



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

January 16, 2018

The Honorable Chris Christensen, Chair
House Resources, Recreation and Development Committee
Legislative Office Building, Room 305
Concord, NH 03301

RE: HB 1226, AN ACT relative to restricting the watering of lawns through the use of private wells

Dear Chairman Christensen and Members of the Committee:

Thank you for the opportunity to comment on HB 1226. This bill substantially weakens municipal authority to respond to a water supply emergency during a drought emergency. The Department of Environmental Services (NHDES) opposes this bill.

Since the enactment of RSA 41:11-d in 2007, the local governing body of each municipality has been enabled to restrict residential lawn watering using water from public water systems or private wells when the state or federal government has declared a drought. HB 1226 would eliminate the authority to restrict outdoor residential lawn watering using water from private wells during a drought emergency. RSA 41:11-d was proposed in 2007 based on the findings of a Legislative Commission to Study Issues Relative to Groundwater Withdrawals on impacts from the drought that occurred in parts of 2001 and 2002. During this period, concerns were raised by municipalities that, while individual home wells were routinely being reported to run dry due to excessive water use in some areas, no authority existed for municipalities to implement effective measures to reduce discretionary water use by residential wells. Approximately 45% of the state relies on private wells for their drinking water supply, and in some regions of the state, private wells are the only viable option for drinking water.

During the drought emergency that occurred in 2015 and 2016, NHDES is aware of at least nine municipalities that implemented mandatory restrictions associated with watering residential lawns using water from public water systems or private wells. These actions helped preserve the available water supply in order to reduce the number of failing water supply sources as the drought persisted for an extended period of time.

During dry weather conditions, NHDES convenes the New Hampshire Drought Management Team (DMT), which includes state officials and other stakeholders, to assess the stage of

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drought in each region and announce its conclusions. The DMT relies upon criteria and procedures set forth in the New Hampshire Drought Management Plan to establish the magnitude of drought conditions and possible actions. Variables considered to establish drought severity include precipitation, groundwater levels, surface water levels, stream flow, fire hazard risk and other physical observations reported by state agencies. Federal agencies also maintain a national drought monitoring program using criteria and methodologies that are similar to New Hampshire's. Based on past experience, this system has worked well in New Hampshire and is an appropriate mechanism for municipalities to consider in deciding whether outdoor water use restrictions should occur in sensitive areas.

Thank you again for the opportunity to comment on this proposed legislation. If you have questions or need additional information, please contact Brandon Kernen, Hydrology and Water Conservation Program Manager (Brandon.Kernen@des.nh.gov or 271-0660).

Sincerely,



Robert R. Scott
Commissioner

cc: Representatives True and Itse