



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



**Thomas S. Burack, Commissioner**  
January 21, 2015

The Honorable Regina Birdsell, Chair  
Senate Public and Municipal Affairs Committee  
Legislative Office Building, Room 102  
Concord, NH 03301

**RE: SB 97**, authorizing municipalities to adopt ordinances to regulate stormwater to comply with federal permit requirements.

Dear Chairman Birdsell and Members of the Committee:

Thank you for the opportunity to comment on SB 97. This bill would authorize municipalities to exert regulatory control over the stormwater infrastructure that they own and manage. The Department of Environmental Services (DES) fully supports this bill.

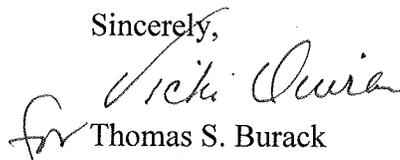
Municipalities own and manage systems of catch basins, ditches, pipes, and other conveyances and systems designed to safely and effectively discharge stormwater. These municipal stormwater systems provide a service to all the properties that connect to them. Because the stormwater systems ultimately discharge to surface waters of the state, under federal regulations, permitted municipalities are responsible for any pollution caused by these discharges.

RSA 149-I:6 currently authorizes municipalities to adopt ordinances relating to “proper maintenance and operation and to promote the objectives of the sewage system or stormwater utility.” And, in fact, many municipalities are required to adopt such ordinances under federal stormwater regulations. Some municipalities have used the RSA 149-I:6 authorization to adopt ordinances preventing the discharge of pollutants to municipally owned stormwater systems, however many others have been reticent to do so because of uncertainty regarding whether or not they were required to formally adopt a stormwater utility in order to adopt such an ordinance.

This bill makes it clear that municipalities can exercise control over what enters their own stormwater infrastructure whether or not they have created a local stormwater utility. This proposed legislation will enhance the abilities of communities to meet federal stormwater requirements.

Thank you for your consideration in this matter. If you have questions or need additional information, please contact Rene Pelletier ([rene.pelletier@des.nh.gov](mailto:rene.pelletier@des.nh.gov) or 603-271-2951) or me ([Thomas.burack@des.nh.gov](mailto:Thomas.burack@des.nh.gov) or 603-271-3449).

Sincerely,

  
for Thomas S. Burack  
Commissioner

cc: Sen. Birdsell, Sen. Morse, Sen. Carson, Sen. Reagan, Rep. Chirichiello, Rep. Webb, Rep. Cardon, Rep. O'Connor, Rep. Milz