



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

February 5, 2019

The Honorable Clyde Carson, Chair
House Municipal and County Government Committee
Legislative Office Building, Room 301
Concord, NH 03301

RE: HB 443, AN ACT relative to municipal watering restrictions

Dear Chairman Carson and Members of the Committee:

Thank you for the opportunity to comment on HB 443. This bill would allow municipalities to restrict lawn watering at commercial facilities when the federal or state government has designated a region of the state as being in a stage of drought. State law currently enables municipalities to only restrict residential lawn watering with water from private wells or public water systems when the state or federal government declares a stage of drought. The New Hampshire Department of Environmental Services (NHDES) supports the concept of this legislation and provides the following information to assist the committee in its considerations.

The General Court established a commission to study groundwater withdrawals pursuant to SB 155 in 2003 and SB 142 in 2005. The commission consisted of members of the General Court, general public, municipalities, farms, businesses, recreation and environmental interests. Until the commission expired in 2010, it comprehensively studied how New Hampshire manages its groundwater and reported its findings annually to the Legislature. In 2006, the commission recommended that based on its assessment of impacts to private wells during the 2001-2003 drought, a law should be enacted to enable municipalities to restrict residential lawn watering when the region has been designated as being under a declared drought by the state or federal government. The General Court acted on this recommendation and enacted RSA 41-11-d pursuant to HB 457 in 2007.

During the summer and fall of 2016, a number of communities utilized their authority to respond to the water supply emergency caused by the drought to restrict or ban residential outdoor lawn watering. These actions were implemented as hundreds of private wells became dewatered and failed and some community water systems saw their reservoirs and groundwater levels in their wells at historic low levels. The measures these municipalities implemented were prudent to preserve the available water supply, especially as the drought

www.des.nh.gov

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095
(603) 271-3503 • Fax: 271-2867 TDD Access: Relay NH 1-800-735-2964

became more severe and it was apparent that any substantial recovery from the drought would not be possible until the spring of 2017 at the earliest. NHDES recognizes that expanding the water uses that can be restricted during the drought to lawn watering at commercial properties would substantially improve the ability to respond to a drought emergency, but that the interpretation of what is "commercial lawn watering" could be subjective and create uncertainty and disagreement. An alternative approach could be to more narrowly expand the authority to restrict outdoor water use associated with lawns at commercial properties by including the language shown in bold italics below in RSA 41:11-d.

The local governing body may establish regulations restricting the use of water from private wells or public water systems for outdoor ***lawn watering*** when administrative agencies of the state or federal government have designated the region as being under a declared state or condition of drought. ***The grass playing turf of a recreational field, the grass playing surfaces at a golf course, and grass agricultural fields including fields used for the production of sod are not considered grass lawns.***

Thank you again for the opportunity to comment on this proposed legislation. If you have questions or need additional information, please contact Sarah Pillsbury, Drinking Water and Groundwater Bureau Administrator (Sarah.Pillsbury@des.nh.gov or 271-1168) or Brandon Kernen (Brandon.Kernen@des.nh.gov or 271-0660).

Sincerely,



Robert R. Scott
Commissioner

cc: Representatives McBeath and Van Houten