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February 25, 2016

VIA E-MAIL (rulemaking@sec.nh.gov)
Pamela G. Monroe, Administrator
N.H. Site Evaluation Committee
21 South Fruit Street, Suite 10
Concord, NH 03301

Re: Rules Related to Certificates of Site and Facility, Site 300

Dear Administrator Monroe:

This letter serves as a follow-up to my February 25, 2016 comment letter to you and the New Hampshire Site Evaluation Committee ("Committee") concerning the above-referenced matter.

To clarify, if it is not already understood by the reader, my proposed language pertaining to a comprehensive health impact assessment ("CHIA") would be read under existing law and the SEC's rules to pertain to "high pressure gas pipelines" as follows:

The term "high pressure gas pipeline(s)" comes from R.S.A. 162-H: 10-b, which uses the term some nine times, including three times in its subsection under consideration, R.S.A. 162-H:10-b, II, which begins:

> "II. For the adoption of rules, pursuant to RSA 541-A, relative to the siting of **high pressure gas pipelines**, the committee shall address the following …"

Id. (emphasis added).

"High pressure gas pipelines" are clearly included in the broad definition of "energy transmission pipeline(s)" under Site (Rule) 102.20, which provides:

> "Site 102.20 'Energy transmission pipeline' means **a pipeline used to transport natural gas**, oil, or other source of energy."

Id. (emphasis added).

By limiting the CHIA requirement to such "high pressure gas pipeline(s) and their associated "energy facilities"—including, but not limited to compressor stations—as the term "energy facility(ies)" is defined under R.S.A. 162-H:2, VII and Site 102.19 (see top of page 2 and bottom of page 7 of my February 25, 2016 comment letter), we end up with a "high pressure gas pipeline(s)" and associated "energy facilities" definition which excludes local distribution lines. In relevant part, Site 102.19 provides:

> "Site 102.19 'Energy facility' means 'energy facility' as defined in RSA 162-H:2,VII, namely (a) any industrial structure that may be used substantially to extract, produce, manufacture, transport or refine sources of energy, including ancillary facilities

> as may be used or useful in transporting, storing or otherwise providing for the raw materials or products of any such industrial structure. This shall include but not be limited to industrial structures such as oil refineries, gas plants, equipment and associated facilities designed to use any, or a combination of, natural gas, propane gas and liquefied natural gas, which store on site a quantity to provide 7 days of continuous operation at a rate equivalent to the energy requirements of a 30 megawatt electric generating station and its associated facilities, plants for coal conversion, onshore and offshore loading and unloading facilities for energy sources and **energy transmission pipelines that are not considered part of a local distribution network**.."

Id. (emphasis added).

If the Committee would like to eliminate the CHIA exemption for local distribution lines—or further refine applicable definitions—a little tinkering with definitional language is all that would be required.

The Committee has done a great job of fleshing out the rules thus far. Visual impact assessments and information "regarding the effects of, and plans for avoiding, minimizing, or mitigating potential adverse effects of, the proposed energy facility on air quality, water quality, and the natural environment," including "[a]ssessment of potential impacts of construction and operation of the proposed facility on significant wildlife species, rare plants, rare natural communities, and other exemplary natural communities, and on critical wildlife habitat and significant habitat resources, including fragmentation or other alteration of terrestrial or aquatic significant habitat resources" are required for all proposed energy facilities—as are many other assessments for all or some such facilities. *See* Site 301.05, 301.07 and 301.08.[1] However, as for health impact assessments, there is a big hole under Site 301.08 and the current SEC rules.

Obviously, given all of the other assessments the Committee considered could be properly required under the SEC rules, a CHIA may be required as well—and, for all of the reasons previously discussed in my February 25, 2016 comment letter, a CHIA should be required.

In closing, I would respectfully request that a public hearing or hearings be scheduled on this matter at the Committee's earliest convenience.

Thank you for your time and courtesy.

Very truly yours,

By: //s//Richard M. Husband
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cc: Governor Margaret Wood Hassan

[1] Including sound impact, "shadow flicker,"and "risk of ice throw" assessments for proposed wind energy systems only. *See* Site 301.08(a).