

MEMORANDUM

DATE: November 1, 2008

TO: Honorable John H. Lynch, Governor
Honorable Terie Norelli, Speaker of the House
Honorable Sylvia B. Larsen, President of the Senate
Honorable Karen O. Wadsworth, House Clerk
Tammy L. Wright, Senate Clerk
Michael York, State Librarian

FROM: Dari Sassan, Chair

SUBJECT: Interim Report on HB 1295, Chapter 71, Laws of 2008

Please find the enclosed Interim Report of the Commission to Study the Issue of Stormwater Management, submitted in compliance with HB 1295, Chapter 71:5, Laws of 2008.

If you have any questions or comments regarding this report or the work of the Commission, please do not hesitate to contact me at (603) 271-1765 or dari.sassan@nh.gov.

DAS:jem
Enclosures

HB 1295 COMMISSION TO STUDY THE ISSUE OF STORMWATER MANAGEMENT

INTERIM REPORT

November 1, 2008

Duties

As dictated by Chapter 71:3, the Commission shall study:

- (a) The effects of stormwater and stormwater management on water quality, water supply and quantity, terrestrial and aquatic habitat, flooding, and drought hazards.
- (b) The relationship between land use change and stormwater.
- (c) The relationships among and adequacy of federal, state, and local regulations and practices that pertain to stormwater management.
- (d) State and municipal infrastructure construction and maintenance practices.
- (e) The role of design, construction, and maintenance practices by residential, commercial, and industrial property owners.
- (f) The effects of climate change on stormwater and stormwater management.

Commission Members

| | |
|--------------------------|--|
| Dari Sassan, Chair | New Hampshire Office of Energy & Planning |
| Judith Spang, Vice Chair | New Hampshire House of Representatives, Chair, Resources, Recreation and Development Committee |
| David Borden | New Hampshire House of Representatives |
| David Cedarholm | New Hampshire Public Works Association |
| Jacalyn Cilley | New Hampshire Senate |
| Eber Currier | New Hampshire Farm Bureau |
| Paul Currier | New Hampshire Department of Environmental Services |
| Dave Danielson | New Hampshire Association of Regional Planning Commissions |
| Chris Devine | New Hampshire Local Government Center |
| Karen Ebel | The Nature Conservancy |
| Charlie Hood | New Hampshire Department of Transportation |
| Steve Kahl | New Hampshire Lakes Association |
| Newb LeRoy | Associated General Contractors of New Hampshire |
| Amy Manzelli | Business and Industry Association of New Hampshire |
| Carl Paulsen | New Hampshire Rivers Council |
| Joe Robertie | New Hampshire Timberland Owners Association |
| Robert Roseen | University of New Hampshire Stormwater Center |
| Donald H. Sienkiewicz | Home Builders & Remodelers Association of New Hampshire |
| Eric Stohl | New Hampshire House of Representatives |
| Mike Trainque | American Council of Engineering Companies of New Hampshire |

Duties in Progress

In response to duty (a), the Commission reports the following:

- Water quality impacts from stormwater include increased nutrient and bacteria loading, accelerated eutrophication (aging) of surface waters, low dissolved oxygen (the form of oxygen available for aquatic life), and high turbidity (low clarity). (*Currier & McCarthy, 9/4/08*)
- Hydrology impacts from stormwater include increased total and peak runoff volumes, increased velocity of runoff, and decreased groundwater recharge, which result in a greater frequency of flooding and increased potential for erosion and sedimentation. (*Currier & McCarthy, 9/4/08*)
- The Draft 2008 303(d) and 305(b) Surface Water Quality Assessment prepared by DES shows ~83% of impairments are due, at least in part, to stormwater. (*Currier & McCarthy, 9/4/08*)

In response to duty (b), the Commission reports the following:

- Some parts of New Hampshire have experienced 20-25% population growth over last 10 years. (*Roseen, 10/6/08*)
- Impervious surfaces associated with development can increase peak runoff volumes, total runoff volumes, and the velocity of runoff, increase loading of pollutants to surface waters, decrease groundwater recharge, and change natural hydrology. (*Currier & McCarthy, 9/4/08*)
- The majority of land use decisions are made by local governments on small-scale (< 1 acre) developments. Local governments have varying resources, budgets, and capabilities, which create inconsistency in municipal stormwater management programs and requirements across the state. (*Currier & McCarthy, 9/4/08, Roseen, 10/6/08*)

In response to duty (f), the Commission reports the following:

- Storms in New Hampshire are roughly 30-60% larger than they were when design criteria for infrastructure was developed, thus the design storms used over the last 50 to 100 years are out of date and the infrastructure, e.g., culverts, pipes, may be under capacity by as much as 35%. (*Roseen, 10/6/08*)
- Stormwater management strategies used to reduce runoff volumes associated with land use changes can also be used to manage the increases in storm depth from climate change. (*Roseen, 10/6/08*)

To complete duties (a), (b), and (f), the following presentations are scheduled:

- Ted Diers, NH Department of Environmental Services, Topic: The NH Water Resources Primer and state and federal regulations pertaining to stormwater management.
- Speaker TBD, NH Fish and Game Department, Topic: The impacts of stormwater on terrestrial and aquatic habitat.
- Michael Simpson, Antioch College, Topic: The impacts of climate change on stormwater management

Meetings:

The Commission has met twice (September 4, 2008 and October 6, 2008) with regularly scheduled meetings planned for the first Monday of each month at 1:00 pm. Attached to this report are the minutes from the first two Commission meetings as well as the agenda for the upcoming November 3, 2008 meeting to be held at 1:00 PM in room 305 of the Legislative Office Building in Concord. Minutes, agendas, handouts, and presentations can be accessed online by visiting:

<http://www.nh.gov/oep/legislation/2008/hb1295/index.htm>

Respectfully submitted on behalf of the Commission,

Dari Sassan, Chair

References:

Currier, Paul, P.E., and Jillian McCarthy. *Stormwater in New Hampshire*, HB1295 Stormwater Legislative Commission Meeting. Legislative Office Building, Concord, NH. 4 September 2008.

Roseen, Robert, P.E. *Stormwater Management, Community Resiliency, and Climate Change*. HB1295 Stormwater Legislative Commission Meeting. Legislative Office Building, Concord, NH. 6 October 2008.

CHAPTER 71

HB 1295 – FINAL VERSION

30Jan2008... 0122h

03/27/08 1114s

30Apr2008... 1562eba

08-2312

06/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eight

AN ACT establishing a commission to study issues relating to stormwater.

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

71:1 Commission Established. There is established a commission to study the issue of stormwater management.

71:2 Membership and Compensation.

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

- (a) Three members of the house of representatives, including at least one member of the resources, recreation, and development committee, appointed by the speaker of the house of representatives.
- (b) One member of the senate, appointed by the president of the senate.
- (c) The commissioner of the department of environmental services, or designee.
- (d) A representative of the New Hampshire Association of Regional Planning Commissions, appointed by that organization.
- (e) A representatives of the Business and Industry Association of New Hampshire, appointed by that organization.
- (f) A representative of the New Hampshire Local Government Center, appointed by that organization.
- (g) An expert on stormwater management or watershed management from the university system of New Hampshire, appointed by the university president.
- (h) The director of the office of energy and planning, or designee.
- (i) A representative of the Home Builders & Remodelers Association of New Hampshire, appointed by that organization.

- (j) A member of the New Hampshire Rivers Council, appointed by that organization.
- (k) A member of the New Hampshire Lakes Association, appointed by that organization.
- (l) A representative of the Associated General Contractors of New Hampshire, appointed by that organization.
- (m) A representative of the New Hampshire Public Works Association who is employed by a municipal separate storm sewer system community.
- (n) A representative of the American Council of Engineering Companies of New Hampshire, appointed by the council.
- (o) The commissioner of the department of transportation, or designee.
- (p) A member of the Nature Conservancy, appointed by that organization.
- (q) A member of the New Hampshire Timberland Owners Association, appointed by that organization.
- (r) A member of the New Hampshire Farm Bureau, appointed by that organization.

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

71:3 Duties. The commission shall study:

- (a) The effects of stormwater and stormwater management on water quality, water supply and quantity, terrestrial and aquatic habitat, flooding, and drought hazards.
- (b) The relationship between land use change and stormwater.
- (c) The relationships among and adequacy of federal, state, and local regulations and practices that pertain to stormwater management.
- (d) State and municipal infrastructure construction and maintenance practices.
- (e) The role of design, construction, and maintenance practices by residential, commercial, and industrial property owners.
- (f) The effects of climate change on stormwater and stormwater management.

71:4 Chairperson. 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.

71:5 Report. The commission shall make an interim report on or before November 1, 2008, with 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, 2009.