



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

January 22, 2015

The Honorable Andrew Christie, Chair
Executive Departments and Administration Committee
Legislative Office Building, Room 306
Concord, NH 03301

RE: HB 109-FN, *An act relative to the testing of backflow devices*

Dear Chairman Christie and Members of the Committee:

Thank you for the opportunity to comment on HB 109-FN. This bill would reduce the required frequency of testing of backflow devices at high hazard facilities served by public drinking water systems from twice a year to once a year and would eliminate the requirement to test backflow devices at low hazard facilities that are currently required to be tested annually. The Department of Environmental Services (Department) has significant concerns regarding decreased testing at high hazard facilities and opposes eliminating all testing at low hazard facilities. Accordingly, we oppose HB 109-FN.

The purpose of backflow devices is to prevent a liquid, gas or other substance used at a facility served by a public drinking water system from flowing back into the public water system's distribution pipes. This is particularly important at high hazard facilities where the facilities' piping could contain contaminants that could cause illness or death. It is also important at low hazard facilities where a backflow event could impact the taste or odor of water served to other customers, thereby damaging public confidence in the public water system. To ensure that backflow devices are where they need to be and functioning properly, water systems which serve multiple customers, such as municipal water systems, are required by NH's Safe Drinking Water Act to have cross connection control programs. The frequency of testing currently specified for these programs (i.e., at least annually for low hazard facilities and twice a year for high hazard facilities) is consistent with U.S Environmental Protection Agency's 2003 Cross Connection Control Manual which specifies semi-annual testing for devices at high hazard facilities. It is also consistent with Section 312.10.2 of the 2012 International Plumbing Code which requires annual testing of devices at both high hazard and low hazard facilities. This code governs licensed plumbers in New Hampshire.

New Hampshire's law concerning backflow device testing has been in place for more than 30 years. Routinely inspecting facilities connected to public water systems that could pose a hazard has prevented unwanted cross connections and has served to identify new activities of concern, such as when the use of a commercial building changes the nature of process water. Reducing the frequency of inspections at high hazard facilities would lower the protections now in place for consumers of public drinking water. Eliminating testing at low hazard facilities also lowers

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consumer protection and is in conflict with the plumbing code. For these reasons, the Department opposes this bill.

Thank you for your consideration in this matter. If you have questions or need additional information, please contact Sarah Pillsbury (Sarah.Pillsbury@des.nh.gov or 603-271-1168) or me (Thomas.burack@des.nh.gov or 603-271-3449).

Sincerely,



for

Thomas S. Burack
Commissioner

CC:

Representative Beaudoin
Representative Ober
Representative McGuire
Representative O'Connor