

SB 380 - AS AMENDED BY THE SENATE

02/04/2016 0222s

2016 SESSION

16-2906

06/05

SENATE BILL **380**

AN ACT establishing the drinking water and groundwater trust fund and establishing the New Hampshire drinking water and groundwater advisory commission.

SPONSORS: Sen. Morse, Dist 22; Sen. Little, Dist 8; Sen. Forrester, Dist 2; Sen. Carson, Dist 14

COMMITTEE: Energy And Natural Resources

ANALYSIS

This bill establishes the drinking water and groundwater trust fund.

This bill also establishes the drinking water and groundwater advisory commission.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Sixteen

AN ACT establishing the drinking water and groundwater trust fund and establishing the New Hampshire drinking water and groundwater advisory commission.

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

1 New Chapter; Drinking Water and Groundwater Trust Fund. Amend RSA by inserting after chapter 6-C the following new chapter:

CHAPTER 6-D

DRINKING WATER AND GROUNDWATER TRUST FUND

6-D:1 Drinking Water and Groundwater Trust Fund Established. There is hereby established in the office of the treasurer the drinking water and groundwater trust fund which shall be kept distinct and separate from all other funds. After transferring 10 percent of the funds to the revenue stabilization reserve account as provided in RSA 7:6-e, the remainder of all proceeds received by the state from *State v. Exxon Corp., et al.* in which the state sued for damages related to MTBE contamination, shall be placed in the trust fund. The state treasurer shall be the trustee of the trust fund, and shall invest the trust fund in accordance with RSA 6:8. Any earnings on trust fund moneys shall be added to the trust fund. All moneys in the trust fund

shall be nonlapsing and shall be continually appropriated to the state treasurer. The state treasurer shall disburse funds from the trust fund solely for the purposes and in the manner set forth in RSA 485-F.

6-D:2 Annual Report. The state treasurer shall prepare and file an annual report regarding the status of the trust fund with the New Hampshire drinking water and groundwater advisory commission established pursuant to RSA 485-F:4.

2 New Chapter; Administration of the Drinking Water and Groundwater Trust Fund. Amend RSA by inserting after chapter 485-E the following new chapter:

CHAPTER 485-F
ADMINISTRATION OF THE DRINKING WATER
AND GROUNDWATER TRUST FUND

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.

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.

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

I. The department shall administer the drinking water and groundwater trust fund through the MTBE remediation bureau. 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:

- (a) Investigate, manage, and remediate contaminated groundwater.
- (b) Protect 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.
- (c) Assist 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.
- (d) Maintain a statewide map identifying the classes of groundwater.
- (e) Measure levels of contamination statewide and generate maps to show the areas of greatest contamination.
- (f) Maintain an inventory of wells serving public water supply systems, and to the extent practicable other wells, and establish a priority list for delineation of systems that are currently contaminated with MTBE.
- (g) Provide funding through cost-sharing grants to municipalities, municipally-owned water utilities, and water utilities regulated by the public utilities commission 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.

II. The department shall adopt rules, under RSA 541-A, necessary to implement this chapter. Such rules may include funding qualifications, funding application requirements, provisions for cost-sharing related to municipal projects, and other provisions consistent with the purposes and requirements of this chapter.

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, or designee.
- (f) 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.
- (g) One public member, who shall represent the interests of citizens receiving their drinking water from private wells, appointed by the governor.
- (h) One municipal official, who shall represent municipalities with public water systems, appointed by the governor.
- (i) One public member, appointed by the president of the senate.

II. The commission shall elect a chairperson from among the members.

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

IV. Members of the commission shall serve without compensation, except that legislative members shall receive mileage at the legislative rate.

V. 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.

VI. The commission shall meet at least annually. 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.

VII. 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.

VIII. 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, 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.

3 Effective Date. This act shall take effect upon its passage.