



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

February 6, 2024

The Honorable Andrew Renzullo
Chair, House Resources, Recreation and Development Committee
Legislative Office Building, Room 305
Concord, NH 03301

RE: HB 1415, AN ACT relative to PFAS facility liability.

Dear Chair Renzullo and Members of the Committee:

Thank you for the opportunity to testify on HB 1415. This bill proposes to amend RSA 147-B:10 to require that PFAS facilities and their equipment be properly decontaminated and decommissioned upon closure. The New Hampshire Department of Environmental Services (NHDES) supports this bill.

Since the discovery of widespread per- and polyfluoroalkyl substances (PFAS) contamination in drinking water in southern New Hampshire in 2016, NHDES has directed resources to an agency-wide effort to understand the scope of the problem and to reduce or eliminate exposure of our citizens to PFAS chemicals. NHDES has established groundwater and drinking water standards for four PFAS chemicals at protective concentrations in the parts per trillion range. As we learn more about these emerging contaminants, NHDES has recognized that even low levels of residual contamination on equipment, piping, and structures can contribute to soil and groundwater contamination and potential human exposures.

This bill would require owners and operators of PFAS facilities that have caused water contamination in excess of 100 parts per trillion of these regulated PFAS chemicals to ensure that, upon facility closure or decommissioning of equipment, the facilities and equipment are properly decontaminated. The bill clarifies that PFAS facilities, upon closure, must meet the core federal requirements applicable to hazardous waste generating facilities, including requirements to decontaminate equipment, tank systems, piping, and structures. Under these provisions, PFAS facilities must ensure that facility closure controls, minimizes, or eliminates the release of PFAS chemicals to groundwater, surface water, or the atmosphere, to the extent necessary to ensure protection of human health and the environment.

NHDES believes these basic requirements will serve to ensure that PFAS facilities that have adversely impacted our water resources will be properly decontaminated upon closure, and cease posing a threat of release. For this reason, NHDES supports this bill.

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Thank you again for the opportunity to comment on HB 1415. Should you have questions or need additional information, please feel free to contact either Michael Wimsatt, Waste Management Division Director (michael.j.wimsatt@des.nh.gov, 271-1997) or me.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert R. Scott". The signature is fluid and cursive, with a long horizontal stroke at the end.

Robert R. Scott
Commissioner

ec: Sponsors of HB 1415: Representatives Murphy, Lascelles, Meuse, Rombeau, Dunn, Germana, Muns, Rung, W. Thomas, Senators Altschiller, Chandley, Watters, Ricciardi