



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



**Robert R. Scott, Commissioner**

February 3, 2021

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

RE: HB 235 – AN ACT relative to community small groundwater withdrawal

Dear Chair Renzullo and Members of the Committee:

Thank you for the opportunity to comment on HB 235 relative to the development of new sources of groundwater for community water systems that will produce less than 57,600 gallons per day. The NH Department of Environmental Services (NHDES) does not support the bill as proposed.

The bill proposes to: 1) Require a person developing a new community water supply well to provide copies of the preliminary report and final report to the municipalities in which the activity is located; 2) Ensure the new community water supply well does not cause unmitigated impacts to certain water users; and 3) Requires NHDES respond to comments from municipalities on the preliminary and final report associated with the new community water supply well. Additionally, the bill does not include a fiscal note to document the additional costs NHDES would incur to administer the requirements of this bill or the increased costs municipalities will incur if they develop a new groundwater withdrawal subject to this legislation.

The Safe Drinking Water Act (RSA 485) requires NHDES approval for the design, testing, monitoring and operation for all community water systems in the State to ensure that the water supply needs of consumers are met and the public health is protected. Community water supply wells have specific siting, testing and sampling criteria under administrative rules that require an applicant to demonstrate that a well, when connected to a community water system, is able to provide an adequate quantity of water that meets drinking water quality standards. Community water supply wells are designated as large or small based on their approved withdrawal volumes, whereby wells approved to withdraw less than 57,600 gallons per day of groundwater are designated as small community water supply wells. Unlike large community water supply wells, small community water supply wells are not subject to requirements to demonstrate that before using the well, no adverse impacts to surrounding water users or resources will occur. The testing process for small community water supply wells is currently focused on evaluating the capacity and water quality of the production well and monitoring of private wells within 1,000 feet.

The language in HB 235 would require substantially more field testing and hydrogeologic analysis when developing a new small community water supply well to: 1) Assess the zone of influence and potential for

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adverse impacts to other water users; and 2) Determine if the proposed small groundwater withdrawal will cause the long-term predictable rate of replenishment of the aquifer to be exceeded. The additional criteria for approving new small community water supply wells would require that licensed professional engineers or geologists complete the application process for new small community water supply wells. Currently the rules allow for licensed water well contractors and pump installers, water system operators and other individuals with the appropriate qualifications to complete the application process for the small community water supply wells. The language will also require staff of NHDES to spend additional time developing rules and administering the requirements of the statute and rules for small community water systems.

Based on NHDES' experience, there are neither widespread reports nor a long record of small community well impacts to residential wells so the requirements of HB 235 may not be warranted at this time. However, increasing density of development within the State and the use of small community water supply systems at subdivisions may increase the likelihood for these impacts in the future. An alternative more streamlined approach for addressing potential impacts to other water users was considered in HB 1347 of the 2020 legislative session.

Thank you again for the opportunity to comment on HB 235. Should you have questions, please feel free to contact either Brandon Kernan, Drinking Water and Groundwater Bureau Administrator (Brandon.Kernan@des.nh.gov or 271-1168) or Stephen Roy (Stephen.Roy@des.nh.gov or 271-0660).

Sincerely,

A handwritten signature in black ink, appearing to read "Robert R. Scott", with a stylized flourish at the end.

Robert R. Scott  
Commissioner

ec: Sponsors of HB 235: Representatives Pearson, Guthrie, Green, Welch, Hobson, Weyler, Salloway and Senator Birdsell