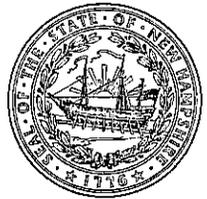




The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



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 411: An act relative to permitting of large groundwater withdrawals program.

Dear Chairman Fuller Clark:

Thank you for the opportunity to comment on Senate Bill 411, relative to permitting of large groundwater withdrawals. SB 411 proposes changes to RSA 485-C that have been recommended by the Commission to Study Issues Relating to Groundwater Withdrawals (Groundwater Commission).

In 2009, by enactment of House Bill 1353, the Legislature directed the Groundwater Commission to assess the municipal role in the large groundwater withdrawal permitting process as set forth in RSA 485-C. To this end, a subcommittee conducted nine regional meetings and provided recommendations to the Groundwater Commission in a November 2009 report. The Groundwater Commission then voted to support the amendments proposed in SB 411. It is still evaluating other recommendations in the report.

In Section 1 of the bill, SB 411 proposes to add a reference to state permitting of large groundwater withdrawals into RSA 485-C:1, I, the purpose statement of the Groundwater Protection Act, in order to more fully reflect the prominent role that large groundwater withdrawal permitting plays in groundwater management and protection in New Hampshire.

In Section 2, the bill proposes to clarify in RSA 485-C:20 that the issuance of a large groundwater withdrawal permit by DES does not limit the authority of municipalities acting under lawful ordinances, codes and regulations that are consistent with RSA 485-C.

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: Senators Cilley, Barnes, Fuller Clark, Merrill and Lasky
Representatives Moody, Tupper, Mann and Nord
Katherine Peters, Governor's Office