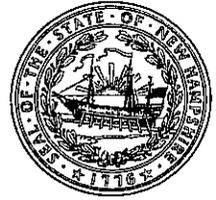




The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

January 20, 2010

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

Re: Senate Bill 426, relative to the classification of Pleasant Lake

Dear Chairman Fuller Clark:

Thank you for the opportunity to comment on SB 426, which would re-classify Pleasant Lake in Deerfield from Class B to Class A. The Department of Environmental Services (DES) supports this legislation.

For information, RSA 485-A:8 establishes two classifications of surface water: Class A and Class B. The legislature classifies and reclassifies surface waters, usually following the procedures in RSA 485-A:9 and 10 which provide for DES to hold a public hearing and make recommendation to the legislature. However, the legislature can propose bills, have hearings on bills and pass laws without following these procedures. The current classification system has been in use since 1947. All surface waters have previously been classified by the legislature. Class A is intended to have "higher" water quality than Class B, although there is little practical difference in water quality criteria or watershed protection requirements between the two classes. The Department has recently conducted a detailed review of the legislative history of surface water classification. A copy is provided for the committee's information. Historically, most classifications or reclassifications to Class A have been for waters that are or were used for public water supply. There have been few reclassifications from Class B to Class A in recent years, the most recent being Spofford Lake, Chesterfield in 2005.

Based on data available to DES, Pleasant Lake water quality meets or is better than the criteria for Class A waters: water quality analyses by the DES Beach Program and the Volunteer Lake Assessment Program reveal that Pleasant Lake meets Class A bacteria standards; there are no known direct discharges of sewage or waste, and; the water is suitable for drinking water supply after adequate treatment.

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We would recommend that the bill be amended to move the words in italics, so that the reclassification language reads: "Pleasant Lake *in Deerfield* and its tributaries ~~New Hampshire~~...". This language would reclassify all tributaries as Class A, without regard to political boundaries, to be consistent with the revised classification of the lake

Thank you for the opportunity to comment. Please call me at 271-3449, Paul Currier at 271- 3289 or Jody Connor at 271-3414 if you have any questions or need additional information.

Sincerely yours


Thomas S. Burack
Commissioner

Enclosure

cc: Sen. Barnes
Sen. Cilley
Sen. Bradley
Sen. Odell
Sen. Merrill
Rep. Chase
Rep. Reagan
Rep. Mann
Rep. Nord