



The State of New Hampshire  
**Department of Environmental Services**



**Robert R. Scott, Commissioner**

February 13, 2020

The Honorable Suzanne Smith, Chair  
Resources, Recreation and Development Committee  
Legislative Office Building, Room (305)  
Concord, NH 03301

**RE: HB 1252, AN ACT relative to large groundwater withdrawals from replacement wells**

Dear Chair Smith and Members of the Committee:

Thank you for the opportunity to testify on HB 1252. This bill would authorize the New Hampshire Department of Environment Services (NHDES) to establish monitoring and response criteria to limit potential impacts to private water supply wells that are caused by wells developed to replace existing large groundwater withdrawal wells. The NHDES supports the concept of this legislation and provides the following information to assist the committee in its considerations.

The state's Groundwater Protection Act (RSA 485-C:21) requires that an owner of any water supply well sited after August 1, 1998 that withdraws greater than 57,600 gallons per day of groundwater shall obtain a large groundwater withdrawal permit from NHDES. That permit process requires, among other things, an assessment of the effects that a new groundwater withdrawal well may have on other water supply wells. Based on the recommendation of a commission established by the General Court in 2003 to study groundwater withdrawal issues across the state, RSA 485-C:22 was enacted in 2007 to exempt certain wells from the requirement for a permit if the well is being developed strictly to replace an existing large groundwater withdrawal well that either has a permit, or a well that pre-dates the large groundwater withdrawal permit requirements. Being exempt from the need for a permit, the replacement well approval process does not include the same assessment program as a new large groundwater withdrawal.

The basis for exempting a replacement well from the permitting process of a new large groundwater withdrawal well is the assumption that the effects of a replacement well on other water supply wells should be roughly equivalent to effects caused by the original well if it is located in the same general area, and withdraws groundwater at approximately similar volumes as the well it replaces. Since 2007, NHDES has issued approvals for 20 replacement wells for existing large groundwater withdrawals under the exemption. With the exception of at least one project, the effects of those approved replacement wells have been substantially similar to the original well and thereby consistent with the basis for the exemption. One of the approved replacement well projects, however, did appear to impact private water supply wells and does highlight the fact that non-predictable outcomes due to variability in the geologic factors that control groundwater flow can occur in some settings, even if the replacement well is similar to the original well. This bill's language would provide the opportunity for a more comprehensive monitoring program and

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assessment process in instances where many private drinking water supply wells are present near existing groundwater withdrawals, and enable corrective actions when impacts to private drinking water supplies are observed.

Thank you again for the opportunity to comment on HB 1252. Should you have questions or need additional information, please feel free to contact either Sarah Pillsbury, Drinking Water and Groundwater Bureau Administrator ([Sarah.Pillsbury@des.nh.gov](mailto:Sarah.Pillsbury@des.nh.gov) or 271-1168) or Stephen Roy ([Stephen.Roy@des.nh.gov](mailto:Stephen.Roy@des.nh.gov) or 271-3918).

Sincerely,



Robert R. Scott  
Commissioner

cc: Sponsors of HB 1252: Representatives Pearson, Welch, Weyler, Green, Guthrie, Hobson, Salloway, Somssich; Senators Clark, Morgan, Birdsell