



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

February 13, 2018

The Honorable John Hunt, Chair
House Commerce and Consumer Affairs Committee
Legislative Office Building, Room 302
Concord, NH 03301

RE: HB 1610, AN ACT requiring sellers of real property to disclose certain information concerning environmental hazards

Dear Chairman Hunt and Members of the Committee

Thank you for the opportunity to comment on HB 1610. This bill requires sellers of real estate to provide notice to buyers via a map obtained from the Department of Environmental Services (NHDES) of environmentally hazardous sites within one mile of the property. It also requires sellers to provide analytical results for perfluorinated chemicals and MtBE if a source of these chemicals exists within one mile of the property. While NHDES supports the intent of HB 1610, we do have the following information and suggestions for your consideration.

Providing information to the public on the location of environmental hazards has long been a priority for NHDES. Our geographic information system (GIS), which is continually updated as resources allow, can provide the mapping specified in this bill. However, sufficient time to create the specific mapping tool for this purpose would be needed. We also prefer that the reference to "One Stop Data Mapper" be removed. Additionally, there are very few environmental sites where contamination has spread a mile, so it may be beneficial to reduce the one mile area so that potential buyers of property receive notice on only those land uses which could realistically have a significant effect on their property. It is also important to note that most of the environmental sites to be included in the disclosure are routinely monitored to protect nearby wells. If HB 1610 passes, NHDES would need to work with realtors and other interested parties to create a map that will explain this.

NHDES has also been a steadfast advocate of private well testing. This is especially important in New Hampshire because of naturally occurring contaminants that pose significant health risks, such as arsenic and radon. While prior legislation to require a standard analysis of water from private wells at the time of real estate transfer has not passed, we would urge that this be reconsidered if the testing for MtBE and perfluorinated compounds required by this bill goes forward. Currently, NHDES is sampling for perfluorinated compounds at private wells in proximity to known sources. MtBE is being sampled more broadly with funding from the MtBE lawsuit settlement funds. The cost of sampling for perfluorinated compounds ranges from \$180 - \$400, the cost of an MtBE

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The Honorable John Hunt, Chair
House Commerce and Consumer Affairs Committee
February 13, 2018
Page 2

analysis is \$75 - \$125 and the cost of a standard analysis that includes radon is \$110 - \$150. If sampling is to be required by this bill, language may need to be added to RSA 477:4 -c and RSA 477:4-d to clarify that the seller does not have the option to claim that he has no knowledge of sampling and analytical results.

Finally, NHDES has performed a GIS analysis to determine the scope of the bill's impact relative to the presence of MtBE sources. The results show that the land area for which property sales would require notification of sample results for MtBE alone (i.e. property within one mile of a potential source of MtBE) indicates that 25% of the entire state would be included, much of that land being located in southern NH.

Thank you again for the opportunity to comment on this proposed legislation. If you have questions or need additional information, please contact Sarah Pillsbury, Drinking Water and Groundwater Bureau Administrator (Sarah.Pillsbury@des.nh.gov or 271-1168).

Sincerely,



Robert R. Scott
Commissioner

cc: Representatives McConnell, Messmer, Bean, O'Day, Cushing, Edgar and Senator Reagan