



PUBLIC WORKS DEPARTMENT

CITY OF PORTSMOUTH
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October 23, 2017

VIA E-MAIL

Honorable Senator Bradley
Conference Committee Chair – SB121
State House, Room 302
107 North Main Street
Concord, NH 03301

Re: NPDES Delegation to NHDES

Dear Senator Bradley,

I am writing on behalf of the City of Portsmouth to urge you to support further study of the delegation of authority to the New Hampshire Department of Environmental Services (DES) to issue National Pollutant Discharge Elimination System (NPDES) permits. Currently Region 1 of the Environmental Protection Agency (EPA) issues these permits for the state of New Hampshire. New Hampshire is one of only four states without delegated authority in the United States. Further study is needed to determine the logistics of this change and to make an informed decision on this matter.

The City believes there is benefit to DES serving as the issuing authority for wastewater and stormwater permits. Delegation to DES will lead to a more efficient process that will both better protect our natural resources and provide important local control. Delegation will keep the State from being at a competitive disadvantage in the regulation of wastewater and stormwater discharges as Massachusetts is in the process of becoming a delegated state. While there will be a cost associated with delegated authority, 48 states have figured out how to pay for it and additional study to determine an equitable approach and efficient implementation in New Hampshire is warranted at this time.

The DES is already the lead agency for assessing water quality in our local water bodies, the waterbodies into which our wastewater treatment and storm outfall pipes discharge. Consequently, the staff at DES are most knowledgeable about the impact these discharges have on the state regulated water bodies and giving DES permit-writing authority would create a holistic approach to watershed management. We again recognize that there is a cost to obtaining this authority and believe this is the time to further study this option.

The City joins its Great Bay Municipal Coalition partners, Dover and Rochester, in support for additional study regarding delegated authority for the NPDES permits.

Sincerely,

Peter Rice, Director of Public Works

cc: Honorable Mayor Jack Blalock
John Bohenko, City Manager
Jane Ferrini, Assistant City Attorney
John Storer, Community Services Director - City of Dover
Peter Nourse, Public Works Director – City of Rochester

CHAPTER 256
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2017 SESSION

17-0878
08/10

SENATE BILL **121**

AN ACT establishing a commission to determine if the department of environmental services should request delegation of the National Pollutant Discharge Elimination System from the Environmental Protection Agency.

SPONSORS: Sen. Sanborn, Dist 9; Sen. Watters, Dist 4; Rep. Cordelli, Carr. 4

COMMITTEE: Energy and Natural Resources

AMENDED ANALYSIS

This bill establishes a commission to determine if the department of environmental services should request delegation of the National Pollutant Discharge Elimination System from the Environmental Protection Agency, and if so, to recommend a fee structure that would pay for the department to hire the required number of employees to manage the issuance of permits.

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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 Seventeen

AN ACT establishing a commission to determine if the department of environmental services should request delegation of the National Pollutant Discharge Elimination System from the Environmental Protection Agency.

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

1 256:1 New Section; National Pollutant Discharge Elimination System Study Commission.

2 Amend RSA 483-B by inserting after section 7 the following new section:

3 483-B:7-a National Pollutant Discharge Elimination System Study Commission.

4 I. There is established a commission to determine if the department of environmental
5 services should request delegation of the National Pollutant Discharge Elimination System from the
6 Environmental Protection Agency, and if so, to recommend a fee structure that would pay for the
7 department to hire the required number of employees to manage the issuance of permits.

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

9 (a) One member of the senate, appointed by the president of the senate.

10 (b) One member of the house of representatives, appointed by the speaker of the house
11 of representatives.

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

13 (d) One person representing affected nuclear facilities, appointed by the speaker of the
14 house of representatives.

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

16 (f) One person recommended by the Business and Industry Association, appointed by
17 the governor.

18 (g) One person representing the Pease development authority, appointed by the
19 executive director.

20 (h) One person representing conservation, jointly appointed by the New Hampshire
21 Rivers Council and New Hampshire Lakes Association.

22 (i) Three people representing affected water and sewer facilities, appointed by the New
23 Hampshire Municipal Association.

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

26 IV. The commission shall determine if the department of environmental services should
27 request delegation of the National Pollutant Discharge Elimination System from the Environmental

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1 Protection Agency, and if so, to recommend a fee structure that would pay for the department to
2 hire the required number of employees to manage the issuance of permits.

3 V. The members of the study commission shall elect a chairperson from among the
4 members. The first meeting of the commission shall be called by the senate member. The first
5 meeting of the commission shall be held within 45 days of the effective date of this section. Six
6 members of the commission shall constitute a quorum.

7 VI. The commission shall report its findings and any recommendations for proposed
8 legislation to the president of the senate, the speaker of the house of representatives, the senate
9 clerk, the house clerk, the governor, and the state library on or before November 1, 2017.

10 256:2 Repeal. RSA 483-B:7-a, relative to the National Pollutant Discharge Elimination System
11 study commission, is repealed.

12 256:3 Effective Date.

13 I. Section 2 of this act shall take effect November 1, 2017.

II. The remainder of this act shall take effect upon its passage.

Approved: July 18, 2017

Effective Date:

I. Section 2 effective November 1, 2017

II. Remainder effective July 18, 2017