

Senate Energy and Natural Resources Committee

Griffin Roberge 271-2878

SB 117-FN, establishing the stormwater management and flood resilience fund within the department of environmental services.

Hearing Date: January 31, 2017

Time Opened: 10:42 a.m.

Time Closed: 11:05 a.m.

Members of the Committee Present: Senators Fuller Clark, Innis, Bradley and Avard

Members of the Committee Absent: Senator Feltes

Bill Analysis: This bill establishes the stormwater management and flood resilience fund within the department of environmental services.

Sponsors:

Sen. Watters

Rep. Spang

Rep. Farnham

Rep. Grassie

Who supports the bill: Rep. Peter Somssich (Rockingham - District 27), Sam Demeritt (Lamprey River Watershed Association), James Houle (UNH), Barbara Reid, Rep. Judith Spang (Strafford - District 6), Jim O'Brien (The Nature Conservancy), Dean Peschel (Dover), Jeff Gowan (Pelham), Steve Couture (NHDES), Richard H. Snow (Southeast Watershed Alliance), Michael J. Bobinsky (Somersworth).

Who opposes the bill: N/A.

Who is neutral on the bill: N/A.

Summary of testimony presented in support:

Senator David Watters

Senate District 4

- As the prime sponsor of SB 117-FN, Senator Watters wants to establish a stormwater management and flood resilience fund within the department of environmental services.
- This fund would do two things:
 - \$100,000 to continue high priority monitoring stormwater management and flood resilience objectives.
 - \$300,000 in grants to municipalities that are struggling with technical needs of stormwater and coastal resilience.

- Would like to make a drafting correction on line 10 of the bill: changing “public and non-public organizations” to “public and non-profit organizations.”
- There has been a great deal of discussion over nitrogen in the Great Bay, as well as other water quality issues. It is significant to have the independent scientific information when dealing with the EPA and the regulatory oversight on cleaning Great Bay.
- Last year in the capital budget, the legislature repurposed funding to monitor the pH level in Great Bay and coastal waters to ensure that aquatic life is protected.
- Some funding for this monitoring is from municipalities. It is not fair that only a few communities have paid for this monitoring when 34 communities are directly affected.
- This is a budgetary matter so it is important to run it through the legislative process.
- The real focus for this bill is the MS4 permits. This is the potential for hundreds of millions of dollars in new costs. This funding will provide support for communities to address MS4 regulations.
- Senator Innis asked if there was already a lot of testing around Great Bay and if SB 117-FN would be redundant. Senator Watters said the funding is for that monitoring. Municipalities need funding to collect the data. They want to examine the coastal water and gather scientific data. Senator Innis asked if the funding would make new monitoring sites. Senator Watters said the funding will help those that exist and let them continue monitoring. Senator Innis asked about the annual cost to run this equipment. Senator Watters said he would let Steve Couture from the NHDES address that question.
- Senator Bradley asked if any consideration has been given to changing the MS 4 permit through executive order. Senator Watters said the situation is fluid. One of the difficulties is that federal regulations can get quite complicated. The funding is sought to provide scientific data to these communities and ensure scientific data can be gathered.

James Houle

Program Director, UNH Stormwater Center

- Provided written testimony.
- There are no technical issues in measuring water quality. However, there are problems with implementations. There is a lack of local leadership on local implementation issues. This void of leadership is filled with individual community approaches that are uncoordinated, less tested and often proprietary. The funding outlined in SB 117-FN would leverage federal investments and help transform local implementation efforts from demonstrations to proven and tested innovative approaches.
- The NHDES has played a leadership role in administering and overseeing most of the funds leveraged to date and can act as a worthy administrator of much needed state investment.

Dean Peschel

Former Environmental Project Manager, Dover, NH

- Mr. Peschel testifies on behalf of the city of Dover.
- MS4 will impact $\frac{3}{4}$ of the population of the state. It will affect communities like Manchester and Danville. There is no differentiation as to which communities will be affected.
- Towns have a limited amount of funding to meet these mandates. MS4 will cost towns a great deal of money to meet reporting and tracking requirements.
- The amount being suggested is a small amount, but important for small communities just beginning the MS4 process and understanding what MS4 is about.

Jeff Gowan

Planning Director of Pelham, NH

- Hopeful that the bill will be available to non-coastal communities.
- Mr. Gowan is in favor, as town selectmen are.
- The amount allocated is not enough to address the full problem.
- Local communities have a challenge in trying to convince voters of the need for this funding and how important the problem is, and in trying to convince voters of the need of it.

Steve Couture

Administrator, Water Pollution Division, NHDES

- Provided written testimony.
- The NHDES supports the concept of the fund.
- The bill addresses two major issues facing NH communities: managing stormwater and reducing the risk posed by extreme storm events. As communities become more densely developed, their total paved area increases and the management of precipitation that falls on those paved areas becomes more challenging.
- Stormwater management includes both flood control and water quality control. Although NH's surface water is generally good quality, where surface water quality is poor approximately 90% of the problems results from stormwater.
- Stormwater management has become an increasingly urgent matter for the 44 municipalities in NH that are subject to the EPA's municipal separate storm sewer system (MS4) permits. These permits will require the communities to expend additional resources on stormwater management and monitoring.
- Much of the federal funds to help address this problem do not go directly to the municipalities who desperately need it.
- Extreme storm events play a major role in affecting water quality. In 2013, the Legislature created the New Hampshire Coastal Risks and Hazards Commission to consider key scientific research and to recommend rules, legislation, and other actions to address these risks. SB 117-FN is one of those recommendations.
- To address this problem long-term, an estimate of \$384 million would be needed.
- Senator Avard asked how much of the \$400,000 will go to non-coastal areas.

Mr. Couture said a minimum of \$100,000 will go to coastal areas. \$300,000 will go state wide.

- Senator Fuller Clark asked how much of an impact, given the \$300 million need going forward, will the \$400,000 make. She also asked if the NHDES would make a list of priorities and if there would be a return to the Legislature in the future on a regular basis for funding. Mr. Couture said the NHDES will make rules as outlined in SB 117-FN. They will seek to maximize their allocated funds and stretch their dollars as far as they can. They would aim to link with other funding sources. Mr. Couture said he believes the NHDES will return, but it is up to the Legislature as to whether or not to fund the program.
- Senator Bradley said statewide stormwater infrastructure costs are around \$380 million. He asked what the time frame on that spending would be. Mr. Couture said the estimate was in 2012, but he could not give any of the criteria on that estimate or what the time period on that spending would be.
- Senator Bradley asked if the \$400,000 was included in a budget proposal to Governor Hassan. Mr. Couture said no. The study commission was operating at that time and report did not come out. No budget request was made.
- Senator Bradley said a lot of these questions will be addressed by the Senate Finance Committee and that the Senate Energy Committee deals with policy. Senator Bradley proposed moving \$1 into the fund and leaving it to the Senate Finance Committee as to whether to fund the project and to what extent.
- Senator Fuller Clark asked if there were comparable dedicated funds in other states. Mr. Couture said Vermont has a dedicated clean water fund in the millions of dollars.

Jim O'Brien

Director of External Affairs, The Nature Conservancy

- Provided written testimony on behalf of the Piscataqua Region Estuaries Partnership (PREP).
- SB 117-FN will allow the NHDES, communities, and regional partners to select and implement those highest priority projects. It will improve water quality, water management, and reduce unanticipated municipal costs associated with increasing storm events.
- He expressed a willingness to work with Senator Bradley in order to address SB 117-FN in the Senate Finance Committee.

Summary of testimony presented in opposition: N/A.

Neutral Information Presented: N/A.

Future Action: Pending

GJR

Date Hearing Report completed: February 1, 2017