

EXHIBIT
#9
DG 18-092

Subject: RE: Liberty Utilities and DES oversight
From: "Diers, Ted" <Ted.Diers@des.nh.gov>
Date: 8/9/2018, 11:27 AM
To: 'Barbara Skuly' <bskuly@ne.rr.com>, "Jacques, Marie-Eve" <Marie-Eve.Jacques@des.nh.gov>
CC: "Sales, Tracie" <Tracie.Sales@des.nh.gov>, "Comstock, Gregg" <Gregg.Comstock@des.nh.gov>, "Pelletier, Rene" <Rene.Pelletier@des.nh.gov>

Barbara,
My apologies for the delay. My only excuse that is that my email overfloweth!

Neither Shoreland nor Wetlands would have oversight of the actual boring / drilling portion of the project. Shoreland would only have jurisdiction over the impacts in the drill entry and exits locations. If the drills breaks the riverbed it would be a wetlands violation under RSA 482-A and would be a water quality violation until RSA 485-A. Similarly, unless there is a discharge request, water quality permitting does not come into play.

Thanks,
Ted

Ted Diers, Watershed Management Bureau
NH Department of Environmental Services
603-271-3289

-----Original Message-----

From: Barbara Skuly [<mailto:bskuly@ne.rr.com>]
Sent: Thursday, August 02, 2018 2:36 PM
To: Diers, Ted; Jacques, Marie-Eve
Cc: Sales, Tracie; Comstock, Gregg; Pelletier, Rene
Subject: Re: Liberty Utilities and DES oversight

Ted,

Thank you for your reply. So I am to understand that there is no bureau in DES that oversees this type of project? If HDD was being done under a water body by someone other than a utility, there would be no oversight?

Barbara

On 8/1/2018 11:39 AM, Diers, Ted wrote:

Barbara,
Thank you so much for sending this along. Your letter is excellent and raises very important questions about the river crossing. As you note in your letter and email, NHDES' jurisdiction over this project is limited. We do not anticipate writing a water quality certification or any other type of water quality related permit, unless the applicant will seek to discharge to state waters. That said, the PUC has broad regulatory authority to review the project. It is entirely appropriate that you

raise these concerns with the PUC. Further, the information you seek in your letter is the same type that we would require if we were the permitting authority.

Thanks for keeping me in the loop, and I very much appreciate the time and talent of ARLAC!

Ted

Ted Diers, Watershed Management Bureau
NH Department of Environmental Services
603-271-3289

-----Original Message-----

From: Barbara Skuly [mailto:bskuly@ne.rr.com]
Sent: Friday, July 27, 2018 4:19 PM
To: Diers, Ted; Jacques, Marie-Eve
Cc: Sales, Tracie
Subject: Liberty Utilities and DES oversight

Ted Diers
NHDES Watershed Management Bureau

RE: Shoreland PBN Liberty Utilities
file # 2018-01757

Dear Mr. Diers:

The Ashuelot River LAC has been reviewing and discussing plans with the Liberty Utilities engineer regarding the above noted Shoreland PBN which was accepted June 15, 2018. ARLAC has concerns that this type of project is not receiving proper oversight by DES. The Shoreland PBN is simple and just covers the surface of the shoreland. But when drilling is involved, this penetrates that surface and presents risks to ground water and surface water integrity.

I have attached a copy of the letter we sent to the Public Utility Commission which outlines our concerns regarding the project, but can't help feel that these concerns should be addressed by someone in NHDES. Who has oversight in this situation?

Your consideration and assistance is appreciated.

Barbara Skuly
Chairman, Ashuelot River LAC