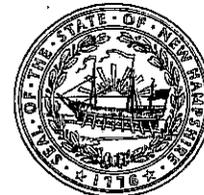




The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**



**Thomas S. Burack, Commissioner**

February 9, 2010

The Honorable Judith T. Spang  
House Resources, Recreation and Development Committee  
Legislative Office Building, Room 305  
Concord, New Hampshire 03301

**Re: HB 1348, an act relative to enforcement of surface water classification**

Dear Chairman Spang:

Thank you for the opportunity to comment on HB 1348, which was requested by the Department of Environmental Services (DES). This bill clarifies the agency's general authority to enforce surface water quality standards and the criteria that establish the occurrence of violations of surface water quality standards. The bill also makes technical corrections to include all surface waters in the requirements for compliance.

RSA 485-A:12 currently prohibits only discharges and sources of pollution that would result in violations of surface water quality standards. HB 1348 would expand this prohibition to include a wider range of activities in addition to discharges that are known to cause surface water quality violations if constructed or operated improperly. For example, under certain circumstances, these activities might include water withdrawals when stream flows are significantly reduced, thus affecting sensitive aquatic habitats, stream crossings that substantially restrict the passage of fish and other aquatic life in important fisheries, the construction or operation of dams in a way that causes significant water quality degradation, or other activities that cause demonstrable degradation of surface water quality. HB 1348 would clarify DES's authority to regulate these types of activities when the result is a lowering of surface water quality below the minimum requirements.

Thank you for the opportunity to comment on this bill. Please feel free to call Paul Currier, DES Watershed Management Bureau Administrator at 271-3289 or me at 271-2958, if you have any questions or need additional information.

Very truly yours,

Thomas S. Burack  
Commissioner

cc: Representatives Spang, Kappler, Abbott, Kaen and Richardson  
Senators Fuller Clark, Cilley, Merrill and Odell