

# Senate Energy and Natural Resources Committee

*Nikolas Liamos 271-7875*

**HB 214**, relative to limitations on the designation of a portion of the Merrimack river.

**Hearing Date:** April 18, 2023

**Time Opened:** 9:50 a.m.

**Time Closed:** 10:06 a.m.

**Members of the Committee Present:** Senators Pearl, Birdsell, Watters and Altschiller

**Members of the Committee Absent :** Senator Avar

**Bill Analysis:** This bill removes the authorization for complete capacity utilization of the Merrimack River.

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**Sponsors:**

Rep. Rung

Rep. N. Murphy

Sen. Chandley

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**Who supports the bill:** Representative Rosemarie Rung (Hillsborough County, District 12), Ted Diers, and Michele Tremblay

**Who opposes the bill:** None

**Who is neutral on the bill:** None

**Summary of testimony presented:**

**Representative Rosemarie Rung**

**Hillsborough County, District 12**

- Representative Rosemarie Rung introduced House Bill 214.
- Rep. Rung stated that HB 214 was drafted as a result of a discussion regarding another bill that was before the House Resources, Recreation and Development Committee.
  - Rep. Rung added that the Department of Environmental Services asked for this bill as well.

**Ted Diers**

**Assistant Director of Water Division, New Hampshire Department of Environmental Services**

- Assistant Director Ted Diers provided background on HB 214.
  - Asst. Dir. Diers stated that the Rivers Management Protection Program has been around since 1988.

- Asst. Dir. Diers noted that 19 New Hampshire rivers have entered the program, with the first five joining in the 1990s.
  - Asst. Dir. Diers explained the process of how a river can become eligible and accepted into the program.
  - Asst. Dir. Diers added that each river is given a local advisory committee which serves as the eyes and ears for the river.
- Asst. Dir. Diers stated that the lower Merrimack River is a part of the program.
  - Asst. Dir. Diers noted that due to the river being a member of this program, Pennichuck Water is only allowed to withdraw 30 million gallons from the river for drinking water.
- Asst. Dir. Diers stated that over time the technology and understanding of the water basin has improved.
  - Asst. Dir. Diers added that the discovery of PFAS contamination have impacted groundwater resources dramatically.
- Asst. Dir. Diers stated that we are doing a good job managing the Merrimack River.
  - Asst. Dir. Diers noted that when water is withdrawn it is treated and deposited back into the river.
- Asst. Dir. Diers stated that in the future we may have to exceed the withdrawal limit on the Merrimack if issues related to PFAS contamination arise.
- Asst. Dir. Diers stated that the purpose of HB 214 is to have the flexibility to utilize the Merrimack River to its full potential without impacting the resource of the people who depend on it.
  - Asst. Dir. Diers added that the New Hampshire Waterworks Association is supportive of this bill.
- Senator Birdsell stated that she wanted to make sure that by lifting the withdrawal limit, we will not be impacting other water systems.
  - Asst. Dir. Diers replied that it, in fact, enables us to be able to utilize the Merrimack River in ways that we may want to in the future.
- Senator Watters asked if in the event of a drought, would we be able to limit the amount of water that is withdrawn from the river.
  - Asst. Dir. Diers confirmed that we would be able to.
- Senator Watters asked Asst. Dir. Diers what the Department thought of the request for amendment concerning the river management advisory committees.
  - Asst. Dir. Diers stated that the Department does not have a position but does have a concern.
    - The concern is that there is already trouble in recruiting members to the advisory committees, so imposing a strict in-person attendance requirement may further complicate recruitment issues.
- Senator Pearl asked if the changes proposed in HB 214, would affect agricultural entities who currently withdraw from the watershed area.
  - Asst. Dir. Diers explained that if an individual is withdrawing 20,000 gallons a day or 600,000 gallons a month, they must register with the Water Use Registry.
  - Asst. Dir. Diers added that most agriculture users are seasonal and register for a few months, and unless they want to vastly expand their operations they do not have to go through any new permitting process.

- Senator Pearl re-asked his question of whether the changes proposed in HB 214 affect existing agriculture operations.
  - Asst. Dir. Diers confirmed that the preposed changes do not affect existing agriculture operations.

NPL

Date Hearing Report completed: April 24, 2023