



The State of New Hampshire
Department of Environmental Services



Clark B. Freise, Assistant Commissioner

February 21, 2017

The Honorable Richard Barry
Chair, Science, Technology and Energy Committee
Legislative Office Building, Room 304
Concord, NH 03301

RE: HB463, An Act Regulating Groundwater Pollution Caused by Polluting Emissions in the Air

Dear Chair Barry and Members of the Committee:

Thank you for the opportunity to comment on HB 463, which seeks to establish new standards for devices emitting air pollutants which have the potential to harm soil and water via deposition. The New Hampshire Department of Environmental Services (NHDES) supports this bill.

In early 2016, the presence of per- and polyfluoroalkyl substances (PFAS), more specifically PFOA and PFOS, were discovered in public drinking water wells in the Towns of Merrimack, Litchfield, and Amherst. PFAS are a family of manmade chemicals that have been used for decades as an ingredient to make products that resist heat, oil, stains, grease, and water, such as non-stick cookware, weather resistant outdoor clothing and gear, and stain resistant carpeting. Many chemicals in this group are commonly present in the environment and do not break down easily. A subsequent investigation by NHDES concluded that the primary source of the groundwater contamination was the air deposition of PFAS from nearby manufacturing facilities. In brief, NHDES determined that stack emissions of PFAS deposit primarily in the soil in the area surrounding the facility, then leached into the groundwater table over time.

It is important to understand that currently under statute RSA 125 – I, the NHDES Air Resources Division has authority to limit air emissions of certain regulated toxic air pollutants (RTAPs). However, that authority is currently limited to addressing the risks posed by inhalation of these compounds beyond the property boundary of the facility. It does not address the risk posed by deposition of these compounds to the ground and subsequent ingestion of contaminated water such as was discovered last spring in southern NH.

While this legislation would give NHDES additional authority to adopt administrative rules to address the air deposition on the basis of the potential to contaminate groundwater, we believe it would only apply in a very limited number of cases. As drafted, HB 463 would require facilities that emit air pollutants with the potential to deposit such that they can exceed ambient groundwater quality standards to install the best available control technology (BACT) in order to minimize the health and environmental impacts of these pollutants. While NHDES

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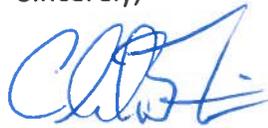
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realizes that this may impose additional equipment and operational costs on affected facilities, we believe that the environmental and economic impacts from the resulting groundwater contamination justifies the additional air pollution control equipment costs.

Thank you again for the opportunity to comment on HB 463. If you have any questions or require further information, please contact Craig Wright, Director (craig.wright@des.nh.gov, 271-1088) or Michael Fitzgerald, Assistant Director (michael.fitzgerald@des.nh.gov, 271-6390).

Sincerely,



Clark B. Freise
Assistant Commissioner

cc: *Sponsors of HB463: Representatives Byron, Lascelles, Azarian, S. Smith, Backus, Soucy*