

HB 495 Seacoast Drinking Water Commission
Discussion from Work Session
July 30, 2020
NHDES Portsmouth Office

Commission Members present: Representative Pat Bushway (Chair), Representative Mike Edgar (Vice Chair), Sen Tom Sherman, Mindi Messmer, Brandon Kernen, Anne Lightbody, and Brian Goetz.

Representative Bushway opened the meeting at 2:05 PM, presented the information pertaining to holding the meeting remotely, led the pledge of allegiance and took the roll. Mr. Kyle Pimental introduced himself as representing Jen Czysz from Strafford County. Mr. Tom O'Donovan, Director, Water Division, Department of Environmental Services (DES) participated to assist with the presentation on Drought Management in NH.

Note: As there was not a quorum for this session, no votes were taken, and it is considered a work session.

Representative Bushway introduced the first agenda item which dealt with 2020 legislation. As a follow-up to the discussion of the list of relevant bills presented in the February meeting, she recommended that the commission revisit the list at the August meeting to assess what further legislative action might be appropriate based on the final disposition of the relevant bills.

Representative Bushway provided a more detailed discussion of HB 1264 which was signed into law on July 23rd. The bill as enacted extends the commission on the seacoast cancer cluster investigation, sets the maximum contaminant levels (MCL) for certain perfluorochemicals in drinking water, establishes a per and polyfluoroalkyl substances fund and programs and makes an appropriation therefor, requires insurance coverage for PFAS and PFC blood tests, and expands the statute governing ambient groundwater quality standards. Mindi Messmer thanked all the individuals involved in getting the bill passed, and MCL established in law.

Brian Goetz, Portsmouth Deputy Director of Public Works, provided an update on the Dover/Portsmouth seacoast inter-connectivity water pipeline project that was first presented to the commission in January. Pursuant to the decision of the commission, a letter was sent to the Drinking Water and Ground Water Trust Fund to seek funding for the project that will improve water system resiliency for municipalities from Seabrook to Rochester. Goetz noted that DOT has determined that the existing bridge cannot be repaired and must be replaced. The brackets to support the proposed pipeline will be installed as part of that replacement project. Representative Edgar made the point that an in-person Public Hearing of the Final Supplemental Environmental Impact Study must be done and accepted prior to the award of the design and construction contracts

The next order of business was a presentation on Drought Conditions in NH by Brandon Kernen of DES. The slides that accompanied the presentation are attached. Several questions were raised following completion of the presentation. Representative Bushway asked about the use of emergency wells that are constructed during drought periods to relieve stress on municipal water sources. She asked about the potential impact of those wells on surrounding communities and municipalities given the drought conditions. Mr. Kernen made the point that these are not “replacement” wells and are established for a limited period of time not to exceed two years to provide relief during the drought. He went on to discuss legislation that was proposed to increase the requirements for new and/or replacement wells so that they do not adversely impact surrounding municipalities and their water systems. Current law has proven to be insufficient to prevent those adverse effects. The group also discussed the law as it pertains to municipalities limiting lawn-watering during periods of drought conditions. Mr. Kernen stated that there is a statute in place that enables municipalities to disallow watering from both public water systems and private wells.

Mindi Messmer asked about the use of well blending to meet contaminant levels and asked how that will be handled going forward. The DES representatives acknowledged that that will need to be carefully monitored. She also asked about wastewater contamination, and Mr. Kernen replied that that is also being reviewed.

The next order of business was the continued review of the tasks from the recommendations from the HB 485 report. Representative Edgar pointed out that the updated spreadsheet with the last round of comments to the recommendations had been provided to commission members just prior to this meeting. He asked that all review that in preparation for further discussion at the August meeting. Send comments to amedgar@comcast.net.

The last item agenda was a discussion of the way ahead. Representative Bushway discussed a short list of topics that the commission had previously discussed for more detailed presentations possibly in preparation for the establishment of sub-committees to pursue further work on the topics. Mr. Goetz said that he would be willing to lead a discussion on Water Efficiency. Mr. Kernen suggested a discussion of Water Emergency Management possibly including representatives from the Aquarion Water Company based on their experience from the incident in Hampton in the summer of 2019. It was suggested that the discussion also feature representatives from DES and Homeland Security.

Representative Bushway also noted that a topic for the August meeting will be a more detailed discussion of bills that possibly should be considered for reintroduction during the next legislative session. This will include relevant bills that were tabled due to the truncated legislative calendar or voted inexpedient to legislate in either chamber.

The work session was adjourned at 3:30. The next meeting is scheduled for August 27th.