, and tested by individuals qualified
8 by license or certification to perform these activities. Testing of backflow devices shall occur twice
9 annually unless the public water supplier determines the facility poses a low hazard, in which case
10 testing shall be performed on an annual basis. The facility receiving water from a public water
11 supplier is responsible for ensuring that the backflow prevention device is working properly to
12 prevent backflow into the public water system.

13 50:2 Effective Date. This act shall take effect 60 days after its passage.

14 Approved: June 4, 2013

15 Effective Date: August 3, 2013

Committee Minutes

SENATE CALENDAR NOTICE PUBLIC AND MUNICIPAL AFFAIRS

ATTENDANCE

- ✓ Senator David Boutin Chairman
- ✓ Senator Jeanie Forrester V Chairman
- ✓ Senator Bette Lasky
- ✓ Senator David Pierce
- ✓ Senator Nancy Stiles

14

START: 10:14 Am

STOP: 10:28 Am

For Use by Senate Clerk's Office ONLY

Bill Status

Docket

Calendar

Proof: Calendar Bill Status

Date: April 17, 2013

HEARINGS

Wednesday

4/24/2013

PUBLIC AND MUNICIPAL AFFAIRS

LOB 102

9:00 AM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

Comments: Proposed non-germane amendment to HB 204-FN-LOCAL, Amendment #2013-1294s.

- 9:00 AM HB204-FN-L relative to the removal of social security and other numbers from registry of deeds documents available on the Internet.
- 9:30 AM HB178-FN-L (New Title) relative to public employer collective bargaining agreements.
- 9:50 AM HB367 relative to the municipal bond bank reserve process.
- 10:05 AM HB510 relative to backflow-prevention valves.
- 10:20 AM HB595-FN relative to photo identification of voters.

Sponsors:

HB204-FN-L

Rep. Rick Watrous

Rep. Neal Kurk

HB178-FN-L

Rep. Charles Weed

Rep. Mel Myler

Rep. Douglas Ley

Rep. Gary Coulombe

HB367

Rep. Andrew White

Rep. Neal Kurk

Sen. Bob Odell

HB510

Rep. J. Tracy Emerick

Rep. Frederick Rice

Sen. Nancy Stiles

HB595-FN

Rep. Lucy Weber

Sen. Bette Lasky

Rep. Sylvia Gale

Sen. David Pierce

Rep. Joel Winters

Rep. Kathleen Hoelzel

Rep. Larry Phillips

Rep. Paul Berch

Debra Martone 271-3092

Sen. David Boutin

Chairman

SENATE PUBLIC AND MUNICIPAL AFFAIRS COMMITTEE

Hearing Report

Deb Martone, Legislative Aide

HB 510 -- *An Act relative to backflow prevention valves.*

Hearing Date: April 24, 2013

Time Opened: 10:14 am

Time Closed: 10:28 am

Members of the Committee Present: Senators Boutin, Forrester, Stiles, Lasky and Pierce.

Bill Analysis: 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.

Sponsors: Representatives Emerick and F. Rice; Senator Stiles.

Who supports the bill: Representatives Emerick and Suzanne Smith; Senator Stiles; Sarah Pillsbury, NH Department of Environmental Services; Steve Del Deo, NH Water Works Association.

Summary of testimony presented in support:

Representative Emerick:

- Approximately a dozen years ago Representative Emerick received a mandate from the town of Hampton's water supplier, a private municipal water company, to install backflow valves in two business properties he owned. The units cost approximately \$300 per unit, and were required in order to receive water.
- The trouble with the backflow valve that was specified is that it is designed to leak intentionally, if there is pressure. If you install a valve in a business basement and it leaks regularly, mold and mildew result.
- Representative Emerick worked with both the Department of Environmental Services and the NH Water Works Association to craft a compromise bill, whose purpose is to insert into statute who exactly the requirement applies to.
- RSA 485:11 establishes backflow valves and how often they must be tested. But the law doesn't say "who"; it merely says "what".
- Representative Emerick has now installed a valve that is not required to be inspected twice a year, as the current ones are, but only once a year. And it is not designed to leak.

Sarah Pillsbury, Administrator, Public Drinking Water Program, NH

Department of Environmental Services:

- The bill clarifies and aligns the backflow prevention statute that is currently in law with industry practices and DES Administrative Rules. It does not create a new requirement for backflow prevention.

- When a water system supplies water out to a commercial or industrial facility, a backflow prevention device is put in place so that if pressure changes, water cannot flow back into the public water supply and then be redistributed to other customers.
- HB 510 clarifies when backflow prevention is needed, the frequency of testing, and who is responsible for what. The bill greatly improves the language of the existing statute.
- The statute is written broadly so that it could apply to homes with irrigation systems, as well as commercial and industrial facilities, depending upon the discretion of the public water system.

Steve Del Deo, Executive Director, NH Water Works Association:

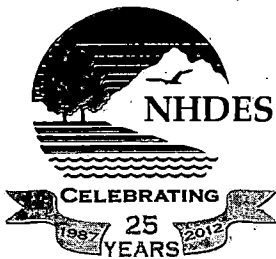
- Backflow devices are critical in protecting the entire water system from potential backflow of contaminated water.
- Some municipalities require double check valves on residential homes to prevent backflow.

Action: The committee voted 4-0 to pass HB 510.

dam
Date hearing report completed: April 26, 2013

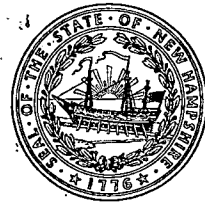
Speakers

Testimony



The State of New Hampshire
Department of Environmental Services

Thomas S. Burack, Commissioner



*Celebrating 25 Years of Protecting
New Hampshire's Environment*

April 24, 2013

The Honorable David Boutin, Chairman
Public and Municipal Affairs
Legislative Office Building, Room 102
Concord, NH 03301

RE: HB 510- relative to backflow prevention valves

Dear Chairman Boutin:

Thank you for the opportunity to comment on HB 510. The Department of Environmental Services (DES) supports HB 510 as amended by the House. The bill's sponsor, Representative Emerick, worked closely with DES and the New Hampshire Water Works Association on this legislation. We believe that the bill 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 clarifies 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

www.des.nh.gov

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095
Telephone: (603) 271-2513 • Fax: (603) 271-5171 • TDD Access: Relay NH 1-800-735-2964

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: April 25, 2013

THE COMMITTEE ON Public and Municipal Affairs
to which was referred House Bill 510

AN ACT relative to backflow prevention valves.

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

OUGHT TO PASS

BY A VOTE OF: 4-0

Senator Bette Lasky
For the Committee

Debra Martone 271-3092

New Hampshire General Court - Bill Status System

Docket of HB510

Docket Abbreviations

Bill Title: relative to backflow prevention valves.*Official Docket of HB510:*

Date	Body	Description
1/3/2013	H	Introduced 1/3/2013 and Referred to Resources, Recreation and Development; HJ 12 , PG.198
2/13/2013	H	Public Hearing: 2/26/2013 1:00 PM LOB 305
2/13/2013	H	Executive Session: 3/5/2013 10:15 AM LOB 305
3/6/2013	H	Committee Report: Ought to Pass with Amendment #0404h for Mar 20 (Vote 17-0; CC); HC 23 PG.579
3/6/2013	H	Proposed Committee Amendment #2013-0404h ; HC 23 PG.618
3/20/2013	H	Amendment #0404h: AA VV; HJ 27 , PG.842
3/20/2013	H	Ought to Pass with Amendment #0404h: MA VV; HJ 27 , PG.842
3/21/2013	S	Introduced and Referred to Public & Municipal Affairs
4/17/2013	S	Hearing: 4/24/13, Room 102, LOB, 10:05 a.m.; SC17
4/25/2013	S	Committee Report: Ought to Pass, 5/2/13; SC18
5/2/2013	S	Ought to Pass: MA, VV; OT3rdg;
5/2/2013	S	Enrolled
5/8/2013	H	Enrolled; HJ41 , PG.1424
6/6/2013	H	Signed by Governor 06/04/2013; Effective 08/03/2013; Chapter 0050

NH House

NH Senate

Other Referrals

COMMITTEE REPORT FILE INVENTORY

HB 510 ORIGINAL REFERRAL _____ RE-REFERRAL

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

- DOCKET (Submit only the latest docket found in Bill Status)
- COMMITTEE REPORT
- CALENDAR NOTICE
- HEARING REPORT
- _____ HANDOUTS FROM THE PUBLIC HEARING
- PREPARED TESTIMONY AND OTHER SUBMISSIONS
- SIGN-UP SHEET(S)

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

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

DATE DELIVERED TO SENATE CLERK

07/30/13

Debra A. Martore
BY COMMITTEE AIDE