



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

January 28, 2020

The Honorable Martha Fuller Clark
Chair, Senate Energy and Natural Resources Committee
State House, Room 103
Concord, NH 03301

RE: SB 628-FN, AN ACT relative to the authority of the department of environmental services for emergency action at hazardous dams

Dear Chair Fuller Clark and Members of the Committee:

Thank you for the opportunity to testify on SB 628. The bill would authorize the New Hampshire Department of Environmental Services (NHDES) to take emergency actions at dams before floods to protect life and property downstream that could be lost if the dam were to fail. The bill also authorizes NHDES to recover the costs that it incurs in performing these emergency actions, and provides NHDES rights of entry and access on any property in order to take emergency actions. The same authorities are provided to NHDES under RSA 147-A and 147-B to respond to releases of hazardous waste that present an imminent and substantial threat to public health or the environment. NHDES supports this bill.

There are over 400 privately-owned hazardous dams in the state, which could cause loss of life or significant property damage downstream if they were to fail. Based on flood inundation maps developed for these dams, NHDES estimates that there are over 10,000 houses, 200 state road crossings and 800 town road crossings that would be destroyed or damaged if these dams were to fail. In rare cases, a private dam owner may not provide the resources to take the necessary steps to protect life and property before a flood. If this bill is enacted, NHDES would have the authority to intervene in those cases using its resources, and would seek reimbursement from the dam owner for the expenses it incurs. This authority is necessary to reduce the chance of loss of life or property damage from a dam failure, which could have been avoided if appropriate actions were taken before flood emergencies.

Thank you again for the opportunity to comment on HB 1553. Should you have further questions or need additional information, please feel free to contact Jim Gallagher, Administrator of the Dam Bureau, at James.Gallagher@des.nh.gov, or via phone at 271-1961.

Sincerely,

Robert R. Scott
Commissioner

cc: Sponsors of SB 628: Senators Giuda, Rosenwald, D'Allesandro, Fuller Clark, Starr, Watters, Sherman; Representatives Renzullo, Barry, Wilder

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