

## COMMISSIONER'S COLUMN

### NHDES begins formal wetlands rule making

When describing the process of rewriting the state wetlands rules, the Beatles' song "The Long and Winding Road" comes to mind. While the process of revising and updating the wetlands rules has been going on for several years, and included 29 public meetings and 20 meetings with state partners, the process began in earnest in January when NHDES released an initial draft of the revised rules. Our instincts to release the draft prior to undertaking formal rulemaking turned out to be the right call. After hearing concerns of the public at meetings and reviewing written public comments, we realized we missed the mark and had more work to do to get the draft rules right.

Following a nearly three-month open public comment session that included five public meetings throughout the state and close to 2,000 public comments received, NHDES began revising the draft rules and reconvened a wetlands rules stakeholder workgroup comprised of representatives of groups with diverse interests in the wetlands rules, including the Associated General Contractors, New Hampshire Timberland Owners Association, Business and Industry Association of New Hampshire, The Nature Conservancy, Coastal Focus Group, New Hampshire Association of Natural Resource Scientists, and the New Hampshire Stream Crossing Initiative Steering Committee, as well as representatives from other

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### Millions awarded in grants and loans for drinking water projects

On June 15, 2018, NHDES received pre-applications for 88 drinking water infrastructure construction project grant and loan requests, and 23 water supply land protection grant requests from all around the state. Throughout the summer, the NHDES Drinking Water and Groundwater Bureau and Drinking Water and Groundwater Trust Fund (Trust Fund) Section were busy assisting the Trust Fund Advisory Commission (Commission) with its review of the applications, and on August 30, the Commission awarded \$24 million for 19 construction project loans and grants. This brought the total award to date of infrastructure project loans and grants from the Trust Fund to approximately \$91 million, including the initial funding round in 2017. On October 1, the Commission awarded \$2.4 million in grants for 15 water supply land protection projects. This significant investment in safe and reliable drinking water for New Hampshire is a remarkable accomplishment, but where did the Trust Fund come from and where is the money going?



*Whaleback Pond in Farmington, NH, part of the City of Rochester's drinking water supply watershed, will be permanently protected, funded in part by a grant from the Trust Fund.*

#### Where did the funding come from?

The Trust Fund was created with proceeds from a lawsuit the State of New Hampshire brought against ExxonMobil related to their use of Methyl tertiary Butyl Ether (MtBE) as a gasoline additive that resulted in widespread groundwater contamination. A New Hampshire jury found ExxonMobil guilty and awarded the State \$276 million in damages to drinking water resources. Most of the proceeds from this trial were used to establish the Trust Fund under RSA 485-F. As part of the establishment of the Trust Fund, the legislature formed the 19-member Com-

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conservation interests, utility providers, landscapers, agriculture interests, and aquaculture.

The stakeholder workgroup met eight times over the busy summer season, working diligently to make proposed changes to the rules by building consensus among the many parties involved. Each group was given the opportunity to be heard and their proposals were weighed by the group for adoption to the final draft rules.

The proposed rules include changes to reflect the many revisions to RSA 482-A that have been enacted since the last major rules overhaul in 1991. They capture existing practices and help to achieve consistency between state and federal program requirements. Specifically, the proposed rules include many existing Army Corps of Engineers requirements in the federal general state permit, streamlining the permitting process for applicants.

Under the proposed rules, while still being protective of the environment and public health, more projects will be eligible for streamlined review, more projects will be eligible to be performed without a permit, and Permit-By-Notification (PBN) and expedited review processing time will be reduced, allowing more projects to become shovel-ready sooner. The new PBN process does not require conservation commission review or abutter notice, similar to the existing PBN process that has been successful within the Shoreland Program.

The proposed rules include a new option for a Consolidated Shoreland-Shoreline Structure application. This option will consolidate shoreland and wetland reviews into one – requiring only one NHDES point of contact, one plan and one NHDES permit. This will increase efficiency and reduce costs for the applicant.

Because of the increased frequency of flooding in mapped floodplain wetland



and coastal areas and associated risks to public safety, the proposed rules include requirements for additional vulnerability assessments for these areas.

Overall, the rules clarify existing terms; define new terms, processes and project-specific criteria; reference updated and new best management practices; and incorporate references to recognized technical manuals and methods.

While some people or groups may not endorse these proposed wetlands rules whole-heartedly, we can all agree that every suggestion and every position was considered by NHDES and the Wetlands Rules Workgroup during this process. There will also be an opportunity to provide further input during the formal rulemaking process. The initial proposals of the rules (one for each chapter) were filed with the Office of the Legislative Budget Assistant on September 28 to begin the formal rulemaking process. NHDES will hold formal rulemaking hearings in five sites throughout the state beginning in early December. For more information on the rules or

the upcoming hearings, please contact Mary Ann Tilton at (603) 271-2929 or [MaryAnn.Tilton@des.nh.gov](mailto:MaryAnn.Tilton@des.nh.gov). Check out the website for updates: <https://www.des.nh.gov/organization/divisions/water/wetlands/process-improvement.htm>. ■

## ENVIRONMENTAL NEWS

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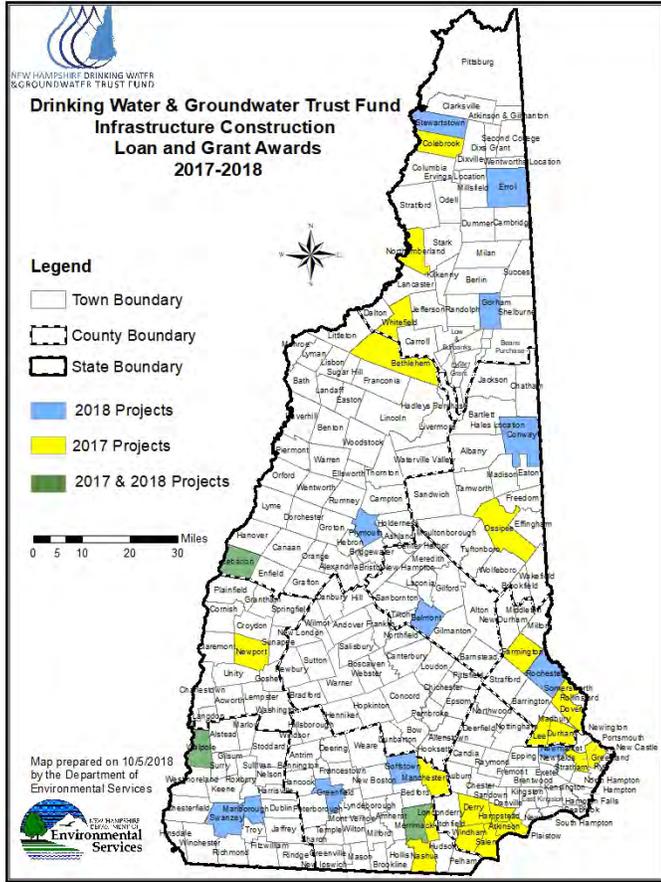
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mission that awards grants and loans in a manner consistent with the statute. The mission is to provide for the protection, preservation and enhancement of the drinking water and groundwater resources of the state.

**Where is the 2017-2018 funding going?**

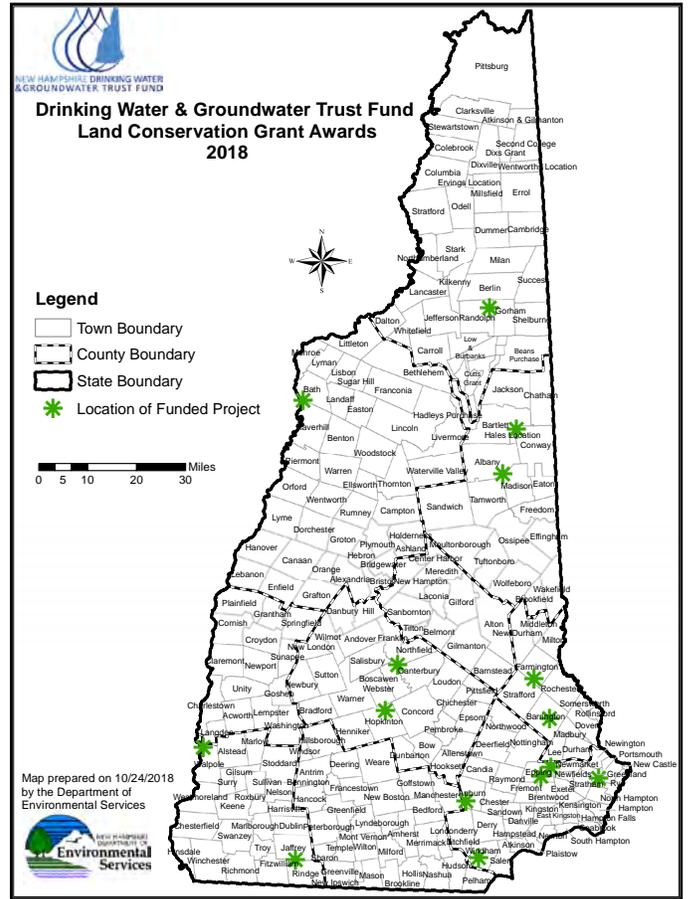
*Drinking Water Infrastructure Projects*



In 2017, 20 projects were awarded infrastructure construction loans or grants. The project types varied from directly addressing contamination issues, such as in Amherst with the award of a \$5 million loan to extend safe and reliable drinking water to 102 impacted properties; to asset renewal projects (i.e., water main replacements or plant upgrades) in Northumberland and Whitefield; to developing a regional water solution that extends public drinking water access in Windham, Salem, and Plaistow. In 2018, 19 additional projects were awarded grants or loans by the Commission. Several projects selected for funding directly address contamination, including a grant to the Department

of Education to address lead in schools and a grant to North Walpole to treat 1,4-dioxane in drinking water.

*Water Supply Land Protection Grants*



Although one water supply land protection project was funded in 2017, the first competitive round of water supply land protection grants were awarded by the Commission on October 1, 2018. The 15 projects from this latest round are located throughout the State and protect approximately 4,744 acres of high-priority water supply land. Projects include conservation lands that protect wellhead areas in Epping and Canterbury/Northfield and almost all of Gorham's water supply watersheds.

For more information, contact Erin Holmes at [erin.holmes@des.nh.gov](mailto:erin.holmes@des.nh.gov) or (603) 271-8321. Stay informed! Visit our website <https://www4.des.state.nh.us/nh-dwg-trust/> and sign up for email alerts. ■



## Got beer? –brewed sustainably?

The craft brewing industry has seen rapid growth in recent years. Currently, there are 72 micro and nano breweries brewing tasty beer throughout the state and that number continues to grow. The New Hampshire Pollution Prevention Program (NHPPP) was recently awarded an EPA grant to assist these craft brewers with their environmental sustainability efforts. This grant will allow NHPPP to work directly with breweries to help them implement energy efficiency, water conservation and waste reduction projects. This project will also focus on reducing the concentration and volume of wastewater pollutants from brewery discharges, which can become an issue as breweries expand. NHPPP is partnering with the New Hampshire Brewers Association, UNH and New Hampshire utilities' energy efficiency specialists to help these businesses grow sustainably.

With the help of the Brewers Association, NHPPP is encouraging breweries to participate in a benchmarking program that tracks energy and water use. This information is used to compare participating breweries with similar sized brew-

eries across the country to see how they stack up. With this information, NHPPP can help breweries save money by implementing projects to reduce energy and water use. This is where the energy efficiency specialists come in. They accompany NHPPP staff during site visits to look for energy efficiency opportunities by providing a simple audit and assisting breweries with incentives to complete the projects.

UNH, which recently added a brewery minor, is working with NHPPP to educate students with this minor on the importance of running a brewery as efficiently as possible. Students will be engaged in the benchmarking process and trained to apply pollution prevention strategies to help existing breweries achieve reductions and to incorporate these strategies into their future ventures.

By working collaboratively, the State, a University, a trade association and utilities can pool together resources to help New Hampshire breweries save money, lessen their

impact on the environment and continue to provide the region with great beer. ■



*Rob and Ali Leleszi, owners of Rockingham Brewing Company*

## EPA marks milestone at former Synergy site in Claremont

In October, the EPA announced that the former Synergy manufactured gas facility in Claremont, NH, is now suitable for reuse and redevelopment after a successful hazardous waste cleanup at the site. EPA and NHDES oversaw the cleanup, which began in 2015 and concluded in July 2018. AmeriGas also transferred ownership of the property to the City of Claremont in October.

“NHDES is very pleased to mark the formal completion of this important project, which restored a high-visibility former industrial parcel to conditions that will allow any number of beneficial re-uses under the leadership of the City of Claremont, consistent with the ongoing revitalization of Claremont’s City-Center District,” NHDES Commissioner Bob Scott said.

In 2015, NHDES, EPA and AmeriGas Propane LP began a cleanup project to address pollution at the former Synergy site in Claremont. AmeriGas is legally responsible for addressing the environmental conditions at the Synergy site. The site was contaminated with coal tar, an oil-like substance that was a byproduct of industrial processes that

manufactured gas to illuminate two local towns from 1859 to 1946. Coal tar contains several chemicals that are hazardous to human health, like benzene, ethylbenzene, toluene, xylene and polycyclic aromatic hydrocarbons. The contamination impacted sediment in the Sugar River and soil at the Synergy site and on an adjacent property.

The cleanup included removing soil, sludge and sediment contaminated with coal tar, installing a sewer line, monitoring groundwater for residual coal tar, stabilizing an area of river bank and demolishing several dilapidated buildings. ■



## 2018 Brownfields cleanup grants announced

NHDES is pleased to announce the recipients of its 2018 Brownfields Cleanup Grants. NHDES awarded two grants of \$200,000 each to the City of Manchester and the City of Rochester to facilitate the cleanup and removal of contaminated soil at two underutilized properties. The cleanups provide an environmental benefit and prepare these sites for planned redevelopment expected to lead to economic and socioeconomic benefits to these New Hampshire communities.

The City of Manchester is working as a partner with Bedford Lot Venture LLC, a private developer, to implement a public-private-partnership (P3) to construct a 106-room hotel with ground-floor retail shops and restaurants, and a substantial public parking improvements, including 155 spaces on one of the last remaining buildable areas in the Manchester Millyard. This project requires excavation and off-site disposal of approximately 12,000 cubic yards of soil from a City-owned parcel. This soil contains elevated levels of polycyclic aromatic hydrocarbons (PAHs), lead and arsenic above NHDES soil remediation standards. The contamination is attributed to various fill materials placed throughout the site over its life within the Millyard. Development of this parcel will provide critically needed parking in the Millyard, as well as improved safety for users of the existing parking area with increased lighting and walkways. This project also calls for the creation of green space, visually enhancing the area and improving stormwater quality. The parking spaces are crucial to alleviating parking issues in the Millyard, which will benefit businesses, residents and visitors alike.

The City of Rochester will utilize its \$200,000 Brownfields grant to remove soil contaminated with chlorinated solvents (primarily tetrachloroethene) at 10-16 Wallace Street. This soil is a contributing source to ongoing groundwater contamination, may pose a vapor intrusion issue for future site buildings, and must be removed and remediated before the site can be redeveloped. This soil contamination is a result of historic site operations dating back to 1892 when the site was developed as a foundry. The property was occupied by



*Rochester lot from Wallace Street. Image courtesy City of Rochester.*

several foundries and other industrial/commercial operations, including a metal recycling facility, until 2007. In 2007, the property was transferred to the City of Rochester, and has been vacant since that time. The 0.95-acre site consists of two parcels in a mixed commercial-residential-industrial-zoned location, which is a focus of redevelopment and integral to the revitalization of the downtown area. The City's vision for the site includes replacing the vacant lot with a light industrial/commercial building to potentially be used as a small business incubator facility consistent with the City's recently updated Economic Development Master Plan. It is anticipated that successful cleanup and redevelopment of this site will also help raise the property values of the neighboring properties, which are mostly small, local businesses.

Funds for these grants were made available from the Brownfields Revolving Loan Fund (RLF), which provides financial support for the cleanup and redevelopment of contaminated properties. Program income from this RLF was utilized in an effort to clean up Brownfield sites and position these properties for redevelopment. NHDES anticipates making cleanup funds available again in 2020 for similar opportunities. ■



## NHDES Snapshot: Shellfish Program

NHDES staff can't fulfill the agency's mission only from our desks. To protect environmental quality and public health in New Hampshire, we are out in the field every day: testing water quality in our ponds and lakes, sampling private well water, monitoring air emissions, assessing storm damage, responding to oil and chemical spills, training water works and solid waste operators, and so much more. "NHDES Snapshot" is an occasional series that takes a quick look inside the day of one of those employees.

Pulling up to Great Bay Marine in Newington, New Hampshire, you can see just how important shellfish are to the people of New Hampshire. Oyster-raising equipment, including upwellers, line the docks filled with oyster "seeds," and shellfish farmers go about their morning business. From 2010 to 2017, 19 new shellfish harvesters have opened shellfish farms in the state, defining it as a growing commercial industry.

Program Manager Chris Nash and Intern Katie Allman join the action, backing a NHDES boat into the bay, starting up the motor and heading off onto the water. Chris and Katie work in the NHDES Shellfish Program. Their job is to monitor water quality and shellfish health to ensure that the oysters and mussels grown by farmers in New Hampshire waters meet standards for human consumption. Today, they will be taking water samples at various stations around Little Bay and collecting oysters to return to the lab for analysis.

Skimming across the bay, Chris points out an oyster farm and explains how farmers grow and harvest the shellfish. Starting from seeds, oysters are kept in envelope-like screens, and later are moved to larger bottom cages at various farms in Little Bay. It takes about two years for oysters to grow large enough to sell. Over this period of time, about 40% to 60% are lost each year, making shellfish farming a long-term operation.

The boat nears the first buoy and Katie reaches into the water, pulling up a bag of shellfish. These market-sized shellfish, acquired from local shellfish farmers by NHDES, will be tested for levels of bacteria. She places the bag of oysters on the bottom of the boat in the shade, and then later in a cooler filled with ice. Chris inserts a thermometer into one of the oysters to take the internal temperature. He explains that warmer temperatures could mean greater *Vibrio parahaemolyticus*, a bacterial pathogen growth inside. Farmers must keep harvested oysters cool to ensure they stay fresh and healthy for consumers.

The seawater in and around the oyster farms is tested by



July 31, 2018

NHDES at least once every month at random. Samples of actual shellfish tissue are also tested, particularly following a period of harvest closure, such as after a heavy rain event. After Katie collects this set of shellfish from the buoy, Chris motors off to the next station to take a water sample. He attaches it to a sampling pole, uncaps the bottle and fills it to the rim. These samples are taken to the lab to be analyzed for fecal coliform bacteria, an indicator of sewage or other harmful bacteria.

NHDES samples the water each week and following large rain events, and harvesters are required to contact Chris before each harvest to make sure there are no pollution-related temporary harvest closures. If water is found to be high in fecal coliform bacteria, harvesters must wait for the

*Snapshot, cont. page 7*



## Diesel emissions reduction funding available

NHDES has funds available through EPA's Diesel Emissions Reduction Act (DERA). The DERA program is intended to help diesel equipment owners in New Hampshire reduce emissions. This year's program will have up to \$1 million for funding projects (including Volkswagen Funds). DERA provides partial funding for local/state governments and businesses to reduce emissions through idle reduction technologies, exhaust controls or replacement of older on- or off-road diesel engines/vehicles/equipment with newer engines/vehicles/equipment.

The first round of project proposal requests was from October 1 through October 22. Round 2 applications will be accepted from October 23 through November 16 and, if needed, a third round will be held from November 17 through December 14.

Additional information, as well as a draft application, is available at <https://www.des.nh.gov/organization/divisions/air/tsb/tps/msp/diesel-vehicles/dera.htm>. Questions can be directed to Elizabeth Strachan at [elizabeth.strachan@des.nh.gov](mailto:elizabeth.strachan@des.nh.gov) or (603) 271-8330. ■

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### Snapshot *continued from page 6*

water to test clean, and then wait an additional 14 days for shellfish to filter themselves once more.

After passing by a lazy seal, and shouting hello to a few shellfish farmers hard at work, Chris and Katie return to the dock to grab some lunch. They put the NHDES boat back on the trailer and take a seat in the shade.

When asked why they find their job rewarding, Chris says, "It's great to work with New Hampshire's shellfish farmers. The farmers who raise oysters in Little Bay and Hampton/Seabrook, as well as those who raise blue mussels on open ocean farms, are committed to producing the best and healthiest product. They understand the importance of NHDES' work in finding pollution sources and monitoring the sanitary quality of the shellfish and the waters in which they grow. It is very satisfying to be able to work with the industry in a cooperative way, working towards [a] common goal." ■



*Old diesel engines from Portsmouth's iconic boat, the Heritage, have been replaced with new, cleaner and more efficient engines through the DERA grant program.*



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## Green Your Fleet!

The Granite State Clean Cities Coalition (GSCCC) and the New Hampshire Automobile Dealers Association (NHADA) recently presented a check for \$2,744.25 to the New Hampshire Speedway Children's Charities following the successful *Green Your Fleet!* event held this summer at the New Hampshire Motor Speedway in Loudon, NH.



GSCCC is a collaborative of over 120 public and private interests from all regions of New Hampshire dedicated to supporting the goals of reducing dependence on foreign oil and improving air quality through the use of domestically produced, cleaner burning alternative fuels, and other fuel-reduction strategies.

*Green Your Fleet!*, a biennial workshop hosted by GSCCC, is

likely the largest event in New Hampshire focused solely on the promotion of alternative fuels and advanced vehicles. This year, over 200 GSCCC stakeholders, including fleet managers, transportation and fuel providers, municipalities, regional planning commissions, and other alternative fuel and advanced vehicle advocates and enthusiasts, had the opportunity to experience over 20 exhibitors and more than 40 vehicles, many of which were available to "ride and drive" on the Speedway racetrack.

State Senator David Watters provided the opening remarks and Jamie Page Deaton, Managing Editor of US News & World Report's Best Car Rankings, gave the Keynote Address. Panel presentations and breakout sessions followed, covering everything from Electric Vehicles in transportation to transitioning to natural gas and propane, procurement programs, and funding opportunities. ■

## Pump It Up!

Leaves are falling, temperatures are dropping and so are the pressures in your tires. Never fear, NHDES Green Team volunteers are hosting their third *Pump It Up* event on **Thursday, November 15, 2018**. From **2:30-4:30 PM**, they will be providing FREE tire pressure checks and adjustments to all State employees and the general public. Visit their "drive-thru" at 29 Hazen Drive in Concord in the parking row next to the Bunker Lot! ■