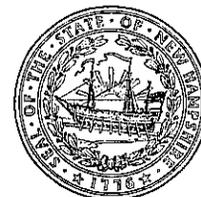




The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

February 4, 2010

The Honorable Martha Fuller Clark, Chairman
Energy, Environment and Economic Development Committee
Legislative Office Building, Room 102
Concord, NH 03301

RE: SB 369: An act relative to the expiration of large groundwater withdrawal permits

Dear Chairman Fuller Clark:

Thank you for the opportunity to comment on Senate Bill 369 (SB 369) which would create a process under which large groundwater withdrawal permits issued by the Department of Environmental Services (DES) under RSA 485-C would expire upon expiration of an associated local building permit.

Under the existing statutes and regulations, permits for large groundwater withdrawals (more than 57,600 gallons per day) are issued for a period of ten years and expire after five years if a new permitted withdrawal has not initiated operations. SB 369 proposes to change these permit lengths by linking the expiration dates for large groundwater withdrawal permits to those for local building permits. Under SB 369, DES would be required to actively terminate, upon building permit expiration, then reinstate, upon building permit renewal, any large groundwater withdrawal permit when any building permit for the site expires or becomes null and void. Since the bill is not explicit, this appears to include building permits for both new construction and building expansions, irrespective of size. Notice to DES by local government officials or the permit holder that a local building permit has expired would be necessary, and then DES would be required to issue notice that the large groundwater withdrawal permit has expired. Upon notice and documentation that the building permit had been reinstated or reissued, DES would then be required to issue notice that the large groundwater permit has been reissued. We recommend that the responsibilities and procedures for notification, as well as the scope of the building permits covered by the bill, be clarified to minimize future confusion and unnecessary administrative costs.

Thank you again for this opportunity to comment on this bill. Please feel free to call me at 271-2958, or Sarah Pillsbury at 271-1168, if you have any questions or need additional information.

Very truly yours,

Thomas S. Burack
Commissioner

cc: Senator Barnes
Senator Fuller Clark
Representative Case
Representative Kappler
Katherine Peters, Governor's Office