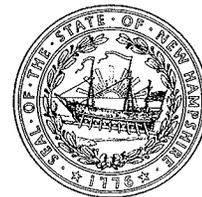




The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**



**Thomas S. Burack, Commissioner**  
January 23, 2014

The Honorable Shannon Chandley, Chairman  
Resources, Recreation and Development Committee  
Legislative Office Building, Room 305  
Concord, New Hampshire 03301

**RE: HB 1383 relative to municipal monitoring of large groundwater withdrawals**

Dear Chair Chandley and Members of the Committee:

Thank you for the opportunity to comment on House Bill 1383 which would amend RSA 485:C-21, Approval for Large Groundwater Withdrawals, under which the Department of Environmental Services (DES) permits large groundwater withdrawals. DES does not support Sections 1 and 3 of this bill as currently proposed.

The definition of "unaccounted for water" proposed in Section 1 would be inconsistent with existing DES rules, Env-Wq 2101- Water Conservation. These rules were just readopted by DES in December 2013, after close work with stakeholders including representatives of New Hampshire public water systems and other industries. Section 3 would then permanently eliminate the requirement for conservation management plans for public water systems that qualify based on proposed criteria for unaccounted for water. Conservation management plans are an important and effective method to ensure that public water systems that operate permitted large groundwater withdrawals use water efficiently. We believe that these should continue to be required for most public water systems that have large groundwater withdrawals. Based on conversations with Representative Umberger, we understand that the goal of these sections of HB 1383 is to reduce reporting requirements for systems that use water efficiently. DES generally supports this goal and could support alternative language that ensures consistency with the existing water conservation standards established in Env-Wq 2101.

Section 2 of HB 1383 would clarify DES authority to require the monitoring of impacts of large groundwater withdrawals on "seasonal river overflow surface water streams" by limiting the initial monitoring period that DES could require to a maximum of three years after initial operation. After three years, DES would then be required to conclude, with scientific justification, whether or not additional monitoring and analysis, or other adjustments to the large groundwater withdrawal permit conditions, would be necessary. HB 1383 would only reduce the initial monitoring period to three years for withdrawals that exist near one unique type of surface water, namely "seasonal river overflow surface water streams." This proposed change would probably only affect one of the thirty existing permitted large groundwater withdrawals. Modifications to monitoring requirements in permits are often made by DES at the time of permit renewal, which occurs every ten years for active withdrawals. However, large groundwater withdrawal permittees may also propose permit amendments for consideration by DES at any time, which DES then must

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consider based on well-defined criteria contained in our rules.

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,

A handwritten signature in black ink that reads "Thomas S. Burack". The signature is written in a cursive style with a large, sweeping initial "T".

Thomas S. Burack  
Commissioner

cc: Representative Umberger  
Representative Carr  
Representative Chandler  
Representative Buco