

CHAPTER 304
HB 1383 – FINAL VERSION

26Mar2014... 0358h
26Mar2014... 1175h
05/15/14 1762s
4Jun2014... 1925CofC

2014 SESSION

14-2309
06/04

HOUSE BILL ***1383***

AN ACT relative to municipal monitoring of large groundwater withdrawals.

SPONSORS: Rep. Umberger, Carr 2; Rep. G. Chandler, Carr 1; Rep. Buco, Carr 2

COMMITTEE: Resources, Recreation and Development

AMENDED ANALYSIS

This bill:

I. Limits the time the department of environmental services may require a municipality to collect data relative to seasonal river overflow streams.

II. Exempts certain municipalities from filing conservation management plan reports after a well is permitted.

III. Modifies the requirements for the installation, repair, and replacement of backflow devices.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struck through~~].
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fourteen

AN ACT relative to municipal monitoring of large groundwater withdrawals.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 304:1 New Paragraph; Definitions; Water Balance. Amend RSA 485-C:2 by inserting after
2 paragraph XVI the following new paragraph:

3 XVI-a. “Water balance” means the difference between the system input volume and
4 authorized metered consumption. System input volume means the volume of water input to the
5 water supply system corrected for known errors, which is equal to the volume of water derived from
6 the water system’s own sources, minus water consumed by treatment processes, plus water imported
7 or purchased, plus or minus the net change in water storage where applicable. Authorized metered
8 consumption means billed metered water plus unbilled metered water. Billed metered water means
9 authorized consumption by all customer types that is both metered and billed. Unbilled metered
10 water means any authorized consumption that is metered but for which the water supplier does not
11 bill.

12 304:2 Groundwater Withdrawals; Limitation on Monitoring. Amend RSA 485-C:21, VIII to read
13 as follows:

14 VIII. Before the department issues a large groundwater withdrawal permit, any
15 municipality in which a well is sited or proposed to be sited, or any municipality within the potential
16 impact area of the proposed withdrawal pursuant to paragraph V-e, may require the department to
17 determine that the withdrawal will not infringe on the public’s use of groundwater, including any
18 contribution to wetlands and surface waters, by ensuring that the requirements of paragraph V-c are
19 met. The department’s determination shall be based on substantial evidence and shall include the
20 methods, evidence, and data it used to support its judgment. ***No municipality shall be required***
21 ***to collect data relative to a seasonal river overflow surface water stream, in order to***
22 ***determine any long-term unmitigated impact and prevent irreversible effects of the large***
23 ***groundwater withdrawal well, for more than 3 years unless the department provides***
24 ***scientific justification for longer monitoring as it relates to the effect of the groundwater***
25 ***withdrawal only.*** After the department issues a large groundwater withdrawal permit, such
26 municipality may require the department to provide a written finding describing the status of a
27 decision issued by the department on an application submitted under this section when a local

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1 building permit directly related to a large groundwater withdrawal activity expires or becomes null
2 and void, or both. The department shall determine if the change in status of such local permit affects
3 the decision the department made on the application.

4 304:3 New Section; Conservation Management Plan Not Required. Amend RSA 485-C by
5 inserting after section 21 the following new section:

6 485-C:21-a Conservation Management Plan Not Required. The department may grant a
7 renewable exemption from the rules for water conservation practices under RSA 485:61 to any
8 municipality with a water balance of less than 15 percent. The municipality shall calculate the
9 water balance each calendar year after the well is permitted, and such balance and all components
10 defined in the balance shall be submitted to the department no later than the first day of March
11 following the year to which the water balance pertains. The department shall not grant an
12 exemption to any municipality that fails to submit a water balance of less than 15 percent by such
13 date.

14 304:4 Backflow Device Requirements and Tests; Installations, Repairs, and Replacements.
15 RSA 485:11 is repealed and reenacted to read as follows:

16 485:11 Backflow Device Requirements and Tests, Installations, Repairs and Replacements.
17 There shall be a backflow prevention device installed at every connection to a public water system if
18 the facility connected may pose a hazard to the quality of water supplied by the public water system
19 as determined by the department. Where applicable, the facility receiving water from a public water
20 supply shall be responsible for having such drinking water distribution system protective backflow
21 prevention devices inspected and tested by individuals certified by a third party who has been
22 approved by the department to conduct backflow device inspection and testing certification. The
23 facility shall also have backflow devices installed, maintained, repaired, and replaced by individuals
24 qualified by either a plumbers license or by certification by the department under RSA 332-E:3, III
25 proving competency in distribution system operation. The activities to be conducted by qualified
26 individuals shall be specifically limited to the inspection and testing, maintenance, repair or
27 replacement, and installation of the water meters, meter horns, backflow preventers, and assembly
28 devices directly adjacent to and required as part of the protection for the drinking water distribution
29 system. Testing of drinking water distribution system protective backflow prevention devices, where
30 applicable, shall occur after installation or repair to ensure that new and repaired devices are
31 working properly. Testing shall also occur twice annually for existing devices unless the public
32 water supplier determines that the facility poses a low hazard, in which case testing shall occur
33 annually. A residential property shall not be considered a low hazard facility but may be considered
34 a high hazard facility if it has an irrigation system, private well connection, or other feature that
35 may cause a public health risk. If an outside irrigation system is the sole reason a residential
36 property is considered a hazard to the public water supply distribution system, such irrigation

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1 system shall be tested annually during the period when the irrigation system is operated. The
2 facility receiving water from a public water supplier is responsible for ensuring that the backflow
3 prevention device is working properly to prevent backflow into the public water system.

4 304:5 Effective Date. This act shall take effect 60 days after its passage.

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6 Approved: August 1, 2014

7 Effective Date: September 30, 2014