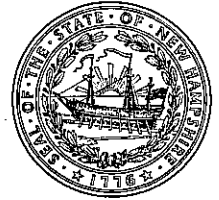




The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**



**Thomas S. Burack, Commissioner**  
April 23, 2009

The Honorable Martha Fuller Clark, Chairman  
Senate Energy, Environmental and Economic Development Committee  
Legislative Office Building, Room 102  
Concord, NH 03301

**Re: HB 229 clarifying the eligibility requirements for Class IV renewable energy generating facilities**

Dear Chairman Fuller Clark and Members of the Committee:

The Department of Environmental Services (DES) is pleased to testify in support of House Bill 229 as amended, clarifying the eligibility requirements for Class IV renewable energy generating facilities under the state's renewable portfolio standard per RSA 362-F:4, IV. This bill makes clear that eligible hydroelectric facilities are those that have a total nameplate capacity of 5 megawatts (MWs) and have installed both upstream and downstream fish passages. The bill language clarifies what we believe to be the original intent of the legislation.

As you know, DES worked with legislators, stakeholders and the Public Utilities Commission on House Bill 873 (HB 873) establishing minimum renewable standards for energy portfolios, which passed and was adopted as RSA 362-F. During legislative testimony to the Senate Committee on Energy, Environment, and Economic Development, DES indicated that Class IV facilities in HB 873 were small hydroelectric facilities with a total capacity of 5 MWs that had both upstream and down stream fish ladders. DES testified that these facilities were identified as warranting economic incentive through the mechanisms in HB 873. Numerous discussions with both House and Senate Committees focused on limiting Class IV facilities to those with fish ladders.

The reference in RSA 362-F to "approved under its FERC license or exemption" was intended to set a high standard for the construction of the required fish ladders. Some have interpreted this language to indicate that fish ladders are only required if they were required by the Federal Energy Regulatory Commission (FERC) license or exemption. DES is concerned that, under this interpretation, a facility could add a substandard structure, claim it to be a fish ladder, and thereby qualify as a Class IV facility. The language in HB 229 as amended is intended to make it clear that eligible Class IV facilities must have actually installed fish ladders that meet the requirements of a FERC license or waiver.

We urge you to pass this legislation to ensure that the original intent of the legislation is preserved. Should you have further questions or need additional information please feel free to contact Robert R. Scott, Director, Air Resources Division (271-1088, [robert.scott@des.nh.gov](mailto:robert.scott@des.nh.gov)) or Joanne Morin, Climate and Energy Program Manager (271-5552, [joanne.morin@des.nh.gov](mailto:joanne.morin@des.nh.gov)).

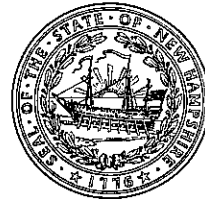
Sincerely,

  
Thomas S. Burack  
Commissioner

cc: HB 229 sponsors



The State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

April 23, 2009

The Honorable Betsi L. DeVries, Chairman  
Senate Public and Municipal Affairs Committee  
Legislative Office Building, Room 103  
Concord, NH 03301

**Re: HB 189 enabling municipalities to establish energy commissions**

Dear Chairman DeVries and Members of the Committee:

The Department of Environmental Services (DES) is pleased to testify in support of House Bill 189 as amended, which enables municipalities to establish energy commissions. This bill allows municipalities to establish energy commissions with specific powers, thus formalizing their role and mission, and enables them to obtain resources such as energy efficiency funding to support their efforts. This legislation is consistent with a recommendation by the Governor's Climate Change Policy Task Force for actions government can take to reduce greenhouse gases that contribute to climate change. As you are aware, nearly 100 cities and towns have established local energy committees. These committees are looking for ways that municipalities can use less energy in heating and cooling their buildings, lighting their communities, and operating their municipal fleets. These initiatives will result in costs savings at a time when state and municipal budgets are significantly constrained. Establishing energy commissions is a recommended action in New Hampshire's Climate Action Plan, released in March, because it is economically beneficial to the state while achieving greenhouse gas reductions.

Reducing energy use and using energy more efficiently will not only help municipalities to address their fiscal difficulties but will also reduce all forms of air pollution. Emissions from electricity generation, heating and cooling our buildings, and transportation include particulates which contribute to respiratory illness and asthma, sulfur dioxide which contributes to acid rain, nitrogen oxides which contribute to the formation of ozone, as well as carbon dioxide, the predominant greenhouse gas contributing to climate change.

We urge you to pass this legislation that will provide municipalities with another tool for addressing their use of energy in the coming years. Should you have further questions or need additional information please feel free to contact Robert R. Scott, Director, Air Resources Division (271-1088, [robert.scott@des.nh.gov](mailto:robert.scott@des.nh.gov)) or Joanne Morin, Climate and Energy Program Manager (271-5552, [joanne.morin@des.nh.gov](mailto:joanne.morin@des.nh.gov)).

Sincerely,

Thomas S. Burack  
Commissioner

cc: HB 189 sponsors