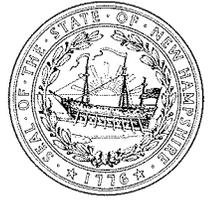




The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**



**Thomas S. Burack, Commissioner**  
April 5, 2013

The Honorable Russell Prescott, Chairman  
Energy and Natural Resources Committee  
Legislative Office Building, Room 101  
Concord, NH 03301

RE: HB 393 relative to effluent limitations with regard to nitrogen

Dear Chairman Prescott:

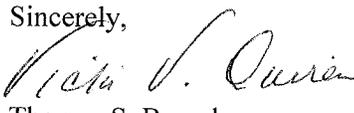
Thank you for the opportunity to comment on HB 393 relative to effluent limitations with regard to nitrogen and phosphorus. The Department of Environmental Services (DES) supports this bill as amended because, as stated in the statement of purpose of the bill, turf fertilizer is both a known source of nitrogen pollution to the Great Bay estuary as well as a source of phosphorus pollution to lakes and impoundments. Nutrients (both nitrogen and phosphorus) from turf fertilizer and other sources, such as wastewater and stormwater, need to be addressed in the long term to improve water quality in New Hampshire waters. Recent work by scientists at DES has estimated that residential lawn fertilizers are responsible for 10-15% of the nonpoint source nitrogen load to the Great Bay estuary. Phosphorus is a significant issue on many of the lakes in the state.

In 2012, the New England Governors' Committee on the Environment, of which I am a member along with the environmental agency commissioners from the other five New England states, initiated a voluntary regional approach to better control nutrient pollution from turf fertilizer. The goal is to develop and implement voluntary region-wide guidelines for fertilizer formulation, management, sale and application to better control nutrients and improve water quality. The framework for this approach is outlined in a joint statement by the Commissioners entitled *Reducing Nutrient Pollution through Voluntary Turf Fertilizer Guidelines* in which the Commissioners have expressed their common commitment to address nutrient pollution from turf fertilizer through guidelines related to the formulation, sale and application of turf fertilizer. In 2012, New England Interstate Water Pollution Control Commission (NEIWPC) met with manufacturers of chemical and organic fertilizers to develop final turf fertilizer guidelines that are mutually agreeable to regulators, industry representatives (which also include retailers, golf course superintendents and landscapers) and non-industry stakeholders, such as watershed groups and homeowners. The guidelines discussed in stakeholder meetings are consistent with the provisions of this bill.

It is also important to note that New Hampshire is not alone in fertilizer nutrient reductions efforts as proposed by HB 393. This bill is consistent with similar requirements recently enacted by statute in Maryland and New Jersey and with regulations adopted in Florida to address similar water quality problems in coastal waters. These states now require virtually identical nitrogen and phosphorus concentrations in turf fertilizer to those proposed in HB 393.

Thank you for the opportunity to comment on this proposed legislation. If you have any questions or require additional information, please contact Ted Diers, Watershed Management Bureau Administrator, at 271-3289.

Sincerely,

  
for Thomas S. Burack  
Commissioner

cc: Representatives Schroadter and Smith  
Senator Stiles