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Pamela G. Monroe, Administrator  
Site Evaluation Committee  
21 South Fruit Street, Suite 10  
Concord, NH 03301  
[Pamela.monroe@sec.nh.gov](mailto:Pamela.monroe@sec.nh.gov)

**Re: New Hampshire Site Evaluation Committee Rulemaking  
(Docket No. 2016-01)**

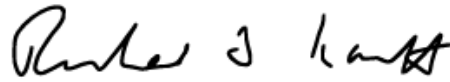
Dear Ms. Monroe:

We represent the New Hampshire Municipal Pipeline Coalition (“Coalition”), a coalition of 13 towns, and appreciate the opportunity to submit comments in response to the Site Evaluation Committee’s (“SEC”) May 18, 2016 Rulemaking Notice regarding amendments to Chapter Site 300 (“Rulemaking Notice”).

We have attached a table that summarizes our recommendations and includes revisions to both the existing Site 300 rules and the SEC’s proposed rules in its Rulemaking Notice in the column designated Proposed Rule.

Thank you for your time and consideration.

Respectfully,



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**Coalition Site 301 Amendments (SEC Rulemaking 2016-01)**

<b>Coalition Recommendation</b>	<b>Current Rule</b>	<b>Proposed Rule (italicized and bold)</b>
<p>Applications for high pressure gas pipelines should include proposed plans to comply with all local rules, statutes, and ordinances.</p>	<p>Existing rules contain references to federal and state rules throughout, but do not explicitly require compliance with local rules, statutes, and ordinances.</p>	<p><b>Add subparagraph (f) to SEC’s proposed 301.03(e)(8) Amendment:</b></p> <p>(8) For a high pressure gas pipeline, the following information:</p> <p><i>f. Copy of any proposed plan application or other documentation required to be submitted to any local authority pursuant to any local rules, statutes, or ordinances, or alternatively, a detailed description of the measures planned to comply with such local rules, statutes, and ordinances.</i></p>

<b>Coalition Recommendation</b>	<b>Current Rule</b>	<b>Proposed Rule (italicized and bold)</b>
<p>Cumulative impacts should be should be applicable to high pressure gas pipelines.</p>	<p>Cumulative impacts only considered for wind energy facilities.</p>	<p><b>Amend Site 301.03(h)(6)</b></p> <p>For a proposed wind energy facility <i>or high pressure gas pipeline</i>, information regarding the cumulative impacts of the proposed facility on natural, wildlife, habitat, scenic, recreational, historic, and cultural resources, including, with respect to aesthetics, the potential impacts of combined observation, successive observation, and sequential observation of <del>wind</del> energy facilities by the viewer;</p> <p><b>Amend Site 301.14(g)</b></p> <p>(g) In determining whether to grant a certificate of site and facility for a proposed wind energy facility <i>or high pressure gas pipeline</i>, the committee shall consider cumulative impacts of or from multiple projects, <del>or multiple towers,</del> <i>or facilities</i> <del>or both,</del> to public health and safety, natural, wildlife, habitat, scenic, recreational, historic, and cultural resources, including aesthetic impacts and sound impacts, and, with respect to aesthetics, the potential impacts of combined observation, successive observation, and sequential observation of energy facilities by the viewer.</p>

Coalition Recommendation	Current Rule	Proposed Rule ( <i>italicized and bold</i> )
<p>With respect to adverse effects to air and water quality, the determination should also include:</p> <ol style="list-style-type: none"> <li>1) Compliance with all local rules, statutes, and ordinances.</li> <li>2) The effectiveness of measures undertaken or planned to avoid, minimize and mitigate potential adverse impacts on air and water quality and to the extent to which such measures represent best practices.</li> </ol>	<p>The existing rules require consideration of the effectiveness of measures and the extent to which such measures represent best practices when assessing adverse effects on aesthetics and historic sites, but do not contain similar criteria when evaluating adverse effects on air and water quality.</p> <p>The existing rules also do not require consideration of local, rules, statutes, and ordinances when evaluating adverse effects on air and water quality.</p>	<p><b>1. Amend Site 301.14(c)</b></p> <p>(c) In determining whether a proposed energy facility will have an unreasonable adverse effect on air quality, the committee shall consider:</p> <p><i>(1) All local statutes, rules, or ordinances of the proposed energy facility host municipalities and unincorporated places</i>, the determinations of the New Hampshire department of environmental services with respect to applications or permits identified in Site 301.03(d) and other relevant evidence submitted pursuant to Site 202.24;</p> <p><i>(2) The effectiveness of the measures proposed by the applicant to avoid, minimize, or mitigate unreasonable adverse effects on air quality, and the extent to which such measures represent best practical measures.</i></p> <p><b>2. Amend Site 301.14(d)</b></p> <p>(d) In determining whether a proposed energy facility will have an unreasonable adverse effect on water quality, the committee shall consider:</p> <p><i>(1) all local statutes, rules, or ordinances of the proposed energy facility host municipalities and unincorporated places</i>, the determinations of the New Hampshire department of environmental services, the United States Army Corps of Engineers, and other state or federal agencies having permitting or other regulatory authority, under</p>

		<p>state or federal law, to regulate any aspect of the construction or operation of the proposed facility, with respect to applications and permits identified in Site 301.03(d), and other relevant evidence submitted pursuant to Site 202.24.</p> <p><b><i>(2) The effectiveness of the measures proposed by the applicant to avoid, minimize, or mitigate unreasonable adverse effects on water quality, and the extent to which such measures represent best practical measures.</i></b></p>
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Coalition Recommendation	Current Rule	Proposed Rule ( <i>italicized and bold</i> )
<p>Applicant should be required to undertake a Comprehensive Health Impact Assessment for high pressure gas pipelines and all associated facilities, prepared by an independent licensed expert.</p>	<p>The SEC proposal requires applicant to submit information regarding a Comprehensive Health Impact Statement, but does not explicitly require independent review by an expert in accordance with national standards, or reference associated facilities e.g., compressor stations.</p>	<p><b>Revision to SEC’s proposed Site 301.08(c)(1) Amendment:</b></p> <p>(c) For high pressure gas pipelines <i>and all associated facilities, including but not limited to compressor stations:</i></p> <p>(1) A comprehensive health impact assessment <i>prepared by a licensed, independent health and safety expert in accordance with nationally recognized industry standards that is</i> specifically designed to identify and evaluate potential <i>short-term and long-term</i> human health impacts by identifying potential pathways for facility-related contaminants to harm human health, quantifying the cumulative risks posed by any contaminants, and recommending necessary avoidance, minimization, or mitigation;</p>

Coalition Recommendation	Current Rule	Proposed Rule ( <i>italicized and bold</i> )
<p>Decommissioning plan for high pressure gas pipelines and associated facilities should be required to provide for removal of all structures.</p>	<p>Existing rules provide this specific decommissioning requirement for wind generation projects but not other energy facilities. <i>See</i> Site 301.08(a)(7)-(8).</p>	<p><b>Amend Site 301.08(c)(2):</b></p> <p>(2) A facility decommissioning plan prepared by an independent, qualified person with demonstrated knowledge and experience in similar energy facility projects and cost estimates <i>which plan shall provide for removal of all structures and restoration of the facility site</i>; the decommissioning plan shall include each of the following:</p>

Coalition Recommendation	Current Rule	Proposed Rule ( <i>italicized and bold</i> )
<p>For high pressure gas pipeline sound standards, the 55 dBA threshold should be consistent with the standards set forth in the existing rules for wind energy systems.</p>	<p>The SEC has referenced the 55 dBA standard in its draft rules, but also states in Site 301.14 (f)(5)(b) that:</p> <p><i>With respect to sound standards for intrastate pipelines, the noise attributable to any new compressor station, compression added to an existing station, or any modification, upgrade or update of an existing station, shall not exceed the standards set forth in (2)a., above, regarding wind energy systems;</i></p> <p>Because the existing rules have already established a noise standard lower than 55 dBA for wind energy systems, at a minimum the standard for high pressure gas pipelines should conform to that.</p> <p>See Site 301.14 (f)(2)(a):</p> <p>(2) For wind energy systems, apply the following standards:</p> <p>a. With respect to sound standards, the A-weighted equivalent sound levels produced by the applicant’s energy facility during operations shall not exceed the greater of 45 dBA or 5 dBA above background levels, measured at the L-90 sound level, between the hours of 8:00 a.m. and 8:00 p.m. each day, and the greater of 40 dBA or 5 dBA above background levels, measured at the L-90 sound level, at all other times during each day, as measured using microphone placement at least 7.5 meters from any surface where reflections may influence measured sound pressure levels, on property that is used in whole or in part for permanent or temporary residential purposes, at a location between the nearest building on the property used for such purposes and the closest wind turbine;</p>	<p><b>Revision to SEC’s proposed Site 301.14(f)(5)(a) Amendment:</b></p> <p>(f) In determining whether a proposed energy facility will have an unreasonable adverse effect on public health and safety, the committee shall:</p> <p>(5) For high pressure gas pipelines, apply the following standards:</p> <p>a. With respect to sound standards for interstate pipelines, the noise attributable to any new compressor station, compression added to an existing station, or any modification, upgrade or update of an existing station, shall not exceed a day—night sound level (Ldn) of <del>4055</del> dBA at any pre-existing noise-sensitive area, such as schools, hospitals, or residences, as provided in 18 CFR §380.12(k);</p> <p>b. With respect to sound standards for intrastate pipelines, the noise attributable to any new compressor station, compression added to an existing station, or any modification, upgrade or update of an existing station, shall not exceed the standards set forth in (2)a., above, regarding wind energy systems;</p>



Coalition Recommendation	Current Rule	Proposed Rule (italicized and bold)
<p>Application should address blasting activities.</p>	<p>The SEC’s proposed Site 301.14(f)(5)(e) amendment requires compliance with the construction and safety rules of PUC 506 and PUC 508.</p> <p>PUC 506 and 508 do not address issues relating to blasting.</p>	<p><b>Add subparagraph (f) to SEC’s proposed 301.14(f)(5)(e) Amendment:</b></p> <p><i>f. If blasting is deemed necessary for the construction of project components, the applicants shall conduct a pre-blast survey and prepare a blasting plan. The blasting plan will be site specific, based on the locations of required blasting and the results of a proposed project specific geotechnical investigation. The blasting plan will include a description of the planned blasting methods and a schedule for the blasting activities. The blasting plan will include requirements for noticing, assessing potential damage to local buildings and wells, as well as measures to minimize noise and vibration related to blasting to the extent feasible.</i></p>

Coalition Recommendation	Current Rule	Proposed Rule ( <i>italicized and bold</i> )
<p>Application should address impact on traffic and roadways.</p>	<p>Traffic and roadway considerations are not specifically addressed by the existing rules or SEC's proposal.</p>	<p><b>Add subparagraph to SEC's proposed 301.14(f) Amendment:</b></p> <p><i>(7) Application shall identify, on topographic maps at a scale of 1:24,000 and a description of existing and planned roads, rail lines, bike trails, airports, bus routes serving the project vicinity, pipelines, and canals in the project area affected by or serving the proposed facility. For each road identified, include the following information, where applicable:</i></p> <ul style="list-style-type: none"> <li><i>(i) Road classification and design capacity;</i></li> <li><i>(ii) Current daily average and peak traffic counts;</i></li> <li><i>(iii) Current and projected levels of service before project development, during construction, and during project operation;</i></li> <li><i>(iv) Weight and load limitations;</i></li> <li><i>(v) Estimated percentage of current traffic flows for passenger vehicles and trucks;</i></li> </ul> <p><i>and</i></p> <li><i>(vi) An identification of any road features affecting public safety.</i></li>

Coalition Recommendation	Current Rule	Proposed Rule (italicized and bold)
<p>Application should address potential hydrostatic testing and water supply and discharge issues.</p>	<p>Hydrostatic testing including water supply and discharge implications are not addressed by the existing rules.</p>	<p><b><u>Amend Site 301.07 Effects on Environment</u> to add subparagraph:</b></p> <p><i>Site 301.07(d)</i></p> <p><i>For high pressure gas pipelines, the application shall contain all potential effects of facility demand on water supply and other users of this source, including, but not limited to, water availability for other uses during construction or after the facility begins operation, consistency of the water use with applicable resource management plans, and any changes in the physical or chemical conditions of existing water supplies as a result of water use by the facility.</i></p> <p><i>Application shall contain a hydrostatic testing plan to include detailed information on the potential sources, volumes, water discharge rate, velocity reducing devices, and site specific plans for the discharge locations.</i></p>

Coalition Recommendation	Current Rule	Proposed Rule ( <i>italicized and bold</i> )
<p>Public interest criteria should include an evaluation of need, alternatives and cost of the project.</p>	<p>These criteria are not included in the existing Site 301.16 rule.</p>	<p><b>Amend Site 301.16:</b></p> <p>Site 301.16 <u>Criteria Relative to Finding of Public Interest</u>. In determining whether a proposed energy facility will serve the public interest, the committee shall consider:</p> <ul style="list-style-type: none"> <li>(a) The welfare of the population;</li> <li>(b) Private property;</li> <li>(c) The location and growth of industry;</li> <li>(d) The overall economic growth of the state;</li> <li>(e) The environment of the state;</li> <li>(f) Historic sites;</li> <li>(g) Aesthetics;</li> <li>(h) Air and water quality;</li> <li>(i) The use of natural resources; and</li> <li>(j) Public health and safety;</li> <li>(k) <i>Evidence that the project is needed;</i></li> <li>(l) <i>Project alternatives;</i></li> <li>(m) <i>Costs associated with the project.</i></li> </ul>