

# Committee Report

**CONSENT CALENDAR**

**March 10, 2021**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on Resources, Recreation and Development to which was referred HB 235,**

**AN ACT relative to community small groundwater withdrawal. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.**

**Rep. Andrew Renzullo**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	<b>Resources, Recreation and Development</b>
Bill Number:	<b>HB 235</b>
Title:	<b>relative to community small groundwater withdrawal.</b>
Date:	<b>March 10, 2021</b>
Consent Calendar:	<b>CONSENT</b>
Recommendation:	<b>OUGHT TO PASS WITH AMENDMENT 2021-0580h</b>

### STATEMENT OF INTENT

This bipartisan legislation addresses impacts to other water users from new sources of water for community water systems. Specifically, the bill requires the Department of Environmental Services (DES) to establish criteria within administrative rules for new small community water supply wells. Small water supply wells draw under 40 gallons per minute. These rules would authorize DES to require a small community water supply well applicant/owner to mitigate potential adverse impacts to a private water supply well in the event that such impacts occur. The owner/applicant would be required to perform an investigation and mitigation. The increasing density of development within the state, and the use of small community water supply systems at subdivisions to increase land development, increases the likelihood for these impacts in the future. In the 2020 session a similar bill on this topic was unanimously passed by the committee and was tabled in the Senate without committee referral as were many other bills due to COVID-19. The amendment reestablishes the same verbiage and text previously approved in the 2020 session.

Vote 21-0.

Rep. Andrew Renzullo  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

Resources, Recreation and Development

**HB 235**, relative to community small groundwater withdrawal. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Andrew Renzullo for Resources, Recreation and Development. This bipartisan legislation addresses impacts to other water users from new sources of water for community water systems. Specifically, the bill requires the Department of Environmental Services (DES) to establish criteria within administrative rules for new small community water supply wells. Small water supply wells draw under 40 gallons per minute. These rules would authorize DES to require a small community water supply well applicant/owner to mitigate potential adverse impacts to a private water supply well in the event that such impacts occur. The owner/applicant would be required to perform an investigation and mitigation. The increasing density of development within the state, and the use of small community water supply systems at subdivisions to increase land development, increases the likelihood for these impacts in the future. In the 2020 session a similar bill on this topic was unanimously passed by the committee and was tabled in the Senate without committee referral as were many other bills due to Covid. The amendment reestablishes the same verbiage and text previously approved in the 2020 session. **Vote 21-0.**

Original: House Clerk

Cc: Committee Bill File

## Blurb for HB235 by Andrew Renzullo

**HB 235**, addressing impacts to other water users from new sources of water for community water systems. **OUGHT TO PASS/A.**

Rep. Andrew Renzullo for Resources, Recreation and Development. This bipartisan legislation addresses impacts to other water users from new sources of water for community water systems. Specifically, the bill requires the Department of Environmental Services (DES) to establish criteria within administrative rules for new small community water supply wells. Small water supply wells draw under 40 gallons per minute. These rules would authorize DES to require a small community water supply well applicant/owner to mitigate potential adverse impacts to a private water supply well in the event that such impacts occur. The owner/applicant would be required to perform an investigation and mitigation. The increasing density of development within the state, and the use of small community water supply systems at subdivisions to increase land development, increases the likelihood for these impacts in the future. In the 2020 session a similar bill on this topic was unanimously passed by the committee and was tabled in the Senate without committee referral as were many other bills due to Covid. The amendment reestablishes the same verbiage and text previously approved in the 2020 session. **OTP/A Vote 21-0.**

Amendment to HB 235

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

2

3 AN ACT addressing impacts to other water users from new sources of water for community  
4 water systems.

5

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

7

8 1 New Section; Small Groundwater Withdrawals. Amend RSA 485-C by inserting after section  
9 25 the following new section:

10 485-C:26 Groundwater Withdrawals Less than 57,600 Gallons Over Any 24-Hour Period for  
11 Community Water Systems. The department shall adopt rules pursuant to RSA 541-A specifying  
12 criteria and procedures to ensure a groundwater withdrawal less than 57,600 gallons over any 24-  
13 hour period from a new source of water for a community water system as defined by RSA 485:1-a  
14 and subject to RSA 485:8 does not cause an unmitigated impact to an existing private water supply  
15 well in accordance with RSA 485-C:21, V-c(a) or RSA 485-C:21, V-c(c).

16 2 Effective Date. This act shall take effect 60 days after its passage.

2021-0580h

AMENDED ANALYSIS

This bill requires the department of environmental services to adopt rules concerning small groundwater withdrawals from new sources of water.

# Voting Sheets



**HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT**

**EXECUTIVE SESSION on HB 235**

**BILL TITLE:** relative to community small groundwater withdrawal.

**DATE:** March 3, 2021

**LOB ROOM:** Hybrid

**MOTIONS: OUGHT TO PASS WITH AMENDMENT**

Moved by Rep. Gunski                      Seconded by Rep. Creighton                      AM Vote: 21-0

Amendment # 2021-0580h

Moved by Rep. Gunski                      Seconded by Rep. Creighton                      Vote: 21-0

**CONSENT CALENDAR: YES**

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep Juliet Harvey-Bolia, Clerk

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on

BILL TITLE: HB 235

DATE: 03/03/21

LOB ROOM:

MOTION: (Please check one box)

OTP       ITL       Retain (1<sup>st</sup> year)       Adoption of Amendment # 0580H  
 Interim Study (2nd year)      (if offered)

Moved by Rep. Gunski      Seconded by Rep. Crcighton      Vote: 21/0

MOTION: (Please check one box)

OTP       OTP/A       ITL       Retain (1<sup>st</sup> year)       Adoption of Amendment # \_\_\_\_\_  
 Interim Study (2nd year)      (if offered)

Moved by Rep. \_\_\_\_\_      Seconded by Rep. \_\_\_\_\_      Vote: \_\_\_\_\_

MOTION: (Please check one box)

OTP       OTP/A       ITL       Retain (1<sup>st</sup> year)       Adoption of Amendment # \_\_\_\_\_  
 Interim Study (2nd year)      (if offered)

Moved by Rep. \_\_\_\_\_      Seconded by Rep. \_\_\_\_\_      Vote: \_\_\_\_\_

MOTION: (Please check one box)

OTP       OTP/A       ITL       Retain (1<sup>st</sup> year)       Adoption of Amendment # \_\_\_\_\_  
 Interim Study (2nd year)      (if offered)

Moved by Rep. \_\_\_\_\_      Seconded by Rep. \_\_\_\_\_      Vote: \_\_\_\_\_

CONSENT CALENDAR: X YES      \_\_\_\_\_ NO

Minority Report? \_\_\_\_\_ Yes      \_\_\_\_\_ No      If yes, author, Rep: \_\_\_\_\_ Motion \_\_\_\_\_

Respectfully submitted: Juliet Harvey-Bolia  
Rep Juliet Harvey-Bolia, Clerk

STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK



1/27/2021 9:56:53 AM  
Roll Call Committee Registers  
Report

2021 SESSION

Resources, Recreation and Development

Bill #: 235 Motion: OTP **AMENDMENT 05804** AM #: \_\_\_\_\_ Exec Session Date: 03/03/21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
<i>Dutzy, Sherry</i>	✓		
Renzullo, Andrew Chairman	✓		
Gunski, Michael D. Vice Chairman	✓		
Gould, Linda R.	✓		
Horgan, James F.	✓		
Harb, Robert D.	✓		
Creighton, Jim L.	✓		
Dodge, Dustin	✓		
Harvey-Bolia, Juliet Clerk	✓		
Healey, Robert V.	✓		
Mayville, Mary L.	✓		
Post, Lisa C.M.	✓		
Smith, Suzanne J.	✓		
Spang, Judith T.	✓		
Grassie, Chuck W.	✓		
Gottling, Suzanne H.	✓		
Cohen, Bruce L.	✓		
Connors, Erika F.	✓		
Vail, Suzanne M.	✓		
Kelley, Eamon P.	✓		
Moran, Melbourne R.	✓		
<b>TOTAL VOTE:</b>	<b>21</b>	<b>0</b>	

STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK



1/27/2021 9:56:53 AM  
Roll Call Committee Registers  
Report

2021 SESSION

Resources, Recreation and Development

Bill #: 235 Motion: OTP AM #: \_\_\_\_\_ Exec Session Date: 03/03/21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Dutzy, Sherry	✓		
Renzullo, Andrew Chairman	✓		
Gunski, Michael D. Vice Chairman	✓		
Gould, Linda R.	✓		
Horgan, James F.	✓		
Harb, Robert D.	✓		
Creighton, Jim L.	✓		
Dodge, Dustin	✓		
Harvey-Bolia, Juliet Clerk	✓		
Healey, Robert V.	✓		
Mayville, Mary L.	✓		
Post, Lisa C.M.	✓		
Smith, Suzanne J.	✓		
Spang, Judith T.	✓		
Grassie, Chuck W.	✓		
Gottling, Suzanne H.	✓		
Cohen, Bruce L.	✓		
Connors, Erika F.	✓		
Vail, Suzanne M.	✓		
Kelley, Eamon P.	✓		
Moran, Melbourne R.	✓		
<b>TOTAL VOTE:</b>	<b>21</b>	<b>0</b>	

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13 hour period from a new source of water for a community water system as defined by RSA 485:1-a  
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15 well in accordance with RSA 485-C:21, V-c(a) or RSA 485-C:21, V-c(c).

16 2 Effective Date. This act shall take effect 60 days after its passage.

2021-0580h

AMENDED ANALYSIS

This bill requires the department of environmental services to adopt rules concerning small groundwater withdrawals from new sources of water.

# Hearing Minutes

The Hearing on HB 235 relative to community small groundwater withdrawal was opened at 10:01 AM.

Rep. M. Pearson of Hampstead, spoke in favor of HB 235 and gave testimony in support of the bill which intends to protect against an unmitigated impacts to an existing public or private water supply well.

Leonard Sarapas, a member of the A Member of the American Institute of Hydrology and a resident of Hampstead, spoke in favor of the bill.

Rep. Spang testified in favor of HB 235.

Brandon Kernen, representing the NH DES, spoke against HB 235. Mr. Kernen suggested that communities study their respective water supplies, rather than pass legislation. Members asked him questions

10:40 AM- the hearing was closed.

Rep. Smith asked a fiscal note will be attached to the HB 235. Rep. Renzullo stated that a fiscal note is warranted for HB 235.

11:01 AM the Hearing on HB 269 relative to abandoned underwater cables, was opened.

Rep. Norm Silber, the bill prime sponsor, spoke in favor of HB 269 which states that when any person who knowingly fails to remove a submerged or partially submerged underwater cable being abandoned shall be guilty of a class B felony.

Maura Weston, a lobbyist for New England Cable and Telecommunication Association spoke against HB 269 due to costs and unintended consequences.

Capt. Dunleavy speaks in opposition to HB 269, citing practical concerns with enforcement.

Rep. Renzullo read the list of those in favor and against and adjourned the hearing at 11:34 AM.

An executive session was opened at 11:35 AM.

Rep. Smith offered an amendment on HB 193, on timber trespass, to delete the word "or" before the words, "carry away" for paragraphs one and two.

Rep. Smith Motions to HB 193 OTP as amended. Rep. Harb seconded.

Vote on amendment number 0157H:

The vote was as follows:

	<u>Yes</u>	<u>No</u>
Rep. Renzullo,	X	
Rep. Gunski,	X	
Rep. Gould	X	
Rep. Horgan	X	
Rep. Harb	X	
Rep. Creighton	X	
Rep. Dodge	X	
Rep. Harvey-Bolia	X	
Rep. Healey	X	
Rep. Mayville	X	
Rep. Post	X	
Rep. Smith	X	
Rep. Spang	X	



# Testimony



New Hampshire Office of Legislative Budget Assistant

# FISCAL ANALYSIS

*HB 235 relative to community small groundwater withdrawal.*

*Prepared for Representative Renzullo*

02/17/21

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HB 235 requires the Department of Environmental Services to adopt rules relative to certain withdrawals of groundwater. The Department of Environmental Services indicates this bill would establish a number of tasks that Department staff would have to complete when reviewing applications for small community water supply wells including:

- Responding in writing to two rounds of comments provided by municipalities on the application. There currently is no comment period or response to comments required.
- Assessing potential impacts to all other types of water users. Impacts to other water users are not currently assessed.
- Determining the long-term replenishment rate of aquifers before making a final decision. The Department indicates this is a technically complex requirement.

The proposed requirements would also impact applicants which can sometimes be government entities. The Department estimates 4-8 small community water supply applications that could be affected by this bill annually. The Department states the additional work to administer the requirements of the bill would require a part-time Environmentalist IV (Step 5, 0.25 full-time equivalent) at an annual cost of approximately \$26,000.

The Department indicates there would also be additional costs for applicants and the customers of the water system.

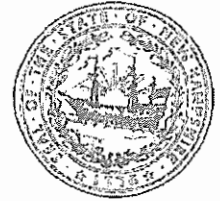
## **Agencies Contacted**

Department of Environmental Services

*Note: This fiscal analysis, similar to fiscal notes prepared in accordance with RSA 14:46, is limited to the fiscal impact on state, county, and local expenditures and revenue.*



The State of New Hampshire  
**Department of Environmental Services**



**Robert R. Scott, Commissioner**

February 13, 2020

The Honorable Suzanne Smith, Chair  
Resources, Recreation and Development Committee  
Legislative Office Building, Room (305)  
Concord, NH 03301

**RE: HB 1347, AN ACT relative to addressing impacts to other water users from new sources of water for community water systems**

Dear Chair Smith and Members of the Committee:

Thank you for the opportunity to testify on HB 1347. This bill would authorize the New Hampshire Department of Environment Services (NHDES) to establish criteria within the administrative rules for new small community water supply wells to ensure that if these wells cause an adverse impact to nearby private water supply wells, NHDES can require the owner to perform an investigation and mitigation. The NHDES supports the concept of this legislation and provides the following information to assist the committee in its considerations.

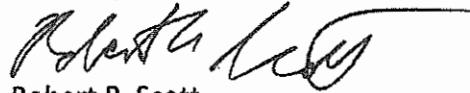
The Safe Drinking Water act (RSA 485) requires NHDES approval for the design, testing, monitoring and operation for all community water systems in the state to ensure that the water supply needs of consumers are met and the public health is protected. Community water supply wells have specific siting, testing and sampling criteria under administrative rules that require an applicant demonstrate that a well, when connected to a community water system, is able to provide an adequate quantity of water that meets drinking water quality standards. Community water supply wells are designated as large or small based on their approved withdrawal volumes, whereby wells approved to withdraw less than 57,600 gallons per day of groundwater are designated small community water supply wells. Unlike large community water supply wells, small community water supply wells are not subject to requirements to demonstrate that before using the well, no adverse impacts to surrounding water users or resources will occur. The testing process for small community water supply wells is currently solely focused on evaluating the capacity and water quality of the production well.

Currently, NHDES does not have authority to require that a small community water supply well applicant/owner mitigate potential adverse impacts to private water supply well(s) in the event that such impacts occur. Although there are neither widespread reports nor a long record of small community well impacts to private wells, the increasing density of development within the state and the use of small community water supply systems at subdivisions to increase land development increases the likelihood for these impacts in the future. The language in HB 1347 would provide NHDES authority to require that a mitigation plan be developed and implemented when impacts to private water supply wells are observed.

The Honorable Suzanne Smith, Chair  
Resources, Recreation and Development Committee  
February 13, 2020  
Page (2)

Thank you again for the opportunity to comment on HB 1347. Should you have questions or need additional information, please feel free to contact either Sarah Pillsbury, Drinking Water and Groundwater Bureau Administrator ([Sarah.Pillsbury@des.nh.gov](mailto:Sarah.Pillsbury@des.nh.gov) or 271-1168) or Stephen Roy ([Stephen.Roy@des.nh.gov](mailto:Stephen.Roy@des.nh.gov) or 271-3918).

Sincerely,

A handwritten signature in black ink, appearing to read "Robert R. Scott", with a long horizontal flourish extending to the right.

Robert R. Scott  
Commissioner

cc: Sponsors of HB 1347: Representatives Pearson, Welch, Weyler, Green, Guthrie, Hobson, Salloway, Somssich; Senators Clark, Morgan, Birdsell

## **Addressing impacts to homes and residences from new “small” community water system wells.**

### **Overview, Summary and Intent of Proposed House Bill 235**

- As NH has grown, **demands on our groundwater supplies have grown** and continue to grow, resulting in **adverse impacts to some well owners** from increased stress on our aquifers. These impacts are magnified during summer months and periods of drought.
- This bill is **intended to help prevent the loss of water to drinking water well owners from new small community water supply wells**. It is **proactive in nature**, not retro-active, with the intent of taking practical measures to help protect residents’ wells, and address an identified **public groundwater protection gap**.
- It will **support continued growth** in NH while **protecting residential water wells**.
- RSA 485-C, NH’s **Groundwater Protection Act**, was originally passed in **1991** to address concerns related to groundwater contamination, and excessive groundwater withdrawals.
- NH has **separate rules and regulations** for permitting and oversight of “**large**” (> 40 gallons per minute or GPM) wells and “**small**” (< 40 GPM) wells.
- One **significant difference** between large and small wells is that while NH’s Groundwater Protection Act calls out 11 specific adverse impacts not allowed as a result of the construction of a new “large” well, it **does not prohibit impacts from new smaller community water system wells**.
- In simple terms, NH’s current law and regulations provide home owners and residents **no meaningful protection from** adverse impacts caused by “**new small community wells**”, whereas a protective process has been, and is now, in place for new large wells since August 1998.
- A “small” well **can support over 200 homes** and **may have far reaching effects** on other wells, so not necessarily small in terms of causing impacts.
- This proposed bill would **establish rules** to help insure that new proposed “small” public water supply wells would **not cause a significant adverse impact to surrounding, existing private drinking water wells**.
- While far less than the 11 adverse impacts prohibited for new large wells, this change would **provide meaningful protection to residents** which rely on wells for their homes.
- The proposed bill would **also require notification to communities** affected by a new small well, informing them about the new well, and **allowing an opportunity to comment** on the process.

## Addressing impacts to homes and residences from new “small” community water system wells.

### Overview, Summary and Intent of Proposed House Bill 235

- As NH has grown, **demands on our groundwater supplies have grown** and continue to grow, resulting in **adverse impacts to some well owners** from increased stress on our aquifers. These impacts are magnified during summer months and periods of drought.
- This bill is **intended to help prevent the loss of water to drinking water well owners from new small community water supply wells**. It is **proactive in nature**, not retro-active, with the intent of taking practical measures to help protect residents’ wells, and address an identified **public groundwater protection gap**.
- It will **support continued growth** in NH while **protecting residential water wells**.
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- In simple terms, NH’s current law and regulations provide home owners and residents **no meaningful protection from** adverse impacts caused by “**new small community wells**”, whereas a protective process has been, and is now, in place for new large wells since August 1998.
- A “small” well can **support over 200 homes** and **may have far reaching effects** on other wells, so not necessarily small in terms of causing impacts.
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- The proposed bill would **also require notification to communities** affected by a new small well, informing them about the new well, and **allowing an opportunity to comment** on the process.

**Archived:** Thursday, April 22, 2021 12:34:33 PM  
**From:** Canon Mark A. Pearson  
**Sent:** Tuesday, February 2, 2021 4:54:28 PM  
**To:** ~House Resources Recreation and Development  
**Subject:** Prime Sponsor's Testimony on HB235  
**Importance:** Normal

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To: House Resources, Recreation and Development Committee  
From: Rep. Mark Pearson, Chairman of Health, Human Resources and Elderly Affairs Committee.

In re: Prime Sponsor's testimony regarding hb 235 relative to community small groundwater withdrawal.

Over one and a half years ago Deanna Anthony of Hampstead discovered a problem: her well had gone dry. She soon discovered the wells of neighbors in her north Hampstead neighborhood were either going dry or else were providing water that was badly colored. They wondered what was going wrong. Some of them paid to have another well dug and discovered this did not alleviate the problem.

They hired Leonard ("Lee") Sarapas, a hydro-geologist. He procured maps of the "streams" flowing under the ground. Much research was done.

Was this the case of something diverting the water from these homes?

It was discovered that HAWC (the Hampstead Area Water Company) had drilled wells nearby and was pumping large quantities of water per day. Was this the source of the problem?

Deanna Anthony and others did two things.

First, they brought a lawsuit against HAWC requiring that the daily pumping be reduced. There is an injunction in place against HAWC while the law suit is working its way through the courts.

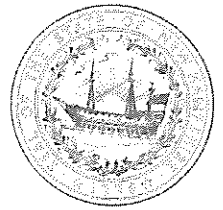
Second, they asked if the area legislators might intervene. As our state grows in population, especially in the south eastern and south-central parts of the state, over-pumping of wells to serve new developments might cause similar water shortages to existing homes.

I called a meeting of the hydro-geologist Lee Sarapas, three scientists from the state's Department of Environmental Services, the New Hampshire Senator representing Hampstead, the four representatives whose district is Hampstead-Kingston, and myself who represents the floterial district which includes Hampstead.

Representatives of HAWC were invited. It was and remains my belief that HAWC has a right to exist as a company and has the right to make a profit at what they do, providing water for existing and new developments. At the same time, HAWC does not have the right to do this at the expense of people living in existing homes. We could, I hope, work to find a good solution so that future lawsuits would not be necessary and that people already living in Hampstead would have wells that produce sufficient clean water. HAWC declined to participate in the group.



The State of New Hampshire  
**Department of Environmental Services**



**Robert R. Scott, Commissioner**

February 3, 2021

The Honorable Andrew Renzullo  
Chair, House Resources, Recreation and Development Committee  
Legislative Office Building, Room 305  
Concord, NH 03301

RE: HB 235 – AN ACT relative to community small groundwater withdrawal

Dear Chair Renzullo and Members of the Committee:

Thank you for the opportunity to comment on HB 235 relative to the development of new sources of groundwater for community water systems that will produce less than 57,600 gallons per day. The NH Department of Environmental Services (NHDES) does not support the bill as proposed.

The bill proposes to: 1) Require a person developing a new community water supply well to provide copies of the preliminary report and final report to the municipalities in which the activity is located; 2) Ensure the new community water supply well does not cause unmitigated impacts to certain water users; and 3) Requires NHDES respond to comments from municipalities on the preliminary and final report associated with the new community water supply well. Additionally, the bill does not include a fiscal note to document the additional costs NHDES would incur to administer the requirements of this bill or the increased costs municipalities will incur if they develop a new groundwater withdrawal subject to this legislation.

The Safe Drinking Water Act (RSA 485) requires NHDES approval for the design, testing, monitoring and operation for all community water systems in the State to ensure that the water supply needs of consumers are met and the public health is protected. Community water supply wells have specific siting, testing and sampling criteria under administrative rules that require an applicant to demonstrate that a well, when connected to a community water system, is able to provide an adequate quantity of water that meets drinking water quality standards. Community water supply wells are designated as large or small based on their approved withdrawal volumes, whereby wells approved to withdraw less than 57,600 gallons per day of groundwater are designated as small community water supply wells. Unlike large community water supply wells, small community water supply wells are not subject to requirements to demonstrate that before using the well, no adverse impacts to surrounding water users or resources will occur. The testing process for small community water supply wells is currently focused on evaluating the capacity and water quality of the production well and monitoring of private wells within 1,000 feet.

The language in HB 235 would require substantially more field testing and hydrogeologic analysis when developing a new small community water supply well to: 1) Assess the zone of influence and potential for

[www.des.nh.gov](http://www.des.nh.gov)

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095  
(603) 271-3503 • Fax: 271-2867 TDD Access: Relay NH 1-800-735-2964



**Archived:** Thursday, April 22, 2021 12:37:46 PM  
**From:** Leonard  
**Sent:** Wednesday, February 3, 2021 2:01:10 PM  
**To:** ~House Resources Recreation and Development  
**Cc:** Leonard; Mark Pearson  
**Subject:** Information related to HB 235 Testimony  
**Importance:** Normal  
**Attachments:**

Commissioner support of HB 1347 small wells.pdf Summary of HB 235 2021.docx

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Thank you for allowing me to provide testimony in support of HB 235. As requested by the Committee, I am providing the following.

- February 23, 2020 letter from Commissioner Scott in support of last year's HB 1347.
- Summary points regarding HB 235. I used these notes to give testimony in support of HB 235, rather than a prepared script. If additional detail is desired please let me know.

In addition, I would like to provide some further information regarding testimony following my own. I was not aware of a process with which to respond, so request that the Committee accept this information and give it consideration as they proceed forward with the bill.

Two-tiered well approval process - The proposed bill maintains this two-tiered process, with the process for new small wells continuing to be much less extensive than for large wells. The bill does not propose to adopt the large well process for new small wells, only that an assessment be completed to determine if adverse impacts to existing drinking water wells would occur as a result of operating the proposed new small well, and that communities be informed of plans to install that well.

Added requirements for a new small community well - Testimony was provided that added work and requirements would be required of an applicant to obtain approval for a new small community well. The premise of this bill is to prevent significant adverse impacts to current drinking water wells. What the proposed bill sets forth is a framework to determine that adverse impacts will not occur as a result of the new small well; without such a process, the bill would be ineffective. The bill does not specify the methods to be used, leaving that to the NH DES in their rule making, should the bill be enacted.

A Professional Engineer or Geologist would be required for new small well applications - This would only be required if the NH DES were to include it in their rules. It is not an element of HB 235, nor is it envisioned as necessary.

Added work to applicants related to community notification - The two notification steps included in the bill involve sending documents already being submitted to the NH DES to the affected community(ies), similar to developers providing towns information regarding development plans. Other than mailing these same materials to the community, no addition work would be required by the applicant.

Added work to NH DES - Unlike that contained in the current new large well regulations, the opportunity to request public hearings was not included in HB 235. Such hearings can pose a significant burden on NH DES. Rather, the bill allows communities to provide comments to NH DES, should there be any, regarding a new proposed small well. The comments may be in support

**Archived:** Thursday, April 22, 2021 12:37:46 PM  
**From:** Beauchesne, Suzanne  
**Sent:** Monday, February 1, 2021 2:15:50 PM  
**To:** ~House Resources Recreation and Development  
**Cc:** Mark Pearson; Joseph Guthrie; Dennis Green; David Welch; Deborah Hobson; Ken Weyler; Jeffrey Salloway; Birdsell; Kernen, Brandon; Roy, Stephen J.; O'Donovan, Thomas; Pelletier, Rene  
**Subject:** HB 235 - Letter of Testimony from NHDES  
**Importance:** Normal  
**Attachments:**  
HB 235-SmallGroundwaterWithdrawal-TL020321.pdf

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Dear Chair Renzullo and Members of the Committee:

Attached is a letter of testimony from the NH Department of Environmental Services on HB 235 relative to community small groundwater withdrawal. Should you have questions about this testimony, please feel free to contact either Brandon Kernen, Drinking Water and Groundwater Bureau Administrator ([Brandon.Kernen@des.nh.gov](mailto:Brandon.Kernen@des.nh.gov) -- 271-1168) or Stephen Roy ([Stephen.Roy@des.nh.gov](mailto:Stephen.Roy@des.nh.gov) -- 271-0660).

Stay Safe! Be Well!

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NH Department of Environmental Services  
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Bill as  
Introduced

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HB 235 - AS INTRODUCED

2021 SESSION

21-0222  
08/06

HOUSE BILL           **235**

AN ACT               relative to community small groundwater withdrawal.

SPONSORS:           Rep. M. Pearson, Rock. 34; Rep. Guthrie, Rock. 13; Rep. Green, Rock. 13; Rep. Welch, Rock. 13; Rep. Hobson, Rock. 35; Rep. Weyler, Rock. 13; Rep. Salloway, Straf. 5; Sen. Birdsell, Dist 19

COMMITTEE:         Resources, Recreation and Development

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ANALYSIS

This bill requires the department of environmental services to adopt rules relative to certain withdrawals of groundwater.

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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 Twenty One*

AN ACT                   relative to community small groundwater withdrawal.

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

1           1 New Section; Groundwater Withdrawals. Amend RSA 485-C by inserting after section 25 the  
2 following new section:

3           485-C:26 Groundwater Withdrawals Less than 57,600 Gallons Over Any 24-hour Period for  
4 Community Water Systems.

5           I. The department shall adopt rules pursuant to RSA 541-A specifying criteria and  
6 procedures relative to groundwater withdrawals less than 57,600 gallons over any 24-hour period  
7 from a new source of water for a community water system as defined by RSA 485:1-a and subject to  
8 RSA 485:8. Such rules shall protect against an unmitigated impact to an existing public or private  
9 water supply well in accordance with RSA 485-C:21, V-c(a), RSA 485-C:21, V-c(b), RSA 485-C:21, V-  
10 c(c), or RSA 485-C:21, V-c(k).

11           II. The adopted rules shall not diminish protections provided under current rules.

12           III. In addition to rules adopted by the department under this section:

13           (a) The person requesting approval for a new well planned to withdraw less than 57,600  
14 gallons over any 24-hour period for a community water system shall send notification describing the  
15 applicable activity and a copy of the preliminary report via certified mail to the municipality or  
16 municipalities in which the activity is located at the same time as submission of the preliminary  
17 report to the department.

18           (b) The preliminary report provided to the department shall include a delineation of the  
19 estimated "zone of influence", a description of how it was delineated, and identification of potential  
20 adverse impacts to groundwater users in the zone of influence.

21           (c) The person requesting approval for a new well planned to withdraw less than 57,600  
22 gallons over any 24-hour period for a community water system shall send notification describing the  
23 applicable activity and a copy of the final report via certified mail to the municipality or  
24 municipalities in which the activity is located at the same time as submission of the final report to  
25 the department.

26           (d) Comments to the preliminary report and final report received by the department  
27 within 15 days of the date of receipt by a recipient community of the preliminary report or the final  
28 report, respectively, shall be addressed by the department in its' responses to those reports.

29           2 Effective Date. This act shall take effect 60 days after its passage.