

TITLE L

WATER MANAGEMENT AND PROTECTION

CHAPTER 485-F

ADMINISTRATION OF THE DRINKING WATER AND GROUNDWATER TRUST FUND

Section 485-F:1

485-F:1 Purpose Statement. – The general court recognizes that the widespread and persistent contamination of the state's drinking water and groundwater by MTBE requires a comprehensive strategy designed to ensure the continued availability of safe drinking water for all New Hampshire citizens. Therefore, to the extent practicable and consistent with the provisions of this chapter, existing groundwater resources shall be preserved and protected and alternative sources of drinking water shall be made available. In meeting these goals, the general court recognizes the connection between groundwater and surface water, the magnitude of the problem that must be resolved, the number of alternatives that may best provide safe drinking water including, but not limited to, on-site treatment and the expansion of drinking water infrastructure, and the resulting need for flexibility with respect to implementation of this chapter. The general court hereby declares that the purpose of RSA 485-F is to provide for the protection, preservation, and enhancement of the drinking water and groundwater resources of the state.

Source. 2016, 11:2, eff. Mar. 31, 2016.

Section 485-F:2

485-F:2 Definitions. –

In this chapter:

- I. "Department" means the department of environmental services.
- II. "Trust fund" means the drinking water and groundwater trust fund established in RSA 6-D:1.

Source. 2016, 11:2, eff. Mar. 31, 2016.

Section 485-F:3

485-F:3 Implementation of Drinking Water and Groundwater Protection. –

I. The New Hampshire drinking water and groundwater advisory commission, established in RSA 485-F:4, shall administer the drinking water and groundwater trust fund through the MTBE remediation bureau. Subject to the approval of the fiscal committee of the general court, trust fund proceeds sufficient to fund the department's MTBE remediation bureau and qualifying projects shall be transferred to the department and maintained in a separate, nonlapsing account, continually appropriated to the department for the purpose of paying all costs of this program. The department shall provide administrative support to the drinking water and groundwater advisory commission by performing the following duties, including but not limited to:

- (a) Investigating, managing, and remediating contaminated groundwater.
- (b) Assisting local and regional entities in the development and administration of local wellhead protection programs, including delineation of wellhead protection areas and the inventory and management of activities which have a potential effect on groundwater quality.
- (c) Maintaining a statewide map identifying the classes of groundwater.
- (d) Measuring levels of contamination statewide and generating maps to show the areas of greatest contamination.

(e) Maintaining an inventory of wells serving public water supply systems, and to the extent practicable other wells, and establishing a priority list for delineation of systems that are currently contaminated with MTBE.

II. The department shall adopt rules, under RSA 541-A, relative to:

(a) Administering a competitive grant program for drinking water protection projects.

(b) Administering the revolving loan fund.

Source. 2016, 11:2, eff. Mar. 31, 2016. 2017, 156:208, eff. July 1, 2017. 2018, 258:1, eff. Aug. 11, 2018.

Section 485-F:4

485-F:4 New Hampshire Drinking Water and Groundwater Advisory Commission Established. –

I. There is hereby established the New Hampshire drinking water and groundwater advisory commission which shall consult with and advise the department relative to the proper administration and management of the drinking water and ground water trust fund, as established in RSA 6-D. The commission shall consist of the following members:

(a) The state treasurer, or designee.

(b) Two members of the house of representatives, appointed by the speaker of the house of representatives.

(c) Two members of the senate, appointed by the president of the senate.

(d) The governor, or designee.

(e) The director of the division of public health services, department of health and human services, or designee.

(f) The commissioner of the department of environmental services, or designee.

(g) The director of economic development, department of business and economic affairs, or designee.

(h) The executive director of the fish and game department, or designee.

(i) One representative of the New Hampshire Water Pollution Control Association, appointed by the association.

(j) One representative of the New Hampshire business community, appointed by the president of the senate.

(k) One representative of a state or regional land trust, appointed by the governor.

(l) One representative of the New Hampshire Water Works Association, appointed by the association.

(m) One public member, who shall have business experience related to the creation and/or delivery of clean and safe drinking water, appointed by the speaker of the house of representatives.

(n) One public member, who shall represent the interests of citizens receiving their drinking water from private wells, appointed by the governor.

(o) Two members from a board of selectmen, a town or city council, or a board of alderman, one of whom shall be from a municipality without a public drinking water system, appointed by the governor.

(p) One public member, appointed by the president of the senate.

II. The commission shall elect a chairperson from among the members. Ten members of the commission shall constitute a quorum.

III. Members appointed under subparagraphs (a)-(h) shall serve terms that are coterminous with their term in office.

IV. Except for the members appointed under subparagraphs (a)-(h), members shall be appointed for 2-year staggered terms.

V. Members of the commission shall serve without compensation, except that legislative members shall receive mileage at the legislative rate when attending to the duties of the commission.

VI. The department shall provide an annual report to the commission that includes information on expenditures for the fiscal year, projects begun or completed during the year, and projections on future program costs.

VII. The commission shall:

(a) Award grants, revolving loan funds, and matching funds to projects on a competitive basis from the drinking water and groundwater trust fund in a manner consistent with the purpose statement. All disbursements or grants shall require approval of the governor and council. Funds may be awarded if the project meets one of the following criteria:

(1) Emergency remediation is necessary, where contamination to drinking water or groundwater is prevalent.

(2) Planning, design, and building of aging water infrastructure is involved.

(3) The project protects against future contamination or impacted drinking water sources through measures including, but not limited to, the expansion of drinking water infrastructure or drinking water source protection.

(4) The project assists local and regional entities in the development and administration of local wellhead

protection programs, including delineation of wellhead protection areas and the inventory and management of activities which have a potential effect on groundwater quality.

(5) The project provides funding through cost-sharing grants to municipalities, municipally-owned water utilities, and privately owned water utilities that are public water systems as defined in RSA 485:1-a, XV for the design, construction, and extension of public water systems, and the establishment and expansion of wellhead protection areas where they provide the most cost effective method for providing safe and clean drinking water.

(b) Take land preservation into consideration.

(c) Encourage all applicants to provide matching funds beyond the minimum.

(d) Develop, for the grant program application requirements, criteria for selection, approval processes, and matching requirements.

(e) Develop, for the revolving loan fund application requirements, provisions for cost sharing, criteria for selection, approval processes, and funding qualifications.

(f) Not be subject to RSA 541-A.

VIII. The commission shall meet at least quarterly. The commission shall, at least annually, provide a report to the general court with information on the progress of the MTBE efforts, expenditures for the year, projects begun or completed during the previous year, the balance in the trust fund, and any other information the commission deems appropriate.

IX. The commission shall, at least annually, review the work and projects funded by the trust fund during the previous year. The commission shall, at least annually, consult with the department regarding these activities, and provide advice and counsel relative to future work and project priorities, as outlined in RSA 485-F:3, I.

X. At least every 5 years, the commission shall prepare and file a report with the general court evaluating the progress made relative to MTBE contamination, the efficiency of the program established under this chapter, and whether it continues to provide the maximum benefit to New Hampshire citizens, and providing any recommendations on potential additional tasks for which the trust fund could be used to improve access to safe and clean drinking water.

Source. 2016, 11:2, eff. Mar. 31, 2016. 2017, 156:208, eff. July 1, 2017. 2018, 258:2-4, eff. Aug. 11, 2018.

Section 485-F:5

[RSA 485-F:5 repealed by 2017, 138:2, effective November 1, 2018.]

485-F:5 Seacoast Commission on Long Term Goals and Requirements for Drinking Water. –

I. There is established a commission to plan for long term goals and requirements for drinking water on the seacoast.

II. The members of the commission shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) The member of the senate representing district 21 and the member of the senate representing district 24.

(c) A representative of Aquarion Water Company, appointed by that company, or its successor.

(d) A representative of the drinking water source protection program in the department of environmental services, appointed by the commissioner.

(e) A representative of the town of Rye, appointed by the governing body of that town.

(f) A representative of the town of New Castle, appointed by the governing body of that town.

(g) A representative of the town of North Hampton, appointed by the governing body of that town.

(h) A representative of the city of Portsmouth, appointed by the governing body of that city.

(i) The Rockingham county planning commissioner, or designee.

(j) A representative of the town of Seabrook, appointed by the governing body of that town.

(k) A representative of the town of Exeter, appointed by the governing body of that town.

(l) A representative of the town of Greenland, appointed by the governing body of that town.

(m) An representative of the town of Newington, appointed by the governing body of that town.

(n) A representative of the town of Stratham, appointed by the governing body of that town.

(o) A representative of the town of Hampton, appointed by the governing body of that town.

(p) A representative of the city of Dover, appointed by the governing body of that city.

(q) A representative of the town of Madbury, appointed by the governing body of that town.

- (r) A hydrogeologist from the United States Geological Survey, appointed by that organization.
- (s) A hydrogeologist from the university of New Hampshire, appointed by the dean of the college of engineering and physical sciences.

III. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

IV. The commission shall:

- (a) Utilize and expand upon existing studies to plan for seasonal or drought supply issues.
- (b) Prepare and discuss mutual aid between seacoast towns for firefighting.
- (c) Prepare and discuss mutual aid agreements for emergency or replacement drinking water supply where contaminated.
- (d) Create a centralized planning group to encourage coordination and support between towns.
- (e) Evaluate threats to groundwater quality due to environmental issues.
- (f) Monitor possible new emerging contaminant threats to groundwater and drinking water quality.

V. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Eleven members of the commission shall constitute a quorum.

VI. The commission shall make an interim report of its findings on November 1, 2017, and a final report of its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2018.

Source. 2017, 138:1, eff. June 16, 2017.